

FIRST DAY - JANUARY 7, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 7, 2015

PRAYER

The prayer was offered by Senator Davis.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska Army and Air National Guard.

ROLL CALL

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the One Hundred Fourth Legislature, First Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol at the hour of 10:00 a.m., on Wednesday, January 7, 2015, and was called to order by President Nelson.

The roll was called and the following members were present:

| | | |
|-------------------|----------------------|-----------------------|
| Baker, Roy E. | Hadley, Galen | Morfeld, Adam |
| Bloomfield, Dave | Hansen, Matt | Murante, John |
| Bolz, Kate | Harr, Burke J. | Nordquist, Jeremy |
| Brasch, Lydia | Hilkemann, Robert | Pansing Brooks, Patty |
| Campbell, Kathy | Howard, Sara | Riepe, Merv |
| Chambers, Ernie | Hughes, Dan | Scheer, Jim |
| Coash, Colby | Johnson, Jerry | Schilz, Ken |
| Cook, Tanya | Kintner, Bill | Schnoor, David A. |
| Craighead, Joni | Kolowski, Rick | Schumacher, Paul |
| Crawford, Sue | Kolterman, Mark A. | Seiler, Les |
| Davis, Al | Krist, Bob | Smith, Jim |
| Ebke, Laura | Kuehn, John L. | Stinner, John P. |
| Friesen, Curt | Larson, Tyson | Sullivan, Kate |
| Garrett, Tommy L. | Lindstrom, Brett | Watermeier, Dan |
| Gloor, Mike | McCollister, John S. | Williams, Matt |
| Groene, Mike | McCoy, Beau | |
| Haar, Ken | Mello, Heath | |

MOTION - Temporary Clerk and Sergeant at Arms

Senator Krist moved to appoint Mr. Patrick J. O'Donnell as temporary Clerk of the Legislature and Mr. Ron Witkowski as temporary Sergeant at Arms.

The motion prevailed.

RESIGNATION

September 9, 2014

Governor Dave Heineman
Office of the Governor
State Capitol, Room 2316
P.O. Box 94848
Lincoln, NE 68509-4848

Dear Governor Heineman:

I hereby resign my position as Lieutenant Governor of Nebraska, effective immediately.

Sincerely,
(Signed) Lavon Heidemann
Lieutenant Governor

cc: Greg Adams
Speaker, Nebraska Legislature

MESSAGE FROM THE GOVERNOR

September 9, 2014

Lavon Heidemann
Lieutenant Governor
State Capitol, Room 2311
P.O. Box 94863
Lincoln, NE 68509-4863

Dear Lieutenant Governor Heidemann:

I hereby accept your resignation as Lieutenant Governor of Nebraska, effective immediately.

Sincerely,
(Signed) Dave Heineman
Governor

cc: Greg Adams

Speaker, Nebraska Legislature

RESIGNATION

September 29, 2014

The Honorable Dave Heineman
Governor, State of Nebraska
State Capitol -- P.O. Box 94848
Lincoln, NE 68509-4848

Re: Resignation from Nebraska State Legislature

Dear Governor Heineman:

It has been my great privilege and blessing to serve nearly two terms in the Nebraska Unicameral, representing constituents in my legislative district and citizens throughout the great state of Nebraska to the best of my ability.

In order to accept appointment to the office of Lieutenant Governor, I hereby resign from the office of Senator for the Sixth Legislative District, State of Nebraska, said resignation to become effective at twelve o'clock noon this date, September 29, 2014.

Respectfully,
(Signed) John E. Nelson

MESSAGE FROM THE GOVERNOR

September 29, 2014

Senator John E. Nelson
6289 Glenwood Road
Omaha, NE 68132

Dear Senator Nelson:

Your resignation as a member of the Nebraska Legislature effective September 29, 2014, at 12:00 PM has been received and is accepted. Your service as a member of the Nebraska Legislature is greatly appreciated.

Best wishes in your future endeavors.

Sincerely,
(Signed) Dave Heineman
Governor

cc: Speaker Adams
Clerk of the Legislature

MESSAGE FROM THE GOVERNOR

September 29, 2014

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

I appointed John E. Nelson as Lieutenant Governor effective Monday, September 29, 2014, at 1:30 PM. Attached is a copy of his oath of office.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosure

MESSAGE FROM THE GOVERNOR

September 29, 2014

John E. Nelson
6289 Glenwood Road
Omaha, NE 68132

Dear John:

Enclosed is your certificate for appointment as the Lieutenant Governor effective at 1:30 PM on September 29, 2014. Please know that your willingness to serve in this capacity is greatly appreciated.

Congratulations and best wishes.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosure

GUBERNATORIAL APPOINTMENT

Greetings To All Who Shall See These Presents Know Ye, that I Dave Heineman, on behalf of the State of Nebraska and as Governor, do hereby appoint John E. Nelson as the Lieutenant Governor of the State of Nebraska.

Dear Governor Heineman:

I have decided to resign from my position as state senator for legislative district 18 effective at 5:00 PM on November 6, 2014. It has been an honor to serve the state of Nebraska these last 7 years.

Sincerely,
(Signed) Scott Lautenbaugh

RESIGNATION

December 11, 2014

The Honorable Dave Heineman
Governor of Nebraska
P.O. Box 94848
Lincoln, NE 68509-4848

Dear Governor Heineman,

With my election to the office of Auditor of Public Accounts this past November, and the ongoing transition to that office, I am submitting my resignation as the member of the Legislature from the fifteenth legislative district effective December 11, 2014.

It has been my sincere pleasure to serve my state and community in this capacity for the past six years with you as our Governor.

I look forward to continuing my service to our state in the role of Auditor of Public Accounts and working with Governor-elect Pete Ricketts.

I wish you all the best in the future and ask that you accept my resignation.

Sincerely,
(Signed) Charlie Janssen

cc: Patrick O'Donnell, Clerk of the Legislature
Senator Greg Adams, Speaker of the Legislature

MESSAGE FROM THE GOVERNOR

December 11, 2014

Senator Charlie Janssen
1234 Bristolwood Drive
Fremont, NE 68025

Dear Senator Janssen:

Your resignation as a member of the Nebraska Legislature has been received and is accepted effective December 11, 2014. The time and effort you shared during your term in the Legislature is greatly appreciated.

Sincerely,
(Signed) Dave Heineman
Governor

cc: Patrick O'Donnell, Clerk of the Legislature

MESSAGE FROM THE GOVERNOR

December 12, 2014

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

I hereby appoint David A. Schnoor to fill the vacancy in the 15th Legislative District created by the resignation of Senator Charlie Janssen. This appointment takes effect on December 12, 2014.

Sincerely,
(Signed) Dave Heineman
Governor

GUBERNATORIAL APPOINTMENT

Greetings To All Who Shall See These Presents Know Ye, that I Dave Heineman, on behalf of the State of Nebraska and as Governor, do hereby appoint David A. Schnoor as a member of the Nebraska Legislature representing District 15.

Reposing special trust in your ability, integrity and patriotism, I do authorize and empower you to discharge the duties of said appointment, according to law:

This appointment shall take effect on December 12, 2014, and continue until January 3, 2017, provided you shall satisfactorily perform all the duties imposed by law.

(Signed) Dave Heineman
Governor

(Signed) John. A Gale
Secretary of State

State of Nebraska)

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of members of the Nebraska Unicameral Legislature elected or appointed to serve in the One Hundred Fourth Legislature, First Session, 2015.

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected or appointed members of the Unicameral Legislature in the State of Nebraska for the One Hundred Fourth Legislature, First Session, 2015.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of the Secretary of State and are a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Seventh day of January in the year of our Lord, two thousand and Fifteen.

(SEAL)

(Signed) John A. Gale
Secretary of State

| DISTRICT/NAME | ELECTED |
|---------------------------------|-------------------|
| 1 Dan Watermeier | November 6, 2012 |
| 2 Bill Kintner | November 4, 2014 |
| 3 Tommy Garrett | November 4, 2014 |
| 4 Robert Bob Hilkemann | November 4, 2014 |
| 5 Heath Mello | November 6, 2012 |
| 6 Joni Craighead | November 4, 2014 |
| 7 Jeremiah Nordquist | November 6, 2012 |
| 8 Burke J. Harr | November 4, 2014 |
| 9 Sara Howard | November 6, 2012 |
| 10 Bob Krist | November 4, 2014 |
| 11 Ernie Chambers | November 6, 2012 |
| 12 Merv Riepe | November 4, 2014 |
| 13 Tanya Cook | November 6, 2012 |
| 14 Jim Smith | November 4, 2014 |
| 15 David A. Schnoor - Appointed | December 12, 2014 |
| 16 Lydia Brasch | November 4, 2014 |
| 17 Dave Bloomfield | November 6, 2012 |
| 18 Brett Lindstrom | November 4, 2014 |
| 19 Jim Scheer | November 6, 2012 |
| 20 John S. McCollister | November 4, 2014 |
| 21 Ken Haar | November 6, 2012 |
| 22 Paul Schumacher | November 4, 2014 |
| 23 Jerry Johnson | November 6, 2012 |

| | | |
|----|----------------------|------------------|
| 24 | Mark A. Kolterman | November 4, 2014 |
| 25 | Kathy Campbell | November 6, 2012 |
| 26 | Matt Hansen | November 4, 2014 |
| 27 | Colby Coash | November 6, 2012 |
| 28 | Patty Pansing Brooks | November 4, 2014 |
| 29 | Kate Bolz | November 6, 2012 |
| 30 | Roy Baker | November 4, 2014 |
| 31 | Rick Kolowski | November 6, 2012 |
| 32 | Laura Ebke | November 4, 2014 |
| 33 | Les Seiler | November 6, 2012 |
| 34 | Curt Friesen | November 4, 2014 |
| 35 | Mike Gloor | November 6, 2012 |
| 36 | Matt Williams | November 4, 2014 |
| 37 | Galen Hadley | November 6, 2012 |
| 38 | John L. Kuehn | November 4, 2014 |
| 39 | Beau McCoy | November 6, 2012 |
| 40 | Tyson Larson | November 4, 2014 |
| 41 | Kate Sullivan | November 6, 2012 |
| 42 | Michael Groene | November 4, 2014 |
| 43 | Al Davis | November 6, 2012 |
| 44 | Dan Hughes | November 4, 2014 |
| 45 | Sue Crawford | November 6, 2012 |
| 46 | Adam Morfeld | November 4, 2014 |
| 47 | Ken Schilz | November 6, 2012 |
| 48 | John P. Stinner Sr. | November 4, 2014 |
| 49 | John Murante | November 6, 2012 |

MOTION - Credentials Committee Report

Senator Coash moved to approve the Committee on Credentials Report as certified and presented by the Secretary of State.

The motion prevailed.

MOTION - Escort Chief Justice

Senator Scheer moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the members of the Legislature.

The motion prevailed.

The Chair appointed Senators Seiler, Davis, Johnson, Crawford, and Schumacher to serve on said committee.

MEMBERS' OATH OF OFFICE

STATE OF NEBRASKA)

) ss.
LANCASTER COUNTY)

Do you and each of you solemnly swear (or affirm) that you will support the constitution of the United States, and the constitution of the State of Nebraska, and will faithfully discharge the duties of members of the Legislature according to the best of your ability, and that at the election at which you were chosen to fill said office, you have not improperly influenced in any way the vote of any elector, and have not accepted, nor will you accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote you may give or withhold on any bill, resolution, or appropriation).

| | | |
|-----------------|----------------------|-----------------------|
| Baker, Roy | Hilkemann, Robert | Morfeld, Adam |
| Brasch, Lydia | Hughes, Dan | Pansing Brooks, Patty |
| Craighead, Joni | Kintner, Bill | Riepe, Merv |
| Ebke, Laura | Kolterman, Mark A. | Schumacher, Paul |
| Friesen, Curt | Krist, Bob | Smith, Jim |
| Garrett, Tommy | Kuehn, John L. | Stinner, John P. |
| Groene, Michael | Larson, Tyson | Williams, Matt |
| Hansen, Matt | Lindstrom, Brett | |
| Harr, Burke J. | McCollister, John S. | |

The committee escorted the Chief Justice from the Chamber.

MOTION - Adopt Temporary Rules

Senator Garrett moved that the rules, as now in our possession, be adopted for today only, Wednesday, January 7, 2015.

The motion prevailed.

MOTION - Election of Officers

Senator Krist moved that the following officers, recommended by the Executive Board, be elected to serve for the One Hundred Fourth Legislature:

| | |
|------------------------------------|----------------------|
| Clerk of the Legislature | Patrick J. O'Donnell |
| Assistant Clerk of the Legislature | Richard K. Brown |
| Sergeant at Arms | Ron Witkowski |

The motion prevailed.

MOTION - Election of Speaker

Senator Mello moved to proceed to the election of the Speaker of the Legislature.

The motion prevailed.

Senator Coash placed his name in nomination.

Senator Hadley placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators McCoy, Sullivan, and Schumacher as tellers.

| | |
|----------------|-----------|
| Senator Coash | 19 |
| Senator Hadley | <u>30</u> |
| | 49 |

Senator Hadley was duly elected Speaker of the Legislature.

MOTION - Escort Chief Justice

Senator Bloomfield moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the officers of the Legislature.

The motion prevailed.

The Chair appointed Senators Seiler, Davis, Schumacher, Johnson, and Crawford to serve on said committee.

OFFICERS' OATH OF OFFICE

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

We, and each of us, do solemnly swear (or affirm) that we will support the constitution of the United States, the constitution of the State of Nebraska, and will faithfully discharge the duties of our respective offices to the best of our ability.

| | |
|------------------------------------|----------------------|
| Speaker | Galen Hadley |
| Clerk of the Legislature | Patrick J. O'Donnell |
| Assistant Clerk of the Legislature | Richard K. Brown |
| Sergeant at Arms | Ron Witkowski |

The committee escorted the Chief Justice from the Chamber.

MOTION - Chairperson of Committee on Committees

Senator Hadley moved to proceed to the election of the Chairperson of the

Committee on Committees.

The motion prevailed.

Senator McCoy placed his name in nomination.

Senator Garrett moved the nominations be closed and a unanimous vote by acclamation be cast for Senator McCoy.

The motion prevailed.

Senator McCoy was duly elected Chairperson of the Committee on Committees.

MOTION - Committee on Committees Members

Senator Sullivan moved to proceed to the election of the remaining twelve members of the Committee on Committees, and that we authorize the members residing within each of the three districts, as enumerated in Rule 3, Sec. 2, to nominate four members to be elected by the legislative body to serve on the Committee on Committees.

The motion prevailed.

Senators Campbell, Coash, Garrett, and Schumacher were nominated from District 1.

Senators Krist, Mello, Smith, and B. Harr were nominated from District 2.

Senators Bloomfield, Schilz, Hadley, and Watermeier were nominated from District 3.

Senator Campbell moved the approval of the nominees to the Committee on Committees.

The motion prevailed.

The Chair declared the nominees duly elected.

MOTION - Chairperson of Executive Board

Senator K. Haar moved to proceed to the election of the Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Krist placed his name in nomination.

Senator Bloomfield placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Schilz, Seiler, and Crawford as tellers.

| | |
|--------------------|-----------|
| Senator Krist | 32 |
| Senator Bloomfield | <u>17</u> |
| | 49 |

Senator Krist was duly elected Chairperson of the Executive Board.

MOTION - Vice Chairperson of Executive Board

Senator Schumacher moved to proceed to the election of the Vice Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Kolowski placed his name in nomination.

Senator Watermeier placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Gloor, Murante, and Cook as tellers.

| | |
|--------------------|-----------|
| Senator Kolowski | 16 |
| Senator Watermeier | <u>33</u> |
| | 49 |

Senator Watermeier was duly elected Vice Chairperson of the Executive Board.

MOTION - Executive Board Members

Senator Larson moved to proceed to the election of the other six members of the Executive Board of the Legislative Council as outlined in 50-401.01.

The motion prevailed.

Senators Campbell and Coash were nominated from District 1.

Senators Chambers and Murante were nominated from District 2.

Senators Larson and Hughes were nominated from District 3.

Senator Bolz moved the approval of the nominees to the Executive Board of the Legislative Council.

The motion prevailed.

The Chair declared the nominees duly elected.

MOTION - Standing Committee Chairpersons

Senator Watermeier moved to proceed to the election of the standing committee chairpersons, by secret ballot, in accordance with Rule 3, Sec. 8(a).

The motion prevailed.

CHAIRPERSON - Agriculture

Senator Brasch placed her name in nomination.

Senator Johnson placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Bolz, Smith, and K. Haar as tellers.

| | |
|-----------------|-----------|
| Senator Brasch | 24 |
| Senator Johnson | <u>25</u> |
| | 49 |

Senator Johnson was duly elected Chairperson of the Agriculture Committee.

CHAIRPERSON - Appropriations

Senator Mello placed his name in nomination.

Senator Garrett moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Mello.

The motion prevailed.

Senator Mello was duly elected Chairperson of the Appropriations Committee.

CHAIRPERSON - Banking, Commerce and Insurance

Senator Scheer placed his name in nomination.

Senator Garrett moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Scheer.

The motion prevailed.

Senator Scheer was duly elected Chairperson of the Banking, Commerce and Insurance Committee.

CHAIRPERSON - Business and Labor

Senator B. Harr placed his name in nomination.

Senator Garrett moved the nominations be closed and a unanimous vote by acclamation be cast for Senator B. Harr.

The motion prevailed.

Senator B. Harr was duly elected Chairperson of the Business and Labor Committee.

CHAIRPERSON - Education

Senator Sullivan placed her name in nomination.

Senator Garrett moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Sullivan.

The motion prevailed.

Senator Sullivan was duly elected Chairperson of the Education Committee.

CHAIRPERSON - General Affairs

Senator Larson placed his name in nomination.

Senator Garrett moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Larson.

The motion prevailed.

Senator Larson was duly elected Chairperson of the General Affairs Committee.

CHAIRPERSON - Government, Military and Veterans Affairs

Senator Murante placed his name in nomination.

Senator Garrett moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Murante.

The motion prevailed.

Senator Murante was duly elected Chairperson of the Government, Military and Veterans Affairs Committee.

CHAIRPERSON - Health and Human Services

Senator Campbell placed her name in nomination.

Senator Garrett moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Campbell.

The motion prevailed.

Senator Campbell was duly elected Chairperson of the Health and Human Services Committee.

CHAIRPERSON - Judiciary

Senator Seiler placed his name in nomination.

Senator Garrett moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Seiler.

The motion prevailed.

Senator Seiler was duly elected Chairperson of the Judiciary Committee.

CHAIRPERSON - Natural Resources

Senator Schilz placed his name in nomination.

Senator Garrett moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Schilz.

The motion prevailed.

Senator Schilz was duly elected Chairperson of the Natural Resources Committee.

CHAIRPERSON - Nebraska Retirement Systems

Senator Lindstrom placed his name in nomination.

Senator Nordquist placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Bloomfield, Garrett, and Mello as tellers.

Senator Lindstrom 24
Senator Nordquist 25
49

Senator Nordquist was duly elected Chairperson of the Nebraska Retirement Systems Committee.

CHAIRPERSON - Revenue

Senator Gloor placed his name in nomination.

Senator Garrett moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Gloor.

The motion prevailed.

Senator Gloor was duly elected Chairperson of the Revenue Committee.

CHAIRPERSON - Transportation and Telecommunications

Senator Smith placed his name in nomination.

Senator Garrett moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Smith.

The motion prevailed.

Senator Smith was duly elected Chairperson of the Transportation and Telecommunications Committee.

CHAIRPERSON - Urban Affairs

Senator Crawford placed her name in nomination.

Senator Garrett moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Crawford.

The motion prevailed.

Senator Crawford was duly elected Chairperson of the Urban Affairs Committee.

MOTION - Special and Select Committee Chairpersons

Senator Howard moved to proceed to the election of the special and select committee chairpersons, by secret ballot.

The motion prevailed.

CHAIRPERSON - Rules

Senator Garrett placed his name in nomination.

Senator Howard moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Garrett.

The motion prevailed.

Senator Garrett was duly elected Chairperson of the Rules Committee.

CHAIRPERSON - Enrollment and Review

Senator Murante nominated Senator Hansen.

Senator Garrett moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Hansen.

The motion prevailed.

Senator Hansen was duly elected Chairperson of the Enrollment and Review Committee.

MOTION - Election Returns

Senator Nordquist moved that a committee of three be appointed to escort the Secretary of State to the Chamber to deliver the election returns of the General Election of November 2014.

The motion prevailed.

The Chair appointed Senators Murante, Watermeier, and Bloomfield to serve on said committee.

The committee escorted Secretary of State, John A. Gale, to the rostrum where he delivered the following report.

REPORT FROM THE SECRETARY OF STATE

January 7, 2015

Speaker of the Legislature
One Hundred Fourth Legislature, First Session 2014
State Capitol
Lincoln, Nebraska

Honorable Speaker:

In accordance with Article IV, Section 4 of the constitution of the State of

(SEAL) (Signed) John A. Gale
Secretary of State

- Governor - Pete Ricketts
- Lieutenant Governor - Mike Foley
- Secretary of State - John A. Gale
- Auditor of Public Accounts - Charlie Janssen
- State Treasurer - Don Stenberg
- Attorney General - Doug Peterson
- Public Service Commission, District 2 - Crystal Rhoades
- Board of Regents of the University of Nebraska, Dist 1 - Tim Clare
- Board of Regents of the University of Nebraska, Dist 2 - Howard Hawks
- Board of Regents of the University of Nebraska, Dist 5 - Rob Schafer
- State Board of Education - Dist 5 - Patricia H. Timm
- State Board of Education - Dist 6 - Maureen Nickels
- State Board of Education - Dist 7 - Molly O'Holleran
- State Board of Education - Dist 8 - Patrick J. McPherson
- Supreme Court Judge, District 2 - Lindsey Miller-Lerman
- Court of Appeals Judge, District 2 - Michael W. Pirtle
- Court of Appeals Judge, District 4 - John F. Irwin
- Nebraska Workers Compensation Judge - Thomas E. Stine
- Nebraska Workers Compensation Judge - Laureen Van Normant
- Nebraska Workers Compensation Judge - Michael K. High

CERTIFICATE

State of Nebraska

United States of America,)
) ss. Secretary of State
 State of Nebraska)

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct listing of the Statutory Measure proposed by the Initiative Process showing the number of votes cast for and against at the General Election held on November 4, 2014.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Seventh day of January in the year of our Lord, two thousand and Fifteen.

(SEAL) (Signed) John A. Gale
Secretary of State

2014 General Election
Initiative Measures

Initiative Measure 425

An initiative measure to amend Nebraska statute to increase the minimum wage.

| | |
|---------|---------|
| For | 311,401 |
| Against | 212,215 |

Senator Kolowski moved pursuant to Article IV, Section 4, to approve the report of the Secretary of State and the candidates stated therein be declared duly elected.

The motion prevailed.

The Secretary of State was escorted from the Chamber.

MOTION - Inaugural Ceremonies

Senator Gloor moved to arrange to hold the inaugural ceremonies for the newly elected state officials on Thursday, January 8, 2015, at 1:30 p.m.

The motion prevailed.

ADJOURNMENT

At 12:59 p.m., on a motion by Senator Sullivan, the Legislature adjourned until 10:00 a.m., Thursday, January 8, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

SECOND DAY - JANUARY 8, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 8, 2015

PRAYER

The prayer was offered by Pastor Todd Hilkemann, Cragmor Christian Reformed Church, Colorado Springs, Colorado.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators McCoy, Mello, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the first day was approved.

MOTION - Adopt Temporary Rules

Senator Garrett moved that the rules, as now in our possession, be adopted until such time as the permanent rules are adopted pursuant to Rule 2, Section 1; provided that the temporary rules shall not continue after the twelfth legislative day.

The motion prevailed.

MESSAGES FROM THE GOVERNOR

April 24, 2014

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Educational Telecommunications Commission:

Patricia M. Kircher, 15715 California Street, Omaha, NE 68118

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

May 15, 2014

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Natural Resources Commission:

Brian Barels, 6375 Country Club Drive, Columbus, NE 68601
Donald P. Batie, 43590 Road 761, Lexington, NE 68850
Joel G. Christensen, 5909 South 115th Street, Omaha, NE 68137
Steven Huggenberger, 2286 S. 120 Street, Walton, NE 68461
Henry H. (Hod) Kosman, 190498 County Road G, Scottsbluff, NE 69361
Don Kraus, 2019 Spalding Drive, Holdrege, NE 68949
Owen A. Palm, 2975 Country Club Road, Gering, NE 69341
Tom Palmertree, 1114 Jefferson Avenue, Hebron, NE 68370
Scott Smathers, 6140 South Richland Circle, Lincoln, NE 68516
Lindsey Smith, 941 North 10th Street, Broken Bow, NE 68822
Walter Dennis Strauch, 50189 Hilyard Drive, Mitchell, NE 69357

Contingent upon your approval, the following individuals are being reappointed to an extended term to the Nebraska Natural Resources Commission:

Stan Clouse, 4907 Linden Drive Place, Kearney, NE 68847
Richard Mercer, 5815 4th Avenue, Kearney, NE 68845
Thomas Knutson, 102 Custer, St. Paul, NE 68873

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

June 18, 2014

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Commission for the Deaf and Hard of Hearing:

Frank R. Turk, 1833 N. 132 Avenue Circle, Omaha, NE 68154

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

June 23, 2014

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Crime Victim's Reparations Committee:

Michelle Schindler, 4630 Sugar Creek Court, Lincoln, NE 68516

Contingent upon your approval, the following individual is being appointed to the Crime Victim's Reparations Committee:

Gerard A. (Fred) Ruiz, 3203 Kennedy Way, Grand Island, NE 68803

The aforementioned appointees are respectfully submitted for your

consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

June 23, 2014

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Personnel Board:

Christopher Waddle, 735 N. Derby Avenue, Giltner, NE 68841

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

July 21, 2014

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the State Personnel Board:

Samuel Seever, 6425 Lone Tree Drive, Lincoln, NE 68512

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

July 31, 2014

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the State Electrical Board:

James S. Brummer, 1823 Imperial Road, Norfolk, NE 68701
Tom Ourada, 1130 East 13 Street, Crete, NE 68333

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

August 5, 2014

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

This letter is to inform you that the request for confirmation of the appointment of Richard Mercer as a member of the Nebraska Natural Resources Commission is respectfully withdrawn.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

August 6, 2014

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the State Board of Health:

Dr. Russell Hopp, 5610 Farnam, Omaha, NE 68132
Shane Fleming, RN, 3363 Prairie Lane, Columbus, NE 68601

Contingent upon your approval, the following individuals are being appointed to the State Board of Health:

Dr. Travis James Teetor, 19309 Briggs Street, Omaha, NE 68130
Dr. Kevin Borchert, 15204 Summerwood Drive, Omaha, NE 68137
Dr. Heidi J. Stark, 2108 The Knolls, Lincoln, NE 68512

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

August 19, 2014

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Coordinating Commission for Postsecondary Education:

John Bernthal, 5251 Troon Drive, Lincoln, NE 68526

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

August 19, 2014

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Technical Advisory Committee for Statewide Assessment:

Dr. Richard Sawyer, ACT, P.O. Box 168, Iowa City, IA 52243

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

September 8, 2014

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Natural Resources Commission:

Loren Taylor, 1119 S. 3rd Avenue, Broken Bow, NE 68822

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

September 8, 2014

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Technical Advisory Committee for Statewide Assessment:

Dr. Brian Gong, National Center of Improvement in Education Assessment,
P.O. Box 351, Dover, NH 03821
Linda Poole, 5054 South 171 Avenue, Omaha, NE 68135

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

September 8, 2014

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Child Abuse Prevention Fund Board:

Mary Fran Flood, 4312 Waterbury Lane, Lincoln, NE 68516

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

September 8, 2014

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Oil and Gas Conservation Commission:

Thomas D. Oliver, 618 "O" Street, Bridgeport, NE 69336

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

September 24, 2014

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Board of Educational Lands and Funds:

Glenn R. Wilson Jr., 3103 Brentwood Circle, Grand Island, NE 68802

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

October 14, 2014

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the State Emergency Response Commission:

Tim Hofbauer, 2328 34 Street, Columbus, NE 68601
Dana Miller, 110 21 Street, Gering, NE 69341
Keith Hansen, 10700 Dawn Avenue, Lincoln, NE 68516

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

October 27, 2014

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Child Abuse Prevention Fund Board:

Todd Barte, 5715 Avenue Q, Kearney, NE 68847

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

November 12, 2014

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being
reappointed to the Nebraska Investment Council:

John Dinkel, 2206 Koenigstein Avenue, Norfolk, NE 68701

The aforementioned appointee is respectfully submitted for your
consideration. Copies of the certificate and background information are
included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

November 14, 2014

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed
to the State Board of Health:

Teresa Konda, 6211 N. 131 Street, Omaha, NE 68164

The aforementioned appointee is respectfully submitted for your
consideration. Copies of the certificate and background information are
included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

November 17, 2014

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being
reappointed to the Nebraska State Fair Board:

William Marshall III, 712 Grand Avenue, Grand Island, NE 68801

The aforementioned appointee is respectfully submitted for your
consideration. Copies of the certificate and background information are
included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

November 19, 2014

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Please withdraw the following individual from consideration for
confirmation of appointment to the State Board of Health:

Dr. Heidi J. Stark, 2018 The Knolls, Lincoln, NE 68512

Dr. Heidi Stark has resigned from the State Board of Health.

Thank you.

Sincerely,
(Signed) Dave Heineman
Governor

December 5, 2014

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Tourism Commission:

Carol E. Schlegel, 37785 Road 721, Culbertson, NE 69024

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

**2014 INTERIM REPORT
ON THE DISPOSITION OF
INTERIM STUDY RESOLUTIONS**

Agriculture

| LR | Subject | Completed Report Issued | Completed No Report Issued | Deferred |
|-----|---|-------------------------|----------------------------|----------|
| 531 | Examine regulation of non-profit distributors under Plant Protection and Plant Pest Act | | | X |
| 545 | Examine efforts to stimulate local food networks | | X | |
| 558 | Examine state and local means to stimulate community gardens | | X | |
| 560 | Interim study to receive dairy industry report pursuant to LB941 | X | | |

| | | | | |
|-----|--|--|---|---|
| 561 | Examine role of private veterinarians in assisting law enforcement officers in livestock animal cruelty investigations | | | X |
| 562 | Examine revenue supporting implementation and enforcement of Dog and Cat Operator Inspection Act | | X | |
| 563 | Examine vertical coordination in the pork industry | | X | |
| 564 | Examine producer welfare and regulations governing packer procurement of swine through marketing and contract production | | X | |

Appropriations

| LR | Subject | Completed Report Issued | Completed No Report Issued | Deferred |
|-----|---|-------------------------|----------------------------|----------|
| 529 | Interim study to examine the adequacy of provider rates to meet the needs of Nebraskans with disabilities and the providers of services | | | X |
| 535 | Interim study to conduct a comprehensive review of the structure of health and human services functions currently administered by the Department of Health and Human Services | | X | |
| 544 | Interim study to examine the fiscal impacts of unfunded mandates | | | X |
| 549 | Interim study to examine issues relating to Game and Parks Commission funding | | | X |
| 567 | Interim study to examine potential funding sources for the Great Plains Black History Museum, Science and Technology Center in Omaha, Nebraska | | | X |

Banking, Commerce and Insurance

| LR | Subject | Completed Report Issued | Completed No Report Issued | Deferred |
|-----|---|-------------------------|----------------------------|----------|
| 498 | Interim study to further examine the updating of Nebraska's business entity statutes | | X | |
| 499 | Interim study to examine whether the Nebraska Real Property Appraiser Act should be updated | | X | |
| 501 | Interim study to examine whether the Nebraska Appraisal Management Company Registration Act should be updated | | | X |
| 497 | Interim study to examine whether Nebraska should amend its insurance statutes to authorize property and casualty to provide electronic delivery of insurance notices and documents and Internet posting of certain insurance policies | | | X |
| 506 | Interim study to examine whether changes in the electronic payments market rendering section 8-157.01 unworkable and inapplicable to financial institutions | | | X |

Business and Labor

| LR | Subject | Completed Report Issued | Completed No Report Issued | Deferred |
|-----|---|-------------------------|----------------------------|----------|
| 547 | Interim study to examine issues surrounding labor shortage areas in the state and opportunities available to Nebraska's future workforce | | | X |
| 551 | Interim study to examine enforcement under the Employee Classification Act and the effect misclassification has on facets of business and labor in Nebraska | | | X |
| 554 | Interim study to gather information and study the possible existence and extent of labor trafficking in the State of Nebraska | | | X |

Education

| LR | Subject | Completed Report Issued | Completed No Report Issued | Deferred |
|-----|--|-------------------------|----------------------------|----------|
| 508 | Interim study to examine issues surrounding the Nebraska P-16 Initiative organized and managed by the University of Nebraska | | | X |
| 519 | Interim study to evaluate current course offering for high school students in Nebraska | | | X |
| 525 | Interim study to examine the skills gap in Nebraska's workforce and to identify options for workforce education | | | X |
| 526 | Interim study to examine options to provide incentives for professional growth and development of teachers as the means to increased student achievement and success in Nebraska public schools | | | X |
| 532 | Interim study to examine utilization of federal school breakfast and lunch programs and the impact of new federal options on Nebraska | | | X |
| 546 | Interim study to review existing state and local programs and policies on expanded learning opportunities | | | X |
| 568 | Interim study to examine options for the creation of a Nebraska educational trust fund for the purpose of stabilizing the availability of state aid to education when there is a significant decline in state sales and income tax revenue | | | X |
| 579 | Interim study to examine the need-based financial aid program, the Nebraska Opportunity Grant Act, to determine whether the program is sufficient to meet the needs of students | | | X |
| 588 | Interim study to examine the establishment of an early childhood data governance entity | | | X |

| | | | | |
|-----|---|--|--|---|
| 600 | Interim study to examine issues surrounding the use of a foundation formula per student in the calculation of need for a school district and use of an income factor in the calculation of resources for state aid purposes | | | X |
| 618 | Interim study of issues under the jurisdiction of the Education Committee | | | X |

Executive Board

| LR | Subject | Completed Report Issued | Completed No Report Issued | Deferred |
|-----|---|-------------------------|----------------------------|----------|
| 536 | Interim study to examine the process of creating legislative task forces, committees, and commissions | X | | |

General Affairs

| LR | Subject | Completed Report Issued | Completed No Report Issued | Deferred |
|-----|--|-------------------------|----------------------------|----------|
| 577 | Interim study to examine issues under the jurisdiction of the General Affairs Committee | | X | |
| 578 | Interim study to examine the various Nebraska agricultural products used in the production of craft beer and distilled spirits | X | | |

Government, Military and Veterans Affairs

| LR | Subject | Completed Report Issued | Completed No Report Issued | Deferred |
|-----|--|-------------------------|----------------------------|----------|
| 582 | Interim study to review the work of the Task Force on Unfunded Mandates created in 1996 and to study the impacts of unfunded and underfunded mandates on counties and county governments | X | | |
| 581 | Interim study to examine issues under the jurisdiction of the Government, Military and Veterans Affairs Committee (handicapped parking) | | X | |

| | | | | |
|-----|---|--|---|--|
| 527 | Interim study to examine the reasons why emergency disaster payments made by or through the Nebraska Emergency Management Agency and the Federal Emergency Management Agency are not made in a timely manner once awarded | | X | |
| 557 | Interim study to examine the need to appropriate funds to Memorial Park in Omaha, Nebraska, for improvements to the parks and to examine ways to honor our veterans | | X | |
| 538 | Interim study to examine issues surrounding the implementation of an electronic notary system in Nebraska | | X | |

Health and Human Services

| LR | Subject | Completed Report Issued | Completed No Report Issued | Deferred |
|-----|---|-------------------------|-----------------------------------|----------|
| 517 | Examine ways to improve the quality and availability of interpreter services for Nebraskans who are deaf or hard of hearing | | | X |
| 518 | Examine the need to craft a policy to ensure that women who choose to give birth at home are adequately supported by trained health care professionals | | | X |
| 530 | Examine existing and proposed programs, policies, administrative rules, and statutes that impact the financial stability of working families in Nebraska | | | X |
| 533 | Assess the enrollment of former foster youth in the new medicaid category for youth formerly in foster care up to age 26 in Nebraska under the new federal Patient Protection and Affordable Care Act | | Hearing Held: October 24, 2014 | |

| | | | | |
|-----|---|---------------------------------|--------------------------------|---|
| 539 | Examine whether the maximum payment rate in the Aid to Dependent Children program, is adequate to meet the goals of the Temporary Assistance for Needy Families program, including keeping children in their own home | | Hearing Held: October 24, 2014 | |
| 540 | Examine the treatment and services for people dually diagnosed with I/DD and MI or I/DD and behavioral health problems | | | X |
| 541 | Examine the implementation of educational stability plans for children in foster care under the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 | | | X |
| 559 | Examine issues surrounding the Medicaid Reform Council | | | X |
| 565 | Examine whether adding antidepressant, antipsychotic, and anticonvulsant drugs to the medicaid preferred drug list would be of benefit to Nebraska medicaid or Nebraska medicaid clients | | | X |
| 574 | Explore the need for fully integrated residential services for people who are deaf and hard of hearing | Report issued by the Introducer | | |
| 575 | Examine issues surrounding in-home personal services | | | X |
| 576 | Examine the current status of the sharing of electronic health records and health information exchanges in Nebraska | | | X |
| 580 | Examine the reform effort of Nebraska's behavioral health system | | | X |
| 586 | Gather information and make recommendations to craft policy to support and continue electronic health records exchanges and health information initiatives | | | X |
| 587 | Gather information and make recommendations to craft policy to support the creation of a sustainable community health workforce in Nebraska | | | X |

| | | | | |
|-----|--|--|--------------------------------|---|
| 592 | Examine various methods of behavioral health workforce development | | Hearing Held: October 24, 2014 | |
| 596 | Evaluate the potential uses of Physician Orders for Life-Sustaining Treatment and out-of-hospital Do Not Resuscitate protocols | | Hearing Held: October 24, 2014 | |
| 601 | Examine the impact of implementing, and the impact of failing to implement, medicaid expansion in Nebraska | | Hearing Held: December 2, 2014 | |
| 624 | Examine issues under the jurisdiction of the Health and Human Services Committee | | | X |

Judiciary

| LR | Subject | Completed Report Issued | Completed No Report Issued | Deferred |
|-----|--|-------------------------|----------------------------|----------|
| 433 | Interim study to examine issues relating to production, possession, and use of hemp oil for the purposes of treating epileptic seizures | X | | |
| 520 | Interim study to examine the problems that law enforcement is encountering since the State of Colorado legalized the sale and recreational use of marijuana | | X | |
| 534 | Interim study to examine issues surrounding patent assertion entities, commonly referred to as "patent trolls" | | | X |
| 542 | Interim study to examine issues regarding the current guardian ad litem system | | | X |
| 543 | Interim study to examine issues under the jurisdiction of the Judiciary Committee | | X | |
| 548 | Interim study to assess how the State of Nebraska can improve the coordination and provision of child welfare services for Native American children and families | | | X |

| | | | | |
|-----|--|--|--|---|
| 552 | Interim study to examine Nebraska's juvenile courts, especially juvenile courts within Douglas County | | | X |
| 553 | Interim study to examine the issue of drivers' licenses for young Nebraskans who have been granted Deferred Action for Childhood Arrivals by the Department of Homeland Security | | | X |
| 569 | Interim study to examine the professional development of forensic science in Nebraska | | | X |
| 584 | Interim study to examine issues relating to changing recreational liability provisions | | | X |
| 591 | Interim study to review issues surrounding child custody proceedings and parenting time determinations as they pertain to families of divorce | | | X |

Natural Resources Committee

| LR | Subject | Completed Report Issued | Completed No Report Issued | Deferred |
|-----|---|-------------------------|----------------------------|----------|
| 491 | Interim study to examine the need to clarify and expand application of LB985 (2014), which provided standing to natural resources districts and requirements for water appropriations | | X | |
| 597 | Interim study to examine methods by which to find balance between water resources and water uses in areas under interstate compacts, cooperative agreements, or decrees | | | X |
| 590 | Interim study to examine the organizational structure of public power | | | X |
| 589 | Interim study to evaluate the local and statewide health impacts of burning coal | | | X |

| | | | | |
|-----|--|--|--|---|
| 628 | Interim study to examine the role of Nebraska state government in establishing and implementing standards of performance for existing carbon dioxide emissions from public power plants within the state | | | X |
|-----|--|--|--|---|

Nebraska Retirement Systems

| LR | Subject | Completed Report Issued | Completed No Report Issued | Deferred |
|-----|--|-------------------------|----------------------------|----------|
| 521 | Interim study to examine the public employees retirement systems administered by the Public Employees Retirement Board | | X | |

Revenue

| LR | Subject | Completed Report Issued | Completed No Report Issued | Deferred |
|-----|---|-------------------------|----------------------------|----------|
| 571 | State Income Tax Changes | 12-12-14 | | |
| 566 | Ag Land Valuation Changes | 12-12-14 | | |
| 573 | State Aid to Political Subdivisions | 12-31-14 | | |
| 572 | Expansions of Sales Tax Base | 12-12-14 | | |
| 598 | Federal Mandate for Remote Sellers: Sales Tax | 12-12-14 | | |
| 570 | Tax Incentive Programs | | | X |
| 594 | Constitutional Limits on Property Tax Relief | | X | |
| 556 | Local Use of Property Tax: Schools and Justice System | | | X |
| 510 | Use of Offshore Tax Shelters | | X | |

Transportation and Telecommunications

| LR | Subject | Completed Report Issued | Completed No Report Issued | Deferred |
|-----|---|-------------------------|----------------------------|----------|
| 522 | Interim study to examine the U.S. Dept. of Transportation's Maritime Administration's designation of the Missouri River from South Sioux City, Nebraska, south to Kansas City, Missouri, as the M-29 Marine Highway Connector | | | X |

| | | | | |
|-----|--|---|---|--|
| 523 | Interim study to examine alternative transportation options and recommended potential changes to Nebraska's statutes | X | | |
| 528 | Interim study to examine issues surrounding financing the maintenance and replacement of county bridges | X | | |
| 537 | Interim study to examine implementation, management, operation, and ongoing development of Next Generation 911 service in Nebraska | | X | |

Urban Affairs

| LR | Subject | Completed Report Issued | Completed No Report Issued | Deferred |
|-----|---|-------------------------|----------------------------|----------|
| 555 | Interim study to examine how cities and villages provide services to residents located in the extraterritorial jurisdiction or sanitary improvement districts of such cities and villages | | X | |
| 585 | Interim study to examine the Nebraska statutes relating to cities of the first class | | | X |
| 593 | Interim study to examine issues under the jurisdiction of the Urban Affairs Committee | | | X |
| 595 | Interim study to examine the impact of Nebraska changing to a home rule state in matters of local concern | | | X |
| 599 | Interim study to examine issues surrounding the use of tax increment financing under the Community Development Law in Nebraska | | X | |

COMMUNICATIONS

Received a copy of House Joint Resolution No. 22 from the state of Alaska, requesting the United States Congress to call a convention of the states to propose an amendment to the United States Constitution that imposes fiscal restraints on the federal government, limits the power and jurisdiction of the federal government, and limits the terms of office of federal government officials.

Received a copy of Senate Resolution 371 from the state of Georgia calling for a convention of the states under Article V of the United States Constitution for the purpose of proposing a balanced budget amendment.

Received a copy of Senate Resolution 736 from the state of Georgia calling for a convention of the states under Article V of the United States Constitution for the limited purpose of proposing amendments to the Constitution of the United States relating to fiscal restraints, and limitation on terms of office for members of Congress.

Received a copy of House Concurrent Resolution No. 70 from the state of Louisiana relating to a balanced budget amendment to the United States Constitution.

Received a copy of House Joint Resolution No. 548 from the state of Tennessee to make application to the Congress of the United States pursuant to Article V of the United States Constitution to call a constitutional convention for the sole purpose of proposing a balanced budget amendment and other related fiscal restraints.

ANNOUNCEMENT(S)

Committee on Committees elected Senator Coash as Vice Chairperson.

COMMITTEE ON COMMITTEES PRELIMINARY REPORT

Senator McCoy offered the following Committee on Committees report:

Agriculture (8)

Rm. 2102 - Tuesday

Johnson (C), Bloomfield, Chambers, Harr, B., Kolterman, Larson, Riepe, Schilz

Appropriations (9)

Rm. 1524 - Monday & Tuesday

Rm. 1003 - Wednesday, Thursday, & Friday

Mello (C), Bolz, Haar, K., Hilkemann, Kintner, Kuehn, Nordquist, Stinner, Watermeier

Banking, Commerce and Insurance (8)

Rm. 1507 - Monday & Tuesday

Scheer (C), Campbell, Craighead, Gloor, Howard, Lindstrom, Schumacher, Williams

Business and Labor (7)

Rm. 2102 - Monday

Harr, B. (C), Bloomfield, Chambers, Crawford, Ebke, Johnson, McCollister

Education (8)

Rm. 1525 - Monday & Tuesday

Sullivan (C), Baker, Cook, Groene, Kolowski, Morfeld, Pansing Brooks, Schnoor

General Affairs (8)

Rm. 1510 - Monday

Larson (C), Coash, Hansen, Hughes, Kolterman, Krist, Riepe, Schilz

Government, Military and Veterans Affairs (8)

Rm. 1507 - Wednesday, Thursday, & Friday

Murante (C), Bloomfield, Craighead, Garrett, Groene, Hansen, Larson, McCoy

Health and Human Services (7)

Rm. 1510 - Wednesday, Thursday, & Friday

Campbell (C), Baker, Cook, Crawford, Howard, Kolterman, Riepe

Judiciary (8)

Rm. 1113 - Wednesday, Thursday, & Friday

Seiler (C), Chambers, Coash, Ebke, Krist, Morfeld, Pansing Brooks, Williams

Natural Resources (8)

Rm. 1525 - Wednesday, Thursday, & Friday

Schilz (C), Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schnoor

Nebraska Retirement Systems (6)

Rm. 1525 - At call of Chair

Nordquist (C), Davis, Groene, Kolowski, Kolterman, Mello

Revenue (8)

Rm. 1524 - Wednesday, Thursday, & Friday

Gloor (C), Brasch, Davis, Harr, B., Scheer, Schumacher, Smith, Sullivan

Transportation and Telecommunications (8)

Rm. 1113 - Monday & Tuesday

Smith (C), Brasch, Davis, Friesen, Garrett, McCoy, Murante, Seiler

Urban Affairs (7)

Rm. 1510 - Tuesday

Crawford (C), Coash, Ebke, Hansen, Hughes, Krist, McCollister

Committee on Committees (13)

McCoy (C)

District 1:Campbell
Coash (VC)
Garrett
SchumacherDistrict 2:Harr, B.
Krist
Mello
SmithDistrict 3:Bloomfield
Hadley
Schilz
WatermeierEnrollment and Review (1)

Hansen (C)

Reference (9)

Krist (C), Watermeier (VC), Campbell, Chambers, Coash, Hadley, Hughes, Larson, Murante, Mello (nonvoting ex officio)

Rules (6)

Garrett (C), Bloomfield, Krist, Nordquist, Schumacher, Hadley (ex officio)

Executive Board of the Legislative Council (9)

Krist (C), Watermeier (VC), Campbell, Chambers, Coash, Hadley, Hughes, Larson, Murante, Mello (nonvoting ex officio)

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1. Introduced by Executive Board: Krist, 10, Chairperson.

A BILL FOR AN ACT relating to a transfer of property; to eliminate a provision relating to transfer of property taking place in 1994; and to outright repeal section 83-1,100.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 2. Introduced by Executive Board: Krist, 10, Chairperson.

A BILL FOR AN ACT relating to correctional facilities; to eliminate provisions relating to design and location of certain correctional facilities done in 1970's; and to outright repeal section 83-954, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 3. Introduced by Executive Board: Krist, 10, Chairperson.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Cumulative Supplement, 2014; to repeal provisions relating to tax credits that terminated January 1, 2010; to harmonize provisions; to repeal the original section; and to outright repeal sections 77-27,228, 77-27,229, 77-27,230, 77-27,231, 77-27,232, 77-27,233,

and 77-27,234, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 4. Introduced by Executive Board: Krist, 10, Chairperson.

A BILL FOR AN ACT relating to the Nebraska Opportunity Zone Act; to repeal provisions that terminated December 31, 2010; and to outright repeal sections 81-12,117, 81-12,118, 81-12,119, 81-12,120, 81-12,121, 81-12,123, and 81-12,124, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 5. Introduced by Executive Board: Krist, 10, Chairperson.

A BILL FOR AN ACT relating to the Nebraska Innovation and High Wage Employment Act; to repeal provisions that terminated January 1, 2011; and to outright repeal sections 48-2801, 48-2802, 48-2803, 48-2804, and 48-2805, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 6. Introduced by Executive Board: Krist, 10, Chairperson.

A BILL FOR AN ACT relating to prenatal services; to repeal a provision that terminated June 30, 2011; and to outright repeal section 68-721, Revised Statutes Cumulative Supplement, 2014.

LEGISLATIVE BILL 7. Introduced by Executive Board: Krist, 10, Chairperson.

A BILL FOR AN ACT relating to the Lead-Based Paint Hazard Control Program; to repeal a provision that terminated June 30, 2011; and to outright repeal section 81-1212, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 8. Introduced by Executive Board: Krist, 10, Chairperson.

A BILL FOR AN ACT relating to the Children's Behavioral Health Oversight Committee of the Legislature; to amend section 71-821, Reissue Revised Statutes of Nebraska, and section 50-424, Revised Statutes Cumulative Supplement, 2014; to repeal provisions that terminated on December 31, 2012; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-827, Revised Statutes Cumulative Supplement, 2014.

LEGISLATIVE BILL 9. Introduced by Executive Board: Krist, 10, Chairperson.

A BILL FOR AN ACT relating to the Republican River Basin Water Sustainability Task Force; to repeal provisions that terminated on June 30, 2012; to repeal a fund that is no longer needed; and to outright repeal

sections 46-2,140 and 46-2,141, Revised Statutes Cumulative Supplement, 2014.

LEGISLATIVE BILL 10. Introduced by McCoy, 39.

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

LEGISLATIVE BILL 11. Introduced by Krist, 10.

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

LEGISLATIVE BILL 12. Introduced by Krist, 10.

A BILL FOR AN ACT relating to medicaid; to provide for suspension of medical assistance for inmates of public institutions as prescribed; and to provide duties for state and local agencies as prescribed.

LEGISLATIVE BILL 13. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Juvenile Services Act; to amend section 43-2404.02, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the Community-based Juvenile Services Aid Program; and to repeal the original sections.

LEGISLATIVE BILL 14. Introduced by Krist, 10.

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

LEGISLATIVE BILL 15. Introduced by Krist, 10.

A BILL FOR AN ACT relating to juveniles; to amend section 43-272.01, Revised Statutes Cumulative Supplement, 2014; to provide additional powers and duties for guardians ad litem; to define terms; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 16. Introduced by Krist, 10.

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

LEGISLATIVE BILL 17. Introduced by Krist, 10.

A BILL FOR AN ACT relating to gambling; to amend sections 9-1,101, 9-831, and 9-1006, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to transfers to the Compulsive Gamblers Assistance Fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 18. Introduced by Krist, 10.

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

LEGISLATIVE BILL 19. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Nebraska Safe Drinking Water Act; to amend section 71-5306, Reissue Revised Statutes of Nebraska; to change provisions relating to certification of laboratories as prescribed; and to repeal the original section.

LEGISLATIVE BILL 20. Introduced by Krist, 10.

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

LEGISLATIVE BILL 21. Introduced by Krist, 10.

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

LEGISLATIVE BILL 22. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Engineers and Architects Regulation Act; to amend section 81-3401, Reissue Revised Statutes of Nebraska; to

provide immunity to architects and professional engineers for certain professional services performed during an emergency; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 23. Introduced by Krist, 10.

A BILL FOR AN ACT relating to engineers and architects; to amend sections 81-3401, 81-3402, 81-3403, 81-3404, 81-3405.01, 81-3407, 81-3408, 81-3409, 81-3411, 81-3412, 81-3414, 81-3415, 81-3416, 81-3418, 81-3420, 81-3421, 81-3422, 81-3422.01, 81-3423, 81-3425, 81-3427, 81-3428, 81-3429, 81-3430, 81-3432, 81-3432.01, 81-3433, 81-3434, 81-3435, 81-3436, 81-3437, 81-3438, 81-3441, 81-3442, 81-3443, 81-3444, 81-3446, 81-3448, 81-3449, 81-3450, 81-3451, 81-3453, and 81-3454, Reissue Revised Statutes of Nebraska; to change the Engineers and Architects Regulation Act; to eliminate certain defined terms and provisions on examinations; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-3406, 81-3410, 81-3413, 81-3417, 81-3419, 81-3424, and 81-3452, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 24. Introduced by Krist, 10.

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

LEGISLATIVE BILL 25. Introduced by Krist, 10.

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

LEGISLATIVE BILL 26. Introduced by Krist, 10.

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

LEGISLATIVE BILL 27. Introduced by Krist, 10.

A BILL FOR AN ACT relating to vital statistics; to amend section 71-615,

Revised Statutes Cumulative Supplement, 2014; to create a reporting requirement when parenting time is established or modified; and to repeal the original section.

LEGISLATIVE BILL 28. Introduced by Krist, 10.

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

LEGISLATIVE BILL 29. Introduced by McCoy, 39.

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

LEGISLATIVE BILL 30. Introduced by McCoy, 39.

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

LEGISLATIVE BILL 31. Introduced by Bloomfield, 17.

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

LEGISLATIVE BILL 32. Introduced by Mello, 5.

A BILL FOR AN ACT relating to agency budgeting; to provide strategic duties for the Department of Correctional Services.

LEGISLATIVE BILL 33. Introduced by Mello, 5.

A BILL FOR AN ACT relating to state budgeting; to amend section 77-2715.01, Revised Statutes Cumulative Supplement, 2014; to require revenue volatility reporting as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 34. Introduced by Howard, 9.

A BILL FOR AN ACT relating to real estate; to amend section 76-2,120, Revised Statutes Cumulative Supplement, 2014; to adopt the Carbon

Monoxide Safety Act; to require information relating to compliance with the act on disclosure statements for sales of real estate; to provide a duty for the State Real Estate Commission; and to repeal the original section.

LEGISLATIVE BILL 35. Introduced by Howard, 9.

A BILL FOR AN ACT relating to corporations; to amend Laws 2014, LB 749, section 295; and sections 21-402, 21-403, 21-404, 21-405, 21-407, 21-408, 21-409, 21-410, 21-412, 21-414, and 70-1903, Revised Statutes Cumulative Supplement, 2014; to change the Nebraska Model Business Corporation Act operative date; to change Business Corporation Act references in the Nebraska Benefit Corporation Act and the Rural Community-based Energy Development Act; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 36. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to community colleges; to amend section 85-1539, Reissue Revised Statutes of Nebraska; to adopt the Community College Gap Assistance Program Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 37. Introduced by Krist, 10; Campbell, 25; Cook, 13; Crawford, 45; Gloor, 35; Howard, 9; Mello, 5; Watermeier, 1.

A BILL FOR AN ACT relating to drugs; to amend sections 28-425, 38-2810, 38-2811, 38-2819, 38-2831, 38-2833, 38-2837, 38-2843, 38-2866, 38-2884, 38-2887, 38-2890, 38-2892, 38-2895, 38-2899, 71-436, 71-2401, 71-2402, 71-2404, 71-2405, 71-2426, 71-2427, 71-2440, 71-2441, 71-2501, 71-2502, 71-2505, 71-2506, 71-2507, 71-2509, 71-2510, 71-2512, 71-5401.01, 71-5401.02, 71-5402, 71-5403, 71-5404, 71-5405, 71-5406, 71-5407, 71-5409, 71-7436, and 71-7444, Reissue Revised Statutes of Nebraska, and sections 38-2801, 38-2802, 38-2850, 38-2867, 38-2869, 38-2870, 71-401, 71-403, 71-448, 71-2421, 71-2453, and 71-7447, Revised Statutes Cumulative Supplement, 2014; to adopt the Prescription Drug Safety Act; to transfer, provide, change, and eliminate provisions relating to poisons, medicinal substances, prescription drugs and devices, the practice of pharmacy, and the licensure of pharmacies; to name the Poison Control Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 28-1438, 38-2848, 71-2403, and 71-2511, Reissue Revised Statutes of Nebraska, and section 28-1437, Revised Statutes Cumulative Supplement, 2014.

LEGISLATIVE BILL 38. Introduced by Kolowski, 31.

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

provisions; and to repeal the original sections.

LEGISLATIVE BILL 39. Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,317, Reissue Revised Statutes of Nebraska, and sections 60-601 and 60-6,133, Revised Statutes Cumulative Supplement, 2014; to provide and change requirements for overtaking and passing bicycles; to provide and eliminate requirements for persons operating bicycles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 40. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2305.01, 24-704.01, 79-904.01, 81-2019.01, 84-1305.02, and 84-1503, Reissue Revised Statutes of Nebraska; to grant the Public Employees Retirement Board certain investigative powers; and to repeal the original sections.

LEGISLATIVE BILL 41. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to retirement; to amend sections 23-1118 and 23-2301, Revised Statutes Cumulative Supplement, 2014; to redefine county for purposes of the county employees retirement; and to repeal the original sections.

LEGISLATIVE BILL 42. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to retirement; to amend section 13-2402, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to annual reports; and to repeal the original section.

LEGISLATIVE BILL 43. Introduced by Coash, 27.

A BILL FOR AN ACT relating to the Nebraska Probate Code; to amend sections 30-2619, 30-3002, 30-3003, 30-3004, and 30-3005, Reissue Revised Statutes of Nebraska, and section 30-2201, Revised Statutes Cumulative Supplement, 2014; to provide for appointment of standby guardians for incapacitated persons; to transfer and change provisions regarding recovery of estate assets; to provide for recovery of assets of wards as prescribed; to provide enforcement procedures; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 44. Introduced by Coash, 27.

A BILL FOR AN ACT relating to infants; to amend section 43-104.02, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to Notice of Objection to Adoption and Intent to Obtain Custody; and to repeal the original section.

LEGISLATIVE BILL 45. Introduced by Coash, 27.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,104, Revised Statutes Cumulative Supplement, 2014; to eliminate provisions regarding film vehicles; to harmonize provisions; to repeal the original section; and to outright repeal sections 60-327 and 60-383, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 46. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to the Statewide Trauma System Act; to amend sections 71-8201, 71-8203, 71-8204, 71-8206, 71-8212, 71-8217, 71-8229, 71-8230, 71-8240, 71-8244, 71-8245, and 71-8248, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to rehabilitation centers and trauma centers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 47. Introduced by Watermeier, 1.

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

LEGISLATIVE BILL 48. Introduced by Scheer, 19.

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

LEGISLATIVE BILL 49. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to schools; to require formation of allied systems as prescribed.

LEGISLATIVE BILL 50. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend sections 43-2511 and 68-911, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to covered services; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 51. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to the Intergovernmental Risk Management Act; to amend sections 44-4301 and 44-4309, Reissue Revised Statutes of Nebraska; to require certain disclosures prior to joining a risk management

pool; to change provisions relating to termination of participation in a pool; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 52. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.15, Revised Statutes Cumulative Supplement, 2014; to exempt sanitary drainage districts from sales and use taxes; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 53. Introduced by Scheer, 19.

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

LEGISLATIVE BILL 54. Introduced by Scheer, 19.

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

LEGISLATIVE BILL 55. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to the Emergency Management Act; to amend section 81-829.42, Reissue Revised Statutes of Nebraska; to provide authority to the Adjutant General to make emergency expenditures as prescribed; and to repeal the original section.

LEGISLATIVE BILL 56. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to state property; to provide procedures for donations of real property to the Northeast Community College Area; and to declare an emergency.

LEGISLATIVE BILL 57. Introduced by Scheer, 19.

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

LEGISLATIVE BILL 58. Introduced by Scheer, 19.

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

and to declare an emergency.

LEGISLATIVE BILL 59. Introduced by Scheer, 19.

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

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

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

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

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

LEGISLATIVE BILL 62. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 63. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 64. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 65. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to counties; to amend section 23-2,100, Reissue Revised Statutes of Nebraska; to change provisions relating to

termination of township boards; and to repeal the original section.

LEGISLATIVE BILL 66. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 67. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 68. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 69. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 70. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Mechanical Amusement Device Tax Act; to amend sections 77-3004, 77-3005, 77-3006, 77-3007, 77-3008, 77-3009, 77-3010, and 77-3011, Reissue Revised Statutes of Nebraska; to authorize cities, villages, and counties to impose occupation taxes on certain mechanical amusement devices; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 71. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 72. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to medicaid; to amend sections 30-3880, 30-3881, 30-3882, and 77-2018.02, Reissue Revised Statutes of Nebraska, and section 68-901, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the powers of trustees; to provide a lien for medicaid reimbursement as prescribed; to require a notice of inheritance tax petitions; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 73. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 74. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 75. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 76. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3504, Reissue Revised Statutes of Nebraska, and section 77-2715.07, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the earned income tax credit; to redefine household income for purposes of the homestead exemption; to provide an operative date; and to repeal the original sections.

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

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

LEGISLATIVE BILL 78. Introduced by Gloor, 35.

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

LEGISLATIVE BILL 79. Introduced by Gloor, 35.

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

LEGISLATIVE BILL 80. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to the Dentistry Practice Act; to amend sections 38-1101, 38-1102, 38-1108, 38-1112, 38-1113, 38-1137, 38-1138, 38-1139, 38-1140, 38-1141, 38-1142, 38-1143, 38-1144, 38-1145, 38-1146, 38-1147, and 38-1148, Reissue Revised Statutes of Nebraska; to provide, change, and eliminate requirements for permits for anesthesia, analgesia, and sedation as prescribed; to provide, change, and eliminate definitions; to provide requirements for sedation; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 81. Introduced by Cook, 13.

A BILL FOR AN ACT relating to social services; to amend section 68-1206, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to eligibility for assistance; and to repeal the original section.

LEGISLATIVE BILL 82. Introduced by Cook, 13.

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

LEGISLATIVE BILL 83. Introduced by Cook, 13.

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

LEGISLATIVE BILL 84. Introduced by Davis, 43.

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

LEGISLATIVE BILL 85. Introduced by Davis, 43.

A BILL FOR AN ACT relating to the Livestock Brand Act; to amend section 54-1,108, Revised Statutes Cumulative Supplement, 2014; to increase the brand inspection fee; and to repeal the original section.

LEGISLATIVE BILL 86. Introduced by Davis, 43.

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

LEGISLATIVE BILL 87. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the Nebraska Children's Commission; to amend sections 43-4202 and 43-4207, Revised Statutes Cumulative Supplement, 2014; to change membership on the commission; to change a reporting deadline; to repeal the original sections.

LEGISLATIVE BILL 88. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to fees; to amend section 33-110, Reissue Revised Statutes of Nebraska; to increase fees for marriage licenses as prescribed; and to repeal the original section.

LEGISLATIVE BILL 89. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to public assistance; to amend section 43-513, Reissue Revised Statutes of Nebraska, and sections 43-512, 68-1713, and 68-1726, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to aid to dependent children; to change provisions related to an earned income disregard; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 90. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the Nebraska Regulation of Health Professions Act; to amend sections 71-6207.02 and 71-6223.02, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions regarding initiation of a directed review; and to repeal the original sections.

LEGISLATIVE BILL 91. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to livestock; to repeal provisions regarding scabies, diseased swine, and hog cholera; to repeal the Hog Cholera Control and Eradication Act; and to outright repeal sections 54-724.01, 54-724.02, 54-726.04, 54-1401, 54-1402, 54-1403, 54-1403, 54-1404, 54-1405, 54-1406,

54-1407, 54-1408, 54-1409, 54-1410, 54-1411, 54-1501, 54-1503, 54-1505, 54-1508, 54-1509, 54-1510, 54-1511, 54-1512, 54-1513, 54-1514, 54-1515, 54-1516, 54-1517, 54-1518, 54-1519, 54-1520, 54-1521, 54-1522, and 54-1523, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 92. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to the Agricultural Liming Materials Act; to amend sections 2-4323, 2-4324, 2-4326, and 2-4327, Reissue Revised Statutes of Nebraska; to change requirements for annual report filing and report publication; to change provisions relating to enforcement; to provide for seizure and disposal of noncompliant agricultural liming materials; to change penalties; to provide a duty for the Attorney General and local county attorneys; to remove an obsolete provision; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 93. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to the Nebraska Commercial Fertilizer and Soil Conditioner Act; to amend sections 81-2,162.02, 81-2,162.04, 81-2,162.05, 81-2,162.06, 81-2,162.07, 81-2,162.08, 81-2,162.11, 81-2,162.23, and 81-2,162.27, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change commercial fertilizer labeling requirements; to change penalties; to change requirements for publishing sales information; to remove a license application requirement; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 94. Introduced by Smith, 14.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-165.01, Reissue Revised Statutes of Nebraska; to provide for issuance of a printed certificate of title to a nonresident as prescribed; to eliminate obsolete provisions; and to repeal the original section.

LEGISLATIVE BILL 95. Introduced by Smith, 14.

A BILL FOR AN ACT relating to bicycles; to amend sections 28-109, 39-101, 60-122, 60-338, 60-611, 60-637, 60-638, and 60-640, Reissue Revised Statutes of Nebraska, and sections 60-123, 60-339, 60-471, 60-4,182, and 60-501, Revised Statutes Cumulative Supplement, 2014; to redefine bicycle to include certain electric-powered bicycles; to exclude bicycles from certain definitions of motor vehicle; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 96. Introduced by Smith, 14.

A BILL FOR AN ACT relating to schools; to amend sections 79-528, 79-1007.18, 79-1008.02, 79-1022, 79-1036, 79-1041, 79-10,120, 79-10,126, 79-2104, 79-2111, and 79-2404, Reissue Revised Statutes of Nebraska, and

sections 70-651.04, 77-1736.06, and 77-3442, Revised Statutes Cumulative Supplement, 2014; to eliminate certain taxing authority of learning communities; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-1073, 79-1073.01, and 79-10,126.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 97. Introduced by Smith, 14.

A BILL FOR AN ACT relating to license plates; to amend sections 60-3,122 and 60-3,124, Reissue Revised Statutes of Nebraska; to eliminate additional fees for Pearl Harbor and disabled veteran plates; and to repeal the original sections.

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

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

LEGISLATIVE BILL 99. Introduced by Sullivan, 41; Cook, 13; Kolowski, 31.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-1429, Reissue Revised Statutes of Nebraska; to eliminate a duty for the Education Committee of the Legislature as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 100. Introduced by Sullivan, 41; Cook, 13; Kolowski, 31.

A BILL FOR AN ACT relating to the Community College Aid Act; to amend sections 85-1503 and 85-2234, Reissue Revised Statutes of Nebraska; to provide for allocation of state aid amounts to tribally controlled community colleges; and to repeal the original sections.

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

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

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

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-1412, 85-2101, 85-2102, 85-2104, 85-2106, and 85-2108, Reissue Revised Statutes of Nebraska; to rename and change provisions

relating to the Access College Early Scholarship Program Act; to create a scholarship program; to provide for eligibility; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 103. Introduced by Kintner, 2.

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

LEGISLATIVE BILL 104. Introduced by Krist, 10.

A BILL FOR AN ACT relating to utility service; to amend section 70-1605, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to notice of discontinuance of service; and to repeal the original section.

LEGISLATIVE BILL 105. Introduced by Watermeier, 1.

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

LEGISLATIVE BILL 106. Introduced by Watermeier, 1; Johnson, 23; Murante, 49.

A BILL FOR AN ACT relating to livestock; to amend section 23-114, Reissue Revised Statutes of Nebraska; to adopt the Livestock Operation Siting and Expansion Act; to change powers of counties relating to certain zoning actions; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 107. Introduced by Crawford, 45; Campbell, 25; Cook, 13; Groene, 42; Howard, 9; Kolterman, 24; Krist, 10; Kuehn, 38; Riepe, 12; Watermeier, 1.

A BILL FOR AN ACT relating to nurses; to amend sections 38-206, 38-2302, 38-2310, 38-2322, and 38-2323, Reissue Revised Statutes of Nebraska, and sections 38-2301 and 38-2315, Revised Statutes Cumulative Supplement, 2014; to eliminate requirements for integrated practice agreements for nurse practitioners; to provide for transition-to-practice agreements; to change provisions relating to credentialing and regulation; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 108. Introduced by Crawford, 45.

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

LEGISLATIVE BILL 109. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-502.01, Reissue Revised Statutes of Nebraska; to change residency requirements for veterans; to change applicability with respect to veterans; to remove a reference to a federal law; to repeal the original section; and to declare an emergency.

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

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

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

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

LEGISLATIVE BILL 112. Introduced by Larson, 40; Schilz, 47.

A BILL FOR AN ACT relating to presidential elections; to adopt the Interstate Compact on the Agreement Among the States to Elect the President by National Popular Vote.

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

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

RESOLUTION(S)**LEGISLATIVE RESOLUTION 1.** Introduced by Watermeier, 1.

WHEREAS, Dr. Thomas Ediger was born in York, Nebraska and grew up in Aurora, Nebraska; and

WHEREAS, Dr. Ediger earned a bachelor's degree in music education from the University of Nebraska, a master's degree in piano performance, and a doctorate in theory and composition from the University of Northern Colorado; and

WHEREAS, Dr. Ediger joined the Peru State College's faculty in 1979, serving as director of the concert choir and madrigal singers, and taught courses in music theory, music history, music education, and piano; and

WHEREAS, Dr. Ediger founded Peru State College's Piano Extravaganza in 1990, coordinated the college's annual High School Show Choir Festival and Choral Festival Honor Choir, and directed and produced the annual Holiday Madrigal Dinner; and

WHEREAS, in 2009, Dr. Ediger was awarded the Music Teachers National Association's (MTNA) Foundation Fellow Award in recognition of his service and leadership; and

WHEREAS, Dr. Ediger was a three-time winner of the Peru State College Teacher Excellence Award; and

WHEREAS, during his 35 years at Peru State College, Dr. Ediger positively influenced the lives of thousands of students; and

WHEREAS, Dr. Ediger passed away on August 20, 2014.

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

1. That the Legislature honor the memory of Dr. Thomas Ediger, an accomplished musician, whose talent, kindness, and commitment to Peru State College and his students will be greatly missed.

2. That the Legislature express and extend its sympathy and condolences at the passing of Dr. Ediger.

3. That a copy of this resolution be sent to the School of Arts and Sciences at Peru State College.

Laid over.

LEGISLATIVE RESOLUTION 2. Introduced by Davis, 43.

WHEREAS, Chadron High School was ranked 433rd out of the 500 schools on Newsweek's 2014 America's Top High Schools list; and

WHEREAS, Chadron High School was one of only three Nebraska schools that made the list; and

WHEREAS, Newsweek's rankings aim to identify the public high schools in the United States that do the best job of preparing students for college and overcoming the obstacles posed by socio-economic inequality; and

WHEREAS, despite a 33% poverty rate, Chadron High School ranked in the 71st percentile in college readiness, the 62nd percentile in college-bound students, and the 95th percentile in graduation rate; and

WHEREAS, in April 2014, Chadron High School was ranked the #2 Best High School in Nebraska by U.S. News and World Report; and

WHEREAS, Chadron High School is the only Nebraska school to be named to both lists for 2014.

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

1. That the Legislature congratulates the students, faculty, and staff of Chadron High School on their admirable rankings and applauds their dedication to a high standard of education.

2. That the Legislature recognizes the superior administration of Dr. Caroline Winchester, superintendent, and Jerry Mack, principal, and thanks them for their commitment to their students.

3. That a copy of this resolution be sent to Chadron Public Schools superintendent Dr. Caroline Winchester and principal Jerry Mack.

Laid over.

LEGISLATIVE RESOLUTION 3. Introduced by Davis, 43.

WHEREAS, Hay Springs High School was ranked 133rd out of the 500 schools on Newsweek's 2014 America's Top High Schools list; and

WHEREAS, Hay Springs High School was the highest of only three Nebraska schools that made the list; and

WHEREAS, Newsweek's rankings aim to identify the public high schools in the United States that do the best job of preparing students for college and overcoming the obstacles posed by socio-economic inequality; and

WHEREAS, despite a 44% poverty rate, Hay Springs High School ranked in the 91st percentile in college readiness, the 71st percentile in college-bound students, and the 81st percentile in graduation rate; and

WHEREAS, this ranking is a testament to the dedication of the students, as well as the commitment of the faculty and staff to ensuring the best educational opportunities for the students at Hay Springs, a school that has struggled in the past; and

WHEREAS, over the last five years, Hay Springs High School has progressed from being a persistently low-achieving school to reaching a 100% graduation rate and being recognized nationally for its success at college preparation.

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

1. That the Legislature congratulates the students, faculty, and staff of Hay Springs High School on their admirable ranking and applauds their whole-hearted commitment to a high standard of education.

2. That the Legislature congratulates Steve Pummel, superintendent and principal, on the vast improvement to the school over his six years as superintendent, and thanks him for his dedicated leadership.

3. That a copy of this resolution be sent to Steve Pummel, Hay Springs superintendent and principal.

Laid over.

LEGISLATIVE RESOLUTION 4. Introduced by Davis, 43.

WHEREAS, the Hemingford High School football team won the 2014 Class D-1 Football Championship by defeating Bruning-Davenport-Shickley by a score of 52-8; and

WHEREAS, the Hemingford High School football team lost the 2013 D-1 Championship by two points to Exeter-Milligan; and

WHEREAS, the win gave the Hemingford High School their first football championship and the first championship for a Nebraska panhandle team since 1986; and

WHEREAS, the Hemingford High School football team ended their 2014 season with a record of 13-0; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Hemingford High School football team on its undefeated season and winning the 2014 Class D-1 Football Championship.

2. That a copy of this resolution be sent to the Hemingford High School football team and Coach Jordan Haas.

Laid over.

LEGISLATIVE RESOLUTION 5. Introduced by Davis, 43.

WHEREAS, the original Modisett Ball Park was built in 1939 with \$12,000 given to Rushville by the Modisetts, a Sheridan County ranching family, for the express purpose of building a community ballpark; and

WHEREAS, over the last 70 years, the park, which was rated the second-best baseball field in Nebraska at one time, had fallen into severe disrepair with little funding for upkeep and maintenance; and

WHEREAS, last year, in response to a donation request to help renovate the dilapidated ballpark, Rushville natives John and Carmen Gottschalk pledged \$250,000 toward a complete rebuilding of the ballpark if the town could raise \$100,000, which the town met and exceeded by the deadline of March 2014; and

WHEREAS, the half-million dollar project included rebuilding the grandstand, laying new sod, installing an underground sprinkler system, new

detached restrooms, bleachers for additional seating, light poles, below grade dugouts, and an original sculpture by George Lundeen; and

WHEREAS, on August 30, 2014, Rushville and the surrounding community celebrated the grand-reopening of Modisett Ball Park with festivities and a fireworks show for a crowd of over 500. John Gottschalk threw out the first pitch in what would be a 7-4 win for Rushville over Chadron.

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

1. That the Legislature congratulate the community of Rushville and the project's many donors on bringing Modisett Ball Park back to life and renewing this spectacular historic place for everyone, young and old, to enjoy baseball.

2. That the Legislature express its gratitude to John and Carmen Gottschalk for their generosity to the Rushville community.

3. That a copy of this resolution be sent to Chris Heiser, mayor of Rushville, to the Sheridan County Journal Star, and to John and Carmen Gottschalk.

Laid over.

LEGISLATIVE RESOLUTION 6. Introduced by Davis, 43.

WHEREAS, Hyannis High School won the 2014 Class D-2 One-Act Play State Championship with their performance of "Schubert's Last Serenade" ; and

WHEREAS, this is Hyannis High School's second Class D-2 One-Act Play State Championship in a row; and

WHEREAS, Gabe Haney was named outstanding male performer, and Isabel Safarik was named outstanding female performer; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Hyannis High School for winning the 2014 Class D-2 One-Act Play State Championship, applauds the performance of Gabe Haney and Isabel Safarik, and recognizes the work of director Jeanne Gentry and assistant director Amanda Macy.

2. That a copy of this resolution be sent to the Hyannis High School One-Act team and to Jeanne Gentry and Amanda Macy.

Laid over.

ANNOUNCEMENT(S)

The Nebraska Retirement Systems Committee elected Senator Davis as Vice Chairperson.

Senator Sullivan announced the Education Committee will meet Friday, January 9, 2015, at 9:00 a.m. in Room 2022.

MOTION - Escort Committees

Senator Watermeier moved that a series of committees be appointed to escort the various state and constitutional officers for the purpose of administering their oaths of office.

The motion prevailed.

RECESS

At 11:18 a.m., on a motion by Senator McCoy, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Hadley presiding.

ROLL CALL

The roll was called and all members were present.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska Army and Air National Guard.

INAUGURAL CEREMONIES

Chief Justice Michael G. Heavican, administered the Oath of Office to the newly elected state officials.

Governor Pete Ricketts delivered the following inaugural address:

“We can grow Nebraska.”

President Foley, Speaker Hadley, Chief Justice Heavican, Members of the Legislature, distinguished guests, family, and fellow Nebraskans.

Congratulations on beginning the 104th Nebraska Legislature. I am humbled and honored to serve you as the 40th Governor of the great State of Nebraska.

Welcome to the new members of the Unicameral and my fellow constitutional officers. I look forward to working with each and every one of you.

Today, as is with all inauguration days, is a time of new beginning for the state of Nebraska. As I look into the future, I'm optimistic about the road that lies ahead. We have a great state, filled with opportunity.

It is also a time to take stock. We've turned the calendar to 2015. In a little over two years, we will celebrate Nebraska's 150th anniversary of statehood.

Our rich history is deeply rooted in freedom, opportunity, liberty, and the hope for a better life for future generations.

A few years before statehood in 1862, the Homestead Act was signed into law by President Abraham Lincoln, who also selected Nebraska to be a crossroads for a great transcontinental railroad.

The first Homesteaders were citizens, immigrants, and freed slaves. They traveled hundreds of miles to Nebraska by foot, wagon train and railroad seeking a better life.

A special incentive was provided for the patriots who served in the Union Army. One of the first Homesteaders, Daniel Freeman, was one such soldier. He claimed a piece of land at Cub Creek near Beatrice. Another veteran, Robert Ball Anderson, was a former slave who earned his freedom in the Union Army. In 1870, he became the first freed African-American Homesteader.

Today we gather in Lincoln, our state capital, named for one of the greatest of American presidents who shaped the destiny of our state. We continue to welcome all those who value freedom and are in search of a better life. We welcome people from all over the world, who study at our great Universities or work at our businesses, farms and ranches. And as our forefathers did a century and a half ago, we honor the veterans—the men and women who sacrificed and served our country.

Folks, we have a beautiful state filled with tremendous opportunity from the Missouri River to the Sandhills to the Pine Ridge.

Nebraska is what America is supposed to be.

The strength of our state lies in our people. Nebraskans are engaged in their communities, their schools, and their churches. And when we have problems, we find ways to work together despite our differences.

The future of our state continues to depend on our ability to pull together, to solve problems, and to grow Nebraska. I am excited to work together in a spirit of collaboration to move our great state forward.

To create the futures that Nebraska families want and deserve we must work toward four goals.

First, we must strengthen our economy and create jobs. These priorities go hand in hand. We must create more and better paying jobs for our kids and grandkids and attract kids from across the country. We must create the 21st century infrastructure and pro-growth policies that foster investment by business and productivity for our farms and ranches.

However, there's a major barrier to growing jobs in our state: Nebraska's high taxes. We must cut taxes.

Whether you're a homeowner, farmer, rancher, or small business owner, everyone feels the burden of high taxes.

Nebraskans from Alliance to Syracuse have expressed their strong interest in finding a pathway to property tax relief. That is my number one priority this year.

At the same time, we must act responsibly. It is our constitutional duty to balance our budget while funding the priorities that the people of Nebraska care about most.

Next, we must reduce regulatory burdens. Whether it's a livestock producer in Bridgeport or a manufacturer in Deshler, business owners bear the burden of oppressive over regulation.

As governor, I will stand up to the excessive regulation forced on us by Washington. At the state level, I will work to ensure our regulatory process is fair, transparent, and more efficient.

In addition, we must strengthen our education system. We must make sure our young people have the skills they need to compete in a 21st century global economy and in particular career and vocational training. Every manufacturer I've spoken to has told me they can't find enough skilled labor, and it's a barrier to them expanding in our state.

In the coming weeks, I will continue to meet with members of the legislature to build relationships so that we can Grow Nebraska.

As we work together, you will have other ideas on how to reach our goals. You may have other concerns you are hearing from your constituents. I promise I will listen closely and with an open mind.

Nebraskans want government to work. They hold us to high standards. I will work hard each and every day to meet those standards and safeguard the public's trust. I urge Nebraskans everywhere to stay engaged: You are the second house. Hold us accountable for what we achieve and help us Grow Nebraska

In the words of Virginia Smith, the only woman to represent Nebraska in the

U.S. House of Representatives, "There is no excellence without great labor."

On behalf of my wife Susanne and our entire family, thank you very much, and God Bless the people of this great state.

The Governor, Lt. Governor, their families, and other newly elected state officials were escorted from the Chamber.

VISITOR

The Doctor of the Day was Dr. Dale Michels from Lincoln.

ADJOURNMENT

At 2:51 p.m., on a motion by Senator Cook, the Legislature adjourned until 10:00 a.m., Friday, January 9, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

THIRD DAY - JANUARY 9, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 9, 2015

PRAYER

The prayer was offered by Senator Krist.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Cook and Nordquist who were excused; and Senator Kintner who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the second day was approved.

ANNOUNCEMENT(S)

The Revenue Committee elected Senator Schumacher as Vice Chairperson.

Senator Garrett announced the Rules Committee will meet Tuesday, January 13, 2015, at 1:30 p.m. in Room 1113.

The Chair announced the birthday of Senator Bloomfield.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 114. Introduced by McCoy, 39.

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

LEGISLATIVE BILL 115. Introduced by Scheer, 19.

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

LEGISLATIVE BILL 116. Introduced by Haar, K., 21.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-735.06, Reissue Revised Statutes of Nebraska, and section 31-735, Revised Statutes Cumulative Supplement, 2014; to change election procedures and membership for certain boards of trustees as prescribed; to harmonize provisions; and to repeal the original sections.

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

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

LEGISLATIVE BILL 118. Introduced by Larson, 40; Krist, 10.

A BILL FOR AN ACT relating to cigar shops; to amend sections 53-103.08 and 53-1,120.01, Reissue Revised Statutes of Nebraska, and sections 28-1429.03, 53-131, and 71-5730, Revised Statutes Cumulative Supplement, 2014; to define cigar shop; to permit certain sales as prescribed; to provide for a nonrefundable application fee and requirements for certain Class C liquor license applications; to preempt county resolutions and city ordinances relating to smoking in cigar shops; to state intent; to exempt cigar shops from the Nebraska Clean Indoor Air Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 119. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 120. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,167, Reissue Revised Statutes of Nebraska; to provide for the seizure of license plates of certain uninsured motor vehicles or trailers as prescribed; and to repeal the original section.

LEGISLATIVE BILL 121. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 122. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,356, Reissue Revised Statutes of Nebraska; to change provisions relating to the operation of utility-type vehicles; and to repeal the original section.

LEGISLATIVE BILL 123. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to warrants; to amend sections 77-2206 and 77-2214, Reissue Revised Statutes of Nebraska; to change provisions relating to the payment of warrants; to harmonize provisions; and to repeal the original sections.

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

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

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

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

LEGISLATIVE BILL 126. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to retirement; to amend section 23-1118, Revised Statutes Cumulative Supplement, 2014; to change a combined contribution rate as prescribed; and to repeal the original section.

LEGISLATIVE BILL 127. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-452, Revised Statutes Cumulative Supplement, 2014; to eliminate provisions

relating to the hunting of mountain lions; to repeal the original section; to outright repeal sections 37-472 and 37-473, Revised Statutes Cumulative Supplement, 2014; and to declare an emergency.

LEGISLATIVE BILL 128. Introduced by Chambers, 11.

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

LEGISLATIVE BILL 129. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-131, Revised Statutes Cumulative Supplement, 2014; to require criminal background checks for certain applicants for a license to practice as a nurse; and to repeal the original section.

COMMITTEE ON COMMITTEES FINAL REPORT

Senator McCoy moved to approve the following final Committee on Committees report:

Agriculture (8)

Rm. 2102 - Tuesday

Johnson (C), Bloomfield, Chambers, Harr, B., Kolterman, Larson, Riepe, Schilz

Appropriations (9)

Rm. 1524 - Monday & Tuesday

Rm. 1003 - Wednesday, Thursday, & Friday

Mello (C), Bolz, Haar, K., Hilkemann, Kintner, Kuehn, Nordquist, Stinner, Watermeier

Banking, Commerce and Insurance (8)

Rm. 1507 - Monday & Tuesday

Scheer (C), Campbell, Craighead, Gloor, Howard, Lindstrom, Schumacher, Williams

Business and Labor (7)

Rm. 2102 - Monday

Harr, B. (C), Bloomfield, Chambers, Crawford, Ebke, Johnson, McCollister

Education (8)

Rm. 1525 - Monday & Tuesday

Sullivan (C), Baker, Cook, Groene, Kolowski, Morfeld, Pansing Brooks, Schnoor

General Affairs (8)

Rm. 1510 - Monday

Larson (C), Coash, Hansen, Hughes, Kolterman, Krist, Riepe, Schilz

Government, Military and Veterans Affairs (8)

Rm. 1507 - Wednesday, Thursday, & Friday

Murante (C), Bloomfield, Craighead, Garrett, Groene, Hansen, Larson, McCoy

Health and Human Services (7)

Rm. 1510 - Wednesday, Thursday, & Friday

Campbell (C), Baker, Cook, Crawford, Howard, Kolterman, Riepe

Judiciary (8)

Rm. 1113 - Wednesday, Thursday, & Friday

Seiler (C), Chambers, Coash, Ebke, Krist, Morfeld, Pansing Brooks, Williams

Natural Resources (8)

Rm. 1525 - Wednesday, Thursday, & Friday

Schilz (C), Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schnoor

Nebraska Retirement Systems (6)

Rm. 1525 - At call of Chair

Nordquist (C), Davis, Groene, Kolowski, Kolterman, Mello

Revenue (8)

Rm. 1524 - Wednesday, Thursday, & Friday

Gloor (C), Brasch, Davis, Harr, B., Scheer, Schumacher, Smith, Sullivan

Transportation and Telecommunications (8)

Rm. 1113 - Monday & Tuesday

Smith (C), Brasch, Davis, Friesen, Garrett, McCoy, Murante, Seiler

Urban Affairs (7)

Rm. 1510 - Tuesday

Crawford (C), Coash, Ebke, Hansen, Hughes, Krist, McCollister

Committee on Committees (13)

McCoy (C)

District 1:

Campbell

Coash (VC)

Garrett

Schumacher

District 2:

Harr, B.

Krist

Mello

Smith

District 3:

Bloomfield

Hadley

Schilz

Watermeier

Enrollment and Review (1)

Hansen (C)

Reference (9)

Krist (C), Watermeier (VC), Campbell, Chambers, Coash, Hadley, Hughes, Larson, Murante, Mello (nonvoting ex officio)

Rules (6)

Garrett (C), Bloomfield, Krist, Nordquist, Schumacher, Hadley (ex officio)

Executive Board of the Legislative Council (9)

Krist (C), Watermeier (VC), Campbell, Chambers, Coash, Hadley, Hughes, Larson, Murante, Mello (nonvoting ex officio)

The Committee on Committees report was approved with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 130. Introduced by Watermeier, 1.

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

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

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

LEGISLATIVE BILL 132. Introduced by Ebke, 32; Coash, 27.

A BILL FOR AN ACT relating to the Joint Public Agency Act; to amend section 13-2530, Reissue Revised Statutes of Nebraska; to change the power of and procedures for joint public agencies to issue bonds as prescribed; and to repeal the original section.

LEGISLATIVE BILL 133. Introduced by Ebke, 32.

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

LEGISLATIVE BILL 134. Introduced by Johnson, 23.

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

LEGISLATIVE BILL 135. Introduced by Johnson, 23.

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

LEGISLATIVE BILL 136. Introduced by Johnson, 23.

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

LEGISLATIVE BILL 137. Introduced by Johnson, 23.

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

LEGISLATIVE BILL 138. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to land surveyors; to amend sections 23-1901, 23-1908, 23-1911, 39-1311.02, 81-8,108, 81-8,109, 81-8,110.01, 81-8,110.07, 81-8,118, 81-8,119.01, 81-8,120, 81-8,122.01, 81-8,123, 81-8,126, and 81-8,127, Reissue Revised Statutes of Nebraska; to name the Land Surveyors Regulation Act; to provide for a code of practice for land surveyors; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 139. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to real property; to amend sections 76-2204, 76-2205, 76-2205.01, 76-2208, 76-2210, 76-2210.01, 76-2210.02, 76-2211.02, 76-2212, 76-2215, 76-2217, 76-2218, 76-2219, 76-2220, 76-2222, 76-2239, 76-2242, 76-2243, 76-2244, 76-2245, 76-2246, 76-2247.01, and 76-2250, Reissue Revised Statutes of Nebraska, and sections 76-2201, 76-2202, 76-2203, 76-2206, 76-2210.03, 76-2211, 76-2212.01, 76-2212.02, 76-2212.03, 76-2213, 76-2213.01, 76-2216, 76-2217.04, 76-2221, 76-2223, 76-2227, 76-2228, 76-2228.01, 76-2228.02, 76-2229, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01, 76-2233.02, 76-2236, 76-2237, 76-2238, 76-2241, 76-2249, 76-3202, 76-3204, 76-3208, 76-3213, and 76-3215, Revised Statutes Cumulative Supplement, 2014; to

change and eliminate provisions relating to the Real Property Appraiser Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 76-2211.01 and 76-2217.01, Reissue Revised Statutes of Nebraska, and section 76-2229.01, Revised Statutes Cumulative Supplement, 2014.

LEGISLATIVE BILL 140. Introduced by Davis, 43.

A BILL FOR AN ACT relating to elections; to amend sections 22-412, 32-517, 32-518, 32-520, 32-521, 32-522, 32-523, 32-526, 32-528, 32-529, 32-611, 32-612, 32-721, 32-810, 32-813, 32-814, 32-912, and 32-1033, Reissue Revised Statutes of Nebraska, and sections 32-312, 32-519, 32-524, 32-525, 32-602, 32-610, 32-615, 32-616, 32-623, 32-627, 32-702, 32-809, and 32-811, Revised Statutes Cumulative Supplement, 2014; to change provisions for voting for partisan county offices in primary elections in certain counties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 141. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Public Entities Mandated Project Charges Act; to amend sections 70-1801, 70-1802, 70-1803, 70-1806, 70-1812, and 70-1813, Reissue Revised Statutes of Nebraska; to define a term; to provide for creation of mandated project bond issuers and to provide powers and duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 142. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-1220, Reissue Revised Statutes of Nebraska, and sections 37-201, 37-1214, 37-1215, and 37-1219, Revised Statutes Cumulative Supplement, 2014; to create the Aquatic Invasive Species Program; to provide funding; to create a fee and stamp; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 143. Introduced by Schilz, 47.

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

LEGISLATIVE BILL 144. Introduced by Davis, 43.

A BILL FOR AN ACT relating to community colleges; to amend sections 85-1517 and 85-2234, Reissue Revised Statutes of Nebraska; to reduce the levy authority of community college areas as prescribed; to increase the

amount of state aid to community colleges under the Community College Aid Act; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 145. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-139 and 8-157, Reissue Revised Statutes of Nebraska; to change provisions and penalties relating to executive officers of banks and to eliminate a license requirement; to provide for the suspension of executive officers by the Department of Banking and Finance as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 146. Introduced by Crawford, 45; Bloomfield, 17; Hansen, 26.

A BILL FOR AN ACT relating to the Cremation of Human Remains Act; to amend sections 71-1355, 71-1382, and 80-104, Reissue Revised Statutes of Nebraska, and section 71-1356, Revised Statutes Cumulative Supplement, 2014; to define and redefine terms; to provide for disposition of certain unclaimed cremated remains in a veteran cemetery as prescribed; to harmonize provisions; and to repeal the original sections.

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

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

LEGISLATIVE BILL 148. Introduced by Crawford, 45.

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

LEGISLATIVE BILL 149. Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Hughes, 44; Krist, 10; McCollister, 20.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-735, Revised Statutes Cumulative Supplement, 2014; to change election procedures; and to repeal the original section.

LEGISLATIVE BILL 150. Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Hughes, 44; Krist, 10; McCollister, 20.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend section 18-2709, Reissue Revised Statutes of Nebraska, and section 18-2705, Revised Statutes Cumulative Supplement, 2014; to redefine terms; and to repeal the original sections.

LEGISLATIVE BILL 151. Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Hughes, 44; Krist, 10; McCollister, 20.

A BILL FOR AN ACT relating to real property; to amend sections 25-2142, 76-1006, and 76-1012, Reissue Revised Statutes of Nebraska; to provide for a person designated to accept city or village notices in cases of mortgaged property or trust deed default; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 152. Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Hughes, 44; Krist, 10; McCollister, 20.

A BILL FOR AN ACT relating to cities and villages; to authorize cities and villages to borrow from state-chartered or federally chartered financial institutions as prescribed; and to provide a duty for the Revisor of Statutes.

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

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

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

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Board of Regents of the University of Nebraska for economic competitiveness initiatives that seek to advance strategic, multicampus initiatives that serve Nebraskans; and to declare an emergency.

LEGISLATIVE BILL 155. Introduced by Willams, 36; Stinner, 48.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-116, 8-128, and 8-153, Reissue Revised Statutes of Nebraska, and section 8-1402, Revised Statutes Cumulative Supplement, 2014; to change amounts of and notice requirements for capital stock requirements; to change provisions relating to the clearing and settlement of checks; to change

provisions relating to disclosure of confidential records; and to repeal the original sections.

LEGISLATIVE BILL 156. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-6306, Revised Statutes Cumulative Supplement, 2014; to change the amount of tax credits allowed under the Angel Investment Tax Credit Act; and to repeal the original section.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 7CA. Introduced by Schumacher, 22.

THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2016 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 7 and 12:

III-7 At the general election to be held in November 2020 and every six years thereafter, members of the Legislature representing odd-numbered districts shall be elected for six-year terms, with the manner of such election to be determined by the Legislature. At the general election in November 2022 and every six years thereafter, members of the Legislature representing even-numbered districts shall be elected to terms of six years, with the manner of such election to be determined by the Legislature. Until the general election elections to be held in November 1964 2020 and November 2022, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years in November of every even-numbered year, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month during the term of his or her office. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than his or her salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.

III-12 (1) No person shall be eligible to serve as a member of the Legislature for ~~four~~six years next after the expiration of two consecutive

terms regardless of the district represented. This section applies to consecutive four-year terms, consecutive six-year terms, and consecutive terms of four years and six years.

(2) Service prior to January 1, 2001, as a member of the Legislature shall not be counted for the purpose of calculating consecutive terms in subsection (1) of this section.

(3) For the purpose of this section, service in office for more than one-half of a term shall be deemed service for a term.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to limit the service of members of the Legislature to two consecutive six-year terms and provide for implementation of six-year terms.

For

Against.

LEGISLATIVE RESOLUTION 8. Introduced by Johnson, 23.

WHEREAS, the David City Aquinas Catholic High School football team won the 2014 Class C-2 State Football Championship by defeating Hartington Cedar Catholic by a score of 40-6; and

WHEREAS, this is the seventh state championship for the David City Aquinas Catholic High School football team, as the team also won championships in 1980, 1993, 1994, 1997, 2011, and 2012; and

WHEREAS, the David City Aquinas Catholic High School football team has appeared in the state-title game ten times; and

WHEREAS, the David City Aquinas Catholic High School football team ended their 2014 season with a record of 12-1; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the David City Aquinas Catholic High School football team on winning the 2014 Class C-2 State Football Championship.

2. That a copy of this resolution be sent to the David City Aquinas Catholic High School football team.

Laid over.

LEGISLATIVE RESOLUTION 9. Introduced by Gloor, 35; Friesen, 34.

WHEREAS, Hornady Manufacturing in Grand Island was named the 2014 Nebraska Manufacturer of the Year; and

WHEREAS, Hornady Manufacturing was created out of Joyce Hornady's love for hunting and competitive shooting; and

WHEREAS, Hornady Manufacturing's first products were hand-crafted by Joyce Hornady and his original partner Vernon Speer; and

WHEREAS, in 1949, Joyce Hornady used a garage in Grand Island to produce his own 30 caliber bullet; and

WHEREAS, Hornady Manufacturing has been managed and expanded by the hard work and passion of the Hornady family; and

WHEREAS, Hornady Manufacturing is today an industry leader in the development and innovation of ammunition, independent components, and machinery for manufacturing these products.

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

1. That the Legislature congratulates Hornady Manufacturing on being named the 2014 Nebraska Manufacturer of the Year and commends the Hornady family on their achievements.

2. That a copy of this resolution be sent to Hornady Manufacturing and Steve Hornady, president of Hornady Manufacturing.

Laid over.

ANNOUNCEMENT(S)

The Transportation and Telecommunications Committee elected Senator Brasch as Vice Chairperson.

The Education Committee elected Senator Kolowski as Vice Chairperson.

VISITOR

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

ADJOURNMENT

At 10:56 a.m., on a motion by Senator Crawford, the Legislature adjourned until 10:00 a.m., Monday, January 12, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTH DAY - JANUARY 12, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, January 12, 2015

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Nordquist who was excused; and Senator Pansing Brooks who was excused until she arrives.

PRAYER

The prayer was offered by Pastor Philip Hale, St. Paul Lutheran Church of Bancroft and St. John Lutheran Church of Lyons.

CORRECTIONS FOR THE JOURNAL

The Journal for the third day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

| LB/LR | Committee |
|--------------|---|
| LB1 | General File |
| LB2 | General File |
| LB3 | General File |
| LB4 | General File |
| LB5 | General File |
| LB6 | General File |
| LB7 | General File |
| LB8 | General File |
| LB9 | General File |
| LB10 | Government, Military and Veterans Affairs |
| LB11 | Banking, Commerce and Insurance |
| LB12 | Health and Human Services |
| LB13 | Judiciary |
| LB14 | Judiciary |
| LB15 | Judiciary |

| | |
|------|---|
| LB16 | Government, Military and Veterans Affairs |
| LB17 | General Affairs |
| LB18 | Education |
| LB19 | Health and Human Services |
| LB20 | Revenue |
| LB21 | Health and Human Services |
| LB22 | Judiciary |
| LB23 | Health and Human Services |
| LB24 | Government, Military and Veterans Affairs |
| LB25 | Judiciary |
| LB26 | Revenue |
| LB27 | Health and Human Services |
| LB29 | Education |
| LB30 | Judiciary |
| LB31 | Transportation and Telecommunications |
| LB32 | Appropriations |
| LB33 | Appropriations |
| LB35 | Banking, Commerce and Insurance |
| LB36 | Education |
| LB37 | Health and Human Services |
| LB38 | Judiciary |
| LB39 | Transportation and Telecommunications |
| LB40 | Nebraska Retirement Systems |
| LB41 | Nebraska Retirement Systems |
| LB42 | Nebraska Retirement Systems |
| LB43 | Judiciary |
| LB44 | Judiciary |
| LB45 | Transportation and Telecommunications |
| LB46 | Health and Human Services |
| LB47 | Transportation and Telecommunications |
| LB48 | Banking, Commerce and Insurance |
| LB49 | Education |
| LB50 | Health and Human Services |
| LB51 | Banking, Commerce and Insurance |
| LB52 | Revenue |
| LB53 | Transportation and Telecommunications |
| LB54 | Education |
| LB55 | Government, Military and Veterans Affairs |
| LB56 | Executive Board |
| LB57 | Appropriations |
| LB58 | Education |
| LB59 | Education |
| LB60 | Judiciary |
| LB61 | Government, Military and Veterans Affairs |
| LB62 | Revenue |
| LB63 | Revenue |
| LB64 | Revenue |
| LB65 | Government, Military and Veterans Affairs |
| LB66 | Judiciary |

| | |
|-------|---|
| LB67 | Banking, Commerce and Insurance |
| LB68 | Revenue |
| LB69 | Revenue |
| LB70 | Revenue |
| LB71 | Revenue |
| LB72 | Judiciary |
| LB73 | Revenue |
| LB74 | Revenue |
| LB75 | Revenue |
| LB76 | Revenue |
| LB77 | Health and Human Services |
| LB78 | Banking, Commerce and Insurance |
| LB79 | Banking, Commerce and Insurance |
| LB80 | Health and Human Services |
| LB81 | Health and Human Services |
| LB82 | Appropriations |
| LB83 | Business and Labor |
| LB84 | Government, Military and Veterans Affairs |
| LB85 | Agriculture |
| LB86 | Natural Resources |
| LB87 | Health and Human Services |
| LB88 | Judiciary |
| LB89 | Health and Human Services |
| LB90 | Health and Human Services |
| LB91 | Agriculture |
| LB92 | Agriculture |
| LB93 | Agriculture |
| LB94 | Transportation and Telecommunications |
| LB95 | Transportation and Telecommunications |
| LB96 | Education |
| LB97 | Transportation and Telecommunications |
| LB98 | Appropriations |
| LB99 | Education |
| LB100 | Education |
| LB101 | Education |
| LB102 | Education |
| LB103 | Education |
| LB104 | Natural Resources |
| LB105 | Appropriations |
| LB106 | Agriculture |
| LB107 | Health and Human Services |
| LB108 | Appropriations |
| LB109 | Education |
| LB110 | Appropriations |
| LB111 | Government, Military and Veterans Affairs |
| LB112 | Government, Military and Veterans Affairs |
| LB113 | Judiciary |

Barels, Brian - Nebraska Natural Resources Commission - Natural Resources
Bartee, Todd - Nebraska Child Abuse Prevention Fund Board - Health and Human Services
Batie, Donald P. - Nebraska Natural Resources Commission - Natural Resources
Bernthal, John - Coordinating Commission for Postsecondary Education - Education
Borcher, Kevin - State Board of Health - Health and Human Services
Brummer, James S. - State Electrical Board - General Affairs
Christensen, Joel G. - Nebraska Natural Resources Commission - Natural Resources
Clouse, Stan - Nebraska Natural Resources Commission - Natural Resources
Dinkel, John - Nebraska Investment Council - Nebraska Retirement Systems
Fleming, Shane - State Board of Health - Health and Human Services
Flood, Mary Fran - Nebraska Child Abuse Prevention Fund Board - Health and Human Services
Gong, Brian - Technical Advisory Committee for Statewide Assessment - Education
Hansen, Keith - State Emergency Response Commission - Government, Military and Veterans Affairs
Hofbauer, Tim - State Emergency Response Commission - Government, Military and Veterans Affairs
Hopp, Russell - State Board of Health - Health and Human Services
Huggenberger, Steven - Nebraska Natural Resources Commission - Natural Resources
Kircher, Patricia M. - Nebraska Educational Telecommunications Commission - Education
Knutson, Thomas - Nebraska Natural Resources Commission - Natural Resources
Konda, Teresa - State Board of Health - Health and Human Services
Kosman, Henry H. (Hod) - Nebraska Natural Resources Commission - Natural Resources
Kraus, Don - Nebraska Natural Resources Commission - Natural Resources
Marshall, William, III - Nebraska State Fair Board - Agriculture
Miller, Dana - State Emergency Response Commission - Government, Military and Veterans Affairs
Oliver, Thomas D. - Nebraska Oil and Gas Conservation Commission - Natural Resources
Ourada, Tom - State Electrical Board - General Affairs
Palm, Owen A. - Nebraska Natural Resources Commission - Natural Resources
Palmertree, Tom - Nebraska Natural Resources Commission - Natural Resources
Poole, Linda - Technical Advisory Committee for Statewide Assessment - Education
Ruiz, Gerard A. (Fred) - Crime Victim's Reparations Committee - Judiciary

Sawyer, Richard - Technical Advisory Committee for Statewide Assessment
- Education
Schindler, Michelle - Crime Victim's Reparations Committee - Judiciary
Schlegel, Carol E. - Nebraska Tourism Commission - Government, Military
and Veterans Affairs
Seever, Samuel - State Personnel Board - Government, Military and
Veterans Affairs
Smathers, Scott - Nebraska Natural Resources Commission - Natural
Resources
Smith, Lindsey - Nebraska Natural Resources Commission - Natural
Resources
Strauch, Walter Dennis - Nebraska Natural Resources Commission - Natural
Resources
Taylor, Loren - Nebraska Natural Resources Commission - Natural
Resources
Teetor, Travis James - State Board of Health - Health and Human Services
Turk, Frank R. - Commission for the Deaf and Hard of Hearing - Health and
Human Services
Waddle, Christopher - State Personnel Board - Government, Military and
Veterans Affairs
Wilson, Glenn R., Jr. - Board of Educational Lands and Funds - Education

(Signed) Bob Krist, Chairperson
Executive Board

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 11,
2015, in accordance with Section 49-1481, Revised Statutes of Nebraska.
Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Abboud, Chris - Public Affairs Group
Manheims Omaha Auto Auction
Monsanto
Omaha Police Officers Association
Vehicle and Truck Cleaning Tax Association
Adair, Peggy
League of Women Voters of Greater Omaha
League of Women Voters of Nebraska
Alston, Garth R.
Altria Client Services Inc. and its Affiliates
Amack, Angela K.
Center for People in Need
Grand Island Public Schools
International Brotherhood of Electrical Workers (IBEW)
Nebraska Professional Fire Fighters Association (NPFFA)

American Communications Group, Inc.
American Cancer Society Cancer Action Network
American Heart Association
Association of Surgical Technologists
Autism Speaks
Big Red Keno aka EHPV Lottery Services, LLC
Center for Rural Affairs
Empyrean Brewing Company
Friends of Public Health in Nebraska
Goodwill Association of Iowa/Nebraska
Health Center Association of Nebraska
Nebraska Academy of Physician Assistants
Nebraska Association of Behavioral Health Organizations
Nebraska Association of Public Employees NAPE/AFSCME Local 61
Nebraska Board of Engineers and Architects
Nebraska Chapter of the American Physical Therapy Association
Nebraska Child Healthcare Alliance
Nebraska Dental Assistants Association
Nebraska Emergency Medical Services Association
Nebraska Psychological Association
Nebraska Society for Respiratory Care
Nebraska Speech-Language-Hearing Association (NSLHA)
North Central States Regional Council of Carpenters
Regions II and V
Research Nebraska!
Teamsters Local Union 554
Vigilnet America LLC
Wind Coalition, The
YMCA's of Nebraska

Andersen, Robert C.
Nebraska Cooperative Council

Anderson, Benjamin
First Five Nebraska

Anderson, Stacy R.
Nebraskans For Alternatives to the Death Penalty

Baack, Dennis G.
Nebraska Community College Association

Babcock, Marsha L.
Mechanical Contractors Association of Omaha, Inc.

Badeer, Debra A.
Nebraska Christian Home Educators Association

Baier, Richard J.
Nebraska Bankers Association

Bailey, Jon M.
Center for Rural Affairs

Barrett, John R.
Great Plains Communications, Inc.

Becker, Jill
Black Hills Energy

Becker, Timothy A.
Heartland Strategy Group, LLC

Beermann, Allen J.
Nebraska Press Association

Belka, Matt
Nebraska Association of School Boards

Bell, David
Loup River Public Power District

Benjamin, Melody
Nebraska Cattlemen, Inc.

Beyer, Nolan
Millard Public Schools

Boddy, Heath
Nebraska Health Care Association, Inc.

Bohrer, Bruce J.
Lincoln Chamber of Commerce

Bonaiuto, John A.
Nebraska Association of School Boards

Borgeson, Robert A.
United Transportation Union

Bowen, Steven S.
Nebraska Occupational Therapy Association

Bowling, Karen
Nebraska Family Alliance

Bradford, Jonathan
Kissel/E&S Associates, LLC

Brandt, Horan, Hallstrom and Stilmock
National Federation of Independent Business (NFIB)
Nebraska Bankers Association
Nebraska Bankers Insurance and Services Company (NBISCO)
Nebraska Fire Chiefs' Association
Nebraska Pharmacists Association
Nebraska State Volunteer Firefighters' Association
Nebraskans for Workers' Compensation Equity and Fairness
NetWorks, Inc.

Breed, Roger D.
RDB - LLC

Bruning, Deonne
U.S. Cellular
Windstream Communications

Buettner, Jeffrey J.
Central Nebraska Public Power and Irrigation

Byers, Thomas L.
Magellan Midstream Partners

Carritt, Nicole
Project Extra Mile

Carstenson, Eric B.
Nebraska Telecommunications Association

Cavanaugh Law Firm, P.C., L.L.O.
Explore Information Services
Independent Insurance Agents of Nebraska

Cavanaugh, James P.
Cavanaugh Law Firm, P.C., L.L.O.

Chaffee, Meghan
Nebraska Hospital Association

Cheloha, John A.
City of Omaha

Chittenden, Michael J.
Arc of Nebraska, The

Clark, Dick
Nebraska Firearms Owners Association (NFOA)

Cole, Jeff
Nebraska Children and Families Foundation

Cover, Joni
Nebraska Pharmacists Association

Crawford, Brittany
Heartland Strategy Group, LLC

Creager, Jennifer
Greater Omaha Chamber

Cunningham, Douglas
Affiliated Foods Midwest

Cunningham, James R.
Nebraska Catholic Conference

Davis, Jeffrey N.
Burlington Northern Sante Fe (BNSF) Railway Company

Davison-Rippey, Erin
Planned Parenthood of the Heartland

Dibbern, Chris
Nebraska Municipal Power Pool

Dittmer, Judy
AARP Nebraska

Dix, Larry J.
Nebraska Association of County Officials

Dobler, James B.
Nebraska Insurance Information Service
Professional Insurance Agents of Nebraska

Driscoll, Jim
Pfizer, Inc.

Dubas, Annette
Nebraska Association of Behavioral Health Organizations

Dudley, William H.
Aflac

Dulaney, Michael S.
Nebraska Council of School Administrators

Dunning, Eric
Blue Cross and Blue Shield of Nebraska

Edson, Dean E.
Nebraska Association of Resources Districts

Edwards, Jon
Nowka and Edwards

Eppler, Robert
AARP Nebraska

Erb, Matthew
Lincoln Education Association

Erickson, Julie S.
American Communications, Inc.

Ernst, Dan E.
Nebraska Council of School Administrators

Falk, W. Jarad
Time Warner Cable

Faustman, Nick
Licensed Practical Nurse Association of Nebraska (LPNAN)
Nebraska Health Care Association, Inc.

Ferrell, Beth Bazyn
Nebraska Association of County Officials

Field, Laura
Nebraska Cattlemen, Inc.

Fraizer, Theodore D. (Tad)/Fraizer & Fraizer
American Insurance Association
Mutual of Omaha

Freeman, Clayton
Alzheimer's Association Nebraska Chapter

Frohman, Ann M.
Nebraska Medical Association

Fry, Renee
OpenSky Policy Institute

Gay, Tim
Husch Blackwell LLP

Geis, Gavin Lawrence
Common Cause National

Gerrard, Eric
American Communications, Inc.
City of Lincoln

Gilbertson, Korby M.
Radcliffe, Walter H. of Radcliffe and Associates

Goettemoeller, Jennifer M.
First Five Nebraska

Gokie, Mark T.
Farmers Mutual of Nebraska

Goodman, Joshua
Pew Charitable Trusts, The

Gotsdiner, Kathryn
Kelley & Jerram, PC, LLO

Gottschalk, Kristen
Nebraska Rural Electric Association

Gould, John 'Jack'
Common Cause National
Common Cause Nebraska

Grasz, Steve
Husch Blackwell LLP

Habben, Jon
Nebraska Rural Community Schools Association

Hack, Mace A.
Nature Conservancy, The

Hallstrom, Robert J.
Brandt, Horan, Hallstrom and Stilmock

Hansen, John K.
Nebraska Farmers Union

Hartmann, William
Nebraska One-Call Notification Center

Harvey, William F.
Big Red Keno aka EHPV Lottery Services, LLC
Vigilnet America LLC

Hassebrook, Kristen
Nebraska Cattlemen, Inc.

Hayes, Jason W.
Nebraska State Education Association

Heartland Strategy Group, LLC
Bennington Public Schools
Blue Cross and Blue Shield of Nebraska
Community Alliance, Inc.
Consumer Electronics Association
Lamar Outdoor Advertising Company
Nebraska Coalition of Agricultural Manufacturers
Nebraska Collectors Association
Nebraska Credit Union League
Nebraska School Activities Association
Omaha Police Officers Association
Omaha Professional Firefighters Association

Heidemann, Lavon L
Nebraska Farm Bureau Federation

Herzog, Frank
AARP Nebraska

Higgins, Shirley
Nebraska Public Power District

Hoffman, Scott J.
ABATE of Nebraska, Inc.

Hollingsead, Andrew
Nebraska Organ Recovery System, Inc.

Holmquist, David
American Cancer Society Cancer Action Network

Hurst, Elisabeth
Nebraska Hospital Association

Husch Blackwell LLP
Ash Grove Cement Company
Blue Cross and Blue Shield of Nebraska
Home Instead, Inc.
Invenergy LLC
Koch Companies Public Sector, LLC and Affiliates
KVC Health Systems, Inc.
Nebraska Chiropractic Physicians Association
Nebraska Indoor Tanning Association
NextEra Energy Resources, LLC
Papillion - La Vista School District
Papio-Missouri River Natural Resources District
Sarpy County Board of Commissioners
Waste Management, Inc.

Intermill, Mark
AARP Nebraska

Irsik, Ryan
Wal-Mart Stores, Inc.

Jarecke, David A.
Nebraska Rural Electric Association

Jarecke, Kate Kulesher
Novartis Pharmaceuticals Corporation

Jeffers, Thomas E.
Nebraska Cooperative Council

Jensen Rogert Associates, Inc.
ABATE of Nebraska, Inc.
Altria Client Services Inc. and its Affiliates
Children's Respite Care Center
CNSI
Eli Lilly and Company
Industrial Energy Users of Nebraska
LeadingAge Nebraska
Learning Community of Douglas and Sarpy Counties
Magellan Health, Inc.
Mosaic
National Rifle Association
Nebraska Association of Nurse Anesthetists
Nebraska Dental Hygienists' Association
Nebraska Intellectual Disabilities Services Providers
Nebraska Optometric Association
Nebraska Podiatric Medical Association
Statewide Property Owners' Association

Jensen, Ronald L.
Jensen Rogert Associates, Inc.

Joekel, Tiffany
Coalition for a Strong Nebraska

Johnson, Kevin
AstraZeneca Pharmaceuticals

Johnson, Larry
Nebraska Trucking Association

Johnson, Mary A.
Mueller Robak, LLC

Jorgensen, Jennifer
Nebraska Association of School Boards

Junge, Jolanda J.
We Support Agriculture

Karl, Jamie
Nebraska Chamber of Commerce & Industry

Karnes, David K.
Big Red Keno aka EHPV Lottery Services, LLC
Vigilnet America LLC

Kay, Sara A.
American Institute of Architects - AIA Nebraska

Keigher & Associates, LLC
Credit Management Services
Iowa-Nebraska Equipment Dealers Association
Luxottica Retail North America (formerly LensCrafters)
MillerCoors, LLC
National Guard Association of Nebraska
Nebraska AirBoat Association
Nebraska Aviation Trade Association
Nebraska Community College Association
Nebraska Land Improvement Contractors Association
Professional Towers Association of Nebraska

Keigher, Timothy P.
Keigher & Associates, LLC
Nebraska Petroleum Marketers & Convenience Store Association

Kelley & Jerram, PC, LLO
Cigar Association of America, Inc.
Daily Record, The
Douglas County, Nebraska
Eastern Nebraska Human Services Agency
Elevator Industry Work Preservation Fund
Guardian Tax Partners
Johnson Brothers of Nebraska
Nebraska Coalition for Capital
Nebraska State Lodge of the Fraternal Order of Police
Westside Community Schools

Kelley Governmental Relations, LLC
Creighton University
Metro Area Transit (O-Metro)
No Do Zest Operating, LLC
Omaha Airport Authority

Kelley, Michael A.
Kelley & Jerram, PC, LLO
Kelley Governmental Relations, LLC

Kelley, Sean
Kelley & Jerram, PC, LLO
Kelley Governmental Relations, LLC

Kennedy, Barry L.
Nebraska Chamber of Commerce & Industry

Kenny, Timothy R.
Nebraska Investment Finance Authority

Kevil, G. Bruce
Associated Builders and Contractors, Inc.

Kilgarin, Karen
Nebraska State Education Association

Kissel, Gordon
Kissel/E&S Associates, LLC

Kissel/E&S Associates, LLC
Aksamit Resource Management
American Petroleum Institute
AmeriHealth Caritas
Associated Beverage Distributors of Nebraska
Boys & Girls Clubs Alliance of Nebraska
Burlington Northern Sante Fe (BNSF) Railway Company
Erickson & Sederstrom, PC
Heartland Strategy Group, LLC
Lancaster County Board of Commissioners
March of Dimes
Metropolitan Area Planning Agency
Nebraska Association of Regional Administrators
Nebraska CASA Association
Nebraska Cooperative Council
Nebraska County Court Association
Nebraska Golf Alliance
Nebraska Municipal Power Pool
Nebraska State Historical Society Foundation
Professional Engineers Coalition
Ralston Public School District
Rave Mobile Safety
Spectra Energy
Telecare Corporation
TransCanada
United Cities of Sarpy County

Kohout, Joseph D.
Kissel/E&S Associates, LLC

Kolterman, Jessica A.
Nebraska Farm Bureau Federation

Kopperud, Anna
National Rifle Association

Krannawitter, Brian
American Heart Association

Krumland, Gary G.
League of Nebraska Municipalities

Kubat, Rick
Metropolitan Utilities District

Lamon, Steve
AARP Nebraska

Landwehr, Susan M.
Eli Lilly and Company

Langston, Charles (Chuck)
Nebraska Family Alliance

Larsen, Mary
March of Dimes

Lautenbaugh, Scott
Nebraska Premium Tobacco

Levy, David C.
Bluestem Energy Solutions
Immanuel Retirement Communities
Lyft, Inc.
Northeast Nebraska Public Power District
Sandhills Wind Energy, LLC

Licht, Andrew W.
Capitol Management Group

Likes, Steven C.
Nebraska Investment Finance Authority

Lindsay, John C.
O'Hara Lindsay & Associates, Inc.

Loeffler, Michael T.
Northern Natural Gas

Logsdon, Robert R.
Cox Communications

Lombardi, Richard A.
American Communications, Inc.

Loontjer, Pat
Gambling with the Good Life

Lostroh, David L.
Nebraska Christian Home Educators Association

Ludwig, David M.
Educational Service Unit Coordinating Council

Luetkenhaus, Brandon
Nebraska Credit Union League

Lyons, Liz
Children's Hospital & Medical Center

Mach, Coby
Lincoln Independent Business Association (LIBA)

Mack, Michelle D.
Express Scripts Holding Co.

Mallett, Rochelle A.
O'Hara Lindsay & Associates, Inc.

Mancuso, Aubrey
Voices for Children in Nebraska

Martinez, Larry M.
GlaxoSmithKline

Marvin, Michael
Nebraska Association of Public Employees NAPE/AFSCME Local 61

McBride, David S.
National Association of Insurance and Financial Advisors (NAIFA)
Nebraska Optometric Association

McClure, Jeanne L.
CHI Health

McClure, John C.
Nebraska Public Power District

McClymont, Pete
Nebraska Cattlemen, Inc.

McCullough, Jacqueline K.
American Council of Engineering Companies/Nebraska
Nebraska County Attorneys Association

McDonald, Vickie
Nebraska Association of Former State Legislators

McGuire, Mark D.
Cameco Resources

McKenzie, Janis M.
Nebraska Association for the Gifted
Nebraska Insurance Federation

McLarty, Brianna
Nebraskans for Civic Reform

Menzel, Elaine
Nebraska Association of County Officials

Merritt, Scott
Automotive Recycling Industry of Nebraska
Capitol Management Group
Nebraska Agri-Business Association
Nebraska Auctioneers Association
Nebraska Hotel & Motel Association, Inc.
Nebraska State Pest Control Association

Meurrens, Bradley
Disability Rights Nebraska

Meyer, Les
American Life and Security

Meyer, Patricia
American Life and Security

Mikkelsen, Brian
Nebraska State Education Association

Mines, Mick
3M COMPANY
Cameco Resources
Cargill
Diageo North America, Inc.
Johnson & Johnson
Mark Anthony Brands

National Association of Insurance and Financial Advisors (NAIFA)
Nebraska Agri-Business Association
Nebraska Auctioneers Association
Nebraska Corn Growers Association
Nebraska Grocery Industry Association
Nebraska Hotel & Motel Association, Inc.
Nebraska Humane Society
Papio Valley Preservation Association, Inc.
Syngenta
Mischo, Craig
Bayer Corporation
Moeller, Rodney
Nebraska Firearms Owners Association (NFOA)
Moon, Virginia
Nebraska Council of School Administrators
Moore, Robert
Planned Parenthood of the Heartland
Moylan, James H.
Nebraska Licensed Beverage Association
RAI Services Co. (Reynolds American Inc.)
Mueller Robak
American Express Travel Related Services, Inc.
Associated General Contractors of America, Nebraska Chapter
Association of Independent Colleges and Universities of Nebraska
(AICUN)
AT&T, Inc.
Better Nebraska Association
Bio Nebraska Life Sciences Association
Chief Industries, Inc.
Children and Family Coalition of Nebraska
COPIC Insurance Company
Ducks Unlimited, Inc.
Duncan Aviation, Inc.
Eastern Nebraska Development Council
eBay, Inc.
First Data Corporation
Frenchman Cambridge Irrigation District
Human Rights Campaign
Innocence Project, The
Integrated Life Choices
Lincoln Airport Authority
M+R Strategic Services, Inc.
Madonna Rehabilitation Hospital
Millard Public Schools
Nebraska Academy of Eye Physicians and Surgeons
Nebraska Association of Airport Officials
Nebraska Association of Commercial Property Owners
Nebraska Court Reporters Association
Nebraska Dental Association

Nebraska Dermatology Society
Nebraska District Court Judges Association
Nebraska Interactive
Nebraska Land Title Association
Nebraska Machinery Company
Nebraska Methodist Health Systems
Nebraska Press Association
Nebraska Society of Independent Accountants
Nebraska State Bar Association
Nebraska Veterinary Medical Association
Nebraskans for Civic Reform
Pharmaceutical Research and Manufacturers of America
Smithfield Foods, Inc.
State Troopers Association of Nebraska, Inc.
Uber Technologies, Inc.
United Services Automobile Association
Viaero Wireless
Mueller, William J.
 Mueller Robak, LLC
Nathan, Robbie
 AARP Nebraska
Neal, John P.
 Lincoln Public Schools
Neeman, Gary
 ABATE of Nebraska, Inc.
Nelson, Stephen D.
 Nebraska Farm Bureau Federation
Neuhaus, Joe
 Nebraska Family Alliance
Neville, Brennan S.
 National Indemnity Company
Nickerson, Jocelyn S.
 Humane Society of the United States, The
Nielsen, Coleen J.
 Express Scripts Holding Co.
 Merck Sharp and Dohme Corp.
 Nebraska Criminal Defense Attorneys Association
 Nebraska Insurance Information Service
 Nebraska State Athletic Trainers Association
 State Farm Insurance Companies
Nolan, Michael J.
 League of Nebraska Municipalities
Nowka & Edwards
 Adams Central Public Schools
 Anheuser-Busch Companies
 Bryan Health
 Digital Gaming Solutions, Inc.
 Elkhorn Public Schools
 Grand Island Northwest Public Schools

Lakeview Community Schools
Metropolitan Utilities District
National Multiple Sclerosis Society
National Utility Contractors Association of Nebraska, Inc.
Nebraska Academy of Family Physicians
Nebraska Academy of Nutrition and Dietetics
Nebraska Association of Area Agencies on Aging
Nebraska Association of County Officials
Nebraska Association of Home and Community Health Agencies
(NAHCHA)
Nebraska Association of Resources Districts
Nebraska County Attorneys Association
Nebraska Funeral Directors Association
Nebraska Pork Producers Association
Nebraska Poultry Industries, Inc.
Nebraska Public Power District
Nebraska Rural Community Schools Association
Nebraska Sheriffs' Association
Nebraska Society of Radiologic Technologists
Nebraska State College System
Nebraska State Dairy Association
Nebraska Water Coalition
NET Foundation for Television
Pfizer, Inc.
Southern Public Power District
Union Pacific Railroad
US Assets
Nowka, Trent
Nowka and Edwards
O'Brien, Kelli Erin
Union Pacific Railroad
O'Hara Lindsay & Associates, Inc.
Alliance of Automobile Manufacturers
Alter Trading Corporation
Black Hills Energy
Blue Cross and Blue Shield of Nebraska
Cabelas, Inc.
Center Pivot Manufacturers Association
City of Hastings
City of Kearney
City of Lexington
City of Lincoln
Elio Motors
First National of Nebraska, Inc.
Humanities Nebraska
Institute of Scrap Recycling Industries, Inc., Northwest Chapter
Motorola Solutions, Inc.
National Association of Housing and Redevelopment Officials, Nebraska
Chapter

Nebraska Association of Independent Ambulatory Centers
Nebraska Association of Trial Attorneys
Nebraska Beverage Association
Nebraska County Judges Association
Nebraska Nurses Association
Nebraska Rural Broadband Coalition
Nebraskans For Alternatives to the Death Penalty
Nebraskans for Rate Equity
Northern Natural Gas
Nucor Corporation
Omaha Public Power District
Omaha Public Schools
SourceGas Distribution, LLC
Teradata
Winnebago Tribe of Nebraska
O'Neill, Thomas, Jr.
 Association of Independent Colleges and Universities of Nebraska
 (AICUN)
Orton, Leroy W.
 Nebraska Onsite Waste Water Association
 Nebraska State Irrigation Association
 Nebraska Well Drillers Association
Othmer, Mark F.
 Iowa-Nebraska Equipment Dealers Association
Otto, James A.
 Nebraska Restaurant Association
 Nebraska Retail Federation
 Nebraska Winery and Grape Growers Association (NWGGA)
Otto, Richard J. dba Advocacy-Legislation-Leadership
 Nebraska Winery and Grape Growers Association (NWGGA)
Pack, Mary M.
 Radcliffe, Walter H. of Radcliffe and Associates
Paden, Nicholas K.
 Cambridge Telephone Company
 Consolidated Telephone Company
 Great Plains Communications, Inc.
 Hamilton Telecommunications
 Hartelco
 Hershey Coop Telephone Co.
 HunTel, Inc. dba American Broadband Neb., Inc.
 K & M Telephone Company
 LifeSafer, Inc.
 Nebraska Broadband Coalition
 Nebraska Central Telephone Company
 Northeast Nebraska Telephone Co.
 Stanton Telecom, Inc.
 Three River Telco
Parker, David R.
 Great West Casualty Company

Parr, Ann L.
Farmers Mutual of Nebraska

Partington, Jim
Nebraska Restaurant Association

Pearce, Denise K.
City of Lincoln

Peetz & Company
Advocates for Behavioral Health
Aetna
CHI Health
Children's Hospital & Medical Center
Cox Communications
First Five Nebraska
Friends of Nebraska Agriculture and International Trade
Kiewit Corporation
Metropolitan Entertainment & Convention Authority
Microsoft Corporation
Nebraska Nurse Practitioners
Omaha Zoological Society
Tenaska
Tetrad Property Group
TradeWind Energy
Yahoo, Inc.

Peetz, Jack
Peetz & Company

Peetz, Natalie
Peetz & Company

Peterson, Alan E.
ACLU Nebraska

Peterson, Chris
CP Strategies LLC

Peterson, Patricia Schuett
Nebraska Investment Finance Authority

Petsch, Jean
Associated General Contractors - Nebraska Building Chapter

Pfeifer, Pat
Nebraska State Legislative Board - Brotherhood of Locomotive Engineers
and Trainmen

Pitts, Kathleen
Nebraska Appleseed

Plucker, Julia
Heartland Strategy Group, LLC

Pollock, Andy
DirecTV
DISH Network LLC
National Popular Vote
Nebraska Defense Counsel Association
Nebraska Energy Export Association
Nebraska Rural Telecommunications Coalition
Nebraska Transportation Association

Nebraska Travel Association (NETA)
NorthWestern Energy
Pillen Family Farms (formerly Progressive Swine Technologies)
United Healthcare Services, Inc. & Affiliates
Waste Connections of Nebraska, Inc.

Post, Ann
Lincoln Independent Business Association (LIBA)

Prenda, Amy
Nebraska Cable Communications Association
Nebraska Sheriffs' Association
Nebraska Water Resources Association

Prockish, Ann
CenturyLink

Prokop, Matthew
American Cancer Society Cancer Action Network

Propes, Margaret
Sunovion Pharmaceuticals Inc.

Quick, Kim A.
Nebraska Labor Unity Council c/o Teamsters Local 554

Radcliffe, Walter H. of Radcliffe and Associates
Advance America c/o MultiState Associates, Inc.
Altria Client Services Inc. and its Affiliates
Bellevue Public Schools
Enterprise Rent-A-Car
Father Flanagan's Boys' Home aka Boys Town
Father Flanagan's Boys' Home dba Boys Town National Research
Hospital

Friends of Nebraska Parks
HBAL/MOBA Coalition
Ho-Chunk, Inc.
Hy-Vee
League of Nebraska Municipalities
Lincoln Public Schools
Media of Nebraska, Inc.
Metropolitan Community College
Motion Picture Association of America
National Council on Compensation Insurance (NCCI)
Nebraska Association of Health Underwriters (NAHU)
Nebraska Broadcasters Association
Nebraska Cable Communications Association
Nebraska Cultural Endowment (formerly NE Arts Action Fund)
Nebraska Expressways for Economic Development (NEED)
Nebraska Health Care Association, Inc.
Nebraska Liquor Wholesalers
Nebraska Optometric Association
Nebraska Organ Recovery System, Inc.
Nebraska Pyrotechnics Association
Nebraska Realtors Association
Nebraska Society of Certified Public Accountants

Nebraska State Cemetery Association
Nebraska State Fair Board
Nebraska Telecommunications Association
Pinnacle Bank
Property Casualty Insurers Association of America
Tyson Foods, Inc.
University of Nebraska
Redoutey, Laura J.
Nebraska Hospital Association
Reigenborn, Alan
AARP Nebraska
Reiser, Richard S.
Nebraska Trucking Association
Rempe, Jay E.
Nebraska Farm Bureau Federation
Renner, Shawn D.
Media of Nebraska, Inc.
Rex, L. Lynn
League of Nebraska Municipalities
Richards, Thomas
Omaha Public Power District
Rickert, Sheri
Nebraska Catholic Conference
Rieker, Bruce R.
Nebraska Hospital Association
Riley, Christopher T.
Archer Daniels Midland Company
Riskowski, Al
Nebraska Family Alliance
Robak, Kim M.
Mueller Robak, LLC
Robino, Steven
Aetna
Rogert, Kent
Jensen Rogert Associates, Inc.
Root, David
Prime Therapeutics, LLC
Rubin, Barry R.
Heartland Strategy Group, LLC
Sahling-Zart, Shelley R.
Lincoln Electric System
Sankey, Harvey
Printing Industry Midwest (PIM)
Sanne, Richard D.
Nebraska Grain and Feed Association
Schaefer, Matthew T.
Mueller Robak, LLC
Scherer, Larry
Nebraska State Education Association

Schleppenbach, Greg
Nebraska Catholic Conference

Schmit, Loran of Schmit Industries, Inc.
Association of Nebraska Ethanol Producers

Schmit-Albin, Julie
Nebraska Right to Life

Schrader, Cora
Peetz & Company

Schubauer, Tyler
Ameritas Life Insurance Corp.

Schuller, Lynne
Nebraska Horsemen's Benevolent and Protective Association
Nebraska Propane Gas Association

Sears, Jay
Nebraska State Education Association

Sedlacek, Ronald J.
Husch Blackwell LLP
Nebraska Chamber of Commerce & Industry

Seelhoff, Janet
Nebraska Association of Home and Community Health Agencies
(NAHCHA)
NUCA of Nebraska, Inc.

Siefken, Kathy
Nebraska Grocery Industry Association
SHAZAM

Sobotta, Russell
Sanofi US

Spatz, John
Nebraska Association of School Boards

Stilmock, Gerald M.
Brandt, Horan, Hallstrom and Stilmock

Stitt, Carol
League of Nebraska Municipalities

Sullivan, J. Scott
Nebraska Credit Union League

Summers, Juliet
Voices for Children in Nebraska

Tiedeman, Cynthia
League of Women Voters of Nebraska

Todd, A. Loy, Jr.
Nebraska New Car & Truck Dealers Association

Uhe, Fred J.
Sarpy County Board of Commissioners

Ullstrom, Galen F.
Mutual of Omaha

Valentin, Michaela
Home Instead, Inc.

Van Deun, Bryan J.
Nebraska Firearms Owners Association (NFOA)

Vlcek, Rodney
Nebraska State AFL-CIO

Vodvarka, Dan
Nebraska Society of Certified Public Accountants

Vokal, James D., Jr.
Platte Institute for Economic Research

Ward, Kathryn
AARP Nebraska

Ward, Tammy J.
Tabitha

Warth, Terry
Nebraska Public Power District

Weatherford, Holly
Bristol-Myers Squibb Co.

Weber, Rocky
Nebraska Cooperative Council

Werner, Terry
Nebraska Chapter of the National Association of Social Workers

Wesely, Don
O'Hara Lindsay & Associates, Inc.

Whitaker, George
CNH Industrial America LLC

White, Rosemary
AAA Nebraska and The Auto Club Group

Wickman-Byrd, Barbara J.
Nebraska State Home Builders Association

Wightman, Anna Castner
First National of Nebraska, Inc.

Williams, David M.
Ameritas Life Insurance Corp.

Wimmer, J. Kent
Western Sugar Cooperative (CO)

Wininger, Dwight R.
Pinpoint Holdings, Inc.

Winston, Kenneth C.
Nebraska Chapter of the Sierra Club
Nebraska Library Association

Wolf, Ron
Nebraska State Irrigation Association

Wright, Sheryl L.
League of Women Voters of Nebraska

Wurster, Donald F.
National Indemnity Company

Yost, Kurt T.
Central Nebraska Public Power and Irrigation
MM Finance, LLC
Nebraska Financial Services Association
Nebraska Independent Community Bankers

Young, Joseph
Cox Communications

Zahradnik, Robert
Pew Charitable Trusts, The
Zalenski, Susan D.
Johnson & Johnson
Zulkoski, Katie W.
Mueller Robak, LLC

ANNOUNCEMENT(S)

The Agriculture Committee elected Senator Kolterman as Vice Chairperson.

The Banking, Commerce and Insurance Committee elected Senator Williams as Vice Chairperson.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 157. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to corporations; to amend sections 21-245, 21-2,127, 21-2,128, 21-2,133, 21-2,134, 21-2,143, 21-2,145, 21-2,230, and 21-2,231, Revised Statutes Cumulative Supplement, 2014, and Laws 2014, LB 749, section 295; to change operative date provisions relating to the Nebraska Model Business Corporation Act; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 158. Introduced by McCollister, 20.

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

LEGISLATIVE BILL 159. Introduced by Hadley, 37; Stinner, 48.

A BILL FOR AN ACT relating to the Public Accountancy Act; to amend sections 1-105 and 1-106, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide for peer review; and to repeal the original sections.

LEGISLATIVE BILL 160. Introduced by Larson, 40.

A BILL FOR AN ACT relating to financial institutions; to amend section 9-701, Reissue Revised Statutes of Nebraska; to change provisions relating to gift enterprises; and to repeal the original section.

LEGISLATIVE BILL 161. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 162. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 163. Introduced by Crawford, 45.

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

LEGISLATIVE BILL 164. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to natural resources districts; to amend sections 13-503 and 13-504, Revised Statutes Cumulative Supplement, 2014; to provide for biennial budgeting; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 165. Introduced by Lindstrom, 18.

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

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

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

authorized for civil penalties; to authorize an order of restitution; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 167. Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Office of Violence Prevention; to amend section 81-1450, Reissue Revised Statutes of Nebraska; to require the filing of an annual report to the Legislature; to change goals for priority funding; and to repeal the original section.

LEGISLATIVE BILL 168. Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Business Improvement District Act; to amend sections 19-4015, 19-4016, 19-4017, 19-4017.01, 19-4020, 19-4021, 19-4025, 19-4026, 19-4027, 19-4028, 19-4029, 19-4030, 19-4033, 19-4037, and 19-4038, Reissue Revised Statutes of Nebraska; to authorize expansion of existing district boundaries; to define and redefine terms; to harmonize provisions; to repeal the original sections; and to outright repeal section 19-4024, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 169. Introduced by Mello, 5.

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

LEGISLATIVE BILL 170. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to the Sports Arena Facility Support Fund; to amend section 13-3108, Revised Statutes Cumulative Supplement, 2014; to change distribution provisions; and to repeal the original section.

LEGISLATIVE BILL 171. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Revised Statutes Cumulative Supplement, 2014; to update references to the Internal Revenue Code; to repeal the original section; and to declare an emergency.

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

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

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

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

LEGISLATIVE BILL 174. Introduced by Schilz, 47.

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

LEGISLATIVE BILL 175. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-2801, 54-2802, and 77-27,188, Reissue Revised Statutes of Nebraska, and section 77-27,187.02, Revised Statutes Cumulative Supplement, 2014; to adopt the Livestock Growth Act; to transfer funds; to change dollar limits for applications and credits under the Nebraska Advantage Rural Development Act; to change application procedures; and to repeal the original sections.

LEGISLATIVE BILL 176. Introduced by Schilz, 47.

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

LEGISLATIVE BILL 177. Introduced by Haar, K., 21.

A BILL FOR AN ACT relating to public power districts; to amend section 70-619, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to membership on boards of directors; and to repeal the original section.

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

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

LEGISLATIVE BILL 179. Introduced by Brasch, 16.

A BILL FOR AN ACT relating to the State Electrical Act; to amend sections 81-2104, 81-2113, 81-2117.01, and 81-2118, Reissue Revised Statutes of Nebraska; to require apprentices to complete continuing education; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 180. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to insurance; to amend sections 44-201 and 44-1981, Reissue Revised Statutes of Nebraska; to redefine terms relating to title insurance; and to repeal the original sections.

LEGISLATIVE BILL 181. Introduced by Smith, 14.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,230, Reissue Revised Statutes of Nebraska; to change rotating or flashing light provisions; and to repeal the original section.

ANNOUNCEMENT(S)

The Chair announced the birthday of Senator Crawford.

BILLS ON FIRST READING

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

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

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

LEGISLATIVE BILL 183. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to the Grain Dealer Act; to amend sections 75-902, 75-903, 75-904, 75-905, and 75-908, Reissue Revised Statutes of Nebraska; to redefine a term, change licensure and receipt requirements, and change enforcement provisions; and to repeal the original sections.

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

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

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

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

LEGISLATIVE BILL 186. Introduced by Bolz, 29.

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

LEGISLATIVE BILL 187. Introduced by Kintner, 2; Bloomfield, 17; Brasch, 16; Craighead, 6; Ebke, 32; Friesen, 34; Garrett, 3; Groene, 42; Hilkemann, 4; Johnson, 23; Lindstrom, 18; Riepe, 12; Schnoor, 15; Smith, 14.

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

LEGISLATIVE BILL 188. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to vehicular pursuit; to amend sections 13-911 and 81-8,215.01, Reissue Revised Statutes of Nebraska; to change provisions relating to innocent third parties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 189. Introduced by Davis, 43.

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

LEGISLATIVE BILL 190. Introduced by Bloomfield, 17; Bolz, 29; Brasch, 16; Coash, 27; Crawford, 45; Ebke, 32; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Harr, B., 8; Howard, 9; Hughes, 44; Johnson, 23; Kintner, 2; Kolterman, 24; Krist, 10; Larson, 40; Lindstrom, 18; McCollister, 20; McCoy, 39; Murante, 49; Schilz, 47; Schumacher, 22; Sullivan, 41.

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

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

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

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

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

RESOLUTION(S)

LEGISLATIVE RESOLUTION 10CA. Introduced by Schumacher, 22.

THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2016, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first five hundred thousand dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

(iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

(5) The Legislature may authorize and regulate any other game of chance, lottery, or gift enterprise.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to permit the Legislature to authorize and regulate any game of chance, lottery, or gift enterprise.

For

Against.

LEGISLATIVE RESOLUTION 11. Introduced by Larson, 40.

WHEREAS, Hartington-Newcastle High School won the 2014 Class C-1 One-Act Play State Championship with their performance of "Evil Dead: The Musical" ; and

WHEREAS, Hartington-Newcastle High School won the 2014 Class C-1 One-Act Play State Championship with a perfect score of 180 points; and

WHEREAS, Tanner Fischer from Hartington-Newcastle High School was named the Class C-1 outstanding male performer; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Hartington-Newcastle High School for winning the 2014 Class C-1 One-Act Play State Championship.

2. That a copy of this resolution be sent to the Hartington-Newcastle High School one-act team.

Laid over.

LEGISLATIVE RESOLUTION 12. Introduced by Larson, 40.

WHEREAS, Wausa High School won the 2014 Class D-1 One-Act Play State Championship with their performance of "Nowhere to Hide"; and

WHEREAS, Wausa High School won the 2014 Class D-1 One-Act Play State Championship with a perfect score of 180 points; and

WHEREAS, Claire Vanness from Wausa High School was named the Class D-1 outstanding female performer; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Wausa High School for winning the 2014 Class D-1 One-Act Play State Championship.

2. That a copy of this resolution be sent to the Wausa High School one-act team.

Laid over.

LEGISLATIVE RESOLUTION 13. Introduced by Larson, 40.

WHEREAS, Kyle Young, a member of Troop 149 from Bloomfield, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Kyle 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, Kyle documented the cemetery and built a directory at his church, Golgotha Lutheran in rural Wausa; and

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

WHEREAS, Kyle, 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 Kyle Young on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Kyle Young.

Laid over.

LEGISLATIVE RESOLUTION 14. Introduced by Larson, 40.

WHEREAS, Garrett Gleason, a member of Troop 245 from O'Neill, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Garrett 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, Garrett constructed three large animal kennels for the local animal shelter. Garrett helped to build and

install the new kennels. Because of Garrett's project, the animal shelter is now able to house more large dogs and have a larger area outside for dogs to run and exercise; and

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

WHEREAS, Garrett, 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 Garrett Gleason on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Garrett Gleason.

Laid over.

LEGISLATIVE RESOLUTION 15. Introduced by Larson, 40.

WHEREAS, the St. Mary's High School girls volleyball team of O'Neill won the 2014 Class D-1 Girls State Volleyball Championship over Ansley-Litchfield; and

WHEREAS, the St. Mary's Lady Cardinals took home their second state championship for the school in Class D-1 girls volleyball; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the St. Mary's High School girls volleyball team on winning the 2014 Class D-1 Girls State Volleyball Championship.
2. That a copy of this resolution be sent to the St. Mary's Lady Cardinals volleyball team and coaches McKenzie Connot, Amber Ginter, and Kelsey Sibbel.

Laid over.

LEGISLATIVE RESOLUTION 16. Introduced by Brasch, 16.

WHEREAS, Tyler English, son of Jeff and Betty English, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star,

Life, and finally Eagle Scout. Throughout his scouting experience, Tyler 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, Tyler built and installed benches on the Wilderness Park sledding hill in West Point, Nebraska; and

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

WHEREAS, Tyler, 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; and

WHEREAS, Tyler graduated from West Point-Beemer high school in May 2014 and is currently attending the University of Nebraska in Omaha.

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

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

Laid over.

LEGISLATIVE RESOLUTION 17. Introduced by Brasch, 16.

WHEREAS, Tyler Simpson, as a senior at Arlington High School, won gold medals in the Class C finals of the 200 meter dash and 400 meter dash at the 2014 Boys State Track and Field Championships; and

WHEREAS, Tyler won first place in the 200 meter dash with a time of 22.10 seconds and first place in the 400 meter dash with a time of 49.63 seconds; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Tyler Simpson on his outstanding performance at the 2014 Class C Boys State Track and Field Championships.
2. That a copy of this resolution be sent to Tyler Simpson.

Laid over.

LEGISLATIVE RESOLUTION 18. Introduced by Brasch, 16.

WHEREAS, the Guardian Angels Central Catholic girls softball team won the 2014 Class C State Softball Championship; and

WHEREAS, the Guardian Angels Central Catholic girls softball team defeated Ashland-Greenwood in the final two games of the championship series by scores of 10-6 and 4-2; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Guardian Angels Central Catholic girls softball team on winning the 2014 Class C State Softball Championship.

2. That a copy of this resolution be sent to the Guardian Angels Central Catholic girls softball team.

Laid over.

LEGISLATIVE RESOLUTION 19. Introduced by Brasch, 16.

WHEREAS, the Arlington High School boys track and field team placed first in the Class C 1600-meter relay finals at the 2014 Boys State Track and Field Championships; and

WHEREAS, team members Samuel Farber, Ethan Gubbels, Tyler Simpson, and Christopher Smith finished the race with a time of 3:30.13; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Arlington High School boys track and field team members for their outstanding accomplishments in the 2014 Boys State Track and Field Championships.

2. That a copy of this resolution be sent to the Arlington High School boys track and field team.

Laid over.

LEGISLATIVE RESOLUTION 20. Introduced by Brasch, 16.

WHEREAS, the Bancroft-Rosalie High School boys golf team placed third in the 2014 Class D Boys State Golf Championship; and

WHEREAS, the Bancroft-Rosalie golf team members were Auston Darnell, Preston Peters, Nicholas Sjuts, Seth Steinmeyer, and Drew Zitek; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Bancroft-Rosalie High School boys golf team on placing third at the 2014 Class D Boys State Golf Championship.

2. That a copy of this resolution be sent to the Bancroft-Rosalie High School boys golf team.

Laid over.

LEGISLATIVE RESOLUTION 21. Introduced by McCoy, 39.

WHEREAS, an omphalocele is a birth defect that occurs early in pregnancy in which the abdominal wall does not close properly and some or most of the abdominal organs protrude into the umbilical cord; and

WHEREAS, it is estimated that a small omphalocele occurs in about 1 out of every 5,000 pregnancies and a large or giant omphalocele occurs in about 1 out of every 10,000 pregnancies; and

WHEREAS, an omphalocele may be isolated or may be associated with other defects or chromosomal abnormalities; and

WHEREAS, despite the challenges a baby born with an omphalocele may face, many babies who are born with an omphalocele survive and go on to live happy, healthy lives; and

WHEREAS, Mothers of Omphaloceles (MOO) is a group of over 1,400 parents from around the world that was created to provide hope and information to families with babies diagnosed with an omphalocele.

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

1. That the Legislature recognizes Mothers of Omphaloceles for their courageous efforts to advocate for their children and raise awareness that an omphalocele is a treatable condition.

2. That the Legislature recognizes International Omphalocele Awareness Day celebrated annually on January 31 as part of Birth Defects Prevention Month.

3. That a copy of this resolution be sent to Mothers of Omphaloceles.

Laid over.

NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

Tuesday, January 20, 2015 1:30 p.m.

LB54

LB99

LB100

LB101

LB103

(Signed) Kate Sullivan, Chairperson

ANNOUNCEMENT(S)

The Urban Affairs Committee elected Senator McCollister as Vice Chairperson.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

| LB/LR | Committee |
|--------------|---|
| LB28 | Health and Human Services |
| LB34 | Health and Human Services |
| LB114 | Judiciary |
| LB115 | Banking, Commerce and Insurance |
| LB116 | Urban Affairs |
| LB117 | Natural Resources |
| LB118 | General Affairs |
| LB119 | Judiciary |
| LB120 | Judiciary |
| LB121 | Government, Military and Veterans Affairs |
| LB122 | Transportation and Telecommunications |
| LB123 | Revenue |
| LB124 | Banking, Commerce and Insurance |
| LB125 | Appropriations |
| LB126 | Nebraska Retirement Systems |
| LB127 | Natural Resources |
| LB128 | Agriculture |
| LB129 | Health and Human Services |
| LB130 | Natural Resources |
| LB131 | Urban Affairs |
| LB132 | Government, Military and Veterans Affairs |
| LB133 | Business and Labor |
| LB134 | Business and Labor |
| LB135 | Government, Military and Veterans Affairs |
| LB136 | Judiciary |
| LB137 | Judiciary |
| LB138 | Government, Military and Veterans Affairs |
| LB139 | Banking, Commerce and Insurance |
| LB140 | Government, Military and Veterans Affairs |
| LB141 | Natural Resources |
| LB142 | Natural Resources |
| LB143 | Natural Resources |
| LB144 | Education |
| LB145 | Banking, Commerce and Insurance |
| LB146 | Health and Human Services |
| LB147 | Health and Human Services |
| LB148 | Health and Human Services |
| LB149 | Urban Affairs |
| LB150 | Urban Affairs |

LB151 Urban Affairs
LB152 Urban Affairs
LB153 Revenue
LB154 Appropriations
LB155 Banking, Commerce and Insurance
LB156 Revenue
LR7CA Executive Board

(Signed) Bob Krist, Chairperson
Executive Board

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Coash - LB156 and LB118
Kolterman - LB105

VISITOR

The Doctor of the Day was Dr. Dorothy Zink from Omaha.

ADJOURNMENT

At 11:09 a.m., on a motion by Speaker Hadley, the Legislature adjourned until 10:00 a.m., Tuesday, January 13, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTH DAY - JANUARY 13, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 13, 2015

PRAYER

The prayer was offered by Senator Bloomfield.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Morfeld, Pansing Brooks, and Stinner who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourth day was approved.

ANNOUNCEMENT(S)

The Business and Labor Committee elected Senator Bloomfield as Vice Chairperson.

The General Affairs Committee elected Senator Coash as Vice Chairperson.

The Natural Resources Committee elected Senator Friesen as Vice Chairperson.

NOTICE OF COMMITTEE HEARING(S)

Agriculture

Room 2102

Tuesday, January 20, 2015 1:30 p.m.

LB91
LB92
LB93

(Signed) Jerry Johnson, Chairperson

Banking, Commerce and Insurance

Room 1507

Tuesday, January 20, 2015 1:30 p.m.

LB145
LB35
LB115
LB155

(Signed) Jim Scheer, Chairperson

Judiciary

Room 1113

Wednesday, January 21, 2015 1:30 p.m.

LB88
LB66
LB72
LB43
LB22

(Signed) Les Seiler, Chairperson

Nebraska Retirement Systems

Room 1524

Tuesday, January 20, 2015 12:00 p.m.

LB41
LB42
LB126

(Signed) Jeremy Nordquist, Chairperson

Health and Human Services

Room 1510

Wednesday, January 21, 2015 1:30 p.m.

LB27
LB37
LB87

Thursday, January 22, 2015 1:30 p.m.

Briefing on Nebraska Children's Commission Annual Report
Briefing on the Inspector General of Child Welfare Annual Report
Briefing on the Foster Care Review Office Annual Report
Briefing on the Child and Maternal Death Review Team Annual Report
LB107

(Signed) Kathy Campbell, Chairperson

MESSAGE(S) FROM THE GOVERNOR

January 8, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed
as the State Fire Marshal - Nebraska State Fire Marshal's Office:

Jim Heine, 21911 Woodland Hills Circle, Eagle, NE 68347

The aforementioned appointee is respectfully submitted for your
consideration. Copies of the certificate and background information are
included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

January 8, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed
as the Property Tax Administrator:

Ruth A. Sorensen, 11419 Links Drive, Lincoln, NE 68526

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

January 8, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Director of the Department of Aeronautics:

Ronnie Mitchell, 306 Martin Drive North, Bellevue, NE 68005

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

January 8, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Adjutant General for the State of Nebraska:

Major General Daryl L. Bohac, 10231 N. 143 Street, Lincoln, NE 68462

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are

included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

January 8, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Director of the Department of Agriculture:

Greg Ibach, 44670 Road 767, Sumner, NE 68878

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

January 8, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Director of the Department of Insurance:

Bruce Ramage, 9329 Krug Avenue, Omaha, NE 68124

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosure

January 8, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Commissioner of the Department of Labor:

John Albin, 2200 Franklin Street, Lincoln, NE 68502

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

January 8, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Executive Director of the Nebraska Commission on Law Enforcement and Criminal Justice:

Darrell E. Fisher, 510 W. Chanceler Drive, Lincoln, NE 68521

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

January 8, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed
as the Director of the Department of Motor Vehicles:

Rhonda K. Lahm, 20216 North Shore Drive, Eagle, NE 68347

The aforementioned appointee is respectfully submitted for your
consideration. Copies of the certificate and background information are
included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

January 8, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed
as the Director of the State Energy Office:

David Bracht, 16240 Burt Street, Omaha, NE 68118

The aforementioned appointee is respectfully submitted for your
consideration. Copies of the certificate and background information are
included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

January 8, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Director of the Department of Banking and Finance:

Mark Quandhl, 16729 Leavenworth, Omaha, NE 68118

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

January 8, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Chief Medical Officer and Director of the Division of Public Health in the Department of Health and Human Services:

Dr. Joseph Acierno, 4134 South 175 Street, Omaha, NE 68135

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

January 8, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Director of the Division of Veterans' Homes in the Department of Health and Human Services:

John Hilgert, 15672 Marcy Street, Omaha, NE 68118

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

January 8, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Director of the Department of Veterans' Affairs:

John Hilgert, 15672 Marcy Street, Omaha, NE 68118

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

MOTION - Print in Journal

Senator McCoy filed the following motion to LR10CA:
MO1
Indefinitely postpone.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 193. Introduced by Nordquist, 7.

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

LEGISLATIVE BILL 194. Introduced by Seiler, 33.

A BILL FOR AN ACT relating to the Supreme Court; to create the Supreme Court Attorney Services Cash Fund; and to provide for the use of the fund.

LEGISLATIVE BILL 195. Introduced by Seiler, 33.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1010 and 25-1056, Reissue Revised Statutes of Nebraska; to change provisions relating to summons and orders of garnishment on financial institutions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 196. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the Rural Health Systems and Professional Incentive Act; to amend sections 71-5650, 71-5652, 71-5653, 71-5662, and 71-5663, Reissue Revised Statutes of Nebraska, and sections 71-5661, 71-5666, 71-5667, and 71-5668, Revised Statutes Cumulative Supplement, 2014; to provide for a medical resident incentive program; to change provisions relating to student loans and loan repayment; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 197. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-727, Reissue Revised Statutes of Nebraska; to provide additional powers for certain districts subject to municipal approval; and to repeal the original section.

LEGISLATIVE BILL 198. Introduced by Williams, 36.

A BILL FOR AN ACT relating to insurance; to amend sections 44-3904, 44-3909, 44-4049, 44-4054, and 44-4055, Reissue Revised Statutes of

Nebraska; to change prelicensing and continuing education requirements; to authorize licenses for limited line pre-need funeral insurance; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 199. Introduced by Howard, 9; Campbell, 25; Cook, 13; Crawford, 45.

A BILL FOR AN ACT relating to child welfare services; to provide for stipends for social work students as prescribed; and to provide duties for the Department of Health and Human Services and governing boards of Nebraska public colleges and universities.

LEGISLATIVE BILL 200. Introduced by Davis, 43.

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

LEGISLATIVE BILL 201. Introduced by Davis, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 57-1201, 57-1202, 57-1203, 57-1204, 57-1205, 57-1207, 57-1208, 57-1209, 57-1214, and 81-1607.01, Reissue Revised Statutes of Nebraska; to change provisions relating to uranium severance taxes; to change the distribution of uranium severance tax revenue; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 202. Introduced by Davis, 43.

A BILL FOR AN ACT relating to elections; to amend section 32-912, Reissue Revised Statutes of Nebraska, and section 32-312, Revised Statutes Cumulative Supplement, 2014; to provide for partisan ballots at primary elections for unaffiliated voters; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 203. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-706, Reissue Revised Statutes of Nebraska; to change provisions relating to a game refuge as prescribed; and to repeal the original section.

LEGISLATIVE BILL 204. Introduced by Schilz, 47.

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

LEGISLATIVE BILL 205. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to towers; to regulate certain towers as prescribed.

LEGISLATIVE BILL 206. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Erosion and Sediment Control Act; to amend sections 2-4603, 2-4604, 2-4605, 2-4608, 2-4610, 2-4612, and 2-4613, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions relating to the state erosion and sediment control program; to provide for an order to cease and desist as prescribed; to eliminate certain exemptions as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 207. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Chemigation Act; to amend sections 46-1139, 46-1140, 46-1141, 46-1142, and 46-1143, Reissue Revised Statutes of Nebraska; to change provisions relating to civil penalties; to provide for recovery of costs in certain actions as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 208. Introduced by Schilz, 47.

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

LEGISLATIVE BILL 209. Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to dispute resolution; to adopt the Political Subdivisions Mandatory Mediation Act.

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

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

LEGISLATIVE BILL 211. Introduced by Kolowski, 31.

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

LEGISLATIVE BILL 212. Introduced by Chambers, 11.

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

LEGISLATIVE BILL 213. Introduced by Schumacher, 22; Seiler, 33.

A BILL FOR AN ACT relating to insurance; to provide for the withholding of insurance proceeds for the demolition of real property as prescribed.

LEGISLATIVE BILL 214. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 215. Introduced by Craighead, 6; Ebke, 32; Groene, 42; Lindstrom, 18.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-511.01 and 28-518, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to theft; and to repeal the original sections.

LEGISLATIVE BILL 216. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2712.03, Revised Statutes Cumulative Supplement, 2014; to correct provisions relating to the streamlined sales and use tax agreement; and to repeal the original section.

LEGISLATIVE BILL 217. Introduced by Hadley, 37.

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

LEGISLATIVE BILL 218. Introduced by Hadley, 37.

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

LEGISLATIVE BILL 219. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to child custody and visitation; to amend sections 43-2922 and 43-2929, Revised Statutes Cumulative Supplement, 2014; to adopt the Uniform Deployed Parents Custody and Visitation Act; to change and eliminate provisions relating to military parents; to provide an operative date; to repeal the original sections; and to outright repeal section 43-2929.01, Revised Statutes Cumulative Supplement, 2014.

LEGISLATIVE BILL 220. Introduced by Smith, 14.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 81-8,310 and 82-108.02, Reissue Revised Statutes of Nebraska, and sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2014; to provide for Nebraska 150 Sesquicentennial Plates; to create a fund; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

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

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

LEGISLATIVE BILL 222. Introduced by Harr, B., 8.

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

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

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

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

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

repeal the original sections.

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

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

LEGISLATIVE BILL 226. Introduced by Coash, 27; Larson, 40.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1111, Revised Statutes Cumulative Supplement, 2014; to authorize crowdfunding as prescribed and to exempt crowdfunding from registration; and to repeal the original section.

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

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

LEGISLATIVE BILL 228. Introduced by Watermeier, 1.

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

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

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

LEGISLATIVE BILL 230. Introduced by Mello, 5.

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

LEGISLATIVE BILL 231. Introduced by Smith, 14; Watermeier, 1.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 44-7703, 60-124, 60-340, 60-376, 60-3,118, 60-3,153, 60-4,123, 60-4,123.01, 60-639, 60-6,219, 60-6,226, 60-6,265, 60-6,266, 60-6,270, 60-6,272, 60-6,273, 60-1401.02, and 60-1401.28, Reissue Revised Statutes

of Nebraska, and sections 60-101, 60-102, 60-301, 60-302, 60-3,100, 60-3,104, 60-3,113, 60-3,135.01, 60-3,187, 60-3,190, 60-462, 60-463, 60-4,114, 60-4,124, 60-4,182, 60-601, 60-605, 60-6,267, 60-1401, 60-2121, and 71-1907, Revised Statutes Cumulative Supplement, 2014; to define and redefine terms; to provide for certificates of title, registration, and operating and dealership regulations for autocycles; to harmonize provisions; and to repeal the original sections.

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

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

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

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

LEGISLATIVE BILL 234. Introduced by Krist, 10.

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

LEGISLATIVE BILL 235. Introduced by Howard, 9.

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

NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

Tuesday, January 20, 2015 1:30 p.m.

LB54 (cancel)

Tuesday, January 20, 2015 1:30 p.m.

LB18

(Signed) Kate Sullivan, Chairperson

Urban Affairs

Room 1510

Tuesday, January 20, 2015 1:30 p.m.

LB150
LB151
LB152

(Signed) Sue Crawford, Chairperson

Transportation and Telecommunications

Room 1113

Tuesday, January 20, 2015 1:30 p.m.

LB39
LB95
LB97

(Signed) Jim Smith, Chairperson

ANNOUNCEMENT(S)

The Health and Human Services Committee elected Senator Howard as Vice Chairperson.

The Government, Military and Veterans Affairs Committee elected Senator Garrett as Vice Chairperson.

CONFLICT OF INTEREST STATEMENT(S)

Pursuant to Rule 1, Sec. 19, Senator Williams has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 22. Introduced by Gloor, 35.

PURPOSE: Patient-centered medical home is a health care delivery process that is transforming today's medical care to a coordinated, patient-centered method of delivering health care. This care is provided in primary and certain specialty care clinics and is coordinated with other medical, dental, and behavioral health services, public health entities, and other community-based support services. The aim of patient-centered medical home is to

improve patient experience and individual health outcomes while improving population health and containing health care costs.

This systemwide transformation necessitates the cooperation and collaboration of health care providers, insurers, and administrators, federal and state governmental entities, along with self-insured businesses as purchasers of health care and health insurance, among others.

It is the purpose of this interim study for the Health and Human Services Committee of the Legislature and the Banking, Commerce and Insurance Committee of the Legislature to monitor this medical care transformation in Nebraska and the progress of the participation agreement to recognize and reform payment structures to support patient-centered medical home and to provide a legislative forum for discussion and collaboration among the many stakeholders of this health care industry and health insurance transformation.

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

1. That the Health and Human Services Committee and Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were Michael McCabe from the Council of State Governments; and 43 fourth-grade students from Eagle.

The Doctor of the Day was Dr. Hoelting from Pender.

ADJOURNMENT

At 11:09 a.m., on a motion by Senator Krist, the Legislature adjourned until 10:00 a.m., Wednesday, January 14, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTH DAY - JANUARY 14, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 14, 2015

PRAYER

The prayer was offered by Pastor Brian High, First Baptist Church, Tekamah.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Craighead and Howard who were excused; and Senators Krist and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

| LB/LR | Committee |
|--------------|---|
| LB157 | Banking, Commerce and Insurance |
| LB158 | Business and Labor |
| LB159 | Banking, Commerce and Insurance |
| LB160 | General Affairs |
| LB161 | Appropriations |
| LB162 | Revenue |
| LB163 | Government, Military and Veterans Affairs |
| LB164 | Natural Resources |
| LB165 | Revenue |
| LB166 | Government, Military and Veterans Affairs |
| LB167 | Judiciary |
| LB168 | Urban Affairs |
| LB169 | Appropriations |
| LB170 | Revenue |

LB171 Revenue
LB172 Judiciary
LB173 Judiciary
LB174 Natural Resources
LB175 Agriculture
LB176 Agriculture
LB177 Government, Military and Veterans Affairs
LB178 Revenue
LB179 General Affairs
LB180 Banking, Commerce and Insurance
LB181 Transportation and Telecommunications
LB182 Education
LB183 Agriculture
LB184 Judiciary
LB185 Appropriations
LB186 Revenue
LB187 Judiciary
LB188 Judiciary
LB189 Judiciary
LB190 Judiciary
LB191 Revenue
LB192 Transportation and Telecommunications
LR10CA General Affairs

(Signed) Bob Krist, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARING(S)

Revenue

Room 1524

Wednesday, January 21, 2015 1:30 p.m.

LB170
LB171

(Signed) Mike Gloor, Chairperson

COMMUNICATION(S)

Pursuant to 84-104.05 R.R.S. of Nebraska Governor Pete Ricketts issued a proclamation declaring January 5, 2015, as George W. Norris Day.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 236. Introduced by Coash, 27.

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

LEGISLATIVE BILL 237. Introduced by Coash, 27.

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

LEGISLATIVE BILL 238. Introduced by Groene, 42.

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

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

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

LEGISLATIVE BILL 240. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to behavioral health; to amend sections 71-8511 and 71-8512, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the Behavioral Health Screening and Referral Pilot Program; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 241. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to cemeteries; to amend sections 15-241, 16-243, 17-941, and 17-945, Reissue Revised Statutes of Nebraska; to change provisions relating to conveyances of cemetery lots; and to repeal the original sections.

LEGISLATIVE BILL 242. Introduced by Stinner, 48; Hughes, 44.

A BILL FOR AN ACT relating to the Dry Bean Resources Act; to amend sections 2-3755, 2-3762, and 2-3763, Reissue Revised Statutes of Nebraska; to change provisions relating to fees; to change annual report requirements; to change a provision relating to collection and credit of funds; to eliminate a refund; to repeal the original sections; to outright repeal section 2-3760, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 243. Introduced by Bolz, 29; Campbell, 25; Howard, 9; Krist, 10.

A BILL FOR AN ACT relating to children; to state intent; to define terms; to create a pilot project relating to family finding services; to provide duties for the Department of Health and Human Services; to state intent relating to appropriations; and to provide for rules and regulations.

LEGISLATIVE BILL 244. Introduced by Pansing Brooks, 28.

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

LEGISLATIVE BILL 245. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to the DNA Testing Act; to amend section 29-4120, Reissue Revised Statutes of Nebraska; to change provisions relating to DNA testing of biological material; and to repeal the original section.

LEGISLATIVE BILL 246. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to the Nebraska Advantage Microenterprise Tax Credit Act; to amend section 77-5903, Reissue Revised Statutes of Nebraska; to redefine microbusiness; and to repeal the original section.

LEGISLATIVE BILL 247. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to the Uniform Partnership Act of 1998; to amend section 67-405, Reissue Revised Statutes of Nebraska; to change an interest rate specification reference; and to repeal the original section.

LEGISLATIVE BILL 248. Introduced by Sullivan, 41.

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

the original section.

LEGISLATIVE BILL 249. Introduced by Sullivan, 41.

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

LEGISLATIVE BILL 250. Introduced by Larson, 40.

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

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

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

LEGISLATIVE BILL 252. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1106, Reissue Revised Statutes of Nebraska, and section 8-1108.02, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to registration by coordination and federal covered securities; and to repeal the original sections.

LEGISLATIVE BILL 253. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to homesteads; to amend section 40-104, Reissue Revised Statutes of Nebraska; to provide when acknowledgment is not required; and to repeal the original section.

LEGISLATIVE BILL 254. Introduced by Morfeld, 46.

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

LEGISLATIVE BILL 255. Introduced by Morfeld, 46.

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

original sections.

LEGISLATIVE BILL 256. Introduced by Bloomfield, 17.

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

LEGISLATIVE BILL 257. Introduced by Nordquist, 7; Campbell, 25; Gloor, 35.

A BILL FOR AN ACT relating to insurance; to require insurers to provide descriptions relating to telehealth and telemonitoring as prescribed.

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

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

LEGISLATIVE BILL 259. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-518, Reissue Revised Statutes of Nebraska, and sections 77-202 and 77-5007, Revised Statutes Cumulative Supplement, 2014; to adopt the Personal Property Tax Relief Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 260. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to revenue and taxation; to authorize the Property Tax Administrator to correct errors as prescribed; and to declare an emergency.

LEGISLATIVE BILL 261. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-519, 13-520, 77-115, 77-376, and 77-1248, Reissue Revised Statutes of Nebraska, and sections 23-2306, 69-2708, 70-1903, 77-1342, 77-2604, 77-2604.01, 77-27,235, 77-2904, and 77-3442, Revised Statutes Cumulative Supplement, 2014; to eliminate obsolete provisions relating to transferring the assessment function to counties; to change provisions relating to the sharing of tax information; to redefine qualified owner under the Rural Community-Based Energy Development Act; to change provisions relating to the valuation of flight equipment of air carriers; to disallow interest on

refunds relating to certain tax credits; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 77-1340.05 and 77-1340.06, Reissue Revised Statutes of Nebraska, and section 77-1340.04, Revised Statutes Cumulative Supplement, 2014; and to declare an emergency.

LEGISLATIVE BILL 262. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to the Dairy Industry Development Act; to amend sections 2-3949, 2-3957, and 2-3959, Reissue Revised Statutes of Nebraska; to define a term; to eliminate provisions relating to refunds; to change powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 263. Introduced by Johnson, 23.

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

LEGISLATIVE BILL 264. Introduced by Morfeld, 46; Crawford, 45; Garrett, 3; Kolowski, 31; Nordquist, 7.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-126, Reissue Revised Statutes of Nebraska, and section 38-101, Revised Statutes Cumulative Supplement, 2014; to provide for issuance of credentials based on military education, training, or service; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 265. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to juveniles; to amend section 29-1926, Reissue Revised Statutes of Nebraska, and sections 43-272.01, 43-285, 43-297.01, 43-2,108, 43-1301, 43-1302, 43-1303, 43-1304, 43-1308, 43-1309, 43-1313, 43-1318, 43-3001, and 43-4318, Revised Statutes Cumulative Supplement, 2014; to change powers and duties for guardians ad litem, the Office of Probation Administration, the Foster Care Review Office, and the office of Inspector General of Nebraska Child Welfare; to define terms; to provide for confidentiality of certain information; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 266. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to municipalities; to amend sections 14-102, 14-103, 15-211, 15-268, 16-207, 16-240, 17-123, 17-123.01, 17-207, and 17-555, Reissue Revised Statutes of Nebraska, and sections 16-230 and 17-563, Revised Statutes Cumulative Supplement, 2014; to change provisions regarding jurisdiction for municipalities to enforce ordinances; to change nuisance ordinance provisions as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 267. Introduced by Crawford, 45.

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

LEGISLATIVE BILL 268. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 23-3406, 24-1106, 25-1140.09, 28-104, 28-303, 29-1602, 29-1822, 29-2004, 29-2005, 29-2006, 29-2020, 29-2027, 29-2282, 29-2407, 29-2519, 29-2521, 29-2523, 29-2801, 29-3205, 29-3920, 29-3928, 29-3929, 29-3930, 55-480, 83-1,110.02, and 83-4,143, Reissue Revised Statutes of Nebraska, and sections 28-105, 29-1603, 29-2204, 29-2522, and 29-3922, Revised Statutes Cumulative Supplement, 2014; to state findings and intent; to change provisions relating to murder in the first degree; to change a penalty from death to life imprisonment without possibility of parole; to eliminate a homicide-case report, provisions on capital punishment, proportionality review provisions, and obsolete provisions; to provide for retroactive applicability of a penalty change; to change provisions relating to restitution; to harmonize provisions; to repeal the original sections; and to outright repeal sections 24-1105, 29-2521.01, 29-2521.03, 29-2521.04, 29-2524.01, 29-2524.02, 29-2525, 29-2527, 29-2528, 29-2811, 83-1,105.01, 83-1,132, 83-964, 83-965, 83-966, 83-967, 83-968, 83-969, 83-970, 83-971, and 83-972, Reissue Revised Statutes of Nebraska, and sections 28-105.01, 29-2521.02, 29-2524, 29-2537, 29-2538, 29-2539, 29-2540, 29-2541, 29-2542, 29-2543, and 29-2546, Revised Statutes Cumulative Supplement, 2014.

LEGISLATIVE BILL 269. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Abstracters Act; to amend section 76-550, Revised Statutes Cumulative Supplement, 2014; to eliminate a requirement to prepare and distribute a roster of all registered abstracters; and to repeal the original section.

LEGISLATIVE BILL 270. Introduced by Ebke, 32.

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

LEGISLATIVE BILL 271. Introduced by Ebke, 32.

A BILL FOR AN ACT relating to labor; to amend sections 48-602, 48-603, 48-603.01, 48-605, 48-625, 48-648, 48-648.01, 48-654, 48-660.01, and

48-669, Reissue Revised Statutes of Nebraska, and section 48-663.01, Revised Statutes Cumulative Supplement, 2014; to change and eliminate provisions of the Employment Security Law; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 272. Introduced by Crawford, 45; Garrett, 3; Morfeld, 46; Nordquist, 7.

A BILL FOR AN ACT relating to veterans; to provide for a voluntary veterans preference in private employment; and to define terms.

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

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

LEGISLATIVE BILL 274. Introduced by Hansen, 26.

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

LEGISLATIVE BILL 275. Introduced by Friesen, 34.

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

LEGISLATIVE BILL 276. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend sections 48-106 and 48-116, Reissue Revised Statutes of Nebraska, and section 48-1,110, Revised Statutes Cumulative Supplement, 2014; to provide for certified independent contractors and exempt such persons from the act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 277. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1838 and 77-1842, Reissue Revised Statutes of Nebraska; to change a provision relating to tax deed lien priority; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 278. Introduced by Harr, B., 8.

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

LEGISLATIVE BILL 279. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to business entities; to amend sections 21-152, 21-1905, 21-19,139, 21-19,159, 21-2005, 21-20,160, 21-20,180.01, and 21-2995, Reissue Revised Statutes of Nebraska, and sections 21-192, 21-205, 21-2,195, 21-2,219, 21-323.01, 21-325.01, and 21-414, Revised Statutes Cumulative Supplement, 2014; to change provisions and fees relating to reinstatement; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 21-2005, 21-20,160, and 21-20,180.01, Reissue Revised Statutes of Nebraska, as amended by this legislative bill; and to declare an emergency.

LEGISLATIVE BILL 280. Introduced by Davis, 43.

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

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

Room 1507

Wednesday, January 21, 2015 1:30 p.m.

LB84
LB65
LB135
LB177

(Signed) John Murante, Chairperson

Natural Resources

Room 1525

Wednesday, January 21, 2015 1:30 p.m.

LB142

(Signed) Ken Schilz, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 23. Introduced by Riepe, 12.

WHEREAS, veterans have earned and deserve high-quality, safe, consistent, and accessible health care services; and

WHEREAS, veterans in Nebraska often travel long distances to receive health care at a United States Department of Veterans Affairs facility, especially hospital care; and

WHEREAS, veterans deserve access to health care services closer to where they reside, including access to personal physicians, local hospitals, and other health care facilities and services; and

WHEREAS, the retention and recruitment of physicians and other health care professionals will promote stronger community-based health care services to veterans and the surrounding communities, and reduce needless duplication of health care services; and

WHEREAS, continuity of care and promotion of the medical home will be improved with veterans having access to local physicians and local hospitals; and

WHEREAS, the economies of local communities will benefit from veterans accessing all components of the community's health care resources; and

WHEREAS, money and time will be saved by allowing veterans to access local community health care services for their health care needs; and

WHEREAS, expanding health care options for veterans will increase access for veterans, especially in rural areas.

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

1. That the Legislature urges the United States Department of Veterans Affairs to provide veterans with direct access to health care services in each local community in Nebraska.

2. That a copy of this resolution be sent to the Secretary and Under Secretary of Health of the United States Department of Veterans Affairs and to each member of Nebraska's delegation to the United States Congress.

Laid over.

LEGISLATIVE RESOLUTION 24. Introduced by Murante, 49.

WHEREAS, Gretna High School won the 2014 Class A One-Act Play State Championship with their performance of "Young Frankenstein"; and

WHEREAS, this is Gretna High School's sixth Class A one-act play state championship since 2008; and

WHEREAS, Gretna High School's performance is a wonderful example of successful collaboration between directors, actors, and crew; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Gretna High School for winning the 2014 Class A One-Act Play State Championship.

2. That a copy of this resolution be sent to the Gretna High School one-act team.

Laid over.

LEGISLATIVE RESOLUTION 25. Introduced by Coash, 27.

WHEREAS, Kadynce Mullins is the 2014 National American Miss Nebraska Princess; and

WHEREAS, Kadynce is the daughter of Kevin and Brenna Mullins and a second grader at Northside Elementary School in Nebraska City; and

WHEREAS, because Kadynce has been hospitalized for seizure episodes, she chose the Children's Miracle Network (CMN) for her summer project and started a nonprofit called "Lollipop Limo" which raises funds for CMN; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Kadynce Mullins for being crowned the 2014 National American Miss Nebraska Princess.

2. That a copy of this resolution be sent to Kadynce Mullins.

Laid over.

PROPOSED RULES CHANGES

The Rules Committee offered the following proposed rules changes:

Rule 5, Sec. 5. Scheduling of Bills, Priority Bills.

(d) The State-Tribal Relations Committee may designate one bill consistent with the committee's jurisdiction as a priority bill but the principal

introducer must concur with the designation as a priority bill, and with the withdrawal of the designation once made.

~~(d)~~(e) The Speaker may designate up to 25 additional priority bills.

~~(e)~~(f) Priority bill designations may be made at any time prior to the annual designation deadline which shall be set each year by the Speaker. The designation deadline shall be prior to the 45th legislative day in the ninety-day session and prior to the 30th legislative day in the sixty-day session.

~~(f)~~(g) A senator or committee may withdraw a priority designation at any time, but will not be allowed to designate another bill as a priority bill in its place. The Speaker may withdraw a priority designation made by the Speaker.

~~(g)~~(h) All committees shall schedule priority bills for public hearing ahead of all unscheduled, nonpriority bills unless the person or committee making the priority designation shall otherwise agree.

~~(h)~~(i) All bills not designated as priority bills shall be heard on General File in the order in which they are reported to the floor by the committees, unless the introducer of the bill and the Speaker agree to delay the hearing of a particular bill. This provision shall not be construed to prevent the Speaker from placing bills reported out of committee with no dissenting votes on a consent calendar.

~~(i)~~(j) Priority bills shall generally be considered ahead of all other bills at each stage of debate, except as provided for in Rule 1, Section 17. Priority bills requiring the expenditure of appropriated funds shall be held on Final Reading until such time as the annual appropriations bills have been passed. A priority bill which fails to advance after two votes on General File, or after one vote on Select File, shall return to nonpriority status.

~~(j)~~(k) No priority bill designated under this rule shall have priority over appropriations bills.

Rule 7, Sec. 3. Motion, in Writing, Withdrawal.

(e) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. Once a division is ordered by the presiding officer, each component shall be treated as a separate and distinct proposition. For purposes of germaneness, even if a question is germane prior to a request for division, each and every other component or proposition of the divided question will be subject to germaneness rulings. Once a vote or change has occurred on any of the divisible questions, the remaining divided sections may not be withdrawn without a majority of those voting or without

unanimous consent. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert. Such call for division shall not be allowed when considering motions under Rule 6, Section 6. Such a call for division shall not be allowed for the mainline budget bill, the deficit bill, the capital construction bill, the constitutional officers salary bill, and the funds transfer bill.

The Rules Committee indefinitely postponed the following proposed rules changes:

Rule 1, Sec. 1. Officers to be Elected.

(a) At the commencement of each regular session in odd-numbered years the Legislature shall nominate from the floor and elect by ~~secret ballot~~ roll call vote with each member indicating the candidate he/she is supporting the following officers:

Speaker
 Chairperson of Committee on Committees
 Chairperson of Executive Board
 Vice Chairperson of Executive Board
~~6 Members of Executive Board (See footnote)~~

If the election is not contested, the presiding officer may accept a motion to declare the nominations closed, and declare the nominee elected by acclamation.

Before the ~~ballot~~ vote is taken each person so nominated may make a public statement to the Legislature indicating what the Legislature may expect from him or her in the area of the responsibility of such office. The officers so elected shall hold such office for a period of two years.

At the end of the roll call vote but prior to the presiding officer declaring a winner, the clerk shall verify how each member voted and the result shall be entered into the legislative journal.

The Legislature elects two from Legislative Districts 2, 3, 15, 16, 19, 21 through 29, 45, and 46; two from Legislative Districts 4 through 14, 18, 20, 31, 39, and 49; and two from Legislative Districts 1, 17, 30, 32 through 38, 40 through 44, 47, and 48. Speaker is member of Board; Chairperson of Appropriations is nonvoting member. RRS 50-401.01.

(b) In the event a vacancy occurs on the Executive Board, the following shall apply:

(i) The Vice Chairperson shall serve as acting Chairperson upon the resignation or death of the Chairperson until the commencing of the next regular session of the Legislature, at which time the Legislature shall

nominate from the floor and elect ~~by secret ballot~~ a Chairperson of the Executive Board for the balance of the original term.

(ii) Upon the resignation or death of the Speaker, during the interim, said position shall remain vacant until the next regular session or special session the Legislature convenes, at which time a Speaker shall be nominated from the floor and elected ~~by secret ballot~~ for the balance of the original term.

Upon the resignation or death of the Speaker during the session, a Speaker shall immediately be nominated from the floor and elected ~~by secret ballot~~ for the balance of the term.

(iii) In the event there is a vacancy of the Vice Chairperson of the Executive Board during the interim, said vacancy shall be filled pursuant to Rule 3, Section 8(c) until the commencing of the next regular session of the Legislature at which time the Legislature shall nominate from the floor and elect ~~by secret ballot~~ a Vice Chairperson of the Executive Board for the balance of the original term.

(iv) During session, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Legislature. The individual so selected shall serve for the balance of the original term.

During the interim, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Executive Board. The individual so selected shall serve for the balance of the original term.

Rule 3, Sec. 8. Chairperson, Vice Chairperson.

(a) The chairperson of each standing and select committee shall be selected by ~~secret ballot~~ roll call vote with each member indicating the candidate he/she is supporting.

(b) At the end of the roll call vote but prior to the presiding officer declaring a winner, the clerk shall verify how each member voted and the result shall be entered into the legislative journal.

If the election is not contested, the presiding officer may accept a motion to declare the nominations closed, and declare the nominee elected by acclamation.

~~(b)~~(c) The chairperson of a special committee shall be selected in the manner provided by the act authorizing the committee, or if not specified, by the Executive Board.

~~(c)~~(d) Each committee shall elect from its membership a vice chairperson to serve in the absence of the chairperson.

~~(d)~~(e) The chairperson may, at his or her discretion, assume the title of chairman, chairwoman, or chair for legislative purposes.

The Rules Committee held the following proposed rules changes:

Rule 3, Sec. 11. Conduct During Committee Hearings.

(a) The use of any mobile, portable, or wireless communication device, other than those authorized by the Legislative Council is prohibited in legislative hearing rooms during a meeting of a legislative committee, unless allowed by the committee chairperson.

(b) Electronic Submission of Documents

(i) Copies of any additional testimony and/or exhibits being presented may be done electronically to the committee clerk for access by members choosing to use electronic data, as allowed by the committee chairperson.

(ii) These document submissions may occur via electronic mail, disk, or portable drive and shall be placed in an electronic file by the committee clerk.

Rule 7, Sec. 5. Call of the House.

(a) A call of the house may be made by any member in the manner following: "I move for a call of the house." The presiding officer shall direct that the board be cleared and the members shall then vote on placing themselves under call. If a majority of the senators present and voting, vote in favor of such a motion, then the Legislature shall be deemed to be under call. Each member present shall indicate his or her presence upon the electric roll call system and shall remain in his or her seat except when excused by the President during the call. After the Clerk shall note the names of the absentees, proceedings under the call may be suspended at any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members elected. The President may declare a motion to place the house under call out of order if all of the absentees were to vote on one side of the question and if their combined vote would be insufficient to change a result of the vote.

Rule 2, Sec. 3. Chamber, Guests, Distribution of Material.

(h) Members shall remain in their seats or within the immediate vicinity of their seats during the final reading of a bill and until the vote thereon has been announced, except when excused by the President. During discussion of amendments or motions offered pursuant to Rule 6, Section 8, officers and employees of the Legislature shall be permitted on the floor of the Legislature and members may move about the legislative environs subject to a quorum call request by any member pursuant to Rule 7, Section 5. For purposes of this rule, legislative environs shall mean the Legislative Chamber, the Senate Lounge, and the hallway connecting those areas.

Rule 3, Sec. 2. Appointment of Committees.

(b) Immediately following chairmanship and Committee on Committees membership elections, the Committee shall meet and, by a majority vote of all its members, submit electronically to the Legislature and all Senators a preliminary report of appointments to the remaining standing and select committees, each with the number of members as hereinafter set forth, unless otherwise provided for by rule or by statute. On the following day the Committee on Committees shall meet and, by a majority vote of all its members, submit to the Legislature a final report for its approval, appointments to the standing and select committees, each with a number of members as hereinafter set forth, unless otherwise provided for by rule or by statute. Once the final report is presented to the Legislature, no amendments shall be considered. If the Legislature, by majority of the elected members, fails to adopt the final report of the Committee on Committees, such report shall be returned to the Committee for further action.

ANNOUNCEMENT(S)

The Rules Committee elected Senator Bloomfield as Vice Chairperson.

MOTION - Print in Journal

Senator Scheer filed the following motion to LB59:

MO2

Withdraw bill.

ADJOURNMENT

At 11:09 a.m., on a motion by Senator Brasch, the Legislature adjourned until 9:00 a.m., Thursday, January 15, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTH DAY - JANUARY 15, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 15, 2015

PRAYER

The prayer was offered by Pastor John Hogue, Falls City Methodist Church, Falls City.

ROLL CALL

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

The roll was called and all members were present except Senators Bolz and B. Harr who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 98, line 36, strike "Heidmann" and insert "Heidemann".
The Journal for the fourth day was approved as corrected.

The Journal for the sixth day was approved.

NOTICE OF COMMITTEE HEARING(S)

Judiciary

Room 1113

Thursday, January 22, 2015 1:30 p.m.

LB60
LB137
LB190
LB184

(Signed) Les Seiler, Chairperson

Revenue

Room 1524

Thursday, January 22, 2015 1:30 p.m.

LB68
LB71
LB76

(Signed) Mike Gloor, Chairperson

Government, Military and Veterans Affairs

Room 1507

Thursday, January 22, 2015 1:30 p.m.

LB16
LB24
LB55
LB163

Friday, January 23, 2015 1:30 p.m.

LB111
LB121
LB112

(Signed) John Murante, Chairperson

CORRECTED MESSAGE FROM THE GOVERNOR

January 8, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Director of the Department of Banking and Finance:

Mark Quandahl, 16729 Leavenworth, Omaha, NE 68118

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are

included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

ANNOUNCEMENT(S)

The Appropriations Committee elected Senator Hilkemann as Vice Chairperson.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 281. Introduced by Kolowski, 31.

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

LEGISLATIVE BILL 282. Introduced by Baker, 30.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1410, Reissue Revised Statutes of Nebraska; to change provisions relating to closed sessions of a public body as prescribed; and to repeal the original section.

LEGISLATIVE BILL 283. Introduced by Baker, 30.

A BILL FOR AN ACT relating to the Emergency Management Act; to amend sections 81-829.49 and 81-829.51, Reissue Revised Statutes of Nebraska; to allow school districts and educational service units to make emergency expenditures as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 284. Introduced by Riepe, 12.

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

LEGISLATIVE BILL 285. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Sports Arena Facility Financing Assistance Act; to amend section 13-3102, Reissue Revised Statutes of

Nebraska; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 286. Introduced by Craighead, 6.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-1,140, 8-355, and 21-17,115, Revised Statutes Cumulative Supplement, 2014; to revise powers of state-chartered banks, building and loan associations, and credit unions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 287. Introduced by Haar, K., 21.

A BILL FOR AN ACT relating to civil rights; to amend sections 20-150, 20-151, 20-156, and 20-159, Reissue Revised Statutes of Nebraska, and section 71-4728, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to licensure of interpreters for deaf and hard of hearing persons; to provide for video remote interpreting services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 288. Introduced by Ebke, 32.

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

LEGISLATIVE BILL 289. Introduced by Ebke, 32.

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

LEGISLATIVE BILL 290. Introduced by Coash, 27.

A BILL FOR AN ACT relating to criminal law; to amend sections 29-4001.01, 29-4006, and 29-4007, Revised Statutes Cumulative Supplement, 2014; to eliminate certain notification requirements under the Sex Offender Registration Act; to eliminate the offense of unlawful use of the Internet by a prohibited sex offender; to repeal the original sections; and to outright repeal section 28-322.05, Revised Statutes Cumulative Supplement, 2014.

LEGISLATIVE BILL 291. Introduced by Coash, 27.

A BILL FOR AN ACT relating to the State Athletic Commissioner; to amend sections 81-8,129, 81-8,130.01, 81-8,132, 81-8,133, 81-8,133.01, 81-8,135, and 81-8,139, Reissue Revised Statutes of Nebraska; to remove professional wrestling from the commissioner's jurisdiction; and to repeal

the original sections.

LEGISLATIVE BILL 292. Introduced by Coash, 27.

A BILL FOR AN ACT relating to the Child Protection and Family Safety Act; to amend sections 28-713.01, 28-720, 28-720.01, and 28-721, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the central registry of child protection cases; to harmonize provisions; and to repeal the original sections.

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

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

LEGISLATIVE BILL 294. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 21-20,177, 29-812, 29-815, 86-2,108, and 86-2,112, Reissue Revised Statutes of Nebraska, and sections 21-2,212, 27-413, 28-801, 28-801.01, 28-802, 28-804, 28-831, 43-246.01, 43-247, 43-248, 43-250, 43-251, 43-251.01, 43-254, 43-258, 43-286, and 43-2,108.01, Revised Statutes Cumulative Supplement, 2014; to adopt the Human Trafficking Victims Civil Remedy Act; to change certain service of process provisions; to redefine offense of sexual assault; to change penalties and provisions relating to prostitution, solicitation of prostitution, pandering, keeping a place of prostitution, and human trafficking; to change provisions relating to search warrants; to change provisions relating to juvenile court jurisdiction and temporary custody requirements; to change provisions relating to intercepted communications; to provide for forfeiture of assets for persons engaged in human trafficking; to create a fund; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 21-20,177, Reissue Revised Statutes of Nebraska, as amended by this legislative bill.

LEGISLATIVE BILL 295. Introduced by Scheer, 19.

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

LEGISLATIVE BILL 296. Introduced by Kolterman, 24; Campbell, 25; Coash, 27; Ebke, 32; Friesen, 34; Kuehn, 38; Morfeld, 46.

A BILL FOR AN ACT relating to foster care; to amend sections 43-1311.01 and 43-1311.02, Revised Statutes Cumulative Supplement, 2014; to provide notification after removal of a child as prescribed; to define a term; and to repeal the original sections.

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

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

LEGISLATIVE BILL 298. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to insurance; to amend sections 44-416.06 and 44-416.07, Reissue Revised Statutes of Nebraska; to change provisions relating to credit for reinsurance; and to repeal the original sections.

LEGISLATIVE BILL 299. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1927, Reissue Revised Statutes of Nebraska; to change provisions relating to admission of evidence of alibi; and to repeal the original section.

LEGISLATIVE BILL 300. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 301. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to courts; to amend sections 24-107, 24-209, 24-212, 85-176, and 85-177, Reissue Revised Statutes of Nebraska; to change provisions relating to format and distribution of court opinions; and to repeal the original sections.

LEGISLATIVE BILL 302. Introduced by Campbell, 25.

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

LEGISLATIVE BILL 303. Introduced by Bloomfield, 17.

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

LEGISLATIVE BILL 304. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to cities and villages; to adopt the Municipal Custodianship for Dissolved Homeowners Associations Act; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 305. Introduced by Schnoor, 15; Crawford, 45; Garrett, 3; Morfeld, 46; Nordquist, 7.

A BILL FOR AN ACT relating to veterans aid; to amend section 80-403, Reissue Revised Statutes of Nebraska; to allow the veterans aid fund to be used for transportation costs for veterans; and to repeal the original section.

LEGISLATIVE BILL 306. Introduced by Nordquist, 7.

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

LEGISLATIVE BILL 307. Introduced by Kolowski, 31.

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

LEGISLATIVE BILL 308. Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to elections; to amend sections 32-301, 32-311.01, 32-318.01, 32-320, 32-326, 60-4,130, and 60-4,130.02, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-308, 32-310, 32-311, 32-312, 32-312.05, and 60-484, Revised Statutes Cumulative Supplement, 2014; to provide for certain sixteen-year-olds and seventeen-year-olds to preregister to vote; to provide procedures; to change and provide powers and duties; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 309. Introduced by Davis, 43.

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

LEGISLATIVE BILL 310. Introduced by Davis, 43.

A BILL FOR AN ACT relating to the Niobrara Scenic River Act; to amend section 72-2007, Reissue Revised Statutes of Nebraska; to change membership of the Niobrara Council; and to repeal the original section.

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

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

LEGISLATIVE BILL 312. Introduced by Transportation and Telecommunications Committee: Smith, 14, Chairperson; Brasch, 16; Davis, 43; Friesen, 34; Garrett, 3; McCoy, 39; Murante, 49; Seiler, 33.

A BILL FOR AN ACT relating to highways and bridges; to amend sections 39-1348, 39-1349, 39-1350, 39-1351, 39-1352, 39-1353, and 81-1701, Reissue Revised Statutes of Nebraska; to change provisions relating to the letting of construction contracts; to provide an exemption from the Nebraska Consultants' Competitive Negotiation Act; and to repeal the original sections.

LEGISLATIVE BILL 313. Introduced by Transportation and Telecommunications Committee: Smith, 14, Chairperson; Brasch, 16; Davis, 43; Friesen, 34; Garrett, 3; McCoy, 39; Murante, 49; Seiler, 33.

A BILL FOR AN ACT relating to transportation; to amend sections 60-336.01, 60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01, 60-4,147.02, 75-363, 75-364, 75-366, and 75-393, Revised Statutes Cumulative Supplement, 2014; to update certain references to federal regulations regarding motor vehicles and motor carriers; and to repeal the original sections.

LEGISLATIVE BILL 314. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to county courts; to amend section 24-517, Revised Statutes Cumulative Supplement, 2014; to state matters subject to the jurisdiction of county courts; and to repeal the original section.

LEGISLATIVE BILL 315. Introduced by Howard, 9; Kolterman, 24.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend

section 68-974, Revised Statutes Cumulative Supplement, 2014; to change and add provisions relating to recovery audit contractors; to harmonize provisions; and to repeal the original section.

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

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

LEGISLATIVE BILL 317. Introduced by Kintner, 2; Bloomfield, 17; Groene, 42.

A BILL FOR AN ACT relating to railroads; to withdraw from and repeal the Midwest Interstate Passenger Rail Compact; and to outright repeal sections 74-1601, 74-1602, and 74-1603, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 318. Introduced by Kuehn, 38.

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

NOTICE OF COMMITTEE HEARING(S)

Natural Resources

Room 1525

Thursday, January 22, 2015 1:30 p.m.

LB174

Friday, January 23, 2015 1:30 p.m.

LB86

(Signed) Ken Schilz, Chairperson

MOTION - Withdraw LB59

Senator Scheer offered his motion, MO2, found on page 163, to withdraw LB59.

The Scheer motion to withdraw the bill prevailed with 40 ayes, 0 nays, and 9 present and not voting.

BILLS ON FIRST READING

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

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

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

LEGISLATIVE BILL 320. Introduced by Bolz, 29; Campbell, 25; Davis, 43.

A BILL FOR AN ACT relating to long-term care; to adopt the Aging and Disability Resource Center Act.

LEGISLATIVE BILL 321. Introduced by Bolz, 29.

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

LEGISLATIVE BILL 322. Introduced by Bolz, 29.

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

LEGISLATIVE BILL 323. Introduced by Davis, 43; Baker, 30; Kolowski, 31.

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

LEGISLATIVE BILL 324. Introduced by McCollister, 20; Coash, 27; Craighead, 6; Crawford, 45; Ebke, 32; Hughes, 44.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-727, 31-729, and 31-740, Reissue Revised Statutes of Nebraska; to provide authorization to contract for solid waste collection services; and to repeal the original sections.

LEGISLATIVE BILL 325. Introduced by Davis, 43; Schilz, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-303, 13-2809, 35-508, 35-509, 35-514.02, 35-517, and 77-3443, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Cumulative Supplement, 2014; to change levy provisions for rural and suburban fire protection districts; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 326. Introduced by Williams, 36.

A BILL FOR AN ACT relating to controlled substances; to amend section 28-439, Reissue Revised Statutes of Nebraska, and sections 28-401, 28-405, 28-416, and 28-1354, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to marijuana, amphetamine, and methamphetamine; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 327. Introduced by Williams, 36.

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

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

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

LEGISLATIVE BILL 329. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to tourism; to adopt the Nebraska Agritourism Promotion Act.

LEGISLATIVE BILL 330. Introduced by Larson, 40.

A BILL FOR AN ACT relating to alcoholic liquor; to amend sections 53-103.01, 53-103.02, 53-130, 53-135, 53-167.02, 53-167.03, 53-1,107, 53-1,111, and 53-1,113, Reissue Revised Statutes of Nebraska, and sections 53-101, 53-103, 53-103.03, 53-123.15, 53-123.17, 53-133, and 53-177, Revised Statutes Cumulative Supplement, 2014; to define and redefine terms; to change and eliminate provisions relating to hours for the conduct of lotteries and alcoholic liquor sales, shipping licenses, renewal of licenses, location of licensees, keg sales, and disposition of seized alcoholic liquor; to state intent relating to appropriations; to harmonize provisions; to repeal the

original sections; and to outright repeal section 9-647, Reissue Revised Statutes of Nebraska, and section 53-179, Revised Statutes Cumulative Supplement, 2014.

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

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

LEGISLATIVE BILL 332. Introduced by Kuehn, 38.

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

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

| LB/LR | Committee |
|--------------|--|
| LB105 | Government, Military and Veterans Affairs (rereferred) |
| LB106 | Government, Military and Veterans Affairs (rereferred) |
| LB193 | Banking, Commerce and Insurance |
| LB194 | Judiciary |
| LB195 | Judiciary |
| LB196 | Health and Human Services |
| LB197 | Urban Affairs |
| LB198 | Banking, Commerce and Insurance |
| LB199 | Health and Human Services |
| LB200 | Revenue |
| LB201 | Revenue |
| LB202 | Government, Military and Veterans Affairs |
| LB203 | Natural Resources |
| LB204 | General Affairs |
| LB205 | Government, Military and Veterans Affairs |
| LB206 | Natural Resources |
| LB207 | Natural Resources |
| LB208 | Natural Resources |
| LB209 | Judiciary |
| LB210 | Revenue |
| LB211 | Health and Human Services |
| LB212 | Judiciary |
| LB213 | Banking, Commerce and Insurance |
| LB214 | Government, Military and Veterans Affairs |
| LB215 | Judiciary |

| | |
|-------|---|
| LB216 | Revenue |
| LB217 | Revenue |
| LB218 | Revenue |
| LB219 | Judiciary |
| LB220 | Transportation and Telecommunications |
| LB221 | Judiciary |
| LB222 | Government, Military and Veterans Affairs |
| LB223 | Banking, Commerce and Insurance |
| LB224 | Government, Military and Veterans Affairs |
| LB225 | Judiciary |
| LB226 | Banking, Commerce and Insurance |
| LB227 | Education |
| LB228 | Revenue |
| LB229 | Appropriations |
| LB230 | Revenue |
| LB231 | Transportation and Telecommunications |
| LB232 | Education |
| LB233 | Appropriations |
| LB234 | Banking, Commerce and Insurance |
| LB235 | Health and Human Services |
| LB236 | Nebraska Retirement Systems |
| LB237 | Appropriations |
| LB238 | Urban Affairs |
| LB239 | Education |
| LB240 | Health and Human Services |
| LB241 | General Affairs |
| LB242 | Agriculture |
| LB243 | Health and Human Services |
| LB244 | Judiciary |
| LB245 | Judiciary |
| LB246 | Revenue |
| LB247 | Banking, Commerce and Insurance |
| LB248 | Transportation and Telecommunications |
| LB249 | Revenue |
| LB250 | General Affairs |
| LB251 | Business and Labor |
| LB252 | Banking, Commerce and Insurance |
| LB253 | Judiciary |
| LB254 | Judiciary |
| LB255 | Revenue |
| LB256 | Revenue |
| LB257 | Banking, Commerce and Insurance |
| LB258 | Health and Human Services |
| LB259 | Revenue |
| LB260 | Revenue |
| LB261 | Revenue |
| LB262 | Agriculture |
| LB263 | Appropriations |
| LB264 | Health and Human Services |

LB265 Judiciary
LB266 Urban Affairs
LB267 Revenue
LB268 Judiciary
LB269 Banking, Commerce and Insurance
LB270 Business and Labor
LB271 Business and Labor
LB272 Government, Military and Veterans Affairs
LB273 Government, Military and Veterans Affairs
LB274 Appropriations
LB275 Transportation and Telecommunications
LB276 Business and Labor
LB277 Revenue
LB278 Revenue
LB279 Banking, Commerce and Insurance
LB280 Revenue

Acierno, Joseph - Chief Medical Officer and Director, Division of Public Health - Department of Health and Human Services - Health and Human Services

Albin, John - Commissioner, Department of Labor - Business and Labor

Bohac, Daryl L. - Adjutant General, Military Department - Government, Military and Veterans Affairs

Bracht, David - Director, State Energy Office - Natural Resources

Fisher, Darrell E. - Executive Director, Nebraska Commission on Law Enforcement and Criminal Justice - Judiciary

Heine, Jim - State Fire Marshal - Government, Military and Veterans Affairs

Hilgert, John - Director, Department of Veterans Affairs - Government, Military and Veterans Affairs

Hilgert, John - Director, Division of Veterans Homes - Department of Health and Human Services - Health and Human Services

Ibach, Greg - Director, Department of Agriculture - Agriculture

Lahm, Rhonda K. - Director, Department of Motor Vehicles - Transportation and Telecommunications

Mitchell, Ronnie - Director, Department of Aeronautics - Government, Military and Veterans Affairs

Quandahl, Mark - Director, Department of Banking and Finance - Banking, Commerce and Insurance

Range, Bruce - Director, Department of Insurance - Banking, Commerce and Insurance

Sorensen, Ruth A. - Property Tax Administrator, Department of Revenue - Revenue

(Signed) Bob Krist, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services

Room 1510

Friday, January 23, 2015 1:30 p.m.

Todd Bartee - Nebraska Child Abuse Prevention Fund Board
Mary Fran Flood - Nebraska Child Abuse Prevention Fund Board
LB23
LB90

Wednesday, January 28, 2015 1:30 p.m.

LB12
LB129
LB77

(Signed) Kathy Campbell, Chairperson

SPEAKER HADLEY PRESIDING

MOTION - Adopt Permanent Rules

Senator Garrett moved to adopt the permanent rules for the One Hundred Fourth Legislature, First Session, and any special sessions held during the 2015 calendar year.

The Rules Committee offered the proposed rules change, found on page 158, to Rule 5, Sec. 5.

Senator Chambers requested a roll call vote on the proposed rules change.

The Rules Committee's proposed rules change to Rule 5, Sec. 5, was adopted with 41 ayes, 2 nays, and 6 present and not voting.

The Rules Committee offered the proposed rules change, found on page 159, to Rule 7, Sec. 3.

Senator Chambers offered the following amendment to the proposed rules change:

Amend Rule 7, Sec. 3.

Strike from the amendment to Rule 7, Sec. 3 the language "the constitutional officers salary bill".

The Chambers amendment was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

The Rules Committee's proposed rules change, as amended, to Rule 7, Sec. 3., was adopted with 35 ayes, 8 nays, 4 present and not voting, and 2 excused and not voting.

Senator Kintner offered the following proposed rules changes:

Rule 1, Sec. 1. Officers to be Elected.

(a) At the commencement of each regular session in odd-numbered years the Legislature shall nominate from the floor and elect by ~~secret ballot~~ roll call vote with each member indicating the candidate he/she is supporting the following officers:

Speaker
 Chairperson of Committee on Committees
 Chairperson of Executive Board
 Vice Chairperson of Executive Board
~~6 Members of Executive Board (See footnote)~~

If the election is not contested, the presiding officer may accept a motion to declare the nominations closed, and declare the nominee elected by acclamation.

Before the ~~ballot~~ roll call vote is taken each person so nominated may make a public statement to the Legislature indicating what the Legislature may expect from him or her in the area of the responsibility of such office. The officers so elected shall hold such office for a period of two years.

At the end of the roll call vote but prior to the presiding officer declaring a winner, the clerk shall verify how each member voted and the result shall be entered into the legislative journal.

The Legislature elects two from Legislative Districts 2, 3, 15, 16, 19, 21 through 29, 45, and 46; two from Legislative Districts 4 through 14, 18, 20, 31, 39, and 49; and two from Legislative Districts 1, 17, 30, 32 through 38, 40 through 44, 47, and 48. Speaker is member of Board; Chairperson of Appropriations is nonvoting member. RRS 50-401.01.

(b) In the event a vacancy occurs on the Executive Board, the following shall apply:

(i) The Vice Chairperson shall serve as acting Chairperson upon the resignation or death of the Chairperson until the commencing of the next regular session of the Legislature, at which time the Legislature shall nominate from the floor and elect by ~~secret ballot~~ roll call vote a Chairperson of the Executive Board for the balance of the original term.

(ii) Upon the resignation or death of the Speaker, during the interim, said position shall remain vacant until the next regular session or special session the Legislature convenes, at which time a Speaker shall be nominated from

the floor and elected by ~~secret ballot~~ roll call vote for the balance of the original term.

Upon the resignation or death of the Speaker during the session, a Speaker shall immediately be nominated from the floor and elected by ~~secret ballot~~ roll call vote for the balance of the term.

(iii) In the event there is a vacancy of the Vice Chairperson of the Executive Board during the interim, said vacancy shall be filled pursuant to Rule 3, Section 8(c) until the commencing of the next regular session of the Legislature at which time the Legislature shall nominate from the floor and elect by ~~secret ballot~~ roll call vote a Vice Chairperson of the Executive Board for the balance of the original term.

(iv) During session, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Legislature. The individual so selected shall serve for the balance of the original term.

During the interim, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Executive Board. The individual so selected shall serve for the balance of the original term.

Rule 3, Sec. 8. Chairperson, Vice Chairperson.

(a) The chairperson of each standing and select committee shall be selected by ~~secret ballot~~ roll call vote with each member indicating the candidate he/she is supporting.

(b) At the end of the roll call vote but prior to the presiding officer declaring a winner, the clerk shall verify how each member voted and the result shall be entered into the legislative journal.

If the election is not contested, the presiding officer may accept a motion to declare the nominations closed, and declare the nominee elected by acclamation.

~~(b)~~(c) The chairperson of a special committee shall be selected in the manner provided by the act authorizing the committee, or if not specified, by the Executive Board.

~~(e)~~(d) Each committee shall elect from its membership a vice chairperson to serve in the absence of the chairperson.

~~(d)~~(e) The chairperson may, at his or her discretion, assume the title of chairman, chairwoman, or chair for legislative purposes.

Pending.

BILLS ON FIRST READING

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

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

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

LEGISLATIVE BILL 334. Introduced by Mello, 5.

A BILL FOR AN ACT relating to labor; to amend section 81-401, Reissue Revised Statutes of Nebraska; to eliminate the Nebraska Workforce Investment Act and the Nebraska Workforce Investment Board; to harmonize provisions; to repeal the original section; and to outright repeal sections 48-1616, 48-1618, 48-1619, 48-1620, 48-1621, 48-1622, 48-1626, and 48-1627, Reissue Revised Statutes of Nebraska, and sections 48-1617, 48-1623, 48-1624, and 48-1625, Revised Statutes Cumulative Supplement, 2014.

LEGISLATIVE BILL 335. Introduced by Mello, 5; Campbell, 25; Cook, 13; Howard, 9; Krist, 10; McCollister, 20; Nordquist, 7.

A BILL FOR AN ACT relating to public health and welfare; to create and provide duties for the Intergenerational Poverty Task Force.

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

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

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

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

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

A BILL FOR AN ACT relating to docket fees; to provide a docket fee for a

paternity determination or parental support proceeding.

LEGISLATIVE BILL 339. Introduced by Howard, 9.

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

LEGISLATIVE BILL 340. Introduced by Brasch, 16.

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

LEGISLATIVE BILL 341. Introduced by Howard, 9.

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

LEGISLATIVE BILL 342. Introduced by Howard, 9.

A BILL FOR AN ACT relating to insurers; to permit contracts for pharmacist professional services.

LEGISLATIVE BILL 343. Introduced by Kolowski, 31.

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

LEGISLATIVE BILL 344. Introduced by Kolowski, 31.

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

LEGISLATIVE BILL 345. Introduced by Kolowski, 31.

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

LEGISLATIVE BILL 346. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend

section 68-911, Revised Statutes Cumulative Supplement, 2014; to provide for coverage for children's day health services; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 347. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the office of Inspector General of Nebraska Child Welfare; to amend sections 43-4301, 43-4302, 43-4303, 43-4304, 43-4316, 43-4318, 43-4320, 43-4321, 43-4324, 43-4325, 43-4326, 43-4327, 43-4328, 43-4330, and 43-4331, Revised Statutes Cumulative Supplement, 2014; to authorize investigations and reviews of the juvenile justice system; to define terms; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 348. Introduced by Krist, 10.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-101, Reissue Revised Statutes of Nebraska, and sections 8-157.01 and 28-636, Revised Statutes Cumulative Supplement, 2014; to redefine a term; to change provisions relating to automatic teller machines and point-of-sale terminals; to change and eliminate provisions relating to branch banking; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 349. Introduced by Krist, 10.

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

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

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

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

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

repeal the original sections.

LEGISLATIVE BILL 352. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to the Residential Mortgage Licensing Act; to amend sections 45-706 and 45-737, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the issuance of a mortgage banker license and recordkeeping by licensees; and to repeal the original sections.

LEGISLATIVE BILL 353. Introduced by Campbell, 25.

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

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

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

LEGISLATIVE BILL 355. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to education funds; to amend section 85-1920, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the Nebraska Education Improvement Fund and the Nebraska Opportunity Grant Fund as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 356. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1333, Reissue Revised Statutes of Nebraska, and section 77-5007, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the assessment of certain rent-restricted housing projects; to create a committee; to provide powers and duties; to change provisions

relating to the Tax Equalization and Review Commission; and to repeal the original sections.

LEGISLATIVE BILL 357. Introduced by Smith, 14; Brasch, 16; Craighead, 6; Hilkemann, 4; Johnson, 23; Kolterman, 24; Larson, 40; McCollister, 20; Murante, 49; Schilz, 47; Schnoor, 15.

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

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

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

LEGISLATIVE BILL 359. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to dogs; to amend section 54-603, Reissue Revised Statutes of Nebraska; to change a fee relating to licensure as prescribed; and to repeal the original section.

LEGISLATIVE BILL 360. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to the Commercial Dog and Cat Operator Inspection Act; to amend sections 54-626 and 54-627, Revised Statutes Cumulative Supplement, 2014; to define a term; to change license requirements; to change provisions relating to fees and inspections; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 361. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to special assessments; to amend sections 14-105, 14-363, 14-364, 14-392, 14-398, 14-3,102, 14-3,103, 14-3,106, 14-3,107, 14-537, 14-1733, 15-211, 15-268, 15-709, 15-713, 15-718, 16-207, 16-250, 16-615, 16-630, 16-631, 16-652, 16-664, 16-669, 16-672, 16-708, 17-149.01, 17-510, 17-511, 17-512, 17-539, 17-555, 17-557.01, 17-913, 17-921, 17-971, 17-972, 18-406, 18-1719, 18-1751, 19-2404, 19-2407, 19-2418, 19-2427, 23-316, 23-317, 31-202.03, 31-230, 31-509, 31-740, 31-749, 39-1622, 39-1623, 39-1636.01, and 46-544, Reissue Revised Statutes of Nebraska, and sections 16-230 and 17-563, Revised

Statutes Cumulative Supplement, 2014; to clarify that certain assessments levied by a sanitary drainage district, sanitary and improvement district, special improvement district, reclamation district, county, city, or village are levied and collected as special assessments; and to repeal the original sections.

LEGISLATIVE BILL 362. Introduced by Krist, 10.

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

RESOLUTION(S)

LEGISLATIVE RESOLUTION 26CA. Introduced by Larson, 40.

THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2016 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 8, Article IV, section 2, and Article V, section 7:

III-8 ~~A No person is shall be eligible for to~~ the office of member of the Legislature ~~if, unless~~ on the date of the general election at which ~~such person he~~ is elected, or on the date of his ~~or her~~ appointment, ~~such person he~~ is a registered voter, has attained the ~~federal voting age, of twenty-one years~~ and has resided within the district from which he ~~or she~~ is elected ~~or appointed~~ for the term of one year next before his ~~or her~~ election ~~or appointment unless such person has, unless he shall have~~ been absent on the public business of the United States or of this State. ~~A And no~~ person elected ~~or appointed to the office of member of the Legislature as aforesaid~~ shall ~~not~~ hold ~~such his~~ office after he ~~or she has shall have~~ removed from such district.

IV-2 ~~A person shall be eligible to any public office, whether elected or appointed, if such person has attained the federal voting age, subject to qualifications, other than age, established by law. A No person shall be eligible to the office of Governor, or Lieutenant Governor if he or she has, who shall not have attained the age of thirty years, and who shall not have been for five years next preceding his or her election a resident and citizen of this state and a citizen of the United States. Any None of the~~ appointive officers mentioned in this article shall ~~not~~ be eligible to any other state office during the period for which they have been appointed.

V-7 ~~A person shall be eligible to any public office, whether elected or appointed, if such person has attained the federal voting age, subject to qualifications, other than age, established by law. A No person shall be eligible to the office of Chief Justice or Judge of the Supreme Court if such person is unless he shall be at least thirty years of age, and a citizen of the United States, and has shall have~~ resided in this state at least three years next

preceding his or her selection; and ~~not~~, in the case of a Judge of the Supreme Court selected from a Supreme Court judicial district, if ~~unless~~ he or she is ~~shall be~~ a resident and elector of the district from which selected.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to provide and change eligibility requirements for public office.

For

Against.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR23 was referred to the Reference Committee.

NOTICE OF COMMITTEE HEARING(S)

Agriculture

Room 2102

Tuesday, January 27, 2015 1:30 p.m.

Greg Ibach - Department of Agriculture

LB85

LB183

(Signed) Jerry Johnson, Chairperson

Health and Human Services

Room 1510

Thursday, January 29, 2015 1:30 p.m.

LB46

LB34

LB146

(Signed) Kathy Campbell, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Garrett - LB97 and LB146

Pansing Brooks - LB107

Stinner - LB320

Mello - LB255, LB202, and LB226

VISITORS

Visitors to the Chamber were Daren Buettner and Karl Barfus from Norfolk; and 25 members of Leadership Nebraska from across the state.

RECESS

At 11:53 a.m., on a motion by Senator Sullivan, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Hadley presiding.

ROLL CALL

The roll was called and all members were present except Senators B. Harr, McCoy, and Seiler who were excused; and Senator Schilz who was excused until he arrives.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 363. Introduced by Nordquist, 7.

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

LEGISLATIVE BILL 364. Introduced by Watermeier, 1.

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

LEGISLATIVE BILL 365. Introduced by Baker, 30.

A BILL FOR AN ACT relating to public records; to amend section 84-1413, Reissue Revised Statutes of Nebraska; to allow school districts and educational service units to keep electronic records; and to repeal the original section.

LEGISLATIVE BILL 366. Introduced by Pansing Brooks, 28; Campbell, 25; Coash, 27.

A BILL FOR AN ACT relating to social services; to amend section 68-1006.01, Revised Statutes Cumulative Supplement, 2014; to change the personal needs allowance under the Medical Assistance Act; and to repeal

the original section.

LEGISLATIVE BILL 367. Introduced by Groene, 42.

A BILL FOR AN ACT relating to petition circulators; to amend sections 32-630 and 32-1404, Reissue Revised Statutes of Nebraska; to eliminate a restriction on paying petition circulators as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 368. Introduced by Groene, 42.

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

LEGISLATIVE BILL 369. Introduced by Riepe, 12.

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

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

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

LEGISLATIVE BILL 371. Introduced by Sullivan, 41.

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

MESSAGES FROM THE GOVERNOR

January 15, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Board of Emergency Medical Services:

Laura A. Scholl, 910 Donnie Lane, Lincoln, NE 68522

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

January 15, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Rural Health Advisory Commission:

John A. E. Craig, 5737 S. 190 Terrace, Omaha, NE 68135

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

MOTION - Adopt Permanent Rules

The Garrett motion to adopt the permanent rules for the One Hundred Fourth Legislature, First Session, and any special sessions held during the 2015 calendar year, found in this day's Journal, was renewed.

The Kintner proposed rules change, found in this day's Journal, to Rule 1, Sec. 1, and Rule 3, Sec. 8., was renewed.

Senator Kintner moved for a call of the house. The motion prevailed with 45 ayes, 0 nays, and 4 not voting.

Senator Kintner requested a roll call vote, in reverse order, on his proposed rules change.

Voting in the affirmative, 12:

| | | | |
|-----------|---------|-----------|---------|
| Brasch | Groene | Lindstrom | Scheer |
| Craighead | Kintner | Murante | Schilz |
| Ebke | Larson | Riepe | Schnoor |

Voting in the negative, 33:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Crawford | Hansen | Krist | Schumacher |
| Bloomfield | Davis | Hilkemann | Kuehn | Stinner |
| Bolz | Friesen | Howard | McCollister | Sullivan |
| Campbell | Garrett | Hughes | Mello | Watermeier |
| Chambers | Gloor | Johnson | Morfeld | Williams |
| Coash | Haar, K. | Kolowski | Nordquist | |
| Cook | Hadley | Kolterman | Pansing Brooks | |

Excused and not voting, 4:

| | | | |
|----------|-------|--------|-------|
| Harr, B. | McCoy | Seiler | Smith |
|----------|-------|--------|-------|

The Kintner proposed rules change lost with 12 ayes, 33 nays, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers requested a roll call vote on the adoption of the permanent rules, as amended.

The Garrett motion to adopt permanent rules, as amended, prevailed with 34 ayes, 8 nays, 3 present and not voting, and 4 excused and not voting.

SENATOR KRIST PRESIDING

BILLS ON FIRST READING

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

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

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

LEGISLATIVE BILL 373. Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to school buses; to amend sections 79-601 and 79-609, Reissue Revised Statutes of Nebraska; to require lap-shoulder belts as prescribed; to require instruction regarding use of certain belts; to require the use of certain belts; to state intent regarding liability; and to repeal the original sections.

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

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

LEGISLATIVE BILL 375. Introduced by Craighead, 6.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend sections 81-885.01 and 81-885.16, Reissue Revised Statutes of Nebraska; to change provisions relating to broker's price opinions and comparative market analyses; and to repeal the original sections.

RESOLUTION(S)**LEGISLATIVE RESOLUTION 27.** Introduced by Ebke, 32.

WHEREAS, the Exeter-Milligan High School football team won the 2014 Class D-2 State Football Championship; and

WHEREAS, the Exeter-Milligan High School football team ended their 2014 season with a record of 13-0; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Exeter-Milligan High School football team on their undefeated season and winning the 2014 Class D-2 State Football Championship.

2. That a copy of this resolution be sent to the Exeter-Milligan High School football team.

Laid over.

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services

Room 1510

Friday, January 30, 2015 1:30 p.m.

John Hilgert - Division of Veterans Homes-Department of Health and
Human ServicesJoseph Acierno - Division of Public Health-Department of Health and
Human Services

LB19

LB148

(Signed) Kathy Campbell, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)Unanimous consent to add Senator(s) as cointroducer(s). No objections. So
ordered.

Pansing Brooks - LB89

Mello - LB371

VISITORVisitor to the Chamber was Jamshed Merchant the Consulate General of
Canada.**ADJOURNMENT**At 3:13 p.m., on a motion by Senator K. Haar, the Legislature adjourned
until 9:00 a.m., Friday, January 16, 2015.Patrick J. O'Donnell
Clerk of the Legislature

EIGHTH DAY - JANUARY 16, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 16, 2015

PRAYER

The prayer was offered by Senator Williams.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator McCoy who was excused; and Senators Davis, K. Haar, B. Harr, Kolowski, Mello, Nordquist, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventh day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 15, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Bartee, Robert D.
University of Nebraska
Becker, Timothy A.
Friends of Nebraska Agriculture and International Trade
Bromm, Curt/Bromm & Associates
Aflac
Douglas County West Community Schools
Nebraska Cable Communications Association
Nebraska Medical Center
Springfield Platteview Community Schools
Verizon Communications, Inc.

Brown, Jill
University of Nebraska

Chaffee, Meghan
Nebraska Hospital Association (Withdrawn 01/12/2015)

Conrad, Danielle
ACLU Nebraska

CP Strategies LLC
American Coalition for Clean Coal Electricity

Keigher & Associates, LLC
National Guard Association of Nebraska (Withdrawn 01/14/2015)

Luebbe, Lori
Nebraska Soybean Association

Miller, Amy A.
ACLU Nebraska

O'Hara Lindsay & Associates, Inc.
4 Lanes 4 Nebraska

Pappas, James E.
UNO Chapter of the AAUP

Pickering, Barbara
University of Nebraska

Ptacek, Patrick J.
Schmit Industries, Inc.

Radcliffe, Walter H. of Radcliffe and Associates
Educators Health Alliance of Nebraska
Farm Credit Services of America
Friends of Nebraska Agriculture and International Trade
Housing Policy Network
Nebraskans For Alternatives to the Death Penalty
United States Travel Insurance Association (UStiA)
Woodmen of the World Life Insurance Society and Subordinate Entities

Ristow, James L.
Nebraska Chamber of Commerce & Industry

Waite, Michelle
University of Nebraska

Wickersham, William R.
Nebraska Association of Former State Legislators

Withem, Ronald E.
University of Nebraska

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

NOTICE OF COMMITTEE HEARING(S)

Revenue

Room 1524

Friday, January 23, 2015 1:30 p.m.

Ruth A. Sorensen - Department of Revenue

LB260

LB261

LB52

LB70

LB74

(Signed) Mike Gloor, Chairperson

Nebraska Retirement Systems

Room 1525

Tuesday, January 27, 2015 12:00 p.m.

LB40

LB236

(Signed) Jeremy Nordquist, Chairperson

Business and Labor

Room 2102

Monday, January 26, 2015 1:30 p.m.

John Albin - Department of Labor

LB83

LB270

LB271

(Signed) Burke Harr, Chairperson

Transportation and Telecommunications

Room 1113

Monday, January 26, 2015 1:30 p.m.

Rhonda K. Lahm - Department of Motor Vehicles

LB45

LB47

LB220

LB181

(Signed) Jim Smith, Chairperson

ANNOUNCEMENT(S)

The Judiciary Committee elected Senator Coash as Vice Chairperson.

BILLS ON FIRST READING

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

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

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

LEGISLATIVE BILL 377. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Commercial Dog and Cat Operator Inspection Act; to amend section 54-633, Reissue Revised Statutes of Nebraska, and section 54-625, Revised Statutes Cumulative Supplement, 2014; to change provisions and procedures relating to the disposition, care, custody, and costs associated with the impoundment of dogs or cats; to harmonize provisions; and to repeal the original sections.

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

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

LEGISLATIVE BILL 379. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to education; to adopt the Expanded Learning Opportunity Grant Program Act.

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

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

LEGISLATIVE BILL 381. Introduced by Cook, 13.

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

LEGISLATIVE BILL 382. Introduced by Cook, 13.

A BILL FOR AN ACT relating to the Diploma of High School Equivalency Assistance Act; to amend sections 79-2306 and 81-1201.21, Reissue Revised Statutes of Nebraska; to change provisions relating to grants; to provide a fund; to state intent relating to transfers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 383. Introduced by Hansen, 26.

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

LEGISLATIVE BILL 384. Introduced by Lindstrom, 18.

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

LEGISLATIVE BILL 385. Introduced by Lindstrom, 18.

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

LEGISLATIVE BILL 386. Introduced by Watermeier, 1.

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

LEGISLATIVE BILL 387. Introduced by Schnoor, 15.

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

LEGISLATIVE BILL 388. Introduced by Hansen, 26.

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

LEGISLATIVE BILL 389. Introduced by Kuehn, 38.

A BILL FOR AN ACT relating to the Commercial Dog and Cat Operator Inspection Act; to amend section 54-628, Reissue Revised Statutes of Nebraska, and section 54-627, Revised Statutes Cumulative Supplement, 2014; to change license and inspection fees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 390. Introduced by Crawford, 45; Bloomfield, 17; Chambers, 11; Coash, 27; Davis, 43; Garrett, 3; Howard, 9; Pansing Brooks, 28; Scheer, 19; Watermeier, 1.

A BILL FOR AN ACT relating to marijuana; to amend sections 28-101, 28-401, and 28-401.01, Revised Statutes Cumulative Supplement, 2014; to provide for the medical use of cannabidiol as prescribed; to create the Medical Cannabidiol Pilot Study; to provide powers and duties for the Department of Health and Human Services and the University of Nebraska Medical Center; to define and redefine terms; to change provisions of the Uniform Controlled Substances Act; to harmonize provisions; to provide a termination date; and to repeal the original sections.

LEGISLATIVE BILL 391. Introduced by Crawford, 45.

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

LEGISLATIVE BILL 392. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to education; to amend sections 79-413, 79-528, 79-1007.18, 79-1008.02, 79-1022, 79-1036, 79-1041, 79-10,120, 79-10,126, 79-1241.03, 79-2104, 79-2104.02, 79-2107, 79-2111, and 79-2404, Reissue Revised Statutes of Nebraska, and sections 70-651.04, 77-1736.06, and 77-3442, Revised Statutes Cumulative Supplement, 2014; to provide and eliminate certain taxing authority of learning communities as prescribed; to change provisions relating to distribution of core services funds as prescribed; to change provisions relating to state aid calculations; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 79-1073, 79-1073.01, and 79-10,126.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 393. Introduced by Schilz, 47.

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

LEGISLATIVE BILL 394. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-564 and 37-568, Reissue Revised Statutes of Nebraska; to change provisions relating to interference with a person hunting, trapping, or fishing; and to repeal the original sections.

LEGISLATIVE BILL 395. Introduced by Schilz, 47.

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

LEGISLATIVE BILL 396. Introduced by Riepe, 12.

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

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

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

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

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

LEGISLATIVE BILL 399. Introduced by Smith, 14.

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

LEGISLATIVE BILL 400. Introduced by Smith, 14.

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

LEGISLATIVE BILL 401. Introduced by Kolterman, 24; Brasch, 16; Ebke, 32; Groene, 42; Howard, 9; Kuehn, 38; Nordquist, 7.

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

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

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

LEGISLATIVE BILL 403. Introduced by Davis, 43.

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

LEGISLATIVE BILL 404. Introduced by Davis, 43.

A BILL FOR AN ACT relating to water; to amend section 46-233, Reissue

Revised Statutes of Nebraska; to provide for evidentiary hearings relating to applications as prescribed; and to repeal the original section.

LEGISLATIVE BILL 405. Introduced by Davis, 43; Howard, 9.

A BILL FOR AN ACT relating to Alzheimer's and related disorders; to create a work group; to provide a termination date; to provide powers and duties; and to declare an emergency.

LEGISLATIVE BILL 406. Introduced by Morfeld, 46.

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

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

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

LEGISLATIVE BILL 408. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1726, Reissue Revised Statutes of Nebraska; to change a penalty for failure to pay taxes; and to repeal the original section.

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

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

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

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

LEGISLATIVE BILL 411. Introduced by Cook, 13.

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

LEGISLATIVE BILL 412. Introduced by Mello, 5.

A BILL FOR AN ACT relating to Rural Community-Based Energy Development Act; to amend sections 70-1907, Reissue Revised Statutes of Nebraska, and 70-1903, Revised Statutes Cumulative Supplement, 2014; to redefine a term; to change requirements for project developers; and to repeal the original sections.

LEGISLATIVE BILL 413. Introduced by Mello, 5.

A BILL FOR AN ACT relating to environmental protection; to amend sections 81-1504, 81-1505, 81-1532, and 81-15,153, Reissue Revised Statutes of Nebraska; to provide powers and duties for the Department of Environmental Quality; to provide for an evaluation as prescribed when issuing permits to political subdivisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 414. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 44-1095, Reissue Revised Statutes of Nebraska, and section 77-202, Revised Statutes Cumulative Supplement, 2014; to provide a property tax exemption for fraternal benefit societies; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 415. Introduced by Pansing Brooks, 28; Schumacher, 22.

A BILL FOR AN ACT relating to the Uniform Interstate Family Support Act; to amend sections 42-701, 42-702, 42-703, 42-704, 42-705, 42-707, 42-708, 42-710, 42-711, 42-712, 42-713, 42-713.01, 42-713.02, 42-714, 42-717, 42-718, 42-719, 42-720, 42-721, 42-723, 42-724, 42-726, 42-729, 42-730, 42-731, 42-732, 42-733, 42-734.03, 42-734.04, 42-734.05, 42-735, 42-736, 42-737, 42-738, 42-739, 42-740, 42-741, 42-742, 42-743, 42-744, 42-745, 42-746, 42-747.01, and 42-747.03, Reissue Revised Statutes of Nebraska; to define, redefine, and eliminate terms; to provide for and change provisions relating to tribunals, proceedings, enforcement, support orders, payment, pleadings and documents, parentage of children, registration of orders, choice of law, procedures to contest, confirmation, and modification of support orders; to provide for proceedings under the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance as prescribed; to harmonize provisions; to

provide for applicability; to provide severability; to repeal the original sections; and to outright repeal section 42-748, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 416. Introduced by Pansing Brooks, 28.

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

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

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

LEGISLATIVE BILL 418. Introduced by Nordquist, 7.

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

LEGISLATIVE BILL 419. Introduced by Mello, 5; Craighead, 6; Davis, 43; Haar, K., 21; Harr, B., 8; Krist, 10; Morfeld, 46; Nordquist, 7; Pansing Brooks, 28; Schilz, 47; Schumacher, 22; Smith, 14; Stinner, 48; Watermeier, 1; Williams, 36.

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

LEGISLATIVE BILL 420. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-727.03, Reissue Revised Statutes of Nebraska; to require acknowledgments from purchasers of real estate as prescribed; and to repeal the original section.

LEGISLATIVE BILL 421. Introduced by Kintner, 2; Brasch, 16; Ebke, 32; Garrett, 3; Murante, 49; Schnoor, 15; Smith, 14.

A BILL FOR AN ACT relating to learning communities; to amend sections 11-119, 13-511, 13-903, 13-2202, 77-1601.02, 77-1614, 77-1624, 77-1702, 77-1708, 77-1772, 77-2201, 77-2202, 79-102, 79-201, 79-215, 79-233,

79-237, 79-238, 79-2,104, 79-407, 79-408, 79-413, 79-415, 79-416, 79-433, 79-452, 79-458, 79-458.01, 79-467, 79-468, 79-473, 79-527, 79-528, 79-549, 79-611, 79-760.02, 79-760.03, 79-760.05, 79-769, 79-777, 79-850, 79-979, 79-1003, 79-1007.05, 79-1007.11, 79-1007.18, 79-1007.22, 79-1008.02, 79-1013, 79-1014, 79-1022, 79-1024, 79-1033, 79-1036, 79-1041, 79-1073, 79-1073.01, 79-1074, 79-1075, 79-1083, 79-1084, 79-1086, 79-10,120, 79-10,126, 79-1210, 79-1241.03, 79-2107, 79-2404, 81-1203, and 84-1413, Reissue Revised Statutes of Nebraska, and sections 13-503, 13-508, 32-546.01, 32-567, 32-604, 32-1203, 68-907, 70-651.04, 77-1704.01, 77-2704.15, and 77-3442, Revised Statutes Cumulative Supplement, 2014; to eliminate learning communities, the Learning Community Reorganization Act, and the learning community coordinating council; to change provisions relating to school district boundaries as prescribed; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 79-4,117, 79-4,118, 79-4,119, 79-4,120, 79-4,121, 79-4,122, 79-4,123, 79-4,124, 79-4,125, 79-4,126, 79-4,127, 79-4,128, 79-4,129, 79-10,126.01, 79-2101, 79-2102, 79-2102.01, 79-2103, 79-2104, 79-2104.01, 79-2104.02, 79-2104.03, 79-2110, 79-2110.01, 79-2111, 79-2112, 79-2113, 79-2114, 79-2115, 79-2116, 79-2117, 79-2118, 79-2119, 79-2120, and 79-2121, Reissue Revised Statutes of Nebraska, and section 32-555.01, Revised Statutes Cumulative Supplement, 2014.

LEGISLATIVE BILL 422. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Probate Code; to amend section 30-2201, Revised Statutes Cumulative Supplement, 2014; to provide for reasonable fees and costs for proceedings involving a minor as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 423. Introduced by Nordquist, 7; Davis, 43; Haar, K., 21; Kolowski, 31.

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

LEGISLATIVE BILL 424. Introduced by Davis, 43; Haar, K., 21; Kolowski, 31; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-518, Reissue Revised Statutes of Nebraska, and sections 77-105, 77-202, 77-6201, 77-6202, 77-6203, and 77-6204, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the nameplate capacity tax; to redefine terms; to change a property tax exemption; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 425. Introduced by Riepe, 12.

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

LEGISLATIVE BILL 426. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend sections 83-170, 83-173.01, 83-184, 83-1,100, 83-1,102, 83-1,110, 83-1,116, and 83-1,119, Reissue Revised Statutes of Nebraska; to define a term; to provide for violent offenders; to provide powers and duties for the Director of Correctional Services, the Parole Administrator, the Board of Parole, and parole officers; and to repeal the original sections.

LEGISLATIVE BILL 427. Introduced by Groene, 42; Davis, 43; Garrett, 3.

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

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

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

LEGISLATIVE BILL 429. Introduced by Smith, 14.

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

LEGISLATIVE BILL 430. Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2013, LB530A, section 1; to appropriate funds; to repeal the original section; and to declare an emergency.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

| LB/LR | Committee |
|--------------|---|
| LB281 | Education |
| LB282 | Government, Military and Veterans Affairs |
| LB283 | Government, Military and Veterans Affairs |
| LB284 | Revenue |
| LB285 | Revenue |
| LB286 | Banking, Commerce and Insurance |
| LB287 | Health and Human Services |
| LB288 | Business and Labor |
| LB289 | Judiciary |
| LB290 | Judiciary |
| LB291 | Government, Military and Veterans Affairs |
| LB292 | Judiciary |
| LB293 | Revenue |
| LB294 | Judiciary |
| LB295 | Urban Affairs |
| LB296 | Health and Human Services |
| LB297 | Judiciary |
| LB298 | Banking, Commerce and Insurance |
| LB299 | Judiciary |
| LB300 | Urban Affairs |
| LB301 | Judiciary |
| LB302 | Judiciary |
| LB303 | Education |
| LB304 | Urban Affairs |
| LB305 | Government, Military and Veterans Affairs |
| LB306 | Business and Labor |
| LB307 | Judiciary |
| LB308 | Government, Military and Veterans Affairs |
| LB309 | Appropriations |
| LB310 | Natural Resources |
| LB311 | Transportation and Telecommunications |
| LB312 | Transportation and Telecommunications |
| LB313 | Transportation and Telecommunications |
| LB314 | Judiciary |
| LB315 | Health and Human Services |
| LB316 | Judiciary |
| LB317 | Transportation and Telecommunications |
| LB318 | Appropriations |

| | |
|-------|---|
| LB319 | Government, Military and Veterans Affairs |
| LB320 | Health and Human Services |
| LB321 | Revenue |
| LB322 | Revenue |
| LB323 | Education |
| LB324 | Urban Affairs |
| LB325 | Revenue |
| LB326 | Judiciary |
| LB327 | Judiciary |
| LB328 | Natural Resources |
| LB329 | Judiciary |
| LB330 | General Affairs |
| LB331 | Revenue |
| LB332 | Appropriations |
| LB333 | Health and Human Services |
| LB334 | Business and Labor |
| LB335 | Health and Human Services |
| LB336 | Banking, Commerce and Insurance |
| LB337 | Natural Resources |
| LB338 | Judiciary |
| LB339 | General Affairs |
| LB340 | Judiciary |
| LB341 | Banking, Commerce and Insurance |
| LB342 | Banking, Commerce and Insurance |
| LB343 | Education |
| LB344 | Natural Resources |
| LB345 | Revenue |
| LB346 | Health and Human Services |
| LB347 | Executive Board |
| LB348 | Banking, Commerce and Insurance |
| LB349 | Executive Board |
| LB350 | Revenue |
| LB351 | Education |
| LB352 | Banking, Commerce and Insurance |
| LB353 | Health and Human Services |
| LB354 | Judiciary |
| LB355 | Education |
| LB356 | Revenue |
| LB357 | Revenue |
| LB358 | Judiciary |
| LB359 | Agriculture |
| LB360 | Agriculture |
| LB361 | Revenue |
| LB362 | Judiciary |
| LB363 | Business and Labor |
| LB364 | Appropriations |
| LB365 | Government, Military and Veterans Affairs |
| LB366 | Health and Human Services |
| LB367 | Government, Military and Veterans Affairs |

LB368 Government, Military and Veterans Affairs
LB369 Health and Human Services
LB370 Health and Human Services
LB371 Education
LB372 Revenue
LB373 Transportation and Telecommunications
LB374 Appropriations
LB375 Banking, Commerce and Insurance
LR23 Government, Military and Veterans Affairs
LR26CA Government, Military and Veterans Affairs

Craig, John A. E. - Nebraska Rural Health Advisory Commission - Health and Human Services

Scholl, Laura A. - Board of Emergency Medical Services - Health and Human Services

(Signed) Bob Krist, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARING(S)
Education

Room 1525

Monday, January 26, 2015 1:30 p.m.

LB109
LB239
LB54
LB144

(Signed) Kate Sullivan, Chairperson
Urban Affairs

Room 1510

Tuesday, January 27, 2015 1:30 p.m.

LB168
LB116
LB131
LB149

(Signed) Sue Crawford, Chairperson

Banking, Commerce and Insurance

Room 1507

Monday, January 26, 2015 1:30 p.m.

LB159
LB157
LB279
LB247

(Signed) Jim Scheer, Chairperson

Judiciary

Room 1113

Friday, January 23, 2015 1:30 p.m.

LB44
LB188
LB209
LB219

(Signed) Les Seiler, Chairperson

Banking, Commerce and Insurance

Room 1507

Tuesday, January 27, 2015 1:30 p.m.

Mark Quandahl - Department of Banking and Finance
Bruce Range - Department of Insurance
LB269
LB198
LB139

(Signed) Jim Scheer, Chairperson

General Affairs

Room 1510

Monday, January 26, 2015 1:30 p.m.

LB250
LB17
LB118
LB241
LB179
LB160
LR10CA
LB330

(Signed) Tyson Larson, Chairperson

AMENDMENT(S) - Print in Journal

Senator Sullivan filed the following amendment to LB273:
AM9

1. On page 2, line 13 strike "ten" and insert "twenty".

WITHDRAW - Cointroducer

Senator Krist withdrew his name as cointroducer to LB118.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Watermeier - LB272

VISITOR

The Doctor of the Day was Dr. Doug Dunning from Omaha.

ADJOURNMENT

At 10:33 a.m., on a motion by Senator Kolowski, the Legislature adjourned until 11:00 a.m., Tuesday, January 20, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

NINTH DAY - JANUARY 20, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 20, 2015

PRAYER

The prayer was offered by Senator Campbell.

ROLL CALL

Pursuant to adjournment, the Legislature met at 11:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator McCoy who was excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

| LB/LR | Committee |
|--------------|---|
| LB376 | Executive Board |
| LB377 | Agriculture |
| LB378 | Urban Affairs |
| LB379 | Education |
| LB380 | Education |
| LB381 | Appropriations |
| LB382 | Education |
| LB383 | Government, Military and Veterans Affairs |
| LB384 | Revenue |
| LB385 | Judiciary |
| LB386 | Revenue |
| LB387 | Appropriations |
| LB388 | Business and Labor |
| LB389 | Agriculture |
| LB390 | Judiciary |
| LB391 | Revenue |

LB392 Education
LB393 Agriculture
LB394 Natural Resources
LB395 Banking, Commerce and Insurance
LB396 Revenue
LB397 Appropriations
LB398 Revenue
LB399 Transportation and Telecommunications
LB400 Government, Military and Veterans Affairs
LB401 Education
LB402 Education
LB403 Government, Military and Veterans Affairs
LB404 Natural Resources
LB405 Health and Human Services
LB406 Judiciary
LB407 Natural Resources
LB408 Revenue
LB409 Judiciary
LB410 Education
LB411 Health and Human Services
LB412 Natural Resources
LB413 Natural Resources
LB414 Revenue
LB415 Judiciary
LB416 Judiciary
LB417 Appropriations
LB418 Appropriations
LB419 Revenue
LB420 Urban Affairs
LB421 Education
LB422 Judiciary
LB423 Revenue
LB424 Revenue
LB425 Judiciary
LB426 Judiciary
LB427 Government, Military and Veterans Affairs
LB428 Revenue
LB429 Business and Labor
LB430 Appropriations

(Signed) Bob Krist, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARING(S)

Agriculture

Room 2102

Tuesday, January 27, 2015 1:30 p.m.

William Marshall III - Nebraska State Fair Board

(Signed) Jerry Johnson, Chairperson

Judiciary

Room 1113

Wednesday, January 28, 2015 1:30 p.m.

LB38

LB120

LB215

LB167

LB189

(Signed) Les Seiler, Chairperson

Transportation and Telecommunications

Room 1113

Tuesday, January 27, 2015 1:30 p.m.

LB122

LB275

LB94

(Signed) Jim Smith, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 1, 2, 3, 4, 5, 6, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: 1, 2, 3, 4, 5, 6, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 431. Introduced by Baker, 30.

A BILL FOR AN ACT relating to public lettings; to amend section 73-106, Reissue Revised Statutes of Nebraska; to change provisions relating to public school district construction; and to repeal the original section.

LEGISLATIVE BILL 432. Introduced by Baker, 30.

A BILL FOR AN ACT relating to public records; to amend section 84-712, Reissue Revised Statutes of Nebraska; to change provisions relating to access to and copying of public records; and to repeal the original section.

LEGISLATIVE BILL 433. Introduced by Baker, 30.

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

LEGISLATIVE BILL 434. Introduced by Cook, 13.

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

LEGISLATIVE BILL 435. Introduced by Cook, 13.

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

LEGISLATIVE BILL 436. Introduced by Cook, 13.

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

LEGISLATIVE BILL 437. Introduced by Ebke, 32.

A BILL FOR AN ACT relating to the Parenting Act; to amend section 43-2921, Reissue Revised Statutes of Nebraska, and sections 43-2923 and 43-2929, Revised Statutes Cumulative Supplement, 2014; to provide for legislative findings; to codify provisions relating to best interests of the child; to change provisions relating to parenting plans created by the court; and to repeal the original sections.

LEGISLATIVE BILL 438. Introduced by Morfeld, 46.

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

LEGISLATIVE BILL 439. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-181, Reissue Revised Statutes of Nebraska, and section 53-180.05, Revised Statutes Cumulative Supplement, 2014; to change penalty provisions for certain violations relating to or committed by minors or persons who are mentally incompetent; and to repeal the original sections.

LEGISLATIVE BILL 440. Introduced by Morfeld, 46.

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

LEGISLATIVE BILL 441. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to state wards; to amend sections 43-284.02, 43-285, 43-905, 43-1312.01, 43-4501, 43-4503, 43-4504, 43-4505, 43-4506, 43-4508, 43-4511, 43-4512, 43-4513, 43-4514, and 71-824, Revised Statutes Cumulative Supplement, 2014; to require juvenile court to hold an independence hearing; to provide for health care and medical assistance as prescribed; to redefine bridge to independence program; to provide for kinship guardian assistance agreements and extended adoption assistance agreements as prescribed; to provide duties for the Department of Health and Human Services; to require certain documents and proceedings to be confidential; to provide duties for the Nebraska Children's Commission; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 442. Introduced by Bolz, 29.

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

LEGISLATIVE BILL 443. Introduced by Bolz, 29.

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

LEGISLATIVE BILL 444. Introduced by Groene, 42.

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

LEGISLATIVE BILL 445. Introduced by Groene, 42.

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

LEGISLATIVE BILL 446. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to school employees retirement; to amend sections 79-902, 79-934, 79-978, and 79-9,100, Reissue Revised Statutes of Nebraska; to redefine compensation; to change provisions relating to calculation of final compensation for purposes of formula annuities; and to repeal the original sections.

LEGISLATIVE BILL 447. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Class V School Employees Retirement Act; to amend sections 79-978, 79-980, 79-981, 79-982, 79-983, 79-984, 79-985, 79-986, 79-987, 79-989, 79-990, 79-991, 79-992, 79-996, 79-998, 79-9,102, 79-9,103, 79-9,105, 79-9,107, 79-9,108, 79-9,109, 79-9,111, 79-9,113, 79-9,115, and 79-9,117, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change membership of the board of trustees; to change provisions relating to administration of the retirement system and the services and benefits provided by the system; to provide a penalty; to provide immunity from liability; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 448. Introduced by Nordquist, 7.

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

LEGISLATIVE BILL 449. Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Business Innovation Act; to amend sections 81-12,162 and 81-12,163, Reissue Revised Statutes of Nebraska; to change provisions relating to microloans and funding; to harmonize provisions; to repeal the original sections; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 450. Introduced by Mello, 5.

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

LEGISLATIVE BILL 451. Introduced by Hansen, 26.

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

LEGISLATIVE BILL 452. Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-124, Reissue Revised Statutes of Nebraska, and section 38-178, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to advertisement by credential holders; to provide for disciplinary action; and to repeal the original sections.

LEGISLATIVE BILL 453. Introduced by Hilkemann, 4.

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

LEGISLATIVE BILL 454. Introduced by Garrett, 3; Craighead, 6; Schnoor, 15.

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

LEGISLATIVE BILL 455. Introduced by Gloor, 35; Crawford, 45.

A BILL FOR AN ACT relating to cities of the first class; to amend section

16-222.02, Reissue Revised Statutes of Nebraska; to change provisions relating to employment of a full-time fire chief; and to repeal the original section.

LEGISLATIVE BILL 456. Introduced by Gloor, 35; Groene, 42; Nordquist, 7.

A BILL FOR AN ACT relating to the Nebraska Exchange Transparency Act; to amend section 44-8704, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to meetings of a commission; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 457. Introduced by Gloor, 35; Scheer, 19.

A BILL FOR AN ACT relating to economic development; to amend sections 81-1213, 81-12,146, and 81-12,147, Reissue Revised Statutes of Nebraska, and section 58-708, Revised Statutes Cumulative Supplement, 2014; to terminate a fund; to change the Site and Building Development Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 458. Introduced by Kolterman, 24; Howard, 9.

A BILL FOR AN ACT relating to insurance; to amend sections 44-3903, 44-3910, 44-4047, and 44-4052, Reissue Revised Statutes of Nebraska; to authorize limited lines travel insurance producer licenses; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 459. Introduced by Crawford, 45.

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

LEGISLATIVE BILL 460. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-117.07, 53-125, and 53-130, Reissue Revised Statutes of Nebraska, and sections 53-101, 53-103, 53-117, 53-123, 53-124, and 53-124.01, Revised Statutes Cumulative Supplement, 2014; to provide for licensure for charter bus services, limousine services, and pedal-pub vehicles; to define a term; to provide for procedures and fees; to harmonize provisions; and to repeal the original sections.

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

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

section.

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

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

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

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

LEGISLATIVE BILL 464. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to liens; to amend sections 52-1307, 52-1312, and 52-1317, Reissue Revised Statutes of Nebraska; to change provisions relating to information provided on effective financing statements as prescribed; and to repeal the original sections.

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

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

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

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

LEGISLATIVE BILL 467. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend sections 81-2014.01, 81-2017, 81-2026, 81-2027.08, and 81-2041, Reissue Revised Statutes of Nebraska; to redefine a term; to change benefit calculation and adjustment; to eliminate certain state contributions as prescribed; to change DROP requirements; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 468. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Judges Retirement Act; to amend sections 24-701, 24-701.01, 24-703, and 24-710.13, Revised Statutes Cumulative Supplement, 2014; to redefine a term; to change cost-of-living adjustments for judges as prescribed; to change provisions relating to

contributions by judges; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 469. Introduced by Smith, 14.

A BILL FOR AN ACT relating to the environment; to define terms; and to provide powers and duties to the Department of Environmental Quality relating to the development of a state plan for regulating carbon dioxide emissions.

LEGISLATIVE BILL 470. Introduced by Hansen, 26.

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

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

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

LEGISLATIVE BILL 472. Introduced by Campbell, 25; Crawford, 45; Howard, 9; Mello, 5; Nordquist, 7.

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

LEGISLATIVE BILL 473. Introduced by Chambers, 11.

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

LEGISLATIVE BILL 474. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to motor vehicles; to amend sections

37-201, 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2014; to provide for Mountain Lion Protection Plates; to create the Game and Parks Commission Educational Fund and provide for its use; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 475. Introduced by Davis, 43.

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

LEGISLATIVE BILL 476. Introduced by Davis, 43.

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

LEGISLATIVE BILL 477. Introduced by Davis, 43.

A BILL FOR AN ACT relating to schools; to amend section 79-499, Reissue Revised Statutes of Nebraska; to change provisions relating to a district maintaining the only public high school in a county as prescribed; and to repeal the original section.

LEGISLATIVE BILL 478. Introduced by Baker, 30.

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

LEGISLATIVE BILL 479. Introduced by Bloomfield, 17; Brasch, 16; Coash, 27; Crawford, 45; Davis, 43; Garrett, 3; Groene, 42; Kintner, 2; Krist, 10; Morfeld, 46; Schnoor, 15.

A BILL FOR AN ACT relating to veterans; to amend section 80-201, Reissue Revised Statutes of Nebraska; to change provisions relating to memorials of veterans; and to repeal the original section.

LEGISLATIVE BILL 480. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-119, Reissue Revised Statutes of Nebraska; to change provisions relating to computing compensation; and to repeal the original section.

LEGISLATIVE BILL 481. Introduced by Kintner, 2; Craighead, 6; Ebke, 32; Garrett, 3; Lindstrom, 18; Murante, 49; Scheer, 19; Schnoor, 15.

A BILL FOR AN ACT relating to learning communities; to amend section 79-2102, Reissue Revised Statutes of Nebraska, and section 32-546.01, Revised Statutes Cumulative Supplement, 2014; to permit school districts to opt out of a learning community as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 482. Introduced by Krist, 10.

A BILL FOR AN ACT relating to juveniles; to amend section 43-252, Reissue Revised Statutes of Nebraska, and sections 43-251.01, 43-276, and 43-2,129, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to placements, commitments, fingerprints, and petitions; to provide for assistance for certain juveniles; to prohibit the use of instruments of restraint as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 483. Introduced by Pansing Brooks, 28.

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

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

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

LEGISLATIVE BILL 485. Introduced by Stinner, 48; Bolz, 29; Davis, 43; Harr, B., 8; Hilkemann, 4; Howard, 9; Nordquist, 7.

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

LEGISLATIVE BILL 486. Introduced by Schilz, 47.

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

LEGISLATIVE BILL 487. Introduced by Schilz, 47.

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

LEGISLATIVE BILL 488. Introduced by Scheer, 19.

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

LEGISLATIVE BILL 489. Introduced by Sullivan, 41; Brasch, 16; Campbell, 25; Cook, 13; Johnson, 23; Kolowski, 31; Pansing Brooks, 28; Scheer, 19; Stinner, 48.

A BILL FOR AN ACT relating to early childhood education; to amend section 79-1104.02, Reissue Revised Statutes of Nebraska; to provide requirements for grant recipients as prescribed; and to repeal the original section.

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

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

LEGISLATIVE BILL 491. Introduced by Morfeld, 46.

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

LEGISLATIVE BILL 492. Introduced by Morfeld, 46.

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

sections.

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

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

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

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

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

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

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

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

MOTION - Print in Journal

Senator Davis filed the following motion to LB201:

MO3

Withdraw bill.

NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

Tuesday, January 27, 2015 1:30 p.m.

John Bernthal - Coordinating Commission for Postsecondary Education

LB303

LB371

LB49

(Signed) Kate Sullivan, Chairperson

EXECUTIVE BOARD REPORT

Senator Krist, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committees:

Building Maintenance

Senator Hughes (Chairperson)

Senator Craighead

Senator Kolterman

Senator Mello

Senator Stinner

Senator Watermeier

Education Commission of the States

Senator Baker

Senator Scheer

Senator Sullivan

Homeland Security Policy Group

Senator Craighead

Senator Kuehn

Interstate Compact for Adult Offender Supervision

Senator Bolz

Legislative Performance Audit

Speaker Hadley

Senator Krist

Senator Kuehn

Senator Larson

Senator Mello

Senator Scheer

Senator Watermeier

Legislature's Planning

Senator Campbell
Senator Gloor
Speaker Hadley
Senator Howard
Senator Krist
Senator Mello
Senator Riepe
Senator Schilz
Senator Schumacher

Midwest Interstate Passenger Rail Compact

Senator Harr, B.
Senator Lindstrom

Midwestern Higher Education Compact Commission (Midwest Compact)

Senator Crawford
Senator Sullivan

Nebraska Information Technology Commission

Senator Friesen

State Council for Interstate Juvenile Supervision

Senator Coash

State-Tribal Relations

Senator Lindstrom (Chairperson)
Senator Brasch (Vice Chairperson)
Senator Bloomfield
Senator Crawford
Senator Coash
Senator Davis
Senator Scheer

Streamlined Sales and Use Tax System

Senator Gloor
Senator Harr, B.

(Signed) Bob Krist, Chairperson
Legislative Council, Executive Board

RESOLUTION(S)

LEGISLATIVE RESOLUTION 28. Introduced by Friesen, 34.

WHEREAS, Nicholas Weber, a member of Troop 28 from Aurora, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Nicholas has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 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, Nicholas removed the existing landscape and installed new landscaping around the Farr Building at the Hamilton County Fairgrounds in Aurora; and

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

WHEREAS, Nicholas, 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 Nicholas Weber on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Nicholas Weber.

Laid over.

LEGISLATIVE RESOLUTION 29. Introduced by Friesen, 34.

WHEREAS, Trevor Alber, a member of Troop 28 from Aurora, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Trevor 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, Trevor built new support structures for the rabbit and poultry cages for the Hamilton County Fairgrounds in Aurora; and

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

WHEREAS, Trevor, 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 Trevor Alber on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Trevor Alber.

Laid over.

LEGISLATIVE RESOLUTION 30. Introduced by Friesen, 34.

WHEREAS, Blake Vaught, a member of Troop 28 from Aurora, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Blake 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, Blake built five new planters with benches for the Hamilton County Fairgrounds in Aurora; and

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

WHEREAS, Blake, 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 Blake Vaught on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Blake Vaught.

Laid over.

LEGISLATIVE RESOLUTION 31CA. Introduced by Bloomfield, 17; Brasch, 16; Coash, 27; Groene, 42; Kintner, 2; Krist, 10; Morfeld, 46.

THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2016, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 12:

III-12 (4) No person shall be eligible to serve as a member of the Legislature for four years next after the expiration of two consecutive full terms regardless of the district represented.

~~(2) Service prior to January 1, 2001, as a member of the Legislature shall not be counted for the purpose of calculating consecutive terms in subsection (1) of this section.~~

~~(3) For the purpose of this section, service in office for more than one half of a term shall be deemed service for a term.~~

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the limit on terms of members of the Legislature to two consecutive full terms.

For

Against.

LEGISLATIVE RESOLUTION 32. Introduced by Krist, 10.

WHEREAS, the One Hundredth Legislature, Second Session, 2008, adopted Legislative Resolution 283 to establish the Developmental Disabilities Special Investigative Committee of the Legislature. The committee was then reauthorized by the One Hundred First Legislature, First Session, 2009, in Legislative Resolution 11, by the One Hundred Second Legislature, First Session, 2011, in Legislative Resolution 47, by the One Hundred Second Legislature, Second Session, 2012, in Legislative Resolution 365, and by the One Hundred Third Legislature, First Session, 2013, in Legislative Resolution 20. The committee was authorized to study the quality of care and related staffing issues at the Beatrice State Developmental Center, investigate the placement and quality of care statewide for the developmentally disabled in Nebraska, and determine how and why such services to the developmentally disabled were permitted to decline to the level documented in the United States Department of Justice report.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the Developmental Disabilities Special Investigative Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the executive board. The executive board shall appoint the chairperson and vice-chairperson of the committee. The executive board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The executive board is also

authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as is deemed necessary by the committee.

2. The Developmental Disabilities Special Investigative Committee of the Legislature shall provide oversight to ensure that the terms of the United States Department of Justice Consent Decree and the recommendations from the Report of the Developmental Disabilities Special Investigative Committee dated December 15, 2008, are implemented in a timely fashion.

3. The Developmental Disabilities Special Investigative Committee of the Legislature is hereby authorized to continue to study the quality of care and related staffing issues at the Beatrice State Developmental Center. The committee shall also continue to investigate the placement and quality of care statewide for the developmentally disabled in Nebraska, including the determination of whether adequate funding and capacity exists for persons to be served in the community, options for service provisions for current residents of the Beatrice State Developmental Center at other twenty-four-hour care facilities in the state, and the staffing practices at twenty-four-hour care facilities and the relationship of those practices to the quality of care provided to the developmentally disabled. The committee shall also review the processes of how the Division of Developmental Disabilities of the Department of Health and Human Services determines eligibility for services for individuals who are in need of services, as well as the processes utilized by the division to determine when individuals who have received services by the division are no longer eligible for such services.

4. The Developmental Disabilities Special Investigative Committee of the Legislature shall issue a report with its findings as the circumstances warrant.

5. The Developmental Disabilities Special Investigative Committee of the Legislature is hereby authorized to continue its work until the beginning of the One Hundred Fifth Legislature, First Session.

Laid over.

LEGISLATIVE RESOLUTION 33. Introduced by Krist, 10.

WHEREAS, in 2008, the Department of Health and Human Services (DHHS) began to develop the ACCESSNebraska system. ACCESSNebraska is a system that is intended to efficiently determine public assistance eligibility and provide service delivery. Since the implementation of this system, the Legislature has conducted several hearings on bills and resolutions related to ACCESSNebraska. In these hearings, the realities and problems faced by clients navigating the ACCESSNebraska system were revealed, including long call wait times, lost documentation, erroneous public assistance decisions, and a general difficulty for clients to get the assistance they needed in a timely manner; and

WHEREAS, the One Hundred Third Legislature, Second Session, adopted Legislative Resolution 400, which created the ACCESSNebraska Special

Investigative Committee of the Legislature to study the ACCESSNebraska system; and

WHEREAS, on December 15, 2014, the committee issued a report and recommendations related to ACCESSNebraska. The committee found the ACCESSNebraska system has been and continues to be plagued with problems. The committee also found ACCESSNebraska front-line workers have not been given the proper tools to complete daunting work loads; and

WHEREAS, the committee recommended among other things that the ACCESSNebraska Special Investigative Committee be continued to provide ongoing oversight for the ACCESSNebraska system.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the ACCESSNebraska Special Investigative Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the Executive Board. The committee shall elect a chairperson and vice-chairperson from the membership of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The Executive Board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as is deemed necessary by the committee.

2. The ACCESSNebraska Special Investigative Committee of the Legislature is hereby authorized to study the adequacy of staffing and training of DHHS employees working within the ACCESSNebraska system, including the number of employees for local offices, the number of employees for call centers and document imaging centers, the type and amount of training received, the education levels and years of experience of employees, client access to employees, and the need for and availability of dedicated caseworkers for clients. The scope of the committee's investigation shall include, but not be limited to, the adequacy of technology used within the ACCESSNebraska system, including telephone systems, computer software, case management, information technology, and use of and access to databases to allow for data matching. The committee shall also investigate the effectiveness of processes and structures used by the ACCESSNebraska system, including system design, management structure, and system goals. The committee shall also investigate the need for new or additional data collection to determine system effectiveness. The committee shall analyze the experiences of clients and their family members and examine customer service experience, access to benefits, and responses to changing family needs. The committee shall utilize existing studies and reports and legislation developed to address the current conditions. The committee shall not be limited to such studies, reports, or legislation. The committee shall issue a report with its findings and recommendations to the

Legislature no later than December 15, 2015. The report to the Legislature shall be submitted electronically.

Laid over.

LEGISLATIVE RESOLUTION 34. Introduced by Krist, 10.

WHEREAS, the Department of Correctional Services Special Investigative Committee of the Legislature was created in LR424, One Hundred Third Legislature, Second Session; and

WHEREAS, the committee, having completed its work and issued its report on December 15, 2014, discovered additional problems within the Department of Correctional Services during the course of its LR424 study; and

WHEREAS, the Legislature believes that further study and oversight of the department is necessary in order to prevent additional mistakes and to correct inadequate department procedures and policies.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and reappoint the Department of Correctional Services Special Investigative Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the Executive Board. The committee shall elect a chairperson and vice-chairperson from the membership of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The Executive Board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as deemed necessary by the committee.

2. That the Department of Correctional Services Special Investigative Committee of the Legislature is hereby authorized to study the following with respect to the Department of Correctional Services:

- (a) The adequacy of programs designed to rehabilitate inmates;
- (b) The funding history of programs designed to rehabilitate inmates;
- (c) The availability of mental health care and the policies and procedures in place to ensure that inmates receive appropriate mental health care or confinement through the civil commitment process;
- (d) The policies relating to the solitary confinement, segregation, or other isolation of inmates;
- (e) The transition of inmates from incarceration to the community at large;
- (f) The administration of good time laws;
- (g) Any evaluation or study made of the department's policies and practices, whether or not any recommendations were adopted as a result of the evaluation or study, and the reasons if any recommendations were not adopted; and

(h) Whether or not an office of Inspector General of the Nebraska Correctional System should be created for oversight of the department.

3. That the committee shall issue a report with its findings and recommendations to the Legislature no later than December 15, 2015.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Garrett - LB222, LB278, and LR23

Pansing Brooks - LB423, LB424, and LB407

VISITOR

The Doctor of the Day was Dr. Lanik from Geneva.

ADJOURNMENT

At 12:08 p.m., on a motion by Senator Schilz, the Legislature adjourned until 10:00 a.m., Wednesday, January 21, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

TENTH DAY - JANUARY 21, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 21, 2015

PRAYER

The prayer was offered by Senator Kolterman.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senator McCoy who was excused; and Senators Cook, Pansing Brooks, and Schumacher who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the ninth day was approved.

SPEAKER'S ANNOUNCEMENT(S)

Pursuant to Rule 4, Section 8, LR32, LR33, and LR34 were referred to the Reference Committee.

NOTICE OF COMMITTEE HEARING(S)

Revenue

Room 1524

Wednesday, January 28, 2015 1:30 p.m.

LB63
LB165
LB267

Thursday, January 29, 2015 1:30 p.m.

LB162
LB186
LB178
LB259

Friday, January 30, 2015 1:30 p.m.

LB216
LB217
LB218
LB73
LB75
LB123

(Signed) Mike Gloor, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, January 28, 2015 1:30 p.m.

LB222
LB272
LB305
LR23

(Signed) John Murante, Chairperson

COMMITTEE REPORT(S)

Agriculture

LEGISLATIVE BILL 91. Placed on General File.

(Signed) Jerry Johnson, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 41. Placed on General File.

LEGISLATIVE BILL 42. Placed on General File.

LEGISLATIVE BILL 126. Placed on General File with amendment.

AM12

1 1. On page 2, line 19, after the first "hundred" insert "fifty" and
2 strike "three", show as stricken, and insert "five"; and in line 27
3 before the period insert ", except that an employee receiving a one
4 hundred fifty percent employer contribution under this subdivision may

5 irrevocably elect to switch to a one hundred percent contribution for all
6 future contributions".

(Signed) Jeremy Nordquist, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 35. Placed on General File with amendment.
AM6

- 1 1. Strike original section 1.
- 2 2. On page 15, line 29, strike "2017" and insert "2016"; and in line
- 3 30 strike "Laws 2014, LB749, section 295; and".
- 4 3. Renumber the remaining sections accordingly.

(Signed) Jim Scheer, Chairperson

Agriculture

LEGISLATIVE BILL 92. Placed on General File with amendment.
AM25

- 1 1. On page 2, line 6, after "sold" insert "in Nebraska".

LEGISLATIVE BILL 93. Placed on General File with amendment.
AM26

- 1 1. On page 6, strike lines 18 through 22.

(Signed) Jerry Johnson, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 497. Introduced by Hadley, 37.

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

LEGISLATIVE BILL 498. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2703 and 77-2708, Revised Statutes Cumulative Supplement, 2014; to change sales and use tax provisions relating to all-terrain vehicles and utility-type vehicles; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 499. Introduced by Krist, 10.

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

LEGISLATIVE BILL 500. Introduced by Howard, 9; Krist, 10.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Cumulative Supplement, 2014; to require application for a medicaid state plan amendment for multisystemic therapy and functional family therapy; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 501. Introduced by Krist, 10.

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

LEGISLATIVE BILL 502. Introduced by Krist, 10.

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

LEGISLATIVE BILL 503. Introduced by Krist, 10.

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

LEGISLATIVE BILL 504. Introduced by Krist, 10.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2261, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to presentence reports and examinations; and to repeal the original section.

LEGISLATIVE BILL 505. Introduced by Krist, 10.

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

LEGISLATIVE BILL 506. Introduced by Krist, 10.

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

LEGISLATIVE BILL 507. Introduced by Cook, 13.

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

LEGISLATIVE BILL 508. Introduced by Cook, 13.

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

LEGISLATIVE BILL 509. Introduced by Cook, 13.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1007.06, 79-1007.07, and 79-1013, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to a poverty allowance; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 510. Introduced by Cook, 13.

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

LEGISLATIVE BILL 511. Introduced by Cook, 13.

A BILL FOR AN ACT relating to schools; to state findings; and to require schools to develop return to learn protocols for pediatric cancer survivors returning to school as prescribed.

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

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

for road damage and new road infrastructure; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 513. Introduced by Craighead, 6.

A BILL FOR AN ACT relating to schools; to amend section 79-10,107, Reissue Revised Statutes of Nebraska; to change provisions relating to leasing and use of school property as prescribed; and to repeal the original section.

LEGISLATIVE BILL 514. Introduced by Craighead, 6.

A BILL FOR AN ACT relating to elections; to amend section 32-942, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to registering to vote and requesting a ballot for early voting at the same time; and to repeal the original section.

LEGISLATIVE BILL 515. Introduced by Craighead, 6.

A BILL FOR AN ACT relating to the Nebraska Investment Finance Authority Act; to amend section 58-242, Reissue Revised Statutes of Nebraska; to change an aggregate loan limit for agricultural projects as prescribed; and to repeal the original section.

LEGISLATIVE BILL 516. Introduced by Bolz, 29.

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

LEGISLATIVE BILL 517. Introduced by Riepe, 12.

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

LEGISLATIVE BILL 518. Introduced by Riepe, 12.

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

LEGISLATIVE BILL 519. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to education; to amend sections 79-1001, 79-1003, 79-1007.11, 79-1017.01, and 85-1412, Reissue Revised Statutes of

Nebraska, and section 9-812, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the Nebraska Education Improvement Fund; to provide for best practices aid, grant programs, and assistance as prescribed; to provide duties for the State Board of Education, the State Department of Education, the Coordinating Commission for Postsecondary Education, and the Department of Labor; to change provisions relating to state aid to schools; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-2306, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 520. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to education funding; to amend section 85-1920, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to transfers to the Nebraska Opportunity Grant Fund and the Nebraska Education Improvement Fund; to provide intent; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 521. Introduced by Sullivan, 41.

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

LEGISLATIVE BILL 522. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to state aid to education; to amend sections 79-309.01, 79-1001, 79-1003, 79-1003.01, 79-1005.01, 79-1007.05, 79-1007.06, 79-1007.08, 79-1007.12, 79-1007.14, 79-1007.15, 79-1007.18, 79-1008.01, 79-1008.02, 79-1009, 79-1015.01, 79-1017.01, 79-1018.01, 79-1022, 79-1035, 79-1035.02, 79-1036, and 84-612, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to state aid to schools; to provide for apportionment funds and student support aid; to provide for a transfer from the Cash Reserve Fund; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-1007.04 and 79-1007.17, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 523. Introduced by Sullivan, 41.

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

LEGISLATIVE BILL 524. Introduced by Sullivan, 41.

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

LEGISLATIVE BILL 525. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to education; to amend sections 73-106, 79-215, 79-301, 79-318, 79-420, 79-760.01, 79-760.02, 79-760.06, 79-1205, 79-1315, 79-2204, and 79-2205, Reissue Revised Statutes of Nebraska, and section 71-1962, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the Nebraska Early Childhood Professional Record System, advertising for bids, admission of homeless students, the deputy commissioner of education, academic content standards, adjustment of educational service unit boundaries, and the State Council on Educational Opportunity for Military Children; to eliminate provisions relating to annual school meetings as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 526. Introduced by Sullivan, 41.

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

LEGISLATIVE BILL 527. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to education; to amend sections 79-8,134, 79-8,137, 79-8,137.02, 79-8,137.03, 79-8,137.04, and 79-8,137.05, Reissue Revised Statutes of Nebraska; to change provisions relating to the Attracting Excellence to Teaching Program and the Enhancing Excellence in Teaching Program; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 528. Introduced by Sullivan, 41.

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

LEGISLATIVE BILL 529. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to state aid to schools; to amend sections 79-1003, 79-1007.11, 79-1008.02, 79-1022, and 79-1073, Reissue Revised Statutes of Nebraska; to redefine a term and change provisions relating to calculation of formula need, a minimum levy adjustment, and distribution of funds for purposes of the Tax Equity and Educational Opportunities Support Act; to change provisions relating to calculation of certain distributions as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 530. Introduced by Sullivan, 41.

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

LEGISLATIVE BILL 531. Introduced by Kolterman, 24.

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

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

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

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

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

LEGISLATIVE BILL 534. Introduced by Groene, 42.

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

LEGISLATIVE BILL 535. Introduced by Smith, 14.

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

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

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

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

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

LEGISLATIVE BILL 538. Introduced by Legislative Performance Audit Committee: Hadley, 37; Krist, 10; Mello, 5; Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 50-1206 and 50-1212, Reissue Revised Statutes of Nebraska, and sections 50-1203, 50-1204, 50-1208, 50-1209, 50-1210, 50-1211, 77-5725, and 77-5806, Revised Statutes Cumulative Supplement, 2014; to require audits of tax incentive programs under the Legislative Performance Audit Act; to change sunset dates for certain tax incentive programs; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 539. Introduced by Watermeier, 1; Krist, 10; Larson, 40; Mello, 5.

A BILL FOR AN ACT relating to government auditing; to amend sections 50-1215, 84-305, and 84-311, Reissue Revised Statutes of Nebraska, and sections 50-1213, 50-1214, 77-2711, and 77-27,119, Revised Statutes

Cumulative Supplement, 2014; to change provisions relating to access to information by the office of Legislative Audit and Auditor of Public Accounts; to change and provide penalties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 540. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the state building code; to amend sections 71-6403 and 71-6406, Revised Statutes Cumulative Supplement, 2014; to adopt updated international building code standards; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 541. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Taxpayer Transparency Act; to amend section 84-602.02, Reissue Revised Statutes of Nebraska; to change provisions related to a data base for expired contracts; to provide for disposal of records; and to repeal the original section.

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

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

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

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

LEGISLATIVE BILL 544. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to agriculture; to amend sections 81-2,147.01 and 81-2,147.05, Reissue Revised Statutes of Nebraska; to adopt the Community Gardens Act; to define and redefine terms; to provide for applicability; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

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

harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 546. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend sections 28-101 and 28-401.01, Revised Statutes Cumulative Supplement, 2014; to authorize the administration of naloxone as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 547. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the Quality Child Care Act; to amend section 43-2621, Reissue Revised Statutes of Nebraska; to provide for reservation of federal funds as prescribed; and to repeal the original section.

LEGISLATIVE BILL 548. Introduced by Campbell, 25.

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

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

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

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

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

LEGISLATIVE BILL 551. Introduced by Nordquist, 7.

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

LEGISLATIVE BILL 552. Introduced by Nordquist, 7.

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

LEGISLATIVE BILL 553. Introduced by Gloor, 35.

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

LEGISLATIVE BILL 554. Introduced by Business and Labor Committee: Harr, B., 8, Chairperson; Bloomfield, 17; Chambers, 11; Crawford, 45; Ebke, 32; Johnson, 23; McCollister, 20.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

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

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

LEGISLATIVE BILL 556. Introduced by Kolowski, 31.

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

LEGISLATIVE BILL 557. Introduced by Kolowski, 31.

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

LEGISLATIVE BILL 558. Introduced by Kolowski, 31.

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

SENATOR GLOOR PRESIDING

LEGISLATIVE BILL 559. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the New Markets Job Growth Investment Act; to amend section 77-1113, Revised Statutes Cumulative Supplement,

2014; to change provisions regarding how tax credits are treated; to repeal the original section; and to declare an emergency.

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

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

LEGISLATIVE BILL 561. Introduced by Stinner, 48; Schilz, 47.

A BILL FOR AN ACT relating to irrigation districts; to amend sections 46-101, 46-102, 46-109, 46-110, 46-111, 46-115, 46-116, 46-117, 46-151, 46-179, 46-185, 46-1,145, and 46-1,160, Reissue Revised Statutes of Nebraska; to name the Irrigation District Act; to define and redefine terms; to provide procedures for determining eligibility to vote and for conducting elections by mail; to change provisions relating to elections; to harmonize provisions; and to repeal the original sections.

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

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

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

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

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

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

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

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

LEGISLATIVE BILL 566. Introduced by Coash, 27; Crawford, 45; Davis, 43; Lindstrom, 18; Scheer, 19.

A BILL FOR AN ACT relating to Indian child welfare; to amend sections 43-512.04, 43-1406, 43-1501, 43-1502, 43-1504, 43-1505, 43-1506, 43-1507, 43-1508, 43-1509, and 43-1514, Reissue Revised Statutes of Nebraska, and sections 43-279.01 and 43-1503, Revised Statutes Cumulative Supplement, 2014; to require inquiry by juvenile courts regarding Indian children; to provide for recognition of tribal law in paternity determinations; to change provisions of the Nebraska Indian Child Welfare Act; to provide requirements for voluntary and involuntary proceedings under the act; to define and redefine terms; to provide powers and duties for the Department of Health and Human Services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 567. Introduced by Johnson, 23.

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

LEGISLATIVE BILL 568. Introduced by Brasch, 16.

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

LEGISLATIVE BILL 569. Introduced by Brasch, 16.

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

LEGISLATIVE BILL 570. Introduced by Brasch, 16.

A BILL FOR AN ACT relating to golf car vehicles; to amend section 60-6,381, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the operation of golf car vehicles; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 571. Introduced by Brasch, 16; Groene, 42; Hilkeemann, 4; Mello, 5; Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Tourism Commission; to

amend sections 81-3711 and 81-3714, Reissue Revised Statutes of Nebraska; to require the commission to mark significant tourism attractions; to prohibit the posting or erection of a highway tourism marker on public property; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 572. Introduced by Davis, 43.

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

LEGISLATIVE BILL 573. Introduced by Davis, 43.

A BILL FOR AN ACT relating to health care; to amend section 84-602.02, Reissue Revised Statutes of Nebraska, and sections 49-801.01, 77-2701, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2014; to adopt the Health Enterprise Zone Act; to provide for health enterprise zone tax credits; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 574. Introduced by Davis, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-105, Revised Statutes Cumulative Supplement, 2014; to adopt the Intangible Personal Property Tax Act; to redefine a term; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 575. Introduced by Murante, 49.

A BILL FOR AN ACT relating to elections; to amend sections 13-404, 23-148, 23-2,100, 32-330, 32-528, 32-569, 32-612, 32-1037, 32-1308, and 81-2901, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-567, 32-615, 32-941, and 32-947, Revised Statutes Cumulative Supplement, 2014; to transfer and change provisions relating to filling vacancies; to change a deadline for write-in candidates; to authorize electronic means for requesting ballots to vote early; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 576. Introduced by Murante, 49.

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

LEGISLATIVE BILL 577. Introduced by Murante, 49.

A BILL FOR AN ACT relating to counties; to amend section 23-187, Reissue Revised Statutes of Nebraska; to permit counties to regulate by ordinance the operation or conduct of peddlers, hawkers, or solicitors as prescribed; and to repeal the original section.

LEGISLATIVE BILL 578. Introduced by Murante, 49.

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

LEGISLATIVE BILL 579. Introduced by Murante, 49.

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

LEGISLATIVE BILL 580. Introduced by Murante, 49.

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

LEGISLATIVE BILL 581. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to motor fuels; to adopt the Nebraska Clean-burning Motor Fuel Development Act; to provide powers and duties of the State Energy Office; and to create a fund.

LEGISLATIVE BILL 582. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1007.05, Reissue Revised Statutes of Nebraska; to change provisions relating to the focus school and program allowance; and to repeal the original section.

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

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

LEGISLATIVE BILL 584. Introduced by Schilz, 47; Nordquist, 7; Watermeier, 1.

A BILL FOR AN ACT relating to appropriations; to amend sections 84-612 and 85-1401, Reissue Revised Statutes of Nebraska; to provide for a transfer from the Cash Reserve Fund; to state findings and intent; to create a fund; to provide powers and duties for the Coordinating Commission for Postsecondary Education; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 585. Introduced by Schilz, 47.

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

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

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

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

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

LEGISLATIVE BILL 588. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to elections; to amend section 32-943, Reissue Revised Statutes of Nebraska, and sections 32-808 and 32-941, Revised Statutes Cumulative Supplement, 2014; to provide for application

for ballots to vote early on the Secretary of State's web site; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 589. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to education funding; to amend section 9-812, Revised Statutes Cumulative Supplement, 2014; to provide for allocation of the Nebraska Education Improvement Fund; and to repeal the original section.

LEGISLATIVE BILL 590. Introduced by Friesen, 34.

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

LEGISLATIVE BILL 591. Introduced by Bolz, 29; Coash, 27; Gloor, 35; Pansing Brooks, 28.

A BILL FOR AN ACT relating to individuals with disabilities; to amend section 72-1239.01, Reissue Revised Statutes of Nebraska, and sections 68-1201 and 77-2716, Revised Statutes Cumulative Supplement, 2014; to define terms; to create the achieving a better life experience program; to provide powers and duties; to provide for adjustments to taxable income; to harmonize provisions; and to repeal the original sections.

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

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

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

A BILL FOR AN ACT relating to appropriations; to appropriate funds to

the University of Nebraska to study current health data systems.

LEGISLATIVE BILL 594. Introduced by Kolowski, 31.

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

LEGISLATIVE BILL 595. Introduced by Davis, 43.

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

LEGISLATIVE BILL 596. Introduced by Davis, 43.

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

LEGISLATIVE BILL 597. Introduced by Davis, 43.

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

LEGISLATIVE BILL 598. Introduced by Schumacher, 22; Bolz, 29; Chambers, 11; Krist, 10; Mello, 5; Seiler, 33.

A BILL FOR AN ACT relating to treatment and corrections; to amend sections 83-173, 83-1,135, and 83-4,114, Reissue Revised Statutes of Nebraska; to provide and change powers and duties of the Director of Correctional Services and the Department of Correctional Services; to provide and change requirements regarding treatment and segregation of inmates with mental illness; to require reports; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 599. Introduced by Ebke, 32; Brasch, 16; Groene, 42; Kintner, 2; Lindstrom, 18; Schnoor, 15.

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

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

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

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

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

LEGISLATIVE BILL 602. Introduced by Nebraska Retirement Systems Committee: Nordquist, 7, Chairperson; Davis, 43; Groene, 42; Kolowski, 31; Mello, 5.

A BILL FOR AN ACT relating to retirement; to amend section 24-703, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to collection of judges retirement fees; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 603. Introduced by Bloomfield, 17.

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

LEGISLATIVE BILL 604. Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to the Governor's Emergency Program; to amend section 81-829.42, Reissue Revised Statutes of Nebraska; to allow the Adjutant General to reimburse political subdivisions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 605. Introduced by Mello, 5; Krist, 10; Seiler, 33.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 9-262, 9-352, 9-434, 9-652, 23-135.01, 28-204, 28-305, 28-310.01, 28-311.01, 28-311.04, 28-320, 28-322.02, 28-322.03, 28-322.04, 28-393, 28-397, 28-514, 28-519, 28-620, 28-703, 28-912, 28-1102, 28-1103, 28-1104, 28-1224, 28-1344, 28-1345, 29-2204.01, 29-2266, 29-2281, 29-2308, 29-3523, 71-2228, 71-2229, 83-182.01, 83-183.01, 83-1,100, 83-1,105.01, 83-1,119, 83-1,122, 83-1,135, and 83-1,135.01, Reissue Revised Statutes of Nebraska, and sections 28-105, 28-106, 28-201, 28-309, 28-311, 28-323, 28-504, 28-518, 28-603, 28-604, 28-611, 28-611.01, 28-631, 28-638, 28-639, 28-802, 28-813.01, 28-831, 28-932, 28-1005, 28-1009, 28-1463.05, 29-1816, 29-2204, 29-2252.01, 29-2262, 29-4011, 43-412, 47-624, 68-1017, and 68-1017.01, Revised Statutes Cumulative Supplement, 2014; to change the classification of penalties and punishments as prescribed; to change sentencing provisions; to create a special legislative committee; to state intent relating to funding a sentencing data base; to change provisions and provide requirements relating to restitution; to change provisions and provide requirements relating to probation and parole; to authorize access to criminal records as prescribed; to provide duties for the Department of Correctional Services; to provide for applicability; to harmonize provisions; to repeal the original sections; and to outright repeal section 43-413, Revised Statutes Cumulative Supplement, 2014.

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

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

LEGISLATIVE BILL 607. Introduced by Mello, 5; Bolz, 29; Campbell, 25; Crawford, 45; Davis, 43; Hilkemann, 4.

A BILL FOR AN ACT relating to health; to adopt the Home Care Consumer Bill of Rights Act; and to provide a penalty.

LEGISLATIVE BILL 608. Introduced by Mello, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1229, 77-1230, and 77-4105, Reissue Revised Statutes of Nebraska, and sections 77-123, 77-202, 77-1233.04, 77-1502, 77-2711, 77-27,119, and 77-5725, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to dates for personal property taxes, property tax

exemptions, sales tax record-keeping, and audits; to harmonize provisions; to provide an operative date; and to repeal the original sections.

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

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

LEGISLATIVE BILL 610. Introduced by Smith, 14.

A BILL FOR AN ACT relating to motor fuels; to amend sections 66-489, 66-4,105, 66-4,145, 66-4,146, 66-6,107, and 66-6,109, Reissue Revised Statutes of Nebraska; to change excise taxes as prescribed; and to repeal the original sections.

SENATOR SULLIVAN PRESIDING

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

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

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

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

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

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

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

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

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

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

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

LEGISLATIVE BILL 616. Introduced by Larson, 40; Schilz, 47.

A BILL FOR AN ACT relating to schools; to amend sections 13-903 and 79-978, Reissue Revised Statutes of Nebraska, and section 48-801, Revised Statutes Cumulative Supplement, 2014; to adopt the Independent Public Schools Act; to harmonize provisions; and to repeal the original sections.

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

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

LEGISLATIVE BILL 618. Introduced by Larson, 40.

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

LEGISLATIVE BILL 619. Introduced by Larson, 40.

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

LEGISLATIVE BILL 620. Introduced by Larson, 40.

A BILL FOR AN ACT relating to public petition and participation; to amend sections 25-21,242, 25-21,243, 25-21,244, 25-21,245, and 25-21,246, Reissue Revised Statutes of Nebraska; to define and redefine

terms; to change provisions relating to a motion to dismiss; and to repeal the original sections.

LEGISLATIVE BILL 621. Introduced by Larson, 40.

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

LEGISLATIVE BILL 622. Introduced by Larson, 40.

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

LEGISLATIVE BILL 623. Introduced by Nordquist, 7; Baker, 30; Campbell, 25; Howard, 9; Mello, 5; Schumacher, 22.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-484.04, Revised Statutes Cumulative Supplement, 2014; to state findings and intent; to change provisions relating to evidence of lawful status; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 624. Introduced by Larson, 40.

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

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

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

LEGISLATIVE BILL 626. Introduced by Campbell, 25.

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

LEGISLATIVE BILL 627. Introduced by Mello, 5; Bolz, 29; Brasch, 16; Crawford, 45; Davis, 43; Gloor, 35; Hansen, 26; Harr, B., 8; Hilkemann, 4; Howard, 9; Kuehn, 38; Larson, 40; Lindstrom, 18; Morfeld, 46; Nordquist, 7.

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to amend sections 48-1102, 48-1107.01, 48-1107.02, and 48-1111, Reissue Revised Statutes of Nebraska, and section 48-1117, Revised Statutes Cumulative Supplement, 2014; to redefine a term; to provide and change provisions relating to pregnancy; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 628. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to insurance; to provide procedures for electronic delivery of notices and documents and Internet posting of property and casualty insurance policies.

SENATOR KRIST PRESIDING

LEGISLATIVE BILL 629. Introduced by Mello, 5; Harr, B., 8; Howard, 9; Larson, 40; Lindstrom, 18; Nordquist, 7.

A BILL FOR AN ACT relating to transportation; to amend sections 75-304, 75-305, 75-306, 75-307, 75-309, 75-310, and 75-313, Reissue Revised Statutes of Nebraska, and sections 75-109.01, 75-302, and 75-311, Revised Statutes Cumulative Supplement, 2014; to provide for regulation of transportation network companies; to change powers and duties for the Public Service Commission; to define terms; to provide for a fee; to create a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 630. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Security, Privacy, and Dissemination of Criminal History Information Act; to amend section 29-3517, Reissue Revised Statutes of Nebraska; to provide duties for the Nebraska State Patrol regarding criminal history record information checks; and to repeal the original section.

LEGISLATIVE BILL 631. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-906, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to acceptance of and assent to certain federal laws as prescribed; and to repeal the original section.

LEGISLATIVE BILL 632. Introduced by Scheer, 19; Kolterman, 24.

A BILL FOR AN ACT relating to insurance; to prohibit employers and

associations from precluding certain contracts relating to health benefit plans; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 633. Introduced by Stinner, 48; Haar, K., 21; Nordquist, 7; Watermeier, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for state aid to municipalities and counties.

LEGISLATIVE BILL 634. Introduced by Garrett, 3; Bloomfield, 17; Schnoor, 15; Stinner, 48.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-201 and 37-405, Revised Statutes Cumulative Supplement, 2014; to provide for issuance of permits for prisoners of war as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 635. Introduced by Garrett, 3; Bloomfield, 17; Schnoor, 15.

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

LEGISLATIVE BILL 636. Introduced by Garrett, 3; Schnoor, 15; Stinner, 48.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-421.01, Revised Statutes Cumulative Supplement, 2014; to provide for a discounted permit for deployed military and spouses while on leave as described; and to repeal the original section.

LEGISLATIVE BILL 637. Introduced by Garrett, 3; Schnoor, 15; Stinner, 48.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-419, Reissue Revised Statutes of Nebraska; to provide for a resident permit for spouses of persons in military service as prescribed; and to repeal the original section.

LEGISLATIVE BILL 638. Introduced by Garrett, 3; Schnoor, 15; Stinner, 48.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2434, Reissue Revised Statutes of Nebraska, and section 69-2436, Revised Statutes Cumulative Supplement, 2014; to change permit expiration provisions for members of the armed forces or their spouses as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 639. Introduced by Garrett, 3.

A BILL FOR AN ACT relating to road signs; to amend section 39-220, Reissue Revised Statutes of Nebraska; to provide for the issuance of permits to control vegetation obscuring advertising signage along highways as prescribed; to provide duties for the Department of Roads; and to repeal the original section.

LEGISLATIVE BILL 640. Introduced by Garrett, 3.

A BILL FOR AN ACT relating to veterans; to amend section 80-413, Reissue Revised Statutes of Nebraska; to provide for retrocession of jurisdiction for land on which the Omaha National Cemetery is located; and to repeal the original section.

LEGISLATIVE BILL 641. Introduced by Garrett, 3; Stinner, 48.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Revised Statutes Cumulative Supplement, 2014; to provide rights and duties for a person operating a manual or motorized wheelchair or operating a bicycle on a sidewalk or across a roadway or shoulder in a crosswalk; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 642. Introduced by Garrett, 3; Stinner, 48.

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend sections 37-1214, 37-1278, 60-144, and 60-386, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to motorboat, motor vehicle, and trailer registration and titling; and to repeal the original sections.

LEGISLATIVE BILL 643. Introduced by Garrett, 3; Craighead, 6; Ebke, 32; Pansing Brooks, 28.

A BILL FOR AN ACT relating to cannabis; to amend section 77-4303, Reissue Revised Statutes of Nebraska; to adopt the Cannabis Compassion and Care Act; to provide for taxation as prescribed; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 644. Introduced by Nordquist, 7; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to transportation; to adopt the Nebraska Transit and Rail Advisory Council Act.

LEGISLATIVE BILL 645. Introduced by Nordquist, 7; Campbell, 25; Cook, 13; Howard, 9; Kolowski, 31; Mello, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-801.01, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2014; to adopt the Early Childhood Workforce Development Opportunity Act; to provide income tax credits; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 646. Introduced by Kintner, 2; Brasch, 16; Craighead, 6; Ebke, 32; Groene, 42; Larson, 40; Lindstrom, 18; Murante, 49; Schilz, 47; Schnoor, 15.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend section 84-1413, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to secret ballots; and to repeal the original section.

LEGISLATIVE BILL 647. Introduced by Nordquist, 7; Campbell, 25; Howard, 9; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to children; to amend sections 43-2,129, 43-1311.01, and 71-1902, Revised Statutes Cumulative Supplement, 2014; to prohibit discrimination relating to placement of children as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 648. Introduced by Howard, 9; Hansen, 26; Morfeld, 46; Nordquist, 7; Pansing Brooks, 28.

A BILL FOR AN ACT relating to adoption; to amend sections 43-101, 43-104.08, 43-104.13, 43-104.15, 43-104.18, 43-104.19, and 43-111, Reissue Revised Statutes of Nebraska; to provide for adoption by two adult persons jointly; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 649. Introduced by Kintner, 2; Brasch, 16; Craighead, 6; Ebke, 32; Groene, 42; Larson, 40; Lindstrom, 18; Murante, 49; Schilz, 47; Schnoor, 15.

A BILL FOR AN ACT relating to public records; to amend section 84-712.01, Reissue Revised Statutes of Nebraska; to provide that certain votes of public officials are public record; and to repeal the original section.

LEGISLATIVE BILL 650. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to vaccinations; to amend section 71-467, Revised Statutes Cumulative Supplement, 2014; to encourage hospitals to offer vaccinations as prescribed; and to repeal the original section.

LEGISLATIVE BILL 651. Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2704 and 29-2709, Reissue Revised Statutes of Nebraska; to change liability for certain court costs as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 652. Introduced by Transportation and Telecommunications Committee: Smith, 14, Chairperson; Brasch, 16; Davis, 43; Friesen, 34; Garrett, 3; Seiler, 33.

A BILL FOR AN ACT relating to telecommunications; to amend sections 28-1311, 75-132.01, 77-2703.04, 84-712.05, 86-163, 86-435, 86-438, 86-457, 86-463, and 86-903, Reissue Revised Statutes of Nebraska, and sections 75-109.01 and 75-156, Revised Statutes Cumulative Supplement, 2014; to adopt the 911 Emergency Services Communications Act; to change the offense of interference with a public service company; to provide powers and duties for the Public Service Commission; to change provisions relating to use of funds; to terminate a certain surcharge; to change a fee; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 653. Introduced by Johnson, 23; Kolowski, 31; Nordquist, 7.

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

LEGISLATIVE BILL 654. Introduced by Seiler, 33.

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

LEGISLATIVE BILL 655. Introduced by Davis, 43.

A BILL FOR AN ACT relating to retirement; to amend sections 4-108, 16-1020, 84-1501, 84-1503, and 84-1511, Reissue Revised Statutes of Nebraska; to adopt the Cities of the First Class Firefighters Cash Balance Retirement Act; to create funds; to change provisions relating to the Public Employees Retirement Board; to harmonize provisions; to repeal the original sections; and to declare an emergency.

RESOLUTION(S)**LEGISLATIVE RESOLUTION 35.** Introduced by Ebke, 32.

WHEREAS, the founders of our constitution empowered state legislators to be guardians of liberty against future abuses of power by the federal government; and

WHEREAS, the federal government has created a crushing national debt through improper and imprudent spending; and

WHEREAS, the federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent; and

WHEREAS, the federal government has ceased to live under a proper interpretation of the Constitution of the United States; and

WHEREAS, it is the solemn duty of the states to protect the liberty of our people-particularly for the generations to come-by proposing Amendments to the Constitution of the United States through a Convention of the States under Article V for the purpose of restraining these and related abuses of power.

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

1. The Legislature of the State of Nebraska hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.

2. The Clerk of the Legislature shall transmit copies of this application to the President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, to the members of the Senate and House of Representatives from this state, and to the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

3. This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made applications on the same subject.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 95. Placed on General File.

(Signed) Jim Smith, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Judiciary

Room 1113

Thursday, January 29, 2015 1:30 p.m.

LB338
LB314
LB301
LB194
LB297

(Signed) Les Seiler, Chairperson

Natural Resources

Room 1525

Wednesday, January 28, 2015 1:30 p.m.

LB141
LB143

(Signed) Ken Schilz, Chairperson

ANNOUNCEMENT(S)

The Legislative Performance Audit Committee elected Senator Watermeier as Chairperson and Senator Kuehn as Vice Chairperson.

The Building Maintenance Committee elected Senator Stinner as Vice Chairperson.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Pansing Brooks - LB472
Bolz, Chambers, Mello, Schumacher, Seiler - LR34
Mello - LB580
Haar, K. - LB643**VISITOR**

The Doctor of the Day was Dr. Ron Scott from Kearney.

ADJOURNMENT

At 12:21 p.m., on a motion by Senator Bloomfield, the Legislature adjourned until 9:30 a.m., Thursday, January 22, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

ELEVENTH DAY - JANUARY 22, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION
ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 22, 2015

PRAYER

The prayer was offered by Father Ryan Lewis, St. Thomas More Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Foley presiding.

The roll was called and all members were present except Senator McCoy who was excused; and Senators Hilkemann, Larson, Murante, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the tenth day was approved.

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 150. Placed on General File.

LEGISLATIVE BILL 151. Placed on General File with amendment.
AM19

- 1 1. On page 2, line 13, after "violations" insert "of ordinances".
- 2 2. On page 3, line 27, strike "violation" and insert "violations".

(Signed) Sue Crawford, Chairperson

Revenue

LEGISLATIVE BILL 170. Placed on General File.

LEGISLATIVE BILL 171. Placed on General File.

(Signed) Mike Gloor, Chairperson

Education

LEGISLATIVE BILL 99. Placed on General File.

LEGISLATIVE BILL 100. Placed on General File.

(Signed) Kate Sullivan, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 36. Introduced by Craighead, 6.

WHEREAS, the Amazing Technicolor Show Choir of Westside High School in Omaha won the 2015 Viterbo 101 show choir competition in La Crosse, Wisconsin; and

WHEREAS, in addition to being named Grand Champion of the competition, the Amazing Technicolor Show Choir also was awarded Best Vocals, Best Choreography, and Best Male Soloist; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Amazing Technicolor Show Choir of Westside High School in Omaha for winning the 2015 Viterbo 101 show choir competition.

2. That a copy of this resolution be sent to the Amazing Technicolor Show Choir of Westside High School.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

| LB/LR | Committee |
|--------------|---|
| LB431 | Education |
| LB432 | Government, Military and Veterans Affairs |
| LB433 | Judiciary |
| LB434 | Judiciary |
| LB435 | Education |
| LB436 | Appropriations |
| LB437 | Judiciary |
| LB438 | Revenue |
| LB439 | General Affairs |
| LB440 | Health and Human Services |
| LB441 | Health and Human Services |
| LB442 | Appropriations |
| LB443 | Education |
| LB444 | Education |

LB445 Urban Affairs
LB446 Nebraska Retirement Systems
LB447 Nebraska Retirement Systems
LB448 Nebraska Retirement Systems
LB449 Appropriations
LB450 Appropriations
LB451 Banking, Commerce and Insurance
LB452 Health and Human Services
LB453 Revenue
LB454 Revenue
LB455 Urban Affairs
LB456 Banking, Commerce and Insurance
LB457 Banking, Commerce and Insurance
LB458 Banking, Commerce and Insurance
LB459 Judiciary
LB460 General Affairs
LB461 Appropriations
LB462 Government, Military and Veterans Affairs
LB463 Judiciary
LB464 Banking, Commerce and Insurance
LB465 Government, Military and Veterans Affairs
LB466 Revenue
LB467 Nebraska Retirement Systems
LB468 Nebraska Retirement Systems
LB469 Natural Resources
LB470 Revenue
LB471 Health and Human Services
LB472 Health and Human Services
LB473 Judiciary
LB474 Transportation and Telecommunications
LB475 Natural Resources
LB476 Revenue
LB477 Education
LB478 Education
LB479 Government, Military and Veterans Affairs
LB480 Business and Labor
LB481 Education
LB482 Judiciary
LB483 Judiciary
LB484 Nebraska Retirement Systems
LB485 Appropriations
LB486 General Affairs
LB487 Government, Military and Veterans Affairs
LB488 Banking, Commerce and Insurance
LB489 Education
LB490 Health and Human Services
LB491 Government, Military and Veterans Affairs
LB492 Government, Military and Veterans Affairs
LB493 Business and Labor

LB494 Business and Labor
LB495 Revenue
LB496 Appropriations
LR31CA Executive Board
LR32 Executive Board
LR33 Executive Board
LR34 Executive Board

(Signed) Bob Krist, Chairperson
Executive Board

EXECUTIVE BOARD REPORT

The Executive Board reported the resignation of Senator Howard from the Legislature's Planning Committee and appointed Senator Cook to fill the vacancy.

(Signed) Bob Krist, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARING(S) Nebraska Retirement Systems

Room 1525

Thursday, January 29, 2015 12:00 p.m.

LB446
LB484

(Signed) Jeremy Nordquist, Chairperson

CONFLICT OF INTEREST STATEMENT(S)

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

MOTION - Escort Governor

Senator Kolowski moved that a committee of five be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver his State of the State Address.

The motion prevailed.

The Chair appointed Senators Kolterman, Sullivan, Scheer, Johnson, and Crawford to serve on said committee.

STATE OF THE STATE ADDRESS

*"There is one consistent message I have heard in every corner of the state: property taxes are too high."
"This property tax relief will help all Nebraskans: homeowners, small business owners, and our farmers and ranchers."
"...together, we can take important steps toward providing tax relief."*

President Foley, Speaker Hadley, Members of the Legislature, Tribal Chairmen, Distinguished Guests, Friends, and Fellow Nebraskans.

Congratulations once again on the commencement of the 104th Nebraska Legislature. I want to commend all of you for your willingness to serve your constituents and our great state. I recognize your personal sacrifice as well your commitment to public service, which is a high and noble calling.

I look forward to working together in a spirit of collaboration, which is of course the tradition of Nebraska's unique non-partisan institution.

Our future success as a state depends upon our ability to work together, and I look forward to continuing to work with each and every one of you.

Speaker Hadley, it's a pleasure to work with you and I look forward to what we can do for this state. Congratulations on being chosen to serve as Speaker. The confidence your colleagues have in you speaks volumes and Nebraska is grateful for your dedication.

I also want to take a moment to recognize the Nebraska National Guard. The role of these men and women, who are truly citizen soldiers, has never been more important, has never put more pressure on families, and has never been more difficult or dangerous. We live in a dangerous world. They not only protect us by deploying to foreign regions, but they keep us safe here at home in situations like the tornados in Pilger and Beaver Crossing. We are grateful for their service and sacrifice.

Nebraska is a special place. We are more than just lines on a map. We are bound together by more than just our common geography. It's a culture, it's a way of life. It's the way we treat each other with dignity, respect, and civility.

We have a great state, built by our ancestors who made Nebraska home for themselves and for their children and grandchildren. Like our ancestors before us, we have a duty to create an even better future for our kids and grandkids. And just as our ancestors before us, we have a duty to Grow Nebraska.

I'm excited to join you to take advantage of our opportunities. I am encouraged by the discussions I have had with many of you about how we Grow Nebraska.

As citizen legislators, you bring all of your life experiences to our work. I too have outside experiences, and I promised the people of Nebraska I would put my business experience to work for the state. To that end, I have worked to develop a budget, a blueprint that slows the growth of spending, provides for property tax relief, has room to make improvements in critical areas like corrections and HHS, and also funds the essential services of state government.

Let me take a moment to talk about my philosophy on the cash reserve. My budget recommendation for the next biennium does not draw down the reserves. However, right now, we have too much money there. My belief is we should work together to return more of that to the taxpayers. The remaining reserves should only be used for emergencies or one-time critical expenses.

It is easy to view a government budget as a collection of numbers in rows and columns next to agencies and programs, but behind the numbers are people's lives. We must be mindful that every dollar is precious. The dollars that fund our budgets are dollars earned by hardworking Nebraskans. We must also be mindful that the agencies and programs are designed to serve our citizens—and many of them are people in need.

This session, we will meet, we will debate, and we will even compromise, as we set about to fund the important services for the people we represent. That is our job and we will do it with dedication and commitment.

Today, I am privileged to report on the condition of Nebraska. It should come as no surprise that I believe the state of Nebraska to be strong.

Here in the heartland we have major military installations, academic research centers, and we are at the heart of the nation's agricultural system. Nebraska is on the front lines of bioterrorism preparedness. At the University of Nebraska Medical Center our medical professionals have made national headlines with their success responding to the Ebola outbreak. I want to recognize the members of that team who are here with us today for their success and bravery: Dr. Dan Johnson and nurses Kate Boulter and Shelly Schwedhelm. Thank you!

Our people, everyday heroes all across Nebraska, are the reason the state of our state is so strong. From teachers that prepare our kids for an ever-changing world to the medical professionals at UNMC treating Ebola patients. From the law enforcement officers and firefighters who put themselves at risk each and every day to farm families that feed the world. From the volunteers who build our communities to the crews at Offutt Air Force Base and our military families that answer the call. These Nebraskans love to serve and they make our state strong.

I have long said that Nebraska's greatest resource is our people. I know from personal experience when you hire a Nebraskan you hire someone who

has a great work ethic, is well educated, loyal, and will help your business succeed.

As I have said before: Nebraska is what America is supposed to be.

I traveled Nebraska from Chadron to Falls City and from Norfolk to Ogallala. I have listened to the people of Nebraska. I was privileged in my travels to connect with old friends like Senators Lydia Brasch, Bob Krist, Curt Friesen, and Jim Smith.

I also appreciated new friends, who supported me like Senators Dan Hughes and John Kuehn who served on my Ag Advisory Committee, and Senator Dave Bloomfield who was supportive throughout Northeast Nebraska.

Senators Campbell and Mello were gracious to meet with me about issues, and Senator Bolz came to a Lincoln event we had with Lieutenant Governor Mike Foley.

This budget, which is informed by my discussions with many of you—and by the fact that I grew up here—represents not only the priorities of Nebraskans, but their hopes for our shared future.

I'm eager to work with you on four major priorities to Grow Nebraska: First, strengthening our economy and creating jobs; second, reducing taxes; third, ease regulatory burdens; and additionally, expanding educational opportunities. All of these priorities are interconnected and are reflected in my budget recommendation.

Because it is so important that we boost our economic engine and create jobs, one of my administration's first steps was to conduct a national job search for a new Director of Economic Development. I'm proud to have Brenda Hicks-Sorensen, join my team. Her expertise will help us realize the untapped potential in our state, and we will be well-served with her track record of recruiting businesses. We want the world to know Nebraska welcomes business investment and has good jobs in great communities, and Brenda will help get the message out.

But creating jobs is more than just a marketing focus or incentives. We need to evaluate what we are doing to encourage small business to expand and grow. We need to have a plan to attract business investment as well as business relocations. We need to be strategic and aggressive about trade opportunities.

And there is no better place to start expanding export opportunities than with agriculture.

Our farmers and ranchers are feeding the world. According to Ronnie Green at the University of Nebraska, by 2050 there will be two billion more people on the face of this earth and because of rising standards of living, we will

have to produce one hundred percent more food. Seventy percent of that will have to come from productivity and innovation. Our farmers and ranchers are the most productive and innovative in the world. Nebraska is number one in cattle on feed, number two in ethanol production, number three in corn production, and we are the fourth largest state for overall agriculture production. And I look forward to working with Senator Johnson and the Agriculture Committee to expand upon these successes.

This budget provides additional funds for more export trade missions in both the Department of Economic Development and the Department of Agriculture, and under my administration these departments will work more closely together than ever before.

Job creation, in part, depends on a tax climate that encourages growth. We have a lot of work to do to stay competitive with neighboring states. And staying competitive is something that is often overlooked when we talk about jobs. We need to attract new individuals and families to Nebraska.

We have a great way of life and great jobs to offer. Now, we need to highlight that and invite people to make a home in Nebraska. Unemployment in Nebraska is about 3 percent, which is a blessing and a challenge. A recent State Chamber study said retaining a skilled workforce is one of the top concerns of our business leaders. We have long discussed the problem of brain drain, and I can tell you as a dad that I want all roads to lead back to Nebraska. To do that we need to remove the obstacles.

Which is just one reason why we must reduce taxes.

According to one national business news network, we are the third overall highest taxed state behind only California and New York. Think about that for a second. We can do better.

Our high tax reality does not just hit the wallets of our citizens—it creates a reputation. It discourages new business investment. Our high taxes also discourage people from choosing Nebraska as a place to live, work and raise a family.

There is one consistent message I have heard in every corner of the state: property taxes are too high. My budget adds \$60 million each year to the property tax credit relief fund—an increase of nearly 43 percent—for a grand total of \$400 million in property tax relief this biennium. This property tax relief will help all Nebraskans: homeowners, small business owners, and our farmers and ranchers.

An example of someone we can help is Roger Brandt. Roger is a farmer from Carroll up in Wayne County who is here with us today. Last spring, Roger showed me his tax assessments for the three pieces of property he owns. His assessments increased between 36 to nearly 50 percent for each parcel in just one year. That is not sustainable. That is why I also want to

work with you to reduce the ag land valuation. I have funded a phased in approach in my budget to reduce valuations from 75% to 65%.

We did not get to be a high tax state overnight, and we won't get taxes down overnight either. But together, we can take important steps toward providing tax relief.

I do want to take a minute to talk about funding our priorities. One of the most important things we do in government is take care of our most vulnerable citizens. As elected officials we give a voice to the voiceless. In Nebraska, we can—we must—do better.

My administration is conducting a national job search for a new CEO of Health and Human Services. I am looking for a transformational leader to reform the culture. State government needs to work for the children who are in the care of the state, for individuals who are in state facilities, and for all those who rely on government services.

We need a culture in our state agencies that is people-centric. The people who need our help do not fit neatly into the silos we have created. We need a system that cares for the entire person, helps them reach their full potential and if possible helps them live a life free of public assistance.

There are people who will continue to need our help. We must serve them effectively and with dignity and respect. When we start getting better outcomes for people, our costs will come down too.

Many people who receive services just need a hand up to get back on their feet. We have to prevent government from getting in their way. Last year, I met Susanne Shald in McCook. Susanne is widowed and her three kids receive health insurance through Medicaid. She works hard and is intent on teaching her kids a strong work ethic like her father taught her. So when her 16-year-old daughter got a job and was informed that if she earned more than \$6,000 a year, she would lose her health insurance, Susanne was infuriated. I don't blame her. Susanne and her family have joined me here today. Susanne and her children put faces on our need for a common sense approach in government—one that does not create disincentives for people and families to work.

Next, it is time to pursue comprehensive reform in our corrections system, another department in need of a cultural change. Scott Frakes will be joining my administration as the new Director of the Department of Corrections. He brings over 32 years of experience starting as a corrections officer and working through the uniformed ranks before moving into management. I am confident that he will help chart a new course for this agency.

Inmates released early by mistake threaten not only the public safety, but also the public's trust in their government. Nobody in corrections wanted these mistakes to occur, but they did, and we have got to do better.

Under Director Frakes, we will create a culture of accountability, common sense, and excellence. The Department of Corrections will seek to improve its rehabilitation and reentry programs to address recidivism. We will immediately evaluate our short term and long term needs and set out on a course of reform to this system.

This budget leaves room to address immediate reform needs in corrections.

Many of you here today have worked to tackle the issues in corrections. There is no branch of government that has cornered the market on good ideas or solutions for this issue. We have to work together, executive, legislative, and judicial for comprehensive reform that includes addressing sentencing and good time laws, mental health, and management of these facilities. I will work with Scott Frakes to get a full picture of what we need to do; and I look forward to sitting down with the leadership of this body to set a time table we can agree on to make substantive changes.

This budget holds the growth of our state spending to a little more than 3 percent over the next 2 years. That is a slower rate of growth than the approximately 6.5 percent in the last biennium.

We will fund our priorities, but in a way that is sustainable. We grow our revenues about 5 percent a year on average. If we can restrain government's growth, we can afford to put money back in the pockets of taxpayers. In turn, taxpayers will be able to afford more goods and services, businesses will expand and we will Grow Nebraska.

Another way I have taken action to drive operational excellence in every corner of state agencies is a private sector solution to create the position of Chief Operating Officer. I have hired Felix Davidson, United States Marine Corps Captain and a business executive with a proven track record of success in change management and process improvement.

I have one more tax relief proposal—an important one. Like many of you, I believe we need to eliminate the state income taxes on the retirement benefits of our military families. I have left room in this budget package to work with Chairman Gloor and the Revenue Committee to give our veterans relief. Chairman Gloor, I thank you for your service in the U.S. Air Force, and I know you understand how important it is to take care of our veterans. From the crews at Offutt Air Force Base to the National Guard Armory in Scottsbluff, we cannot thank our men and women in uniform enough, and we do not want to lose these treasured individuals to other states.

Besides high taxes and lost talent, our business leaders say overregulation is a top concern. We all want clean air, clean water, and safe working conditions, but we must also apply common sense so that we do not create barriers for our businesses creating jobs.

When we get our property tax bill we can see exactly how much we are

paying. The cost of regulation, however, is hidden—but it's a job killer all the same. As governor, I will stand up to the overregulation forced on us by Washington. Whether it is new health care mandates on employers, EPA overreach on carbon emissions and the Waters of the US, or the delay of the Keystone XL pipeline, Washington just does not get it.

I have urged Congress and President Obama to swiftly approve the Keystone XL pipeline. It will bring much-needed tax revenue to Nebraska counties not only during construction, but for years to come.

And back here at home, we want to set a good example. I will be asking all of my state agency directors to make it a priority to innovate ways to reduce regulatory burdens and bureaucratic delays. Proper regulation protects our health and safety. Overregulation delays progress and growth. We can do better and we will.

As we seek to create jobs, slow the growth of government, reduce taxes and fight burdensome regulations, we must also continue to strengthen our education system.

As we balance our budget, we must ensure we put a priority on proper school funding and improving educational outcomes.

In particular I have talked a lot about career and vocational training. Every manufacturer I have talked to has said they cannot find enough skilled labor, and that is a barrier to expanding. To address this I propose an investment in innovation.

My budget includes funding a pilot program—\$250,000 each year—to form a public-private partnership to create a career and vocational training program. Good-paying jobs in the skilled labor force, agriculture, and manufacturing are a great option for our young people. I visited Ash Grove Cement in Louisville and they were telling me if you get at 2-year electrician's degree out of high school, you will start working for them at \$22 or \$23 per hour. Stay there a year and pass 2 tests and you will be making \$28 an hour. Now think about that, that's a 21-year-old making \$56,000 a year plus full benefits. That's the start of a great career.

As I mentioned before, we honor the service of our national guard. My budget recommendation also includes an additional \$120,000 per year for a total of more than \$488,000 of tuition assistance for the patriots who serve in the Nebraska National Guard. We need to help them further their education as well.

As we work together, I want you to know about the culture we are fostering in my administration. Every day, I want my team to ask a couple of questions: How can I serve the people of Nebraska better today? As well as, what can we do to make Nebraska a place people want to be?

While many of us in this chamber have differing political philosophies or come from different ends of the state, I know we are united. We are united in our desire to make Nebraska a better place for our communities and for our children and grandchildren. We are united in our desire to make Nebraska a place where people want to be.

From the Native Americans who nurtured our rich land; to the pioneer homesteaders; to the founders of our great businesses, universities, farms and ranches, our ancestors built more than a state.

They built a community that reflects the best of America. Our ancestors made sacrifices for future generations, for the greater good of Nebraska. And so we too will focus on the future.

We will harness the spirit of our UNMC heroes and all the nurses and doctors across the state.

We will call upon the dedication of police officers and firefighters in Nebraska's cities and towns.

We will harness the determination of Roger Brandt and Nebraska's Veterans.

And we will call upon the hard work and aspirations of Susanne Shald and her family and all of the hard working families across Nebraska.

We will work together fueled by their strength and acting on their behalf. We will Grow Nebraska.

Thank you. God Bless you and God Bless the people of this great state.

The committee escorted Governor Pete Ricketts from the Chamber.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 656. Introduced by Speaker Hadley, 37; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2013, LB195, sections 22, 44, and 112; Laws 2013, LB530A, section 1; Laws 2014, LB905, sections 52, 54, and 59; and Laws 2014, LB907A, section 3; to define terms; to provide, change, and eliminate provisions relating to appropriations; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 657. Introduced by Speaker Hadley, 37; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 2017; to transfer funds; to provide duties; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 658. Introduced by Speaker Hadley, 37; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY2015-16 and FY2016-17; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 659. Introduced by Speaker Hadley, 37; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY2015-16 and FY2016-17; to define terms; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 660. Introduced by Speaker Hadley, 37; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements and a request for funding; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 661. Introduced by Speaker Hadley, 37; at the request of the Governor.

A BILL FOR AN ACT relating to state government; to amend sections 13-2610 and 81-1354.05, Reissue Revised Statutes of Nebraska, and section 9-1,101, Revised Statutes Cumulative Supplement, 2014; to provide fund transfers; to create a fund; to change and provide uses of funds; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 662. Introduced by Speaker Hadley, 37; at the request of the Governor.

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

LEGISLATIVE BILL 663. Introduced by Speaker Hadley, 37; at the request of the Governor.

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

NOTICE OF COMMITTEE HEARING(S)

Natural Resources

Room 1525

Thursday, January 29, 2015 1:30 p.m.

Brian Barels - Nebraska Natural Resources Commission
Stan Clouse - Nebraska Natural Resources Commission
Steven Huggenberger - Nebraska Natural Resources Commission
Thomas Knutson - Nebraska Natural Resources Commission
Don Kraus - Nebraska Natural Resources Commission
Tom Palmertree - Nebraska Natural Resources Commission
Scott Smathers - Nebraska Natural Resources Commission
Lindsey Smith - Nebraska Natural Resources Commission
Walter Dennis Strauch - Nebraska Natural Resources Commission
Loren Taylor - Nebraska Natural Resources Commission
LB206
LB207

Friday, January 30, 2015 1:30 p.m.

Joel G. Christensen - Nebraska Natural Resources Commission
LB164

(Signed) Ken Schilz, Chairperson

Government, Military and Veterans Affairs

Room 1507

Thursday, January 29, 2015 1:30 p.m.

LB61
LB132
LB138
LB427

(Signed) John Murante, Chairperson

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 65. Placed on General File.

LEGISLATIVE BILL 177. Placed on General File.

(Signed) John Murante, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Appropriations

Room 1003

Friday, January 30, 2015 1:30 p.m.

LB430

(Signed) Heath Mello, Chairperson

Judiciary

Room 1113

Friday, January 30, 2015 1:30 p.m.

LB299

LB434

LB244

LB245

(Signed) Les Seiler, Chairperson

ANNOUNCEMENT(S)

The Legislature's Planning Committee elected Senator Cook as Chairperson.

The Legislature's Planning Committee elected Senator Schumacher as Vice Chairperson.

VISITORS

Visitors to the Chamber were 15 members from the Nebraska Cattlemen's Young Leaders.

The Doctor of the Day was Dr. George Voigtlander from Pawnee City.

ADJOURNMENT

At 10:39 a.m., on a motion by Senator Davis, the Legislature adjourned until 10:00 a.m., Friday, January 23, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

TWELFTH DAY - JANUARY 23, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 23, 2015

PRAYER

The prayer was offered by Senator Watermeier.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Kuehn and McCoy who were excused; and Senators K. Haar, B. Harr, and Kintner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eleventh day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

| LB/LR | Committee |
|--------------|---|
| LB281 | Judiciary (rereferred) |
| LB329 | Natural Resources (rereferred) |
| LB347 | Judiciary (rereferred) |
| LB497 | Judiciary |
| LB498 | Transportation and Telecommunications |
| LB499 | Health and Human Services |
| LB500 | Health and Human Services |
| LB501 | Executive Board |
| LB502 | Judiciary |
| LB503 | Government, Military and Veterans Affairs |
| LB504 | Judiciary |
| LB505 | Judiciary |
| LB506 | Appropriations |
| LB507 | Education |
| LB508 | Education |

| | |
|-------|---|
| LB509 | Education |
| LB510 | Revenue |
| LB511 | Education |
| LB512 | Natural Resources |
| LB513 | Education |
| LB514 | Government, Military and Veterans Affairs |
| LB515 | Banking, Commerce and Insurance |
| LB516 | Health and Human Services |
| LB517 | Transportation and Telecommunications |
| LB518 | Health and Human Services |
| LB519 | Education |
| LB520 | Education |
| LB521 | Revenue |
| LB522 | Education |
| LB523 | Revenue |
| LB524 | Education |
| LB525 | Education |
| LB526 | Education |
| LB527 | Education |
| LB528 | Education |
| LB529 | Education |
| LB530 | Education |
| LB531 | Banking, Commerce and Insurance |
| LB532 | Appropriations |
| LB533 | Appropriations |
| LB534 | Education |
| LB535 | Transportation and Telecommunications |
| LB536 | Natural Resources |
| LB537 | Appropriations |
| LB538 | Revenue |
| LB539 | Government, Military and Veterans Affairs |
| LB540 | Urban Affairs |
| LB541 | Government, Military and Veterans Affairs |
| LB542 | Revenue |
| LB543 | Health and Human Services |
| LB544 | Agriculture |
| LB545 | Judiciary |
| LB546 | Judiciary |
| LB547 | Health and Human Services |
| LB548 | Health and Human Services |
| LB549 | Health and Human Services |
| LB550 | Revenue |
| LB551 | Nebraska Retirement Systems |
| LB552 | Government, Military and Veterans Affairs |
| LB553 | Banking, Commerce and Insurance |
| LB554 | Business and Labor |
| LB555 | Business and Labor |
| LB556 | Business and Labor |
| LB557 | Health and Human Services |

LB558 Agriculture
LB559 Revenue
LB560 Appropriations
LB561 Government, Military and Veterans Affairs
LB562 Government, Military and Veterans Affairs
LB563 Education
LB564 Transportation and Telecommunications
LB565 Appropriations
LB566 Judiciary
LB567 Health and Human Services
LB568 Transportation and Telecommunications
LB569 Appropriations
LB570 Transportation and Telecommunications
LB571 Government, Military and Veterans Affairs
LB572 Education
LB573 Revenue
LB574 Revenue
LB575 Government, Military and Veterans Affairs
LB576 Government, Military and Veterans Affairs
LB577 Government, Military and Veterans Affairs
LB578 Government, Military and Veterans Affairs
LB579 Transportation and Telecommunications
LB580 Executive Board
LB581 Natural Resources
LB582 Education
LB583 Natural Resources
LB584 Appropriations
LB585 Natural Resources
LB586 Judiciary
LB587 Revenue
LB588 Government, Military and Veterans Affairs
LB589 Education
LB590 Education
LB591 Revenue
LB592 Judiciary
LB593 Appropriations
LB594 Nebraska Retirement Systems
LB595 Education
LB596 Urban Affairs
LB597 Transportation and Telecommunications
LB598 Judiciary
LB599 Business and Labor
LB600 Business and Labor
LB601 Education
LB602 Judiciary
LB603 Judiciary
LB604 Government, Military and Veterans Affairs
LB605 Judiciary
LB606 Judiciary

| | |
|-------|---|
| LB607 | Health and Human Services |
| LB608 | Revenue |
| LB609 | Transportation and Telecommunications |
| LB610 | Revenue |
| LB611 | Business and Labor |
| LB612 | Judiciary |
| LB613 | Revenue |
| LB614 | Revenue |
| LB615 | Revenue |
| LB616 | Education |
| LB617 | Education |
| LB618 | Agriculture |
| LB619 | General Affairs |
| LB620 | Judiciary |
| LB621 | Government, Military and Veterans Affairs |
| LB622 | Natural Resources |
| LB623 | Transportation and Telecommunications |
| LB624 | Transportation and Telecommunications |
| LB625 | Judiciary |
| LB626 | Transportation and Telecommunications |
| LB627 | Business and Labor |
| LB628 | Banking, Commerce and Insurance |
| LB629 | Transportation and Telecommunications |
| LB630 | Judiciary |
| LB631 | Health and Human Services |
| LB632 | Banking, Commerce and Insurance |
| LB633 | Appropriations |
| LB634 | Natural Resources |
| LB635 | Judiciary |
| LB636 | Natural Resources |
| LB637 | Natural Resources |
| LB638 | Judiciary |
| LB639 | Transportation and Telecommunications |
| LB640 | Government, Military and Veterans Affairs |
| LB641 | Transportation and Telecommunications |
| LB642 | Transportation and Telecommunications |
| LB643 | Judiciary |
| LB644 | Transportation and Telecommunications |
| LB645 | Revenue |
| LB646 | Government, Military and Veterans Affairs |
| LB647 | Judiciary |
| LB648 | Judiciary |
| LB649 | Government, Military and Veterans Affairs |
| LB650 | Health and Human Services |
| LB651 | Judiciary |
| LB652 | Transportation and Telecommunications |
| LB653 | Revenue |
| LB654 | Appropriations |
| LB655 | Nebraska Retirement Systems |

LR35 Government, Military and Veterans Affairs

(Signed) Bob Krist, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARING(S)

Agriculture

Room 2102

Tuesday, February 3, 2015 1:30 p.m.

LB128

LB242

(Signed) Jerry Johnson, Chairperson

MESSAGE FROM THE GOVERNOR

January 22, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Board of Parole:

Randall L. Rehmeier, 705 Wildwood Lane, Nebraska City, NE 68410

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

CONFLICT OF INTEREST STATEMENT(S)

Pursuant to Rule 1, Sec. 19, Senator Nordquist has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 22, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Blaney, Joseph
Everytown for Gun Safety Action Fund

Bolen, Holley
Bruning Law Group

Bonilla, Chenise
Council of State Governments - Justice Center

Brady, Justin J.
Radcliffe, Walter H. of Radcliffe and Associates

Bromm, Curt/Bromm & Associates
Education Service Unit #3

Bromm, Jason
Bromm, Curt/Bromm & Associates

Bruning Law Group
TracFone Wireless, Inc.

Cookson, David D.
Bruning Law Group

Hoffman, Scott J.
ABATE of Nebraska, Inc. (Withdrawn 01/19/2015)

Jensen Rogert Associates, Inc.
Capitol Management Group

Joekel, Tiffany
Coalition for a Strong Nebraska (Withdrawn 01/16/2015)

Meyer, Trudy
Nebraska Society of Certified Public Accountants

Mueller Robak
Audubon Nebraska
Data Recognition Corporation

Nelson, John E
Nebraska Association of Former State Legislators

Overcash, James A.
Associated General Contractors - Nebraska Building Chapter

Pappas, James E.
Independent Cattlemen of Nebraska (ICON)

Pelka, Marc
Council of State Governments - Justice Center

Radcliffe, Walter H. of Radcliffe and Associates
Nebraska Operators of Music and Amusements (NOMA)
NetWorks, Inc.

Reiman, Charlene
SourceGas Distribution, LLC

Sanford, Robert A.
Nebraska Domestic Violence Sexual Assault Coalition
Spohn, Katherine J.
Bruning Law Group
Wilson-Jones, Elliott
Council of State Governments - Justice Center
Zych, Michelle
Women's Fund of Greater Omaha, Inc.

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

UNANIMOUS CONSENT - Room Change

Senator Johnson asked unanimous consent that the Agriculture Committee conduct its hearing on Tuesday, February 10, 2015, in Room 1524 instead of Room 2102. No objections. So ordered.

MOTION - Withdraw LB201

Senator Davis offered his motion, MO3, found on page 226, to withdraw LB201.

The Davis motion to withdraw the bill prevailed with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1. Title read. Considered.

Senator Chambers offered the following motion:
MO4
Indefinitely postpone.

Senator Chambers withdrew his motion to indefinitely postpone.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 2. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 3. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 4. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 5. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 6. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 7. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 8. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 9. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

RESOLUTION(S)**LEGISLATIVE RESOLUTION 37.** Introduced by Seiler, 33.

WHEREAS, Luke Chamberlain, a member of Troop 192 from Hastings, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to achieve the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting

experience, Luke 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. Luke earned 64 merit badges; and

WHEREAS, to achieve the rank of Eagle Scout, it is also necessary to complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Luke built six tables, assembled a tool shed, and planted three fruit trees for the Hastings Middle School garden, donating a total of 102 hours of community service; and

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

WHEREAS, Luke, 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 Luke Chamberlain on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Luke Chamberlain.

Laid over.

NOTICE OF COMMITTEE HEARING(S)

General Affairs

Room 1510

Monday, February 2, 2015 1:30 p.m.

LB204
LB486
LB619
LB339
LB439
LB460

(Signed) Tyson Larson, Chairperson

Government, Military and Veterans Affairs

Room 1507

Friday, January 30, 2015 2:00 p.m.

Dana Miller - State Emergency Response Commission
Tim Hofbauer - State Emergency Response Commission
Carol E. Schlegel - Nebraska Tourism Commission
Daryl L. Bohac - Military Department
John Hilgert - Department of Veterans Affairs
Jim Heine - State Fire Marshal
Samuel Seever - State Personnel Board
Christopher Waddle - State Personnel Board

(Signed) John Murante, Chairperson

Banking, Commerce and Insurance

Room 1507

Monday, February 2, 2015 1:30 p.m.

LB286
LB352
LB252
LB226

Tuesday, February 3, 2015 1:30 p.m.

LB464
LB180
LB298
LB458

(Signed) Jim Scheer, Chairperson

CONFLICT OF INTEREST STATEMENT(S)

Pursuant to Rule 1, Sec. 19, Senator Coash has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Pansing Brooks - LB83 and LB623

Schilz - LB423

Coash - LB329 and LB268

Howard - LB346

Kolterman - LB178

Baker, Craighead, Mello, Nordquist, Schnoor, Watermeier - LB190

VISITORS

Visitors to the Chamber were Senator Hadley's wife, Marilyn, from Kearney and Randy and Betty Steufen from Vermillion, SD.

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

ADJOURNMENT

At 11:57 a.m., on a motion by Speaker Hadley, the Legislature adjourned until 10:00 a.m., Monday, January 26, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTEENTH DAY - JANUARY 26, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 26, 2015

PRAYER

The prayer was offered by Pastor Russ Foust, Grace United Methodist Church, Kennard.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Bolz, B. Harr, Schilz, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twelfth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

| LB/LR | Committee |
|--------------|------------------|
| LB656 | Appropriations |
| LB657 | Appropriations |
| LB658 | Appropriations |
| LB659 | Appropriations |
| LB660 | Appropriations |
| LB661 | Appropriations |
| LB662 | Appropriations |
| LB663 | Judiciary |

Rehmeier, Randall L. - Board of Parole - Judiciary

(Signed) Bob Krist, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARING(S)

Urban Affairs

Room 1510

Tuesday, February 3, 2015 1:30 p.m.

LB295
LB304
LB266

Tuesday, February 10, 2015 1:30 p.m.

LB197
LB300
LB324
LB420

Tuesday, February 17, 2015 1:30 p.m.

LB455
LB378
LB540

Tuesday, February 24, 2015 1:30 p.m.

LB596
LB238
LB445

(Signed) Sue Crawford, Chairperson

MOTION - Print in JournalSenator Scheer filed the following motion to LB50:

MO5

Withdraw bill.

GENERAL FILE**LEGISLATIVE BILL 91.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 41. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 42. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 126. Title read. Considered.

Committee AM12, found on page 238, was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 35. Title read. Considered.

Committee AM6, found on page 239, was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 38. Introduced by Seiler, 33; Bolz, 29; Chambers, 11; Krist, 10; Mello, 5; Schumacher, 22.

PURPOSE: The purpose of this resolution is to examine the statutes governing prisons and parole to ensure that the Board of Parole is independent from the Department of Correctional Services. Such a review was recommended by the Department of Correctional Services Special Investigative Committee of the Legislature in its report released on December 15, 2014. This study shall include, but not be limited to, the following issues:

- (1) Harmonizing and potentially amending certain statutes to ensure clarity and consistency of definitions and procedures; and
- (2) Recommending consolidation and reorganization of statutory provisions concerning jail, prison, probation, parole, and other aspects of the criminal justice system to the Revisor of Statutes.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 39. Introduced by Seiler, 33; Bolz, 29; Chambers, 11; Krist, 10; Mello, 5; Schumacher, 22.

PURPOSE: The purpose of this resolution is to examine the Nebraska Mental Health Commitment Act, the Sex Offender Commitment Act, and the Nebraska Treatment and Corrections Act in order to ensure that the evaluation procedures regarding potentially mentally ill and dangerous inmates and potentially dangerous sex offenders are clear and consistent. Such a review was recommended by the Legislative Performance Audit Committee in its report released on November 17, 2014, entitled "Nebraska Department of Correctional Services: Disciplinary Process, Programs, and Commitment Processes." This interim study shall include the following issues:

- (1) Harmonizing and potentially amending certain statutes to ensure clarity and consistency of the definitions and procedures;
- (2) Examining whether the Nebraska Mental Health Commitment Act would benefit from the more formal notification processes as contained in the Sex Offender Commitment Act; and
- (3) Potentially clarifying definitions to ensure that any differences are intentional and desired.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

Monday, February 2, 2015 1:30 p.m.

LB351
LB590
LB58
LB444
LB522

Tuesday, February 3, 2015 1:30 p.m.

LB323
LB182
LB563
LB343
LB534

(Signed) Kate Sullivan, Chairperson

Agriculture

Room 1524

Tuesday, February 10, 2015 1:30 p.m.

LB176
LB175

(Signed) Jerry Johnson, Chairperson

Transportation and Telecommunications

Room 1113

Monday, February 2, 2015 1:30 p.m.

LB231
LB312
LB313

Tuesday, February 3, 2015 1:30 p.m.

LB642
LB624
LB53

(Signed) Jim Smith, Chairperson

GENERAL FILE

LEGISLATIVE BILL 92. Title read. Considered.

Committee AM25, found on page 239, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 93. Title read. Considered.

Committee AM26, found on page 239, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 95. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 150. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 151. Title read. Considered.

Committee AM19, found on page 271, was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 170. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 171. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 99. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 100. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 65. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1. Placed on Select File.
LEGISLATIVE BILL 2. Placed on Select File.
LEGISLATIVE BILL 3. Placed on Select File.
LEGISLATIVE BILL 4. Placed on Select File.
LEGISLATIVE BILL 5. Placed on Select File.
LEGISLATIVE BILL 6. Placed on Select File.
LEGISLATIVE BILL 7. Placed on Select File.
LEGISLATIVE BILL 8. Placed on Select File.
LEGISLATIVE BILL 9. Placed on Select File.

(Signed) Matt Hansen, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Business and Labor

Room 2102

Monday, February 2, 2015 1:30 p.m.

LB251
LB494
LB611
LB599

(Signed) Burke Harr, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 40. Introduced by Coash, 27; Bolz, 29; Campbell, 25; Haar, K., 21; Hansen, 26; Morfeld, 46; Pansing Brooks, 28.

WHEREAS, Russell D. Brehm was born in Lincoln, Nebraska, on May 31, 1921; and

WHEREAS, in 1952, Russell founded the Douglas Theatre Company which started with a single drive-in theater in Omaha and grew to a chain of 101 movie screens; and

WHEREAS, in 2000, Russell was honored by the National Theatre Owners Association as the Theatre Owner of the Year; and

WHEREAS, under Russell's leadership, the Douglas Theatre Company sponsored an annual Make-A-Wish Academy Awards event that consistently raised over \$100,000 for the Make-A-Wish Foundation; and

WHEREAS, Russell started a relationship with Clinton Elementary School in Lincoln where he transported the entire student body to the theater for a Christmas party which included a movie, treats, and a gift for each student; and

WHEREAS, Russell was a life-long supporter and fan of the University of Nebraska, especially University of Nebraska football where he had been a season ticket holder since the early 1950's; and

WHEREAS, during Russell's lifetime, he only missed one home football game prior to the 2014 season due to being hospitalized; and

WHEREAS, Russell received the Clarence E. Swanson Memorial Award from the University of Nebraska-Lincoln Athletic Department in 2005, and the University of Nebraska Alumni Achievement Award in 1995; and

WHEREAS, Russell and his late wife, Louise, established a scholarship fund that awards scholarships for students to attend college and become teachers; and

WHEREAS, at age 24, Russell was the youngest man ever elected to the Lancaster County Board of Commissioners where he served for three terms; and

WHEREAS, Russell was a World War II veteran and a member of the American Legion; and

WHEREAS, Russell D. Brehm passed away on January 20, 2015.

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

1. That the Legislature recognizes the contributions of Russell D. Brehm and extends its sympathy to his family.
2. That a copy of this resolution be sent to the family of Russell D. Brehm.

Laid over.

LEGISLATIVE RESOLUTION 41. Introduced by Campbell, 25; Baker, 30; Bloomfield, 17; Bolz, 29; Brasch, 16; Coash, 27; Cook, 13; Craighead, 6; Crawford, 45; Davis, 43; Ebke, 32; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Haar, K., 21; Hadley, 37; Hansen, 26; Harr, B., 8; Hilkemann, 4; Howard, 9; Hughes, 44; Johnson, 23; Kintner, 2; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; McCollister, 20; McCoy, 39; Mello, 5; Morfeld, 46; Murante, 49; Nordquist, 7; Pansing Brooks, 28; Riepe, 12; Scheer, 19; Schilz, 47; Schnoor, 15; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Watermeier, 1; Williams, 36.

WHEREAS, the clinical skill, training, educational ability, and readiness of the Nebraska Biocontainment Patient Care Unit at the University of Nebraska Medical Center (UNMC) has received national and international recognition for Nebraska as a leader in the fight against Ebola; and

WHEREAS, the United States Department of State, United States Centers for Disease Control and Prevention, United States Department of Defense, and United States Department of Health and Human Services have

identified the Nebraska Biocontainment Patient Care Unit as one of the premier facilities for treating Ebola patients; and

WHEREAS, the Nebraska Biocontainment Patient Care Unit has been called a national asset by the United States Department of State for its readiness and expertise to treat Ebola patients; and

WHEREAS, the Nebraska Biocontainment Patient Care Unit has responded to hundreds of requests from hospitals across the nation seeking consultations, second opinions, and requests for assistance to train their staffs to help them better prepare to deal with Ebola and other highly infectious diseases; and

WHEREAS, the Nebraska Biocontainment Patient Care Unit is recognized across the nation as the "gold standard" in treating Ebola and in training staff to respond to highly infectious diseases in the United States and around the world; and

WHEREAS, UNMC had the vision and expertise to create the Nebraska Biocontainment Patient Care Unit in 2005 to protect and serve the state and nation against the threat of highly infectious diseases; and

WHEREAS, the Nebraska Biocontainment Patient Care Unit's dedicated and expert staff of nurses, lab workers, respiratory therapists, pharmacists, care technicians, and physicians selflessly treat patients who have contracted a highly infectious disease to restore their health; and

WHEREAS, the members of the Nebraska Ebola Team were named 2014 Midlanders of the Year by the Omaha World-Herald for their dedication and contributions in the nation's fight against Ebola; and

WHEREAS, the Nebraska Biocontainment Patient Care Unit is the largest unit of its kind in the nation and has worked closely with global, federal, state, and local agencies and organizations to deliver care and protect our country; and

WHEREAS, as hospitals across the nation asked the Nebraska Biocontainment Patient Care Unit to help them prepare to defend against Ebola, the unit immediately released all its treatment protocols and training materials in a timely and effective manner; and

WHEREAS, to help meet the crisis demand for highly infectious disease protocol procedures, the Nebraska Biocontainment Patient Care Unit collaborated with Apple, Inc. to develop and distribute protocols and other state-of-the-art training materials through Apple iTunes for professionals, facilities, and the public; and

WHEREAS, since the Ebola crisis began to affect United States communities in the summer of 2014, more than 40 civilian and military hospital teams from across the nation have sought and received specialized intense training from UNMC in highly infectious disease protocols to better prepare and protect their communities; and

WHEREAS, the Nebraska Biocontainment Patient Care Unit is a Nebraska asset and a national leader in global preparedness and readiness to respond to highly infectious disease threats.

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

1. That the Legislature recognizes the Nebraska Biocontainment Patient Care Unit for its service to our state, nation, and world.
2. That the Legislature urges the Nebraska congressional delegation to work with federal agencies to support efforts in Congress to establish a national training center in highly infectious diseases at the University of Nebraska Medical Center.
3. That a copy of this resolution be sent to the University of Nebraska Board of Regents, the University of Nebraska Medical Center, and Nebraska Medicine.

Laid over.

LEGISLATIVE RESOLUTION 42. Introduced by Friesen, 34.

WHEREAS, the Central City Care Center in Central City provides Nebraskans with professional and compassionate care and support which is invaluable to our state; and

WHEREAS, the Central City Care Center recently received a deficiency-free survey from the Department of Health and Human Services for its nursing facility; and

WHEREAS, in unannounced onsite inspections, the Central City Care Center was in full compliance in the areas of operational care, treatment, and physical plant standards; and

WHEREAS, the Central City Care Center's deficiency-free survey illustrates the staff's commitment to high quality of care for their residents.

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

1. That the Legislature congratulates the Central City Care Center on receiving a deficiency-free survey from the Department of Health and Human Services.
2. That a copy of this resolution be sent to the Central City Care Center and its administrator, Katherine Klingsporn.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Ebke, Groene, Kintner, Schnoor - LB31
 Coash - LB62 and LB64
 Crawford - LB484
 Davis, Krist, McCoy, Morfeld, Schumacher - LB31
 Davis, Scheer, Smith - LB190
 Kolterman - LB364
 Watermeier - LB187

VISITORS

Visitors to the Chamber were 6 seventh and eighth-grade students and teacher from Papillion; 70 members of A.B.A.T.E. of Nebraska from across the state; and 27 Career Student Organization State Officers of FCCLA, FBLA, HOSA, SkillsUSA, FFA, and FEA from across the state.

The Doctor of the Day was Dr. Eric Thomsen from Beatrice.

ADJOURNMENT

At 11:47 a.m., on a motion by Senator Bolz, the Legislature adjourned until 10:00 a.m., Tuesday, January 27, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTEENTH DAY - JANUARY 27, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 27, 2015

PRAYER

The prayer was offered by Senator Bolz.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senator Campbell who was excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirteenth day was approved.

COMMITTEE REPORT(S)
Judiciary

LEGISLATIVE BILL 88. Placed on General File.

(Signed) Les Seiler, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 159. Placed on General File.

LEGISLATIVE BILL 247. Placed on General File.

LEGISLATIVE BILL 279. Placed on General File.

(Signed) Jim Scheer, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 220. Placed on General File.

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Rhonda K. Lahm, Director - Department of Motor Vehicles

Aye: 8 Brasch, Davis, Friesen, Garrett, McCoy, Murante, Seiler, Smith.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Jim Smith, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Revenue

Room 1524

Wednesday, February 4, 2015 1:30 p.m.

LB20
LB62
LB64
LB255
LB614
LB454

Thursday, February 5, 2015 1:30 p.m.

LB69
LB156
LB228
LB246

Friday, February 6, 2015 1:30 p.m.

LB153
LB191
LB249
LB278

Wednesday, February 11, 2015 1:30 p.m.

LB321
LB322
LB331
LB372

Thursday, February 12, 2015 1:30 p.m.

LB210
LB277
LB345
LB615

Wednesday, February 18, 2015 1:30 p.m.

LB419
LB280
LB357

Thursday, February 19, 2015 1:30 p.m.

LB230
LB293
LB350
LB384

Friday, February 20, 2015 1:30 p.m.

LB200
LB256
LB284
LB285

Wednesday, February 25, 2015 1:30 p.m.

LB396
LB423
LB408
LB510
LB538

Thursday, February 26, 2015 1:30 p.m.

LB325
LB356
LB361
LB521
LB523

Friday, February 27, 2015 1:30 p.m.

LB386
LB391
LB428
LB453

Wednesday, March 4, 2015 1:30 p.m.

LB470
LB495
LB559
LB608

Thursday, March 5, 2015 1:30 p.m.

LB398
LB414
LB424
LB476

Friday, March 6, 2015 1:30 p.m.

LB438
LB542
LB610
LB653

Wednesday, March 11, 2015 1:30 p.m.

LB645
LB573
LB591

Thursday, March 12, 2015 1:30 p.m.

LB574
LB466
LB550

Wednesday, March 18, 2015 1:30 p.m.

LB26
LB587
LB613

(Signed) Mike Gloor, Chairperson

Nebraska Retirement Systems

Room 1525

Wednesday, February 4, 2015 12:00 p.m.

John Dinkel - Nebraska Investment Council
LB594

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 91. Placed on Select File.

LEGISLATIVE BILL 41. Placed on Select File with amendment.

ER2

1 1. On page 1, line 2, strike "redefine" and insert "change the size
2 of a"; and in line 3 strike "the".

LEGISLATIVE BILL 42. Placed on Select File.

LEGISLATIVE BILL 126. Placed on Select File with amendment.

ER1

1 1. On page 1, line 2, after the semicolon insert "to change the
2 applicability of certain county retirement provisions;"; and in line 3
3 after the semicolon insert "to provide for an irrevocable election
4 regarding future contributions;".

(Signed) Matt Hansen, Chairperson

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR41 was referred to the Reference Committee.

MOTION - Withdraw LB50

Senator Scheer offered his motion, MO5, found on page 300, to withdraw LB50.

The Scheer motion to withdraw the bill prevailed with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 177. Title read. Considered.

Senator Smith offered the following amendment:

FA1

On page 2, lines 14 and 15, strike "public power district" and insert "public-owned electric utility".

Senator Smith withdrew his amendment.

Senator Smith offered the following amendment:

FA2

On page 2, strike lines 13-16, and insert, "No person who is a full-time or part-time employee of the district shall be eligible to serve as a member of the Board of Directors and no employed officer of a publicly-owned electric utility may serve as a member of the Board of Directors of any publicly-owned electric utility."

Senator Pansing Brooks offered the following amendment to the Smith amendment:

FA3

Amend FA2

On line 3, after "Directors" insert "of that district"

The Pansing Brooks amendment was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

The Smith amendment, as amended, was adopted with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 8 nays, 4 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 2. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 3. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 4. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 5. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 6. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 7. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 8. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 9. Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 112. Indefinitely postponed.

(Signed) John Murante, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 4, 2015 1:30 p.m.

LB10
LB205
LB224

Thursday, February 5, 2015 1:30 p.m.

LB319
LB514
LB575
LB578

Friday, February 6, 2015 1:30 p.m.

LB552
LB503
LB539
LB621

(Signed) John Murante, Chairperson

Natural Resources

Room 1525

Wednesday, February 4, 2015 1:30 p.m.

LB328
LB585

(Signed) Ken Schilz, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 43. Introduced by Craighead, 6.

WHEREAS, Westside High School received a 2014 NebraskARTS Award presented by Nebraskans for the Arts; and

WHEREAS, Nebraskans for the Arts annually recognizes select schools that make a notable and worthwhile contribution to the arts and arts education in the state of Nebraska; and

WHEREAS, the award event was held in the State Capitol rotunda on October 14, 2014, and included student artwork displays and performances from the honored schools; and

WHEREAS, Westside High School's performing arts department is a wonderful example of successful collaboration between directors, actors, musicians, and crew members; and

WHEREAS, Westside High School's visual arts department is a leader in developing and promoting self-expression while expanding students' aesthetic and intellectual abilities through the creation of art; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Westside High School for receiving a 2014 NebraskARTS Award.
2. That a copy of this resolution be sent to Westside High School.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Larson filed the following amendment to LB118:
AM77

(Amendments to Standing Committee amendments, AM74)

- 1 1. On page 1, line 13, after the period insert "Public
- 2 accommodations, research institutions, tobacco retail outlets, and cigar
- 3 shops provide revenue for the state and local governments and provide
- 4 employment opportunities for the public.".

Senator Larson filed the following amendment to LB118:
AM76

- 1 1. Strike section 8.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

| | |
|--------------|---------------------------|
| LB/LR | Committee |
| LR41 | Health and Human Services |

(Signed) Bob Krist, Chairperson
Executive Board

UNANIMOUS CONSENT - Add Cointroducer(s)

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

McCoy - LB652
Hughes - LB31
Morfeld - LB110
Davis - LB439
Crawford, Garrett, Kintner - LB20
Garrett, Kintner, Krist - LB267
Crawford, Kintner, Krist - LB454
Crawford, Krist - LB614
Hilkemann, Kuehn - LB190
McCoy - LB187
Kintner - LB29 and LB30

VISITORS

Visitors to the Chamber were 5 producers with the Nebraska Cattlemen.

The Doctor of the Day was Dr. Marlon Weiss from Lincoln.

ADJOURNMENT

At 11:47 a.m., on a motion by Senator Howard, the Legislature adjourned until 9:00 a.m., Wednesday, January 28, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTEENTH DAY - JANUARY 28, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 28, 2015

PRAYER

The prayer was offered by Senator Riepe.

ROLL CALL

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

The roll was called and all members were present except Senator McCoy who was excused; and Senators B. Harr, Larson, Mello, Morfeld, Pansing Brooks, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourteenth day was approved.

COMMITTEE REPORT(S)

Banking, Commerce and Insurance

LEGISLATIVE BILL 157. Placed on General File.

(Signed) Jim Scheer, Chairperson

Urban Affairs

LEGISLATIVE BILL 149. Placed on General File.

LEGISLATIVE BILL 168. Placed on General File.

(Signed) Sue Crawford, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 40. Placed on General File.

(Signed) Jeremy Nordquist, Chairperson

MOTION(S) - Confirmation Report(s)

Senator Smith moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 312:

Department of Motor Vehicles
Rhonda K. Lahm, Director

Voting in the affirmative, 38:

| | | | | |
|------------|-----------|-----------|-------------|------------|
| Baker | Craighead | Hansen | Kuehn | Schumacher |
| Bloomfield | Crawford | Hilkemann | Lindstrom | Seiler |
| Bolz | Ebke | Howard | McCollister | Smith |
| Brasch | Friesen | Hughes | Murante | Stinner |
| Campbell | Garrett | Johnson | Nordquist | Sullivan |
| Chambers | Groene | Kintner | Riepe | Williams |
| Coash | Haar, K. | Kolterman | Schilz | |
| Cook | Hadley | Krist | Schnoor | |

Voting in the negative, 0.

Present and not voting, 4:

| | | | |
|-------|-------|----------|--------|
| Davis | Gloor | Kolowski | Scheer |
|-------|-------|----------|--------|

Excused and not voting, 7:

| | | | |
|----------|-------|----------------|------------|
| Harr, B. | McCoy | Morfeld | Watermeier |
| Larson | Mello | Pansing Brooks | |

The appointment was confirmed with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 88. Title read. Considered.

Senator Chambers offered the following motion:

MO6

Indefinitely postpone.

SENATOR GLOOR PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Senator Chambers requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 5:

Bloomfield Ebke Murante Schnoor Schumacher

Voting in the negative, 38:

| | | | | |
|-----------|----------|-----------|----------------|------------|
| Baker | Friesen | Hilkemann | Larson | Schilz |
| Bolz | Garrett | Howard | Lindstrom | Seiler |
| Campbell | Gloor | Hughes | McCollister | Sinner |
| Coash | Groene | Johnson | Morfeld | Sullivan |
| Cook | Haar, K. | Kintner | Nordquist | Watermeier |
| Craighead | Hadley | Kolowski | Pansing Brooks | Williams |
| Crawford | Hansen | Kolterman | Riepe | |
| Davis | Harr, B. | Kuehn | Scheer | |

Present and not voting, 4:

Brasch Chambers Krist Smith

Excused and not voting, 2:

McCoy Mello

The Chambers motion to indefinitely postpone failed with 5 ayes, 38 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 43. Placed on General File with amendment.

AM72

- 1 1. On page 2, line 10, after "guardian" insert "or a standby
- 2 guardian".
- 3 2. On page 3, line 12, after the first "guardian" insert "and upon
- 4 compliance with any rules promulgated by the Supreme Court"; in line 17
- 5 after "notification" insert "and upon compliance with any rules
- 6 promulgated by the Supreme Court"; in line 18 after the second
- 7 "guardianship" insert "appointment" and after the period insert "Δ
- 8 standby guardian shall complete the training required by section
- 9 30-2601.01 at the time or times required by rules promulgated by the
- 10 Supreme Court or as otherwise provided by order of the county court.";
- 11 and after line 18 insert the following new subsection:

12 "(f) The Public Guardian shall not be appointed as a standby
 13 guardian."
 14 3. On page 5, line 24, after the first "ward" insert ", any current,
 15 suspended, or former conservator or guardian of the ward,".

LEGISLATIVE BILL 190. Placed on General File with amendment.
 AM48

1 1. On page 3, line 18, after the semicolon insert "and"; strike
 2 lines 19 and 20 and show the old matter as stricken; and in line 21
 3 strike "(11)", show as stricken, and insert "(10)".

LEGISLATIVE BILL 219. Placed on General File with amendment.
 AM43

1 1. On page 2, line 4, strike "eighteen" and insert "nineteen".
 2 2. On page 16, lines 2 and 3, strike "the Uniform Deployed Parents
 3 Custody and Visitation Act and"; and in line 3 after "43-2923" insert "or
 4 the Uniform Deployed Parents Custody and Visitation Act if such act
 5 applies".
 6 3. On page 20, lines 10 and 11, strike "the Uniform Deployed Parents
 7 Custody and Visitation Act and"; and in line 11 before "and" insert "or
 8 the Uniform Deployed Parents Custody and Visitation Act if such act
 9 applies".

(Signed) Les Seiler, Chairperson

NOTICE OF COMMITTEE HEARING(S)
 Health and Human Services

Room 1510

Wednesday, February 4, 2015 1:30 p.m.

LB366
 LB353
 LB346

Thursday, February 5, 2015 1:30 p.m.

LB320
 LB405
 LB440

Friday, February 6, 2015 1:30 p.m.

LB543
 LB89
 LB147

Wednesday, February 11, 2015 1:30 p.m.

LB471
LB452
LB567

Thursday, February 12, 2015 1:30 p.m.

LB80
LB315

Wednesday, February 18, 2015 1:30 p.m.

LB490
LB335
LB607

Thursday, February 19, 2015 1:30 p.m.

LB243
LB441
LB199
LB296

Friday, February 20, 2015 1:30 p.m.

LB196
LB549

(Signed) Kathy Campbell, Chairperson

Judiciary

Room 1113

Wednesday, February 4, 2015 1:30 p.m.

LB663
LB602
LB648
LB647
LB586

(Signed) Les Seiler, Chairperson

Government, Military and Veterans Affairs

Room 1507

Friday, February 6, 2015 1:30 p.m.

LB487

(Signed) John Murante, Chairperson

AMENDMENT(S) - Print in JournalSenator Crawford filed the following amendment to LB168:

AM51

- 1 1. On page 7, line 22; and page 9, line 15, after "based" insert "
- 2 primarily".

Senator Crawford filed the following amendment to LB151:

AM85

- 1 1. On page 3, line 27, after "owner" insert "of the trust property".

Senator Larson filed the following amendment to LB118:

AM98

(Amendments to Standing Committee amendments, AM97)

- 1 1. On page 1, line 13, after the period insert "Public
- 2 accommodations, research institutions, tobacco retail outlets, and cigar
- 3 shops provide revenue for the state and local governments and provide
- 4 employment opportunities for the public.".

RESOLUTION(S)**LEGISLATIVE RESOLUTION 44.** Introduced by Kolterman, 24.

WHEREAS, York Public Schools received a 2014 NebraskARTS Award presented by Nebraskans for the Arts; and

WHEREAS, Nebraskans for the Arts annually recognizes select schools that make a notable and worthwhile contribution to the arts and arts education in the state of Nebraska; and

WHEREAS, the award event was held in the State Capitol rotunda on October 14, 2014, and included student artwork displays and performances from the honored schools; and

WHEREAS, York Public Schools demonstrates a high education standard and enriches the lives of its students through the arts; and

WHEREAS, York Public Schools offers over 40 opportunities for students to take part in fine art activities; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates York Public Schools for receiving a 2014 NebraskARTS Award.
2. That a copy of this resolution be sent to York Public Schools.

Laid over.

LEGISLATIVE RESOLUTION 45. Introduced by Craighead, 6.

WHEREAS, Michael B. Yanney has been selected as a 2015 winner of the Excellence in Mentoring Award given by MENTOR: The National Mentoring Partnership; and

WHEREAS, Michael was one of the primary advocates for launching the Midlands Mentoring Partnership, an organization that seeks to increase the number and quality of mentoring programs available for youth in Omaha; and

WHEREAS, Michael and his wife, Dr. Gail Walling Yanney, founded Partnership 4 Kids, an after-school mentoring program currently serving over 5,000 youths in Omaha; and

WHEREAS, Michael was presented with the award by United States Senator Ben Sasse at a special dinner at the Library of Congress.

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

1. That the Legislature congratulates Michael B. Yanney for winning the Excellence in Mentoring Award.
2. That a copy of this resolution be sent to Michael B. Yanney.

Laid over.

MOTION - Print in Journal

Senator Baker filed the following motion to LB432:

MO7

Withdraw bill.

GENERAL FILE

LEGISLATIVE BILL 88. Senator Chambers offered the following motion:

MO8

Reconsider the vote to indefinitely postpone.

SENATOR COASH PRESIDING

Senator Chambers requested a roll call vote on his motion to reconsider.

The Chambers motion to reconsider failed with 2 ayes, 33 nays, 11 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following motion:

MO9

Bracket until February 13, 2015.

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Senator Chambers requested a roll call vote on his motion to bracket.

Voting in the affirmative, 2:

Murante Schumacher

Voting in the negative, 37:

| | | | | |
|-----------|----------|-----------|----------------|------------|
| Baker | Friesen | Hilkemann | Larson | Schilz |
| Bolz | Garrett | Howard | Lindstrom | Stinner |
| Campbell | Gloor | Hughes | McCollister | Sullivan |
| Coash | Groene | Johnson | Morfeld | Watermeier |
| Cook | Haar, K. | Kintner | Nordquist | Williams |
| Craighead | Hadley | Kolterman | Pansing Brooks | |
| Crawford | Hansen | Krist | Riepe | |
| Ebke | Harr, B. | Kuehn | Scheer | |

Present and not voting, 5:

Bloomfield Brasch Chambers Davis Smith

Excused and not voting, 5:

Kolowski McCoy Mello Schnoor Seiler

The Chambers motion to bracket failed with 2 ayes, 37 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO10

Reconsider the vote to bracket until February 13, 2015.

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Senator Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 5:

Bloomfield Chambers Davis Ebke Murante

Voting in the negative, 34:

| | | | | |
|-----------|----------|-----------|----------------|------------|
| Baker | Friesen | Harr, B. | Krist | Riepe |
| Bolz | Garrett | Hilkemann | Kuehn | Schumacher |
| Campbell | Gloor | Howard | Lindstrom | Stinner |
| Coash | Groene | Hughes | McCollister | Sullivan |
| Cook | Haar, K. | Johnson | Morfeld | Watermeier |
| Craighead | Hadley | Kintner | Nordquist | Williams |
| Crawford | Hansen | Kolterman | Pansing Brooks | |

Present and not voting, 2:

Brasch Smith

Excused and not voting, 8:

| | | | |
|----------|-------|--------|---------|
| Kolowski | McCoy | Scheer | Schnoor |
| Larson | Mello | Schilz | Seiler |

The Chambers motion to reconsider failed with 5 ayes, 34 nays, 2 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S) Education

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

John Bernthal - Coordinating Commission for Postsecondary Education

Aye: 8 Baker, Cook, Groene, Kolowski, Morfeld, Pansing Brooks, Schnoor, Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

LEGISLATIVE BILL 18. Placed on General File.

LEGISLATIVE BILL 109. Placed on General File with amendment.

AM66

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

2 Section 1. Section 85-502.01, Reissue Revised Statutes of Nebraska,
 3 is amended to read:
 4 85-502.01 (1) A person who enrolls in a public college or university
 5 in this state and who is either a veteran as defined in Title 38 of the
 6 United States Code section 80-401.01 and was discharged or released from
 7 a period of not fewer than ninety days of service in the active military,
 8 naval, or air service less than three years before the date of initial
 9 enrollment, a spouse or dependent of such a veteran, has been off active
 10 duty for two years or less or an eligible recipient entitled to
 11 educational assistance of such a veteran as provided in 38 U.S.C. 3311(b)
 12 (9) or 38 U.S.C. 3319, as such sections existed on January 1, 2015, who
 13 is a spouse or dependent of such a veteran who enrolls in a public
 14 college or university in this state shall be considered a resident
 15 student notwithstanding the provisions of section 85-502 if the person is
 16 (a) registered to vote in Nebraska and (b) demonstrates objective
 17 evidence of intent to be a resident of Nebraska.
 18 (2) A person who is an eligible individual under 38 U.S.C. 3679(c)
 19 (2), as such section existed on January 1, 2015, or who is a spouse or
 20 dependent of such a veteran under and who is younger than eighteen years
 21 of age is not required to comply with subdivision (1)(a) of this section
 22 until he or she attains eighteen years of age.
 23 ~~(3) This section does not apply to a veteran who qualifies for~~
 24 ~~benefits pursuant to 38 U.S.C. 3317, as such section existed on January~~
 25 ~~1, 2014. This subsection does not affect the applicability of this~~
 26 ~~section with respect to the spouse or dependent of such a veteran.~~
 27 (3 4) For purposes of this section, objective evidence of intent to
 1 be a resident of Nebraska includes either a Nebraska driver's license or
 2 state identification card or a Nebraska motor vehicle registration.

(Signed) Kate Sullivan, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 198. Placed on General File.

(Signed) Jim Scheer, Chairperson

General Affairs

LEGISLATIVE BILL 118. Placed on General File with amendment.
 AM97

1 1. Insert the following new sections:
 2 Sec. 5. Section 71-5717, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 71-5717 The purpose of the Nebraska Clean Indoor Air Act is to
 5 protect the public health and welfare by prohibiting smoking in public
 6 places and places of employment with limited exceptions for public
 7 accommodations, research, tobacco retail outlets, and cigar shops. The
 8 limited exceptions permit smoking in public places where the public would

9 reasonably expect to find persons smoking, including guestrooms which are
10 subject to expectations of privacy like private residences, institutions
11 engaged in research related to smoking, and tobacco retail outlets and
12 cigar shops which provide the public legal retail outlets to sample, use,
13 and purchase tobacco products and products related to smoking. The act
14 shall not be construed to prohibit or otherwise restrict smoking in
15 outdoor areas. The act shall not be construed to permit smoking where it
16 is prohibited or otherwise restricted by other applicable law, ordinance,
17 or resolution. The act shall be liberally construed to further its
18 purpose.

19 Sec. 7. If any section in this act or any part of any section is
20 declared invalid or unconstitutional, the declaration shall not affect
21 the validity or constitutionality of the remaining portions.

22 2. On page 3, line 2, strike "in triplicate original" and show as
23 stricken; and in line 30 after the period insert "The rules and
24 regulations existing on August 1, 2014, applicable to cigar bars shall
25 apply to cigar shops until amended or repealed by the commission.".

26 3. On page 4, after line 30; and page 6, after line 7, insert the
27 following new subsection:

1 "(3)(a) The Legislature finds that allowing smoking in tobacco
2 retail outlets as a limited exception to the Nebraska Clean Indoor Air
3 Act does not interfere with the original intent that the general public
4 and employees not be unwillingly subjected to second-hand smoke since
5 employees have ample other opportunities for similar employment at other
6 establishments and the general public would not frequent those
7 establishments and should reasonably expect that there would be second-
8 hand smoke in a tobacco retail outlet and could choose to avoid such
9 exposure.

10 (b) It is the intent of the Legislature to allow smoking in tobacco
11 retail outlets that meet specific statutory criteria. This exception to
12 the Nebraska Clean Indoor Air Act is narrowly tailored in accordance with
13 the intent of the act to protect public places and places of
14 employment.".

15 4. Renumber the remaining sections and correct the repealer
16 accordingly.

(Signed) Tyson Larson, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 269. Placed on General File with amendment.
AM68

1 1. On page 2, reinstate the stricken matter beginning with "A" in
2 line 10 through "director" in line 12 and after the reinstated matter
3 insert "and maintained and updated at least annually on the board's web
4 site in a printable format.".

(Signed) Jim Scheer, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Natural Resources

Room 1525

Thursday, February 5, 2015 1:30 p.m.

LB104
LB337
LB469

Friday, February 6, 2015 1:30 p.m.

Thomas D. Oliver - Nebraska Oil and Gas Conservation Commission
LB203

(Signed) Ken Schilz, Chairperson

Judiciary

Room 1113

Thursday, February 5, 2015 1:30 p.m.

Randall L. Rehmeier - Board of Parole
LB651
LB504
LB505
LB630

(Signed) Les Seiler, Chairperson

COMMITTEE REPORT(S)

Banking, Commerce and Insurance

The Banking, Commerce and Insurance Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Bruce Ramge, Director - Department of Insurance

Aye: 7 Campbell, Craighead, Gloor, Howard, Lindstrom, Schumacher, Williams. Nay: 0. Absent: 1 Scheer. Present and not voting: 0.

The Banking, Commerce and Insurance Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Mark Quandahl, Director - Department of Banking and Finance

Aye: 7 Campbell, Craighead, Gloor, Howard, Lindstrom, Schumacher, Williams. Nay: 0. Absent: 1 Scheer. Present and not voting: 0.

(Signed) Jim Scheer, Chairperson

AMENDMENT(S) - Print in Journal

Senator Schumacher filed the following amendment to LB88:

FA4

After the period in line 15 page 2 insert the following sentence: "In the case where either of the persons applying for the issuance of a marriage license has minor children the fifty dollar fee shall be waived."

Senator Kintner filed the following amendment to LB88:

AM110

1 1. On page 2, line 13, strike beginning with "of" though "dollars"
2 and show the old matter as stricken; on line 15 after the period insert "
3 Such fee shall be set by each county board in an amount ranging between
4 thirty and fifty dollars.".

Senator Larson filed the following amendment to LB111:

AM107

1 1. Strike section 15.

Senator Larson filed the following amendment to LB619:

AM102

1 1. Strike section 9.

Senator Larson filed the following amendment to LB330:

AM101

1 1. Strike section 18.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Davis, Hughes, Murante, Scheer, Stinner, Williams - LB187

Schilz - LB187

Bloomfield, Davis, Friesen, Groene, Johnson, Kolterman - LR23

Baker, Hilke, Hughes, Kuehn, McCoy, Williams - LR23

Craighead, Ebke, Lindstrom, McCollister, Schnoor, Stinner - LR23

Bolz, Gloor, Kintner, Pansing Brooks, Schumacher - LR23
Haar, K., Hadley, Kolowski, Krist, Murante, Schilz - LR23
Brasch, Crawford, Larson, Seiler, Smith, Sullivan - LR23
Kuehn, Larson - LB187
Kintner - LB118
Coash, Larson, Murante, Schilz - LB31

VISITORS

Visitors to the Chamber were 25 students and teacher from Little Priest Tribal College, Winnebago.

ADJOURNMENT

At 12:07 p.m., on a motion by Speaker Hadley, the Legislature adjourned until 9:00 a.m., Thursday, January 29, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTEENTH DAY - JANUARY 29, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****SIXTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 29, 2015

PRAYER

The prayer was offered by Bishop Brian Maas, Nebraska Synod -
Evangelical Lutheran Church in America, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley
presiding.

The roll was called and all members were present except Senator McCoy
who was excused; and Senators Hansen, Larson, and Murante who were
excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifteenth day was approved.

MESSAGE FROM THE GOVERNOR

January 28, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is appointed as the
Director of the Department of Correctional Services:

Scott R. Frakes, P.O. Box 94661, Lincoln, NE 68509

The aforementioned appointee is respectfully submitted for your
consideration. Copies of the certificate and background information are
included for your review.

Sincerely,
 (Signed) Pete Ricketts
 Governor

Enclosure

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 24, 25, 27, 28, 29, and 30 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 24, 25, 27, 28, 29, and 30.

MOTION - Withdraw LB432

Senator Baker offered his motion, MO7, found on page 327, to withdraw LB432.

The Baker motion to withdraw the bill prevailed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 88. Senator Chambers offered the following motion:

MO11

Recommit to the Judiciary Committee.

Senator Chambers moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Chambers requested a roll call vote on his motion to recommit to committee.

Voting in the affirmative, 5:

| | | | | |
|------------|--------|-------|------|---------|
| Bloomfield | Brasch | Davis | Ebke | Murante |
|------------|--------|-------|------|---------|

Voting in the negative, 39:

| | | | | |
|-----------|-----------|----------|----------------|------------|
| Baker | Garrett | Howard | Lindstrom | Schilz |
| Bolz | Gloor | Hughes | McCollister | Schnoor |
| Campbell | Groene | Johnson | Mello | Schumacher |
| Coash | Haar, K. | Kintner | Morfeld | Seiler |
| Cook | Hadley | Kolowski | Nordquist | Stinner |
| Craighead | Hansen | Krist | Pansing Brooks | Sullivan |
| Crawford | Harr, B. | Kuehn | Riepe | Williams |
| Friesen | Hilkemann | Larson | Scheer | |

Present and not voting, 2:

Chambers Smith

Excused and not voting, 3:

Kolterman McCoy Watermeier

The Chambers motion to recommit to committee failed with 5 ayes, 39 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 46. Introduced by Coash, 27.

WHEREAS, John G. Boosalis, a gunner in the United States Navy during World War II, along with a pilot and a radioman, crashed into the Pacific Ocean on February 27, 1943 when their airplane engine failed; and

WHEREAS, upon crashing into the ocean, John and the other two crew members launched a rubber life raft and were able to take a small number of sundry articles before their plane sank; and

WHEREAS, John spent two days and two nights in the life raft rowing toward an island approximately 25 miles in the distance; and

WHEREAS, during these two days and two nights in the life raft, John endured sunburn, lack of water, long hours of rowing, and badly blistered hands; and

WHEREAS, on the third day, John and his crew landed on Erromango Island where they were able to find stagnant water to drink and fruit and crab to eat; and

WHEREAS, while on the island, John and his crew befriended several people living on the island who were able to provide them with additional food and water; and

WHEREAS, while on the island, John suffered swollen and blistered feet, endured festering sores on his body, and contracted malaria and was ill for several days; and

WHEREAS, a rancher from Australia who lived on the other end of the island was able to radio naval headquarters about the location of John and the two other crew members; and

WHEREAS, after spending nearly a month on Erromango Island, John was returned to his Navy squadron.

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

1. That the Legislature recognizes and thanks John G. Boosalis for his service and sacrifice while serving in the United States Navy during World War II.
2. That a copy of this resolution be sent to John G. Boosalis.

Laid over.

NOTICE OF COMMITTEE HEARING(S)
Transportation and Telecommunications

Room 1113

Monday, February 9, 2015 1:30 p.m.

LB474
LB597
LB31

Tuesday, February 10, 2015 1:30 p.m.

LB498
LB570
LB641

(Signed) Jim Smith, Chairperson

Executive Board

Room 2102

Friday, February 6, 2015 12:00 p.m.

LR32
LR33
LR34

(Signed) Bob Krist, Chairperson

COMMITTEE REPORT(S)
Transportation and Telecommunications

LEGISLATIVE BILL 94. Placed on General File.
LEGISLATIVE BILL 122. Placed on General File.

(Signed) Jim Smith, Chairperson

Revenue

LEGISLATIVE BILL 52. Placed on General File.

LEGISLATIVE BILL 260. Placed on General File.

LEGISLATIVE BILL 261. Placed on General File with amendment.
AM44

- 1 1. Strike sections 5 and 18.
- 2 2. Renumber the remaining sections and correct internal references
- 3 accordingly.

(Signed) Mike Gloor, Chairperson

Business and Labor

LEGISLATIVE BILL 271. Placed on General File with amendment.
AM27 is available in the Bill Room.

The Business and Labor Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

John Albin, Commissioner - Department of Labor

Aye: 6 Bloomfield, Chambers, Crawford, Ebke, Harr, B., Johnson. Nay: 0.
Absent: 0. Present and not voting: 1 McCollister.

(Signed) Burke Harr, Chairperson

Revenue

The Revenue Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Ruth A. Sorensen, Property Tax Administrator - Department of Revenue

Aye: 8 Brasch, Davis, Gloor, Harr, B., Scheer, Schumacher, Smith, Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Mike Gloor, Chairperson

SPEAKER HADLEY PRESIDING

MOTION - Escort Chief Justice

Senator Howard moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court and members of the Supreme Court to the Legislative Chamber for the purpose of delivering the State of the Judiciary Address.

The motion prevailed.

The Chair appointed Senators Coash, Ebke, Howard, Schumacher, and Seiler to serve on said committee.

The committee escorted Chief Justice Michael G. Heavican to the rostrum where he delivered the following message:

Mr. President, Mr. Speaker, Members of the Legislature, and fellow Justices of the Nebraska Supreme Court. I would like to thank the members of this legislative body, and specifically thank Speaker Galen Hadley, for inviting me to address you this morning.

It is an honor for me to report on the accomplishments of the judicial branch during the past year and to discuss the future of the courts. First, let me introduce my fellow Justices.

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

To my immediate left is Kenneth Stephan of Lincoln. And to Justice Stephan's left is Justice William Cassel of O'Neill.

Justice William Connolly of Hastings and Justice Michael McCormack of Omaha are unable to be with us.

Today I will speak to you about change in the Judicial Branch's service to children in the courts; sentencing alternatives; guardianships; and access to justice across Nebraska.

Service to Young People

Throughout the nation states are reforming their juvenile justice systems. Here in Nebraska, young people who are charged in juvenile court with breaking the law and status offenses are the focus of our juvenile justice system.

With the passage of LB 561 in 2013, and in line with those national reform efforts, the Legislature transferred to the Office of Probation Administration, a division of the Nebraska court system, the responsibility for supervision of most of these juvenile law violators. Previously, these juveniles were under the supervision of the Department of Health and Human Services and were frequently made wards of the State in order to gain access to rehabilitative services.

This shift of direction is based on these fundamental principles: 1) fewer young people should be made wards of the state, be incarcerated, or placed in group homes; 2) more youth should be provided with treatment in their homes and local communities; 3) parents and guardians should always be involved in their children's rehabilitation; and 4) local community providers

of mental health, substance abuse, and other services should be utilized whenever possible.

In Nebraska, approximately 1,000 fewer juveniles are state wards today than in 2012, and the number of service providers around the state has increased over 45%. I note several projects deserving special recognition.

The first of those projects is the “crossover” program in Douglas County, which successfully redirected approximately 170 children from the juvenile justice system last year. The crossover program identifies children who fall under the umbrella of both the child welfare and juvenile justice systems.

Rather than having a child simultaneously go through two systems, the crossover program provides a way to address the needs of both the child and the systems together. This enables us to focus on the rehabilitation of children and their families without redundant hearings and duplicative supervision.

In the past year Gage, Lancaster, and Dodge Counties initiated similar crossover programs. Sarpy County will do so this year. Probation supports the efforts of each of these counties and, as prescribed by last year’s LB 464, will provide leadership and technical assistance to crossover projects in other counties in the state.

In another promising program, Senator Bob Krist and State Court Administrator Corey Steel are part of a committee working with the National Juvenile Detention Alternative Initiative, known as JDAI. That committee is examining statewide juvenile detention practices in order to ensure that only those young people who pose a true community safety risk are incarcerated.

This national initiative seeks to provide alternatives to detention so that a juvenile’s delinquent behavior can more appropriately be addressed. The pilot sites in Douglas and Sarpy Counties have had great success in reducing the number of juveniles in detention.

When Douglas County began JDAI in 2011, its detention center averaged nearly 200 juveniles daily. But through the efforts of JDAI, the daily average has been reduced by approximately 50%. Likewise, Sarpy County’s staff-secure facility had previously housed between 20-25 juveniles per day, but now also averages half that number. This was accomplished by county, state, and private partnerships as well as the Legislature’s leadership and commitment to providing funding for counties to develop detention alternatives.

Similarly, in 2011 nearly 450 boys were admitted to the Youth Rehabilitation and Treatment Center at Kearney; in 2014, that number was approximately 175. In 2011, 140 girls were admitted to YRTC at Geneva; in 2014, that number was approximately 50. This significant reduction is a direct result of the efforts of our juvenile courts and probation staff, providing intervention and treatment services closer to home for young people and their families.

However, many challenges remain. Specifically, probation’s limited ability to access Federal programs such as Medicaid and Title IV-E Reimbursements promotes over-reliance on the state’s general fund rather than maximizing Federal dollars already available to Nebraska. Also, foster care, especially in greater Nebraska, is badly needed. The judiciary and the

probation system support state planning efforts and legislation to rectify both of these issues.

Sentencing Alternatives

The courts and probation are also involved in adult criminal justice reform. This past year the Judicial Branch, in cooperation with the Legislative and Executive Branches and other state institutions, participated in the Council of State Government's Justice Reinvestment Working Group (CSG).

CSG's comprehensive analysis of Nebraska's adult criminal justice system offers new strategies and policy reforms intended to improve the state's delivery of justice services. Particularly worth mentioning is CSG's finding that people sentenced to probation have lower recidivism rates than people sentenced to prison for similar offenses. CSG also emphasized the value of increasing the use of sentencing alternatives.

Today I will speak about two effective sentencing alternatives available in our courts. Because 80% or more of the individuals involved in the justice system struggle with alcohol or drug abuse, both of these sentencing alternatives target adult offenders whose criminality often correlates to their use of alcohol and drugs.

The first sentencing alternative is problem-solving courts. This is one of the most successful and cost-effective responses to the problem of addiction and associated crime, both nationally and in Nebraska. The second alternative is the Specialized Substance Abuse Supervision program, otherwise known as SSAS. However, as mentioned in the CSG report, while both SSAS and the problem-solving courts are showing positive outcomes, they are not available in all areas of the state.

First, I will address problem-solving courts. Nebraska currently has 16 problem-solving courts including drug, young adult, and DUI courts that served over 1,000 people in 2014. Assuming that half of these individuals would have been sentenced to incarceration, the cost savings to taxpayers was a minimum of \$15 million.

A 2012 statewide evaluation of Nebraska's drug courts reported that 95% of those who successfully completed the program remained crime-free one year post-graduation. Drug courts emphasize education and employment. This has resulted in 95% of active participants being gainfully employed or attending school full-time.

The second alternative I mentioned is the SSAS program. SSAS provides an opportunity for otherwise prison-bound substance abusers to be intensively supervised by probation while receiving treatment.

Like problem-solving courts, SSAS has been shown to lower recidivism. Last year I reported that 91% of the individuals who were successfully discharged from SSAS in 2013 continued to remain crime-free one year later. This trend hasn't changed. SSAS participants also have a very high rate of employment, with an average of 94% of SSAS graduates gainfully employed.

In 2014, LB 907 was enacted authorizing 16 new SSAS officers. Adding these officers has doubled the capacity of the SSAS program. It will cost just under \$2.5 million to supervise individuals within SSAS this year,

which is a substantial savings when compared to the cost of incarceration.

Thank you to Senators Krist, Mello, and Cook for assisting with this legislation.

Because of LB 907, probation was not only able to expand SSAS, but was also able to open new reporting centers in Grand Island, Columbus, and Norfolk. This brought the total number of reporting centers across the state to eleven. These reporting centers, located in Sarpy, Otoe, Douglas, Lancaster, Dawson, Buffalo, Dakota, Scotts Bluff, Platte, Hall, and Madison Counties, offer over 150 rehabilitative and support services to individuals who are under supervision.

LB 907 also provided funding to begin to identify mental health issues frequently suffered by individuals involved in the criminal justice system. Previously unavailable mental health services were made accessible to probationers, problem-solving court participants, and parolees who were in need of treatment.

I would like to thank the six behavioral health regions and numerous public and private entities who have joined with probation to increase access to these behavioral health services. Of particular note are the substance abuse and mental health services now available in rural areas, thanks to video technology assistance provided by the University of Nebraska Medical Center and Boys Town which have agreed to assist us in greater Nebraska.

Whether through sentencing alternatives, specialized programs, services, or technology, the courts and probation continue to collaborate with the other two branches of government. We also work with both public and private entities to confront these criminal justice challenges as we strive to improve the lives and safety of all Nebraskans.

Guardianship

I will now briefly turn to legal guardianships in Nebraska. Both the Legislative and Judicial Branches took steps in 2014 to address the needs of some of Nebraska's most vulnerable populations: incapacitated or dependent adults and children.

During the 2014 session, the Legislature approved the Public Guardianship Act. Prior to the passage of the Act, a suitable guardian was not always available when needed. The creation of the Office of Public Guardian changes that. A special thanks to Senator Coash for the sponsorship of LB 920, along with Senators Brasch, Davis, Schilz, Seiler, Watermeier, and several former senators who worked to make the Office of Public Guardian a reality.

The State Court Administrator has hired a director for the Office of Public Guardian, who is currently working to carry out the charge it was given. The work will be expedited, to the extent possible, to prepare for appointments yet this year. The office will also recruit, educate, and support current and future guardians and conservators throughout the State of Nebraska.

Access to Justice Across Nebraska

Clerks

I would like to discuss access to justice. First, I would like to recognize

our partnership with Nebraska's county officials in exploring innovative ways to provide consistent access to all our courts.

The Judicial Branch has established a pilot program in Polk County where the county court clerk magistrate, who is a state employee, will also serve as the county's clerk of the district court. The program's goal is to increase efficiency by offering all court clerk services within one office.

This program was initiated by the county and is the result of cooperation between county officials, area judges, and Judicial Branch staff. The pilot project was made possible through state legislation passed several years ago, which allows county officials and the Administrative Office of the Courts to work together to provide essential court office functions.

Centralized Case Management and E-filing

This type of innovation is possible due to Nebraska's statewide computerized court case management system, known as JUSTICE. We are fortunate to be one of the few states that has established a statewide system which enables us to share and analyze case information across jurisdictional boundaries and promotes consistency for attorneys and citizens who interact with the courts. Last year marked the 20th anniversary of the inception of the JUSTICE system.

One of the many benefits of a statewide case management system is the ability to provide online access to court records 24 hours a day, 7 days a week, 365 days a year. This access allows people to attend to court business on their own schedules and reduces the time it takes for court staff to process data and payments. Available online services include the ability to pay traffic tickets and court fines and conduct court case information searches. Court documents can conveniently be e-filed and viewed online instead of necessitating travel to one of Nebraska's 93 courthouses.

An average of 16,000 payments on civil, criminal, and traffic cases totaling over \$1.5 million are made online each month. And each month nearly 40,000 documents are e-filed by attorneys and litigants. This use of technology results in numerous efficiencies within the court system, reducing staff time and ultimately benefiting all Nebraska's citizens.

Self-Represented Litigants

But these access success stories are counter-balanced by access challenges. A major challenge is the number of people needing or choosing to represent themselves in court. Self-represented litigants are often unfamiliar with the law and court processes and frequently find themselves at a disadvantage when navigating the court system.

The Supreme Court's Committee on Self-Represented Litigation has spent countless hours developing forms and instructions to assist these individuals. This year the Committee was awarded a grant from the "Center on Court Access to Justice for All" to conduct a strategic planning process.

Court of Appeals' Chief Judge Frankie Moore of North Platte has assembled a planning committee which includes all entities offering free legal assistance to low income Nebraskans and others who choose to represent themselves in court. We are very pleased to partner with Legal Aid, the Nebraska State Bar Association, Nebraska's public libraries, and

both the University of Nebraska College of Law and Creighton Law School in addressing these issues.

Although we are making great strides, one factor contributing to the increase in self-represented litigation in many areas of Nebraska is a lack of attorneys. Last year members of this body added important language into LB 907, allowing rural attorneys in underserved communities to apply for assistance with student loan repayment. We have great hopes that this type of financial assistance will be of mutual benefit to our newly-graduated attorneys and to our rural communities. Again, I applaud the recent efforts of the Legislature in the passage of LB 907.

Language Access

In previous years I have called your attention to the increasing need for language access in our courts. The Judicial Branch continues to contend with the need for more language interpretation and translation services.

Pursuant to state statute, interpreters are used for all appropriate court proceedings in both criminal and civil cases. Interpretation is frequently necessary not only for defendants, but for victims, witnesses, parents of juveniles, and those interacting with probation.

In 2014, we supplied interpreters in 46 different languages for approximately 24,000 appointments in courtrooms and probation offices across the state. This is an increase of 20% over our 2013 numbers.

Spanish remains the language with the greatest demand for interpretation services. After Spanish, our most used languages are: Nuer, Arabic, Vietnamese, Somali, and American Sign. New to Nebraska's courts this past year were: Bengali and Telugu, spoken in India; Kirundi a Bantu language spoken in Central and Southern Africa; and Sorani, a Kurdish dialect spoken in Iran and Iraq.

Conclusion

Last year I reported to you that Nebraska's Judicial Branch was growing, was dynamic, and was busy. This past year, we were busier and even more dynamic. Our judges and our court and probation staff remain committed to the American values of equal protection, due process of law, and equal access to justice for all our citizens.

The Supreme Court is proud of the many accomplishments of our court family. We appreciate the support the Legislature has provided to the Judicial Branch, and we look forward to continuing to work with you, our constitutional partners, in serving Nebraska in 2015.

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

The committee escorted the Chief Justice from the Chamber.

NOTICE OF COMMITTEE HEARING(S)

Judiciary

Room 1113

Friday, February 6, 2015 1:30 p.m.

LB385
LB409
LB416
LB221

(Signed) Les Seiler, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 35. Placed on Select File with amendment.

ER3

1 1. On page 1, strike beginning with "Laws" in line 1 through "and"
2 in line 2; and strike beginning with "to" in line 4 through the semicolon
3 in line 5.

LEGISLATIVE BILL 92. Placed on Select File.**LEGISLATIVE BILL 93.** Placed on Select File with amendment.

ER4

1 1. On page 1, line 5, strike "commercial fertilizer"; and in line 8
2 after the first semicolon insert "to change provisions relating to a
3 fund;".

LEGISLATIVE BILL 95. Placed on Select File.**LEGISLATIVE BILL 150.** Placed on Select File.**LEGISLATIVE BILL 151.** Placed on Select File.**LEGISLATIVE BILL 170.** Placed on Select File.**LEGISLATIVE BILL 171.** Placed on Select File.**LEGISLATIVE BILL 99.** Placed on Select File.**LEGISLATIVE BILL 100.** Placed on Select File.**LEGISLATIVE BILL 65.** Placed on Select File with amendment.

ER5

1 1. On page 1, strike beginning with "change" in line 2 through
2 "boards" in line 3 and insert "provide powers and duties for county
3 boards upon termination of a township board".

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE BILL 142. Placed on General File with amendment.

AM45

1 1. Strike original sections 2 and 7 and insert the following new
2 section:

3 Sec. 2. The Aquatic Invasive Species Program is created. Funds
4 identified to support the program shall be used for aquatic invasive
5 species activities which may include monitoring and sampling waters of
6 the state for aquatic invasive species, hiring personnel, purchasing
7 equipment to inspect and decontaminate conveyances, providing additional
8 enforcement, education, and research relating to aquatic invasive
9 species, and conducting aquatic invasive species projects as needed.

10 2. On page 2, line 28, strike "vessel" and insert "motorboat".

11 3. Renumber the remaining sections accordingly.

(Signed) Ken Schilz, Chairperson

CONFLICT OF INTEREST STATEMENT(S)

Pursuant to Rule 1, Sec. 19, Senator Bolz has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

GENERAL FILE**LEGISLATIVE BILL 88.** Senator Chambers offered the following motion:

MO12

Reconsider the vote to recommit to committee.

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 3 nays, and 22 not voting.

Senator Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 7:

| | | | |
|------------|----------|---------|---------|
| Bloomfield | Chambers | Ebke | Murante |
| Brasch | Davis | Garrett | |

Voting in the negative, 35:

| | | | | |
|-----------|----------|-----------|----------------|------------|
| Baker | Friesen | Hilkemann | Larson | Schilz |
| Bolz | Gloor | Howard | Lindstrom | Schnoor |
| Campbell | Groene | Hughes | McCollister | Schumacher |
| Coash | Haar, K. | Johnson | Morfeld | Seiler |
| Cook | Hadley | Kintner | Pansing Brooks | Stinner |
| Craighead | Hansen | Kolowski | Riepe | Sullivan |
| Crawford | Harr, B. | Kuehn | Scheer | Williams |

Present and not voting, 1:

Smith

Excused and not voting, 6:

| | | |
|-----------|-------|------------|
| Kolterman | McCoy | Nordquist |
| Krist | Mello | Watermeier |

The Chambers motion to reconsider failed with 7 ayes, 35 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

MOTION - Adjournment

Senator Chambers moved to adjourn until 9:00 a.m., June 30, 2015.

SENATOR GLOOR PRESIDING

Senator Chambers requested a roll call vote on his motion to adjourn.

The Chambers motion to adjourn failed with 1 aye, 40 nays, 2 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 88. Senator Chambers offered the following motion:

MO13

Bracket until April 15, 2015.

SPEAKER HADLEY PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 3 nays, and 30 not voting.

Senator Chambers requested a roll call vote on his motion to bracket.

Voting in the affirmative, 6:

| | | |
|------------|---------|------------|
| Bloomfield | Davis | Murante |
| Brasch | Garrett | Schumacher |

Voting in the negative, 31:

| | | | | |
|-----------|----------|-----------|----------------|----------|
| Baker | Friesen | Hilkemann | Larson | Schnoor |
| Bolz | Gloor | Howard | Lindstrom | Stinner |
| Campbell | Groene | Hughes | McCollister | Sullivan |
| Coash | Haar, K. | Johnson | Morfeld | |
| Cook | Hadley | Kintner | Pansing Brooks | |
| Craighead | Hansen | Kolowski | Riepe | |
| Crawford | Harr, B. | Kuehn | Schilz | |

Present and not voting, 2:

| | |
|----------|-------|
| Chambers | Smith |
|----------|-------|

Excused and not voting, 10:

| | | | | |
|-----------|-------|-----------|--------|------------|
| Ebke | Krist | Mello | Scheer | Watermeier |
| Kolterman | McCoy | Nordquist | Seiler | Williams |

The Chambers motion to bracket failed with 6 ayes, 31 nays, 2 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO14

Reconsider the vote to bracket.

The Chambers motion to reconsider failed with 6 ayes, 19 nays, 8 present and not voting, and 16 excused and not voting.

Pending.

AMENDMENT(S) - Print in Journal

Senator Johnson filed the following amendment to LB92:

AM89

1 1. Strike original section 1 and all amendments thereto and insert

2 the following new section:

3 Section 1. Section 2-4323, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 2-4323 (1) Every retailer licensee shall file, not later than the

6 last day of January and July of each year, a semiannual tonnage report on
7 forms provided by the department, setting forth the number of net tons of
8 each agricultural liming material sold in Nebraska during the preceding
9 six-month period, which report shall cover the periods from July 1 to
10 December 31 and January 1 to June 30, and such other information as the
11 director shall deem necessary. All persons required to be licensed
12 pursuant to the Agricultural Liming Materials Act shall file such report
13 regardless of whether any inspection fee is due. Upon filing the report,
14 such person shall pay the inspection fee at the rate prescribed pursuant
15 to this section. Within thirty days following the expiration of each
16 license, each retailer licensee shall submit on a form furnished and
17 approved by the department an annual statement setting forth, by county
18 name, the number of net tons of each agricultural liming material sold by
19 him or her for use in this state during the previous twelve month period.
20 The Such statement shall be accompanied by payment of an inspection fee
21 shall be at the rate fixed by the director but not exceeding ten cents
22 per ton. The fee shall be set at an amount to cover the expenses of the
23 inspection provided in section 2-4325 and the costs of administering this
24 section. The minimum inspection fee required pursuant to this section
25 shall be five dollars, and no inspection fee shall be paid more than once
26 for any one product. In The fee shall be paid by the retailer licensee
27 and in the case of agricultural lime slurry, the fee shall be paid on the
1 base lime material only.

2 (2) If a person fails to report and pay the fee required by
3 subsection (1) of this section by January 31 and July 31, the fee shall
4 be considered delinquent and the person owing the fee shall pay an
5 additional administrative fee of twenty-five percent of the delinquent
6 amount for each month it remains unpaid, not to exceed one hundred
7 percent of the original amount due. The department may waive the
8 additional administrative fee based upon the existence and extent of any
9 mitigating circumstances that have resulted in the late payment of such
10 fee. The purpose of the additional administrative fee is to cover the
11 administrative costs associated with collecting fees, and all money
12 collected as an additional administrative fee shall be remitted to the
13 State Treasurer for credit to the Fertilizers and Soil Conditioners
14 Administrative Fund. Failure to make an accurate statement of tonnage or
15 to pay the inspection fee or comply as provided in this subsection shall
16 constitute sufficient cause for the cancellation of all product
17 registrations or licenses on file for such person.

18 (3 2) The director ~~department~~ shall annually make information
19 available in such form as he or she may deem proper concerning publish
20 and make available, to each agricultural liming material registrant or
21 licensee and to any other interested person upon his or her request, a
22 composite report showing the tons of agricultural liming material sold in
23 each county in this state. Such report shall in no way divulge the
24 operation of any registrant or licensee.

NOTICE OF COMMITTEE HEARING(S)

Judiciary

Room 1113

Friday, February 6, 2015 1:30 p.m.

LB253

(Signed) Les Seiler, Chairperson

Transportation and Telecommunications

Room 1113

Tuesday, February 17, 2015 1:30 p.m.

LB311

LB568

LB579

Monday, February 23, 2015 1:30 p.m.

LB248

LB373

LB517

Tuesday, February 24, 2015 1:30 p.m.

LB644

LB317

LB192

Monday, March 2, 2015 1:30 p.m.

LB629

LB399

Tuesday, March 3, 2015 1:30 p.m.

LB639

LB564

LB623

Monday, March 9, 2015 1:30 p.m.

LB609

LB626

Tuesday, March 10, 2015 1:30 p.m.

LB535
LB652

(Signed) Jim Smith, Chairperson

COMMITTEE REPORT(S)
General Affairs

LEGISLATIVE BILL 160. Placed on General File.

LEGISLATIVE BILL 241. Placed on General File.

LEGISLATIVE BILL 17. Indefinitely postponed.

(Signed) Tyson Larson, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 272. Placed on General File.

LEGISLATIVE BILL 305. Placed on General File with amendment.
AM112

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.

(Signed) John Murante, Chairperson

CONFLICT OF INTEREST STATEMENT(S)

Pursuant to Rule 1, Sec. 19, Senator Baker has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

AMENDMENT(S) - Print in Journal

Senator Kintner filed the following amendment to LB88:

AM131

1 1. On page 2, line 13, strike beginning with "of" through "dollars"

2 and show the old matter as stricken; in line 15 after the period insert "

3 Such fee shall be set by each county board in an amount up to thirty-

4 five dollars.".

UNANIMOUS CONSENT - Room Change

Senator Johnson asked unanimous consent that the Agriculture Committee conduct its hearing on Tuesday, February 17, 2015, in Room 1524 instead of Room 2102. No objections. So ordered.

MOTION - Print in Journal

Senator Campbell filed the following motion to LB346:

MO15

Suspend the rules, Rule 3, Section 14, to permit cancellation of the hearing scheduled for February 4, 2015.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Campbell, Morfeld, Scheer, Watermeier - LR23

Coash, Hughes, Kintner - LB427

Bloomfield - LB118

Coash, Mello - LR23

Krist - LB187

Groene - LB651

Bloomfield - LB427

VISITORS

Visitors to the Chamber were 4 members of the Nebraska State Bar Association: Amie Martinez, Bob Rossiter, Liz Neeley, and Sam Clinch; and Senator Krist's wife, Peggy Krist.

ADJOURNMENT

At 12:02 p.m., on a motion by Senator Schumacher, the Legislature adjourned until 9:00 a.m., Friday, January 30, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTEENTH DAY - JANUARY 30, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 30, 2015

PRAYER

The prayer was offered by Pastor Gregg Gahan, Craig Alder Grove Parish, Craig.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator McCoy who was excused; and Senators Craighead, Kintner, Kolowski, Krist, Smith, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixteenth day was approved.

NOTICE OF COMMITTEE HEARING(S)

Agriculture

Room 1524

Tuesday, February 17, 2015 1:30 p.m.

LB377
LB360
LB389
LB359

Room 2102

Tuesday, February 24, 2015 1:30 p.m.

LB544
LB558
LB393

(Signed) Jerry Johnson, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 177. Placed on Select File with amendment.

ER7

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 70-619, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 70-619 (1) The corporate powers of the district shall be vested in
6 and exercised by the board of directors of the district. No person shall
7 be qualified to hold office as a member of the board of directors unless
8 (a) he or she is a registered voter (i) of such chartered territory, (ii)
9 of the subdivision from which a director is to be elected if such
10 chartered territory is subdivided for election purposes as provided in
11 subsection (1), (2), or (3) of section 70-612, or (iii) of one of the
12 combined subdivisions from which directors are to be elected at large as
13 provided in section 70-612 or (b) he or she is a retail customer duly
14 certified in accordance with subsection (3) of section 70-604.03.

15 (2) No person who is a full-time or part-time employee of the
16 district shall be eligible to serve as a member of the board of directors
17 of that district and no employed officer of a publicly owned electric
18 utility may serve as a member of the board of directors of any publicly
19 owned electric utility ~~No person who is a full-time or part-time employee~~
20 ~~of the district shall be eligible to serve as a member of the board of~~
21 ~~directors unless such person (a) resigns or (b) assumes an unpaid leave~~
22 ~~of absence for the term as a member. The employing district shall grant~~
23 ~~such leave of absence when requested by any employee for the purpose of~~
24 ~~the employee serving as a member of such the board of directors. A No~~
25 ~~person shall be qualified to be a member of more than one such district~~
26 ~~board, except that a director of a rural public power district may serve~~
27 ~~as a director of another public power district formed or organized for~~
1 ~~the purpose of generating electric energy or transmitting electric energy~~
2 ~~exclusively for resale to some other public power districts, rural~~
3 ~~electric cooperatives, and membership associations or municipalities. No~~
4 ~~member of a governing body of any one of the municipalities within the~~
5 ~~areas of the district may not shall be qualified to serve on the original~~
6 ~~board of directors under sections 70-603 to 70-609.~~

7 Sec. 2. Original section 70-619, Revised Statutes Cumulative
8 Supplement, 2014, is repealed.

9 2. On page 1, line 1, strike "districts".

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1. Placed on Final Reading.
LEGISLATIVE BILL 2. Placed on Final Reading.
LEGISLATIVE BILL 3. Placed on Final Reading.
LEGISLATIVE BILL 4. Placed on Final Reading.
LEGISLATIVE BILL 5. Placed on Final Reading.
LEGISLATIVE BILL 6. Placed on Final Reading.
LEGISLATIVE BILL 7. Placed on Final Reading.
LEGISLATIVE BILL 8. Placed on Final Reading.
LEGISLATIVE BILL 9. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

COMMUNICATION(S)

January 27, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, as per § 72-1240, the Nebraska Investment Council has appointed the following individual as the State Investment Officer for the Nebraska Investment Council:

Michael W. Walden-Newman, 1301 Lincoln Mall, #801, Lincoln, NE 68508

Governor Heineman approved his appointment on November 18, 2014. The aforementioned appointee is respectfully submitted for your consideration. Copies of the background information are included for your review.

Sincerely,
(Signed) Gail Werner-Robertson
Chairwoman

Enclosure

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 29, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Bredenkamp, Troy
Nebraska Rural Electric Association
Heckman, Drew
Human Rights Campaign
Husch Blackwell LLP
Enhanced Capital
Pappas, James E.
League of Human Dignity
Planned Parenthood of the Heartland
Persad, Xavier
Human Rights Campaign
Peters, William E.
Burlington Northern Sante Fe (BNSF) Railway Company
Warbelow, Sarah
Human Rights Campaign
Ward, Tammy J.
Tabitha (Withdrawn 01/28/2015)

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

COMMITTEE REPORT(S)
Judiciary

LEGISLATIVE BILL 209. Indefinitely postponed.

(Signed) Les Seiler, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 47. Introduced by Coash, 27.

WHEREAS, Norman Geske was born in Sioux City, Iowa, on October 31, 1915; and

WHEREAS, Norman received his bachelor of arts degree at the University of Minnesota in 1938 and his master's degree at the New York University

Institute of Fine Arts in 1953. Norman also received an honorary doctorate degree from Doane College in 1969; and

WHEREAS, Norman was drafted into the United States Army during World War II and participated in the Normandy Invasion; and

WHEREAS, Norman came to Lincoln in 1950 as the assistant director of the University of Nebraska's University Art Galleries and was named director in 1956; and

WHEREAS, Norman retired as the director of the Sheldon Museum of Art in 1983 but remained active in the arts community; and

WHEREAS, among Norman's proudest accomplishments was the establishment of the Sheldon Film Theater, now named the Mary Riepma Ross Media Arts Center; and

WHEREAS, Norman received many honors in his life including the Governor's Arts Award, the Mayor's Arts Award from the City of Lincoln, the Distinguished Service Award from the University of Nebraska at Kearney, the Sower's Award from the Lincoln Community Foundation, and the NEBRASKALand Foundation Pioneer Award; and

WHEREAS, Norman Geske passed away on September 6, 2014.

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

1. That the Legislature recognizes Norman Geske's service and support of the arts and extends its sympathy to his family.
2. That a copy of this resolution be sent to the family of Norman Geske.

Laid over.

MOTION(S) - Confirmation Report(s)

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 329:

Coordinating Commission for Postsecondary Education
John Bernthal

Voting in the affirmative, 36:

| | | | | |
|------------|----------|-----------|----------------|----------|
| Baker | Crawford | Hilkemann | McCollister | Seiler |
| Bloomfield | Davis | Howard | Mello | Stinner |
| Bolz | Friesen | Hughes | Nordquist | Sullivan |
| Brasch | Garrett | Johnson | Pansing Brooks | Williams |
| Campbell | Gloor | Kintner | Riepe | |
| Chambers | Groene | Kolterman | Scheer | |
| Coash | Haar, K. | Kuehn | Schnoor | |
| Cook | Hansen | Lindstrom | Schumacher | |

Voting in the negative, 0.

Present and not voting, 6:

| | | |
|--------|----------|---------|
| Ebke | Harr, B. | Morfeld |
| Hadley | Larson | Murante |

Excused and not voting, 7:

| | | | |
|-----------|-------|--------|------------|
| Craighead | Krist | Schilz | Watermeier |
| Kolowski | McCoy | Smith | |

The appointment was confirmed with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Senator Scheer moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment(s) found on page 332:

Department of Insurance
Bruce Ramge, Director

Voting in the affirmative, 34:

| | | | | |
|------------|-----------|-----------|-------------|------------|
| Baker | Ebke | Howard | Lindstrom | Schumacher |
| Bloomfield | Friesen | Hughes | McCollister | Smith |
| Bolz | Garrett | Johnson | Morfeld | Stinner |
| Brasch | Gloor | Kintner | Nordquist | Sullivan |
| Campbell | Haar, K. | Kolterman | Riepe | Watermeier |
| Cook | Hansen | Kuehn | Scheer | Williams |
| Crawford | Hilkemann | Larson | Schnoor | |

Voting in the negative, 0.

Present and not voting, 10:

| | | | | |
|----------|--------|----------|---------|----------------|
| Chambers | Davis | Hadley | Mello | Pansing Brooks |
| Coash | Groene | Harr, B. | Murante | Seiler |

Excused and not voting, 5:

| | | | | |
|-----------|----------|-------|-------|--------|
| Craighead | Kolowski | Krist | McCoy | Schilz |
|-----------|----------|-------|-------|--------|

The appointment was confirmed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Senator Scheer moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment(s) found on page 333:

Department of Banking and Finance
Mark Quandahl, Director

Voting in the affirmative, 37:

| | | | | |
|------------|-----------|-----------|-------------|------------|
| Baker | Davis | Howard | McCollister | Smith |
| Bloomfield | Ebke | Hughes | Mello | Stinner |
| Brasch | Friesen | Johnson | Morfeld | Sullivan |
| Campbell | Garrett | Kintner | Riepe | Watermeier |
| Coash | Gloor | Kolterman | Scheer | Williams |
| Cook | Haar, K. | Kuehn | Schnoor | |
| Craighead | Hansen | Larson | Schumacher | |
| Crawford | Hilkemann | Lindstrom | Seiler | |

Voting in the negative, 1:

Chambers

Present and not voting, 7:

| | | | |
|--------|----------|-----------|----------------|
| Bolz | Hadley | Murante | Pansing Brooks |
| Groene | Harr, B. | Nordquist | |

Excused and not voting, 4:

| | | | |
|----------|-------|-------|--------|
| Kolowski | Krist | McCoy | Schilz |
|----------|-------|-------|--------|

The appointment was confirmed with 37 ayes, 1 nay, 7 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 88. Senator Schumacher offered his amendment, FA4, found on page 333.

Senator Schumacher withdrew his amendment.

Senator Kintner withdrew his amendment, AM110, found on page 333.

Senator Kintner offered his amendment, AM131, found on page 352.

Senator Chambers offered the following amendment to the Kintner amendment:

FA5

Amend AM131

Strike "thirty" and insert "twenty" on line 3.

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 43:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Ebke | Hilkemann | Lindstrom | Schnoor |
| Bloomfield | Friesen | Howard | McCollister | Schumacher |
| Bolz | Garrett | Hughes | Morfeld | Seiler |
| Brasch | Gloor | Johnson | Murante | Smith |
| Campbell | Groene | Kintner | Nordquist | Stinner |
| Coash | Haar, K. | Kolterman | Pansing Brooks | Sullivan |
| Cook | Hadley | Krist | Riepe | Williams |
| Craighead | Hansen | Kuehn | Scheer | |
| Crawford | Harr, B. | Larson | Schilz | |

Present and not voting, 2:

Chambers Davis

Excused and not voting, 4:

Kolowski McCoy Mello Watermeier

The Chambers amendment lost with 0 ayes, 43 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO17

Reconsider the vote taken on FA5.

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 4 nays, and 21 not voting.

Senator Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 40:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Ebke | Hilkemann | Larson | Scheer |
| Bloomfield | Friesen | Howard | Lindstrom | Schilz |
| Bolz | Garrett | Hughes | McCollister | Schnoor |
| Brasch | Gloor | Johnson | Morfeld | Schumacher |
| Campbell | Groene | Kintner | Murante | Seiler |
| Coash | Haar, K. | Kolterman | Nordquist | Smith |
| Cook | Hadley | Krist | Pansing Brooks | Stinner |
| Crawford | Hansen | Kuehn | Riepe | Williams |

Present and not voting, 2:

Davis Harr, B.

Excused and not voting, 6:

| | | |
|-----------|-------|------------|
| Craighead | McCoy | Sullivan |
| Kolowski | Mello | Watermeier |

The Chambers motion to reconsider failed with 1 aye, 40 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the Kintner amendment:

FA7

Amend AM131

In lines 3 and 4 strike "up to thirty-five dollars" and insert "five dollars".

Senator Chambers requested a roll call vote on his amendment.

The Chambers amendment lost with 0 ayes, 29 nays, 8 present and not voting, and 12 excused and not voting.

Senator Chambers offered the following motion:

MO18

Reconsider the vote taken on FA7.

Pending.

MOTION - Suspend Rules

Senator Campbell offered her motion, MO15, found on page 353, to suspend the rules, Rule 3, Section 14, to permit cancellation of the hearing on LB346 scheduled for February 4, 2015.

The Campbell motion to suspend the rules prevailed with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Schumacher filed the following amendment to LB65:
AM67

- 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.

COMMITTEE REPORT(S)

Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Todd Bartee - Nebraska Child Abuse Prevention Fund Board
Mary Fran Flood - Nebraska Child Abuse Prevention Fund Board

Aye: 7 Baker, Campbell, Cook, Crawford, Howard, Kolterman, Riepe.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Brian Barels - Nebraska Natural Resources Commission
Stan Clouse - Nebraska Natural Resources Commission
Steven Huggenberger - Nebraska Natural Resources Commission
Thomas Knutson - Nebraska Natural Resources Commission
Don Kraus - Nebraska Natural Resources Commission
Tom Palmertree - Nebraska Natural Resources Commission
Scott Smathers - Nebraska Natural Resources Commission
Lindsey Smith - Nebraska Natural Resources Commission
Walter Dennis Strauch - Nebraska Natural Resources Commission
Loren Taylor - Nebraska Natural Resources Commission

Aye: 7 Friesen, Hughes, Kolowski, Lindstrom, McCollister, Schilz,
Schnoor. Nay: 0. Absent: 0. Present and not voting: 1 Johnson.

(Signed) Ken Schilz, Chairperson

COMMITTEE REPORT(S)

Health and Human Services

LEGISLATIVE BILL 23. Placed on General File.**LEGISLATIVE BILL 87.** Placed on General File.**LEGISLATIVE BILL 90.** Placed on General File.**LEGISLATIVE BILL 107.** Placed on General File.

(Signed) Kathy Campbell, Chairperson

Revenue

LEGISLATIVE BILL 70. Placed on General File with amendment.

AM118

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

2 Sec. 2. (1) Beginning sixty days after the effective date of this
3 act, in addition to the occupation tax imposed pursuant to section
4 77-3004, an additional occupation tax shall be levied upon the business
5 of operating a mechanical amusement device that:6 (a) Accepts currency, coins, tokens, or other value in exchange for
7 play;8 (b) Awards a monetary prize or anything redeemable for a monetary
9 prize;10 (c) Is played by a player using a touch screen, computer mouse,
11 touch pad, light pen, laser, or device of similar function by which the
12 player competes against software running the device; and13 (d) Has not been adjudicated by a court of competent jurisdiction
14 within the State of Nebraska to not constitute a gambling device as
15 defined in subdivision (5) of section 28-1101. Any such adjudication
16 shall be by way of a final order in which the Tax Commissioner has been
17 made a party to the action and written notice shall have been provided to
18 the Attorney General at the commencement of the action.19 (2) Any operator of such mechanical amusement device shall pay the
20 occupation tax. If an operator believes that a mechanical amusement
21 device is not taxable under subsection (1) of this section, the burden is
22 on the operator to prove to the Tax Commissioner that such device does
23 not have one or more of the characteristics required for taxability under
24 subsection (1) of this section. Such proof may be made by, among other
25 things, a showing that the software running the game remains constant
26 with the nature of a game that had its software at issue in a judicial
27 case, not overturned by appeal, in which the State of Nebraska was party,
1 the issue was litigated, and the final order found that the particular
2 game is more controlled by the player than not, and thus is predominantly
3 a game of skill.4 (3) The amount of the occupation tax shall be equal to ten percent
5 of the gross revenue derived from the operation of any mechanical
6 amusement device described in subsection (1) of this section. The Tax
7 Commissioner shall collect such occupation tax concurrently with
8 collection of the state sales tax in the same manner as the state sales

9 tax is collected.

10 (4) For purposes of this section, gross revenue means the total
 11 aggregate receipts received from the operation of any mechanical
 12 amusement device described in subsection (1) of this section without any
 13 reduction for prizes, discounts, taxes, or expenses and includes receipts
 14 from admission costs, any consideration necessary for participation, and
 15 the value of any free tickets, games, or plays used.

16 (5) The occupation tax imposed in this section shall not apply to
 17 any device not within the definition of a gambling device as defined in
 18 subdivision (5) of section 28-1101 or to any device that is specifically
 19 authorized by law.

20 (6) For purposes of this section, the fact that the device is played
 21 or connected via league or tournament play shall play no factor in
 22 determining whether the occupation tax imposed by this section is due.
 23 Sec. 11. Since an emergency exists, this act takes effect when
 24 passed and approved according to law.

(Signed) Mike Gloor, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 446. Placed on General File.

(Signed) Jeremy Nordquist, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

Monday, February 9, 2015 1:30 p.m.

LB582
 LB509
 LB530
 LB524

Tuesday, February 10, 2015 1:30 p.m.

LB421
 LB481
 LB96
 LB392
 LB528
 LB529

Tuesday, February 17, 2015 1:30 p.m.

LB478
LB513
LB431
LB595
LB477
LB616

(Signed) Kate Sullivan, Chairperson

Banking, Commerce and Insurance

Room 1507

Monday, February 9, 2015 1:30 p.m.

LB342
LB456
LB531
LB632

Tuesday, February 10, 2015 1:30 p.m.

LB78
LB257
LB553

(Signed) Jim Scheer, Chairperson

Health and Human Services

Room 1510

Wednesday, February 4, 2015 1:30 p.m.

LB346 (cancel)

(Signed) Kathy Campbell, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 220A. Introduced by Smith, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 220, One Hundred Fourth Legislature, First Session, 2015.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Frakes, Scott R. - Director, Department of Correctional Services - Judiciary
 Walden-Newman, Michael W. - State Investment Officer, Nebraska
 Investment Council - Nebraska Retirement Systems

(Signed) Bob Krist, Chairperson
 Executive Board

AMENDMENT(S) - Print in Journal

Senator Krist filed the following amendment to LB88:

AM155

1 1. On page 2, line 13, strike "fifty" and insert "thirty-five".

Senator Kintner filed the following amendment to LB88:

AM158

1 1. On page 2, line 13, strike "fifty" and insert "thirty".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Pansing Brooks - LB294

VISITORS

Visitors to the Chamber were Kaylee Hartman and Sara Antes from Syracuse.

The Doctor of the Day was Dr. Jason Bepalec from Geneva.

ADJOURNMENT

At 12:14 p.m., on a motion by Senator Campbell, the Legislature adjourned until 10:00 a.m., Monday, February 2, 2015.

Patrick J. O'Donnell
 Clerk of the Legislature

EIGHTEENTH DAY - FEBRUARY 2, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****EIGHTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 2, 2015

PRAYER

The prayer was offered by Senator Crawford.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Hughes and Murante who were excused; and Senators Craighead, Gloor, K. Haar, Kolowski, Kuehn, Stinner, Sullivan, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventeenth day was approved.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 36 and 37 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 36 and 37.

GENERAL FILE

LEGISLATIVE BILL 159. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 279. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 220. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 220A. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 157. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 149. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 168. Title read. Considered.

Senator Crawford offered her amendment, AM51, found on page 326.

The Crawford amendment was adopted with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 1 nay, 7 present and not voting, and 8 excused and not voting.

COMMITTEE REPORT(S)
Appropriations

LEGISLATIVE BILL 430. Placed on General File.

(Signed) Heath Mello, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Nebraska Retirement Systems

Room 1525

Wednesday, February 11, 2015 12:00 p.m.

Michael W. Walden-Newman - Nebraska Investment Council
LB467
LB468

(Signed) Jeremy Nordquist, Chairperson

Business and Labor

Room 2102

Monday, February 9, 2015 1:30 p.m.

LB334
LB627
LB306
LB493

Monday, February 23, 2015 1:30 p.m.

LB556
LB134
LB133
LB276

Monday, March 2, 2015 1:30 p.m.

LB363
LB388
LB158
LB600

Monday, March 9, 2015 1:30 p.m.

LB429
LB288
LB554
LB555
LB480

(Signed) Burke Harr, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 142A. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 142, One Hundred Fourth Legislature, First Session, 2015; and to declare an emergency.

LEGISLATIVE BILL 18A. Introduced by Krist, 10.

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

GENERAL FILE

LEGISLATIVE BILL 40. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 43. Title read. Considered.

Committee AM72, found on page 323, was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 190. Title read. Considered.

Committee AM48, found on page 324, was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Senator Chambers offered the following motion:

MO19

Indefinitely postpone.

SPEAKER HADLEY PRESIDING

Pending.

AMENDMENT(S) - Print in Journal

Senator Groene filed the following amendment to LB18:
AM169

- 1 1. On page 2, lines 19 through 26, strike the new matter and
- 2 reinstate the stricken matter; and after line 30 insert the following new
- 3 subsection:
- 4 "(4)(a) On and after July 1, 2016, every public and private school
- 5 shall provide each student entering the seventh grade and each student
- 6 entering the junior year of high school and the student's parent or legal
- 7 guardian with information about meningococcal disease and its vaccine.
- 8 Such information shall include:
- 9 (i) The causes and symptoms of meningococcal disease, how the
- 10 disease is spread, and the places where parents and guardians may obtain
- 11 additional information; and
- 12 (ii) Current recommendations from the United States Centers for
- 13 Disease Control and Prevention regarding the receipt of vaccines for
- 14 meningococcal disease and where the vaccination may be received.
- 15 (b) This subsection shall not be construed to require the Department
- 16 of Health and Human Services or any public or private school to provide
- 17 meningococcal vaccination to students.
- 18 (c) The Department of Health and Human Services shall prepare the
- 19 informational materials required in this subsection.
- 20 (d) This subsection does not create a private right of action."

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Riepe - LB244 and LB245
Kintner - LB184 and LB289
Chambers - LB245 and LB244

VISITOR

The Doctor of the Day was Dr. Jeff Harrison from Papillion.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator K. Haar, the Legislature adjourned until 9:00 a.m., Tuesday, February 3, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

NINETEENTH DAY - FEBRUARY 3, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 3, 2015

PRAYER

The prayer was offered by Pastor Bob Lawrence, Auburn Church of Christ, Auburn.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Kintner and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighteenth day was approved.

NOTICE OF COMMITTEE HEARING(S)
Banking, Commerce and Insurance

Room 1507

Tuesday, February 17, 2015 1:30 p.m.

LB48
LB213
LB628

Monday, February 23, 2015 1:30 p.m.

LB375
LB515
LB457

Tuesday, February 24, 2015 1:30 p.m.

LB234
LB451
LB51

Monday, March 2, 2015 1:30 p.m.

LB11
LB79
LB124

Tuesday, March 3, 2015 1:30 p.m.

LB67
LB223
LB336

Monday, March 9, 2015 1:30 p.m.

LB341
LB488

Tuesday, March 10, 2015 1:30 p.m.

LB193
LB348
LB395

(Signed) Jim Scheer, Chairperson

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Johnson has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 167. Placed on General File.

LEGISLATIVE BILL 194. Placed on General File.

LEGISLATIVE BILL 301. Placed on General File.

LEGISLATIVE BILL 314. Placed on General File with amendment.

AM126

1 1. On page 4, lines 6 and 13, strike "Concurrent original

2 jurisdiction with the district court" and insert "Exclusive original

3 jurisdiction".

(Signed) Les Seiler, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 252. Placed on General File.

LEGISLATIVE BILL 286. Placed on General File.

(Signed) Jim Scheer, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 40 and 42 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 40 and 42.

GENERAL FILE

LEGISLATIVE BILL 88. Senator Chambers renewed his motion, MO18, found on page 363, to reconsider the vote taken on FA7.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Senator Kintner asked unanimous consent to withdraw his amendment, AM131, found on page 352 and considered on page 361, and replace it with his substitute amendment, AM185. No objections. So ordered.

AM185

1 1. On page 2, line 13, strike "fifty" and insert "twenty-five".

The Kintner amendment was adopted with 32 ayes, 5 nays, 10 present and not voting, and 2 excused and not voting.

Senator Krist withdrew his amendment, AM155, found on page 368.

Senator Kintner withdrew his amendment, AM158, found on page 368.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 32:

| | | | | |
|-----------|-----------|-------------|----------------|------------|
| Baker | Groene | Johnson | Morfeld | Stinner |
| Bolz | Haar, K. | Kintner | Nordquist | Sullivan |
| Campbell | Hadley | Kolowski | Pansing Brooks | Watermeier |
| Cook | Hansen | Krist | Riepe | Williams |
| Craighead | Hilkemann | Kuehn | Scheer | |
| Crawford | Howard | Lindstrom | Seiler | |
| Friesen | Hughes | McCollister | Smith | |

Voting in the negative, 7:

| | | | |
|----------|-----------|---------|------------|
| Brasch | Ebke | McCoy | Schumacher |
| Chambers | Kolterman | Schnoor | |

Present and not voting, 8:

| | | | |
|------------|---------|--------|---------|
| Bloomfield | Davis | Gloor | Mello |
| Coash | Garrett | Larson | Murante |

Excused and not voting, 2:

Harr, B. Schilz

Advanced to Enrollment and Review Initial with 32 ayes, 7 nays, 8 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 190. Senator Chambers renewed his motion, MO19, found on page 372, to indefinitely postpone.

Senator Chambers withdrew his motion to indefinitely postpone.

Senator Chambers offered the following motion:

MO20

Bracket until April 15, 2015.

Senator Chambers moved for a call of the house. The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

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

Voting in the affirmative, 3:

| | | |
|------|----------|----------------|
| Cook | Haar, K. | Pansing Brooks |
|------|----------|----------------|

Voting in the negative, 39:

| | | | | |
|------------|-----------|-------------|-----------|------------|
| Bloomfield | Garrett | Kintner | McCoy | Schumacher |
| Bolz | Gloor | Kolowski | Mello | Seiler |
| Brasch | Groene | Kolterman | Morfeld | Smith |
| Coash | Hadley | Krist | Murante | Stinner |
| Craighead | Hansen | Kuehn | Nordquist | Sullivan |
| Crawford | Hilkemann | Larson | Riepe | Watermeier |
| Davis | Hughes | Lindstrom | Scheer | Williams |
| Friesen | Johnson | McCollister | Schnoor | |

Present and not voting, 5:

| | | | | |
|-------|----------|----------|----------|--------|
| Baker | Campbell | Chambers | Harr, B. | Howard |
|-------|----------|----------|----------|--------|

Excused and not voting, 2:

| | |
|------|--------|
| Ebke | Schilz |
|------|--------|

The Chambers motion to bracket failed with 3 ayes, 39 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO21

Reconsider the vote taken to bracket.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 48. Introduced by Kintner, 2.

WHEREAS, the Nebraska Masonic Home was incorporated in 1888 and established on September 1, 1903, in Plattsmouth to provide loving and dignified care and to enhance the quality of life for Nebraskans; and

WHEREAS, the Nebraska Masonic Home recently received a deficiency-free survey from the Department of Health and Human Services for both its nursing care facility and assisted living center; and

WHEREAS, in unannounced onsite inspections, the Nebraska Masonic Home was in full compliance in the areas of operational care, treatment, and physical plant standards; and

WHEREAS, the deficiency-free survey illustrates the commitment that the employees of the Nebraska Masonic Home have to the residents and their families.

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

1. That the Legislature congratulates the Nebraska Masonic Home on receiving a deficiency-free survey from the Department of Health and Human Services.

2. That a copy of this resolution be sent to the Nebraska Masonic Home and its administrator, Mary Vrbka.

Laid over.

NOTICE OF COMMITTEE HEARING(S)

Natural Resources

Room 1525

Wednesday, February 11, 2015 1:30 p.m.

LB536

LB583

Thursday, February 12, 2015 1:30 p.m.

Donald P. Batie - Nebraska Natural Resources Commission

LB310

LB622

Wednesday, February 18, 2015 1:30 p.m.

Owen A. Palm - Nebraska Natural Resources Commission

LB208

LB394

(Signed) Ken Schilz, Chairperson

Judiciary

Room 1113

Wednesday, February 11, 2015 1:30 p.m.

Gerard A. (Fred) Ruiz - Crime Victim's Reparations Committee

Michelle Schindler - Crime Victim's Reparations Committee

LB483

LB172

LB173

Thursday, February 12, 2015 1:30 p.m.

LB290

LB119

Darrell E. Fisher - Nebraska Commission on Law Enforcement and
Criminal Justice
Scott R. Frakes - Department of Correctional Services

(Signed) Les Seiler, Chairperson

GENERAL FILE

LEGISLATIVE BILL 190. Senator Schumacher offered the following amendment:

FA8

After the word "section" in line 4 at page 3 insert ", as shall a person receiving the benefits of a spouse of a member of the United States Armed Forces under the law of the United States."

Senator Chambers moved for a call of the house. The motion prevailed with 31 ayes, 4 nays, and 14 not voting.

The Schumacher amendment was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 37:

| | | | | |
|------------|-----------|-----------|-------------|------------|
| Baker | Friesen | Hughes | McCollister | Smith |
| Bloomfield | Garrett | Johnson | Mello | Stinner |
| Bolz | Gloor | Kintner | Morfeld | Sullivan |
| Brasch | Haar, K. | Kolowski | Nordquist | Watermeier |
| Campbell | Hadley | Kolterman | Riepe | Williams |
| Craighead | Harr, B. | Krist | Scheer | |
| Crawford | Hilkemann | Kuehn | Schumacher | |
| Ebke | Howard | Lindstrom | Seiler | |

Voting in the negative, 4:

| | | | |
|----------|------|--------|----------------|
| Chambers | Cook | Groene | Pansing Brooks |
|----------|------|--------|----------------|

Present and not voting, 5:

| | | | | |
|-------|--------|-------|---------|---------|
| Coash | Hansen | McCoy | Murante | Schnoor |
|-------|--------|-------|---------|---------|

Excused and not voting, 3:

| | | |
|-------|--------|--------|
| Davis | Larson | Schilz |
|-------|--------|--------|

Advanced to Enrollment and Review Initial with 37 ayes, 4 nays, 5 present

and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Garrett - LB288
Davis - LB231

VISITORS

Visitors to the Chamber were members of the NSEA Retired from across the state.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 11:54 a.m., on a motion by Senator Scheer, the Legislature adjourned until 9:00 a.m., Wednesday, February 4, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTIETH DAY - FEBRUARY 4, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 4, 2015

PRAYER

The prayer was offered by Senator Williams.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Chambers and K. Haar who were excused; and Senators Cook, Craighead, Hilkemann, Howard, Kolowski, Murante, Schilz, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the nineteenth day was approved.

ATTORNEY GENERAL'S OPINION

Opinion 15-001

SUBJECT: Authority Of A City To Amend An Economic
Development Program Under The Local Option
Economic Development Act

REQUESTED BY: Senator Colby Coash
Nebraska State Legislature

WRITTEN BY: Doug Peterson, Attorney General
Lynn A. Melson, Assistant Attorney General

You are considering introducing legislation to clarify the authority of a city council or village board to amend an economic development program under the Local Option Municipal Economic Development Act. Neb. Rev. Stat. §§ 18-2701 to 18-2739 (2012). The Act, in general, authorizes a city or village to propose an economic development program and to use such

funds as may be necessary for economic development activities if the program is approved by a majority of the registered voters of the city or village voting upon the question. The Act constitutes the enabling legislation to permit cities and villages to exercise the authority granted by Neb. Const. art. XIII, § 2.

You state that if the Legislature amends the Act to add a qualifying business or eligible activity after the voters have approved a particular economic development plan, this results in confusion about what action a city must then take to include the new business or activity in the plan. You have requested our opinion on two questions concerning amendment of an economic development plan. First, you ask whether, in such a circumstance (if the Legislature amends the Act to add a qualifying business or eligible activity), a city council may amend the plan to include the new business or activity as provided under § 18-2714(2) or whether the change must first be approved by the voters as provided in § 18-2714(3). Second, you ask whether Neb. Const. art. XIII, § 2 would prohibit amendment of the Act so as to instead authorize the city council to amend the plan without voter approval.

Discussion

Reviewing the relevant statutes of the Act, Neb. Rev. Stat. § 18-2705 defines “economic development program” to mean a “project or program utilizing funds derived from local sources of revenue for the purpose of providing direct or indirect financial assistance to a qualifying business” Section 18-2709 then defines “qualifying business” as a business which derives its principal source of income from that statute’s list of eligible sources. There are several steps in the adoption of an economic development program. Section 18-2710 requires the city’s governing body to prepare a proposed plan which includes the “description of the types of businesses and economic activities that will be eligible under the program for the city’s assistance.” Section 18-2712 provides that the city must present the plan at a public hearing and then adopt the proposed plan and any amendments by resolution. The city must also submit the question of the adoption of the proposed economic development plan to the registered voters at an election and, if a majority of those voting on the issue vote in favor of the question, the city then establishes the program by ordinance. §§ 18-2713 and 18-2714.

Question 1. If the Legislature amends the Act to add a qualifying business or eligible activity, can a city amend the plan to include the new business or activity or does the change have to be approved by the voters?

In our view, it appears from the language of the Act that it was the intent of the Legislature to require voter approval of a specific, detailed economic development plan. Here, pursuant to Neb. Rev. Stat. § 18-2710, the city’s proposed plan must describe “the types of businesses and economic

activities that will be eligible under the program for the city's assistance." As discussed above, the city must propose those types of qualifying businesses and economic development activities which are within the statutory definitions found at §§ 18-2705 and 18-2709. The governing body's resolution adopting the proposed plan must include either the full text of the proposed plan or it may be incorporated by reference and both the resolution and the proposed plan must be filed with the city clerk's office where it is available for public review. § 18-2712. The question of the adoption of the economic development program is then submitted to the registered voters at an election and, if a majority of those voting vote in favor of the question, the governing body then implements the program "upon the terms set out in the resolution." §18-2713. Further, the economic development program is adopted by ordinance "in conformity with the terms of such program as set out in the original enabling resolution." § 18-2714(1). Thus, these statutes indicate the Legislature's overall intent that the voters approve a specific program containing a description of eligible businesses and activities and the city then adopts the program approved by the voters.

As to amendment of the approved plan, § 18-2714(3) provides:

The governing body of a city shall not amend the economic development program so as to fundamentally alter its basic structure or goals, either with regard to the qualifying businesses that are eligible to participate, the local sources of revenue used to fund the program, the uses of the funds collected, or the basic terms set out in the original enabling resolution, without submitting the proposed changes to a new vote of the registered voters of the city in the manner provided for in section 18-2713.

When construing a statute, courts should attempt to discover legislative intent from the language of the act and give effect to that intent. *Tracfone Wireless, Inc. v. Nebraska Public Service Comm'n*, 279 Neb. 426, 433, 778 N.W.2d 452, 459 (2010); *Peterson v. Minden Beef Co.*, 231 Neb. 18, 434 N.W.2d 681 (1989). Statutory language should generally be given its plain and ordinary meaning and where the words of the statute are plain, direct and unambiguous, no interpretation is necessary to ascertain their meaning. *State v. Mena-Rivera*, 280 Neb. 948, 791 N.W.2d 613 (2010); *Sorensen v. Meyer*, 220 Neb. 457, 370 N.W.2d 173 (1985). And, a court will "construe statutes relating to the same subject matter together to maintain a sensible and consistent scheme, so that effect is given to every provision. *Tracfone Wireless, Inc.* at 433, 778 N.W.2d at 459.

With these rules of statutory construction in mind, it seems to us that the language of § 18-2714(3) is plain, direct and unambiguous and requires voter approval before the city may amend the plan to include a new qualifying business or activity. You point out that § 18-2714(2) allows a city to amend its ordinance "to conform to the provisions of any existing or future state or federal law." You suggest that this provision might allow the city to act without voter approval if the Legislature later amends the Act to

add a qualifying business or eligible activity. However, it appears to us that subsection (3) is the more specific provision with regard to changing the qualifying businesses that are eligible to participate. Furthermore, even if the language of § 18-2714 requires construction, requiring voter approval is consistent with the overall intent of the Legislature that the voters approve a specific plan and that the city then adopt that plan approved by the voters. Therefore, while the language of subsection (2) may result in some confusion, we conclude that the better answer to your first question is that, under the current statutory scheme, the voters must approve a change in the eligible businesses and activities of an economic development plan. If you wish to clarify that the city may amend the plan without voter approval, you may then wish to consider introducing legislation to that effect.

Question 2. Does Neb. Const. art. XIII, art. 2 prohibit amendment of the Act to clearly authorize the city to amend the economic development plan with regard to the description of eligible businesses and activities without first obtaining voter approval?

Neb.Const. art. XIII, § 2 provides, in pertinent part, that “the Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to appropriate such funds as may be deemed necessary for an economic or industrial development project or program subject to approval by a vote of a majority of the registered voters of such city or village voting upon the question.” “Constitutional provisions are not open to construction as a matter of course; construction is appropriate only when it has been demonstrated that the meaning of the provision is not clear and that construction is necessary.” *Conroy v. Keith County Board of Equalization*, 288 Neb. 196, 204, 846 N.W.2d 634, 641 (2014).

While the constitutional provision does provide that the Legislature may enact enabling legislation to authorize cities to appropriate funds for a project or program “subject to approval by a vote of a majority of the registered voters,” there is no language in art. XIII, § 2 with regard to amendment of an economic development plan. The details of the enabling legislation are left to the Legislature and the current requirements for the content of the plan, the eligibility of businesses, and the amendment of the plan are found in the statutes enacted by the Legislature. An argument could thus be made that the general language of art. XIII, § 2 does not preclude the Legislature from changing the current statutory requirements for amendment of an economic development plan. On the other hand, the one constitutional limitation on a city’s authority to appropriate funds for an economic development plan is the approval of the voters. As it is not clear whether this pertains to amendment of a plan as well as the original adoption of a plan, an argument could be made that legislation allowing the city to amend the plan without voter approval is contrary to the constitutional grant of authority to the Legislature.

Conclusion

In our opinion, for the reasons stated above, the current statutes require voter approval before a city may amend its economic development plan to include a new qualifying business or activity. You may wish to consider introducing legislation to clarify that a city may amend its plan without voter approval. However, while a plausible argument can be made that Neb. Const. art. XIII, § 2 does not preclude such legislation, it is unclear whether such legislation would be found constitutional.

Sincerely,
DOUG PETERSON
Attorney General
(Signed) Lynn A. Melson
Assistant Attorney General

pc. Patrick J. O'Donnell
Clerk of the Nebraska Legislature
09-508-29

COMMITTEE REPORT(S) Urban Affairs

LEGISLATIVE BILL 116. Placed on General File with amendment.
AM192

1 1. Strike original section 1 and insert the following new section:
2 Section 1. Section 31-735, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:
4 31-735 (1) On the first Tuesday after the second Monday in September
5 which is at least fifteen months after the judgment of the district court
6 creating a sanitary and improvement district and on the first Tuesday
7 after the second Monday in September each two years thereafter, the board
8 of trustees shall cause a special election to be held, at which election
9 a board of trustees ~~of five in number~~ shall be elected. The board of
10 trustees shall have five members except as provided in subsection (2) of
11 this section. Each member elected to the board of trustees shall be
12 elected to a term of two years and shall hold office until such member's
13 successor is elected and qualified. Any person desiring to file for the
14 office of trustee may file for such office with the election
15 commissioner, or county clerk in counties having no election
16 commissioner, of the county in which the greater proportion in area of
17 the district is located not later than fifty days before the election. If
18 such person will serve on the board of trustees as a designated
19 representative of a limited partnership, general partnership, limited
20 liability company, public, private, or municipal corporation, estate, or
21 trust which owns real estate in the district, the filing shall indicate
22 that fact and shall include appropriate documentation evidencing such
23 fact. No filing fee shall be required. A person filing for the office of
24 trustee to be elected at the election held four years after the first

25 election of trustees and each election thereafter shall designate whether
26 he or she is a candidate for election by the resident owners of such
27 district or whether he or she is a candidate for election by all of the
1 owners of real estate located in the district. If a person filing for the
2 office of trustee is a designated representative of a limited
3 partnership, a general partnership, a limited liability company, a
4 public, private, or municipal corporation, an estate, or a trust which
5 owns real estate in the district, the name of such entity shall accompany
6 the name of the candidate on the ballot in the following form: (Name of
7 candidate) to represent (name of entity) as a member of the board. The
8 name of each candidate shall appear on only one ballot.

9 The name of a person may be written in and voted for as a candidate
10 for the office of trustee, and such write-in candidate may be elected to
11 the office of trustee. A write-in candidate for the office of trustee who
12 will serve as a designated representative of a limited partnership, a
13 general partnership, a limited liability company, a public, private, or
14 municipal corporation, an estate, or a trust which owns real estate in
15 the district shall not be elected to the office of trustee unless (a)
16 each vote is accompanied by the name of the entity which the candidate
17 will represent and (b) within ten days after the date of the election the
18 candidate provides the county clerk or election commissioner with
19 appropriate documentation evidencing his or her representation of the
20 entity. Votes cast which do not carry such accompanying designation shall
21 not be counted.

22 A trustee shall be an owner of real estate located in the district
23 or shall be a person designated to serve as a representative on the board
24 of trustees if the real estate is owned by a limited partnership, a
25 general partnership, a limited liability company, a public, private, or
26 municipal corporation, an estate, or a trust. Notice of the date of the
27 election shall be mailed by the clerk of the district not later than
28 sixty-five days prior to the election to each person who is entitled to
29 vote at the election for trustees whose property ownership or lease
30 giving a right to vote is of record on the records of the register of
31 deeds as of a date designated by the election commissioner or county
1 clerk, which date shall be not more than seventy-five days prior to the
2 election.

3 (2)(a) For any sanitary and improvement district, a person ~~persons~~
4 whose ownership or right to vote becomes of record or is received after
5 the date specified pursuant to subsection (1) of this section may vote
6 when such person establishes his or her ~~their~~ right to vote to the
7 satisfaction of the election board. At the first election and at the
8 election held two years after the first election, any person may cast one
9 vote for each trustee for each acre of unplatted land or fraction thereof
10 and one vote for each platted lot which he or she may own in the
11 district.

12 (b) This subdivision applies to a district until the board of
13 trustees amends its articles of association pursuant to subdivision (2)
14 (d) of this section. At the election held four years after the first
15 election of trustees, two members of the board of trustees shall be

16 elected by the legal property owners resident within such sanitary and
17 improvement district and three members shall be elected by all of the
18 owners of real estate located in the district pursuant to this section.
19 Every resident property owner may cast one vote for a candidate for each
20 office of trustee to be filled by election of resident property owners
21 only. Such resident property owners may also each cast one vote for each
22 acre of unplatted land or fraction thereof and for each platted lot owned
23 within the district for a candidate for each office of trustee to be
24 filled by election of all property owners. For each office of trustee to
25 be filled by election of all property owners of the district, every legal
26 property owner not resident within such sanitary and improvement district
27 may cast one vote for each acre of unplatted land or fraction thereof and
28 one vote for each platted lot which he or she owns in the district. At
29 the election held eight years after the first election of trustees and at
30 each election thereafter, three members of the board of trustees shall be
31 elected by the legal property owners resident within such sanitary and
1 improvement district and two members shall be elected by all of the
2 owners of real estate located in the district pursuant to this section,
3 ~~except that if more than fifty percent of the homes in any sanitary and~~
4 ~~improvement district are used as a second, seasonal, or recreational~~
5 ~~residence, the owners of such property shall be considered legal property~~
6 ~~owners resident within such district for purposes of electing trustees,~~
7 and at the election held six years after the first election of trustees
8 and at each election thereafter, three members of the board of trustees
9 shall be elected by the legal property owners resident within such
10 sanitary and improvement district and two members shall be elected by all
11 of the owners of real estate located in the district pursuant to this
12 section. If there are not any legal property owners resident within such
13 district or if not less than ninety percent of the area of the district
14 is owned for other than residential uses, the five members shall be
15 elected by the legal property owners of all property within such district
16 as provided in this section.

17 (c) Any public, private, or municipal corporation owning any land or
18 lot in the district may vote at ~~an such~~ election the same as an
19 individual. If more than fifty percent of the homes in any sanitary and
20 improvement district are used as a second, seasonal, or recreational
21 residence, the owners of such property shall be considered legal property
22 owners resident within such district for purposes of electing trustees.
23 For purposes of voting for trustees, each condominium apartment under a
24 condominium property regime established prior to January 1, 1984, under
25 the Condominium Property Act or established after January 1, 1984, under
26 the Nebraska Condominium Act shall be deemed to be a platted lot and the
27 lessee or the owner of the lessee's interest, under any lease for an
28 initial term of not less than twenty years which requires the lessee to
29 pay taxes and special assessments levied on the leased property, shall be
30 deemed to be the owner of the property so leased and entitled to cast the
31 vote of such property. When ownership of a platted lot or unplatted land
1 is held jointly by two or more persons, whether as joint tenants, tenants
2 in common, limited partners, members of a limited liability company, or

3 any other form of joint ownership, only one person shall be entitled to
4 cast the vote of such property. The executor, administrator, guardian, or
5 trustee of any person or estate interested shall have the right to vote.

6 No corporation, estate, or irrevocable trust shall be deemed to be a
7 resident owner for purposes of voting for trustees. Should two or more
8 persons or officials claim the right to vote on the same tract, the
9 election board shall determine the party entitled to vote. Such board
10 shall select one of their number chairperson and one of their number
11 clerk. In case of a vacancy on such board, the remaining trustees shall
12 fill the vacancy on such board until the next election.

13 (d) For any sanitary and improvement district which has been in
14 existence for at least ten years, which has less than seventy property
15 owners entitled to vote for trustees, which has at least two resident
16 property owners, and in which less than ten percent of the area of the
17 district is owned for other than residential uses, the board of trustees
18 may amend its articles of association as provided in section 31-740.01 to
19 provide for a reduction in the number of trustees on the board from five
20 members to three members to be effective at the beginning of the term of
21 office for the board of trustees elected at the next election. At the
22 next election and at each election thereafter, two members of the board
23 of trustees shall be elected by the legal property owners resident within
24 such sanitary and improvement district and one member shall be elected by
25 all of the owners of real estate located in the district pursuant to this
26 section. Every resident property owner may cast one vote for a candidate
27 for each office of trustee to be filled by election of resident property
28 owners only. Such resident property owners may also each cast one vote
29 for each acre of unplatted land or fraction thereof and for each platted
30 lot owned within the district for a candidate for the office of trustee
31 to be filled by election of all property owners. For the office of
1 trustee to be filled by election of all property owners of the district,
2 every legal property owner not resident within such sanitary and
3 improvement district may cast one vote for each acre of unplatted land or
4 fraction thereof and one vote for each platted lot which he or she owns
5 in the district.

6 (3) The election commissioner or county clerk shall hold any
7 election required by subsection (1) of this section by sealed mail ballot
8 by notifying the board of trustees on or before July 1 of a given year.
9 The election commissioner or county clerk shall, at least twenty days
10 prior to the election, mail a ballot and return envelope to each person
11 who is entitled to vote at the election and whose property ownership or
12 lease giving a right to vote is of record with the register of deeds as
13 of the date designated by the election commissioner or county clerk,
14 which date shall not be more than seventy-five days prior to the
15 election. The ballot and return envelope shall include: (a) The names and
16 addresses of the candidates; (b) room for write-in candidates; and (c)
17 instructions on how to vote and return the ballot. Such ballots shall be
18 returned to the election commissioner or county clerk no later than 5
19 p.m. on the date set for the election.

LEGISLATIVE BILL 266. Placed on General File with amendment.

AM122

1 1. On page 17, line 27, strike "two-mile" and insert "one-mile".

(Signed) Sue Crawford, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 11, 2015 1:30 p.m.

LB282

LB283

LB365

LB403

Thursday, February 12, 2015 1:30 p.m.

LB105

LB106

LB492

LB561

(Signed) John Murante, Chairperson

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Tim Hofbauer - State Emergency Response Commission

Dana Miller - State Emergency Response Commission

Aye: 6 Bloomfield, Garrett, Groene, Hansen, Larson, Murante. Nay: 0.

Absent: 2 Craighead, McCoy. Present and not voting: 0.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Carol E. Schlegel - Nebraska Tourism Commission

Aye: 6 Bloomfield, Garrett, Groene, Hansen, Larson, Murante. Nay: 0.
Absent: 2 Craighead, McCoy. Present and not voting: 0.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Daryl L. Bohac, Adjutant General - Military Department

Aye: 6 Bloomfield, Garrett, Groene, Hansen, Larson, Murante. Nay: 0.
Absent: 2 Craighead, McCoy. Present and not voting: 0.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

John Hilgert, Director - Department of Veterans Affairs

Aye: 6 Bloomfield, Garrett, Groene, Hansen, Larson, Murante. Nay: 0.
Absent: 2 Craighead, McCoy. Present and not voting: 0.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Jim Heine - State Fire Marshal

Aye: 6 Bloomfield, Garrett, Groene, Hansen, Larson, Murante. Nay: 0.
Absent: 2 Craighead, McCoy. Present and not voting: 0.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Samuel Seever - State Personnel Board
Christopher Waddle - State Personnel Board

Aye: 6 Bloomfield, Garrett, Groene, Hansen, Larson, Murante. Nay: 0.
Absent: 2 Craighead, McCoy. Present and not voting: 0.

(Signed) John Murante, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR43 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR43.

MOTION(S) - Confirmation Report(s)

Senator B. Harr moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 339:

Department of Labor
John Albin, Commissioner

Voting in the affirmative, 35:

| | | | | |
|------------|---------|-----------|----------------|------------|
| Baker | Ebke | Harr, B. | Lindstrom | Schnoor |
| Bloomfield | Friesen | Johnson | McCollister | Schumacher |
| Bolz | Garrett | Kintner | McCoy | Seiler |
| Brasch | Gloor | Kolterman | Mello | Smith |
| Campbell | Groene | Krist | Nordquist | Stinner |
| Crawford | Hadley | Kuehn | Pansing Brooks | Sullivan |
| Davis | Hansen | Larson | Riepe | Williams |

Voting in the negative, 0.

Present and not voting, 4:

| | | | |
|-------|--------|---------|--------|
| Coash | Hughes | Morfeld | Scheer |
|-------|--------|---------|--------|

Excused and not voting, 10:

| | | | | |
|----------|-----------|-----------|----------|------------|
| Chambers | Craighead | Hilkemann | Kolowski | Schilz |
| Cook | Haar, K. | Howard | Murante | Watermeier |

The appointment was confirmed with 35 ayes, 0 nays, 4 present and not voting, and 10 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 364:

Nebraska Child Abuse Prevention Fund Board
Todd Bartee
Mary Fran Flood

Voting in the affirmative, 33:

| | | | | |
|------------|---------|-------------|----------------|------------|
| Baker | Davis | Harr, B. | McCoy | Schumacher |
| Bloomfield | Ebke | Johnson | Mello | Seiler |
| Bolz | Friesen | Kolterman | Nordquist | Stinner |
| Brasch | Garrett | Krist | Pansing Brooks | Sullivan |
| Campbell | Gloor | Kuehn | Riepe | Williams |
| Cook | Hadley | Lindstrom | Schilz | |
| Crawford | Hansen | McCollister | Schnoor | |

Voting in the negative, 0.

Present and not voting, 8:

| | | | |
|--------|---------|---------|--------|
| Coash | Hughes | Larson | Scheer |
| Groene | Kintner | Morfeld | Smith |

Excused and not voting, 8:

| | | | |
|-----------|-----------|----------|------------|
| Chambers | Haar, K. | Howard | Murante |
| Craighead | Hilkemann | Kolowski | Watermeier |

The appointments were confirmed with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 364:

Nebraska Natural Resources Commission

Brian Barels
 Stan Clouse
 Steven Huggenberger
 Thomas Knutson
 Don Kraus
 Tom Palmertree
 Scott Smathers
 Lindsey Smith
 Walter Dennis Strauch
 Loren Taylor

Voting in the affirmative, 35:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Friesen | Hughes | McCollister | Schnoor |
| Bloomfield | Garrett | Johnson | McCoy | Schumacher |
| Bolz | Gloor | Kintner | Mello | Seiler |
| Brasch | Groene | Kolterman | Nordquist | Smith |
| Campbell | Hadley | Krist | Pansing Brooks | Stinner |
| Crawford | Hansen | Kuehn | Scheer | Sullivan |
| Ebke | Harr, B. | Lindstrom | Schilz | Williams |

Voting in the negative, 0.

Present and not voting, 6:

| | | |
|-------|--------|---------|
| Coash | Davis | Morfeld |
| Cook | Larson | Riepe |

Excused and not voting, 8:

| | | | |
|-----------|-----------|----------|------------|
| Chambers | Haar, K. | Howard | Murante |
| Craighead | Hilkemann | Kolowski | Watermeier |

The appointments were confirmed with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 430. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 247. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 219. Title read. Considered.

Committee AM43, found on page 324, was adopted with 38 ayes, 0 nays, 3 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 18. Title read. Considered.

Senator Groene offered his amendment, AM169, found on page 373.

Senator Groene moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Groene requested a roll call vote on his amendment.

Voting in the affirmative, 19:

| | | | | |
|------------|-----------|-----------|-----------|------------|
| Bloomfield | Friesen | Hughes | Lindstrom | Schilz |
| Brasch | Garrett | Kintner | McCoy | Schnoor |
| Craighead | Groene | Kolterman | Murante | Watermeier |
| Ebke | Hilkemann | Larson | Scheer | |

Voting in the negative, 27:

| | | | | |
|----------|----------|-------------|----------------|----------|
| Baker | Davis | Kolowski | Nordquist | Stinner |
| Bolz | Gloor | Krist | Pansing Brooks | Sullivan |
| Campbell | Hadley | Kuehn | Riepe | Williams |
| Coash | Hansen | McCollister | Schumacher | |
| Cook | Harr, B. | Mello | Seiler | |
| Crawford | Johnson | Morfeld | Smith | |

Excused and not voting, 3:

Chambers Haar, K. Howard

The Groene amendment lost with 19 ayes, 27 nays, and 3 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 28 ayes, 13 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 18A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 7 nays, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 109. Title read. Considered.

Committee AM66, found on page 329, was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARING(S)

Appropriations

Room 1524

Monday, February 23, 2015 1:30 p.m.

LB656
LB657
LB658

LB659
LB660
LB661
LB662
LB169
LB32
LB33

(Signed) Heath Mello, Chairperson

COMMITTEE REPORT(S)
Agriculture

The Agriculture Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

William Marshall III - Nebraska State Fair Board

Aye: 7 Chambers, Harr, B., Johnson, Kolterman, Larson, Riepe, Schilz.
Nay: 0. Absent: 0. Present and not voting: 1 Bloomfield.

The Agriculture Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Greg Ibach, Director - Department of Agriculture

Aye: 6 Harr, B., Johnson, Kolterman, Larson, Riepe, Schilz. Nay: 1.
Chambers. Absent: 0. Present and not voting: 1 Bloomfield.

(Signed) Jerry Johnson, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 49. Introduced by Cook, 13.

WHEREAS, Zaiid Sharif Zakir Ibn El Gaines Liwaru died on January 24, 2015, in a car accident in Omaha; and

WHEREAS, Zaiid was the son of Sharif Zakir Liwaru and Gabrielle Gaines-Liwaru; and

WHEREAS, Zaiid was born in Omaha and attended Omaha Public Schools, graduating from Omaha North High School in 2013; and

WHEREAS, Zaiid was involved in the National Honor Society, the National Society of Black Engineers, and held various leadership positions in high school; and

WHEREAS, Zaiid initially studied at the University of Nebraska Omaha and then studied at Metropolitan Community College; and

WHEREAS, at his memorial service, Zaiid was remembered for his love of art and for his optimism, humor, and generosity; and

WHEREAS, Zaiid was also remembered as being smart, involved, outgoing, and open to different people, different places, and offbeat ways of doing things. Zaiid was described by his mother as "a connector and a lover of all souls".

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

1. That the Legislature extends its sympathy to the family of Zaiid Sharif Zakir Ibn El Gaines Liwaru.
2. That a copy of this resolution be sent to the family of Zaiid Sharif Zakir Ibn El Gaines Liwaru.

Laid over.

LEGISLATIVE RESOLUTION 50. Introduced by Cook, 13.

WHEREAS, Gene Haynes has been named a 2015 Distinguished NEBRASKAlander by the NEBRASKAland Foundation; and

WHEREAS, Gene has spent over 48 years in the Omaha Public School system including as a teacher, coach, and principal; and

WHEREAS, Gene began his teaching career at Omaha Technical High School in 1967 and coached the school's basketball team for 13 years; and

WHEREAS, Gene became the first African-American head basketball coach in the State of Nebraska in 1971; and

WHEREAS, Gene moved to Omaha North High School in 1987 to serve as the school's assistant principal and athletic director; and

WHEREAS, Gene has been the principal of Omaha North High School since 2001; and

WHEREAS, on October 24, 2014, Gene R. Haynes Street was named in his honor near Omaha North High School.

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

1. That the Legislature congratulates Gene Haynes for being named a 2015 Distinguished NEBRASKAlander by the NEBRASKAland Foundation.
2. That a copy of this resolution be sent to Gene Haynes.

Laid over.

LEGISLATIVE RESOLUTION 51. Introduced by Johnson, 23.

WHEREAS, Ryan Mueller, a history and government teacher at Wahoo Public High School, has won the Veterans of Foreign Wars (VFW) Nebraska Citizenship Education Teacher of the Year Award for grades nine through twelve; and

WHEREAS, each year, the Nebraska VFW recognizes three exceptional teachers for their outstanding commitment to teach Americanism and patriotism to their students; and

WHEREAS, Ryan was nominated by the principal of Wahoo Public High School for his service to the Close-Up Foundation, County Government Day, Nebraska Student Vote, the Veteran's Day Assembly, and his work in the classroom promoting patriotism and citizenship; and

WHEREAS, Ryan will be presented with the award at the VFW State Convention in Norfolk on June 6, 2015.

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

1. That the Legislature congratulates Ryan Mueller for winning the Veterans of Foreign Wars Nebraska Citizenship Education Teacher of the Year Award.

2. That a copy of this resolution be sent to Ryan Mueller.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 198. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 118. Title read. Considered.

Committee AM97, found on page 330, was offered.

Senator Larson withdrew his amendments, AM77 and AM98, found on pages 318 and 326.

Senator Larson offered the following amendment to the committee amendment:

AM221

(Amendments to Standing Committee amendments, AM97)

- 1 1. On page 1, lines 6 and 7, strike "public accommodations" and
- 2 insert "guestrooms and suites"; and in line 9 after "guestrooms" and
- 3 insert "and suites".
- 4 2. On page 2, line 9, after the period insert "The products that
- 5 tobacco retail outlets sell are legal for customers who meet the age
- 6 requirement. Customers should be able to try them within the tobacco
- 7 retail outlet, especially given the way that tobacco customization may
- 8 occur in how tobacco is blended and cigars are produced.".
- 9 3. Insert the following new amendment:
- 10 4. On page 4, line 25; and page 6, line 2, after the period insert "
- 11 Cigar shops are a variation of a tobacco retail outlet, which has a
- 12 liquor license. The issue of whether a liquor license shall be granted to

13 a cigar shop is an entirely separate issue that deals with an entire
14 separate chapter of state law. Whether a liquor license is granted is at
15 the recommendation of the local governing body and the discretion of the
16 Nebraska Liquor Control Commission."

The Larson amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 2 nays, 8 present and not voting, and 5 excused and not voting.

VISITORS

Visitors to the Chamber were members of the AFL-CIO from across the state; and members from Scottsbluff/Gering Chamber, Scotts Bluff Leadership Class, Sidney Area Chamber, Cheyenne County Leadership Class, and Dawes County Entrepreneur Leadership Training Academy.

The Doctor of the Day was Dr. Michelle Sell from Central City.

ADJOURNMENT

At 12:04 p.m., on a motion by Senator Johnson, the Legislature adjourned until 9:00 a.m., Thursday, February 5, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIRST DAY - FEBRUARY 5, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 5, 2015

PRAYER

The prayer was offered by Pastor Gail Madson, Bethlehem Lutheran Church, Wahoo.

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 Davis who was excused; and Senators Howard, Mello, and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twentieth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 159. Placed on Select File with amendment.
ER8

1 1. On page 1, line 3, after the second semicolon insert "to
2 harmonize provisions;".

LEGISLATIVE BILL 279. Placed on Select File with amendment.
ER13

1 1. On page 9, line 15, after "determines" insert "(1)".
2 2. On page 11, line 19; and page 15, line 28, strike "section" and
3 insert "subsection".
4 3. On page 12, line 18, strike "(b)", show as stricken, and insert "
5 (ii)"; and in line 19 strike "(2)".
6 4. On page 13, line 12, strike "(2)"; and in line 21 strike
7 "section", show as stricken, and insert "subsection".
8 5. On page 14, line 22, strike "(b)" and insert "(ii)"; and in line
9 29 after "years" insert an underscored comma.

- 10 6. On page 17, line 3, after "years" insert an underscored comma.
 11 7. On page 18, line 1, strike "section", show as stricken, and
 12 insert "subsection".
 13 8. On page 31, line 12, after "21-20,180.01" insert a comma.

LEGISLATIVE BILL 220. Placed on Select File.
LEGISLATIVE BILL 220A. Placed on Select File.
LEGISLATIVE BILL 157. Placed on Select File.
LEGISLATIVE BILL 149. Placed on Select File.

LEGISLATIVE BILL 168. Placed on Select File with amendment.
 ER9
 1 1. On page 1, line 3, strike "49-4028" and insert "19-4028".

LEGISLATIVE BILL 40. Placed on Select File with amendment.
 ER10
 1 1. On page 7, line 19; and page 12, line 7, after "form" insert an
 2 underscored comma.
 3 2. On page 11, line 28, strike "and" and show as stricken.

LEGISLATIVE BILL 43. Placed on Select File.
LEGISLATIVE BILL 88. Placed on Select File.

LEGISLATIVE BILL 190. Placed on Select File with amendment.
 ER11
 1 1. On page 1, strike beginning with "regarding" in line 3 through
 2 "members" in line 4.

LEGISLATIVE BILL 430. 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.

John Dinkel - Nebraska Investment Council

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

(Signed) Jeremy Nordquist, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 44 and 45 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 44 and 45.

ANNOUNCEMENT

The Chair announced the birthday of Senator Williams.

GENERAL FILE

LEGISLATIVE BILL 269. Title read. Considered.

Committee AM68, found on page 331, was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 94. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 122. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 52. Title read. Considered.

Senator Chambers offered the following motion:

MO23

Bracket until April 15, 2015.

The Chambers motion to bracket failed with 3 ayes, 24 nays, 17 present and not voting, and 5 excused and not voting.

Senator Chambers offered the following motion:

MO24

Reconsider the vote to bracket.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Advanced to Enrollment and Review Initial with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 312. Placed on General File.

LEGISLATIVE BILL 313. Placed on General File.

LEGISLATIVE BILL 45. Placed on General File with amendment.

AM65

1 1. Strike original sections 2 and 3 and insert the following new
2 sections:

3 Section 1. Section 60-366, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 60-366 (1) Any nonresident owner who desires to register a motor
6 vehicle or trailer in this state shall register in the county where the
7 motor vehicle or trailer is domiciled or where the owner conducts a bona
8 fide business.

9 (2) A nonresident owner, except as provided in subsections (3) and
10 (4) of this section, owning any motor vehicle or trailer which has been
11 properly registered in the state, country, or other place of which the
12 owner is a resident, and which at all times, when operated or towed in
13 this state, has displayed upon it the license plate or plates issued for
14 such motor vehicle or trailer in the place of residence of such owner,
15 may operate or permit the operation or tow or permit the towing of such
16 motor vehicle or trailer within the state without registering such motor
17 vehicle or trailer or paying any fees to this state.

18 (3)(a) Except as otherwise provided in subdivision (c) of this
19 subsection, any ~~any~~ nonresident owner gainfully employed or present in
20 this state, operating a motor vehicle or towing a trailer in this state,
21 shall register such motor vehicle or trailer in the same manner as a
22 Nebraska resident, after thirty days of continuous employment or presence
23 in this state, unless the state of his or her legal residence grants
24 immunity from such requirements to residents of this state operating a
25 motor vehicle or towing a trailer in that state.

26 (b) Except as otherwise provided in subdivision (c) of this
27 subsection, any ~~any~~ nonresident owner who operates a motor vehicle or
1 tows a trailer in this state for thirty or more continuous days shall
2 register such motor vehicle or trailer in the same manner as a Nebraska
3 resident unless the state of his or her legal residence grants immunity
4 from such requirements to residents of this state operating a motor
5 vehicle or towing a trailer in that state.

6 (c) Any nonresident owner of a film vehicle may operate the film
7 vehicle for up to one year without registering the vehicle in this state.

8 (4)(a) The Department of Motor Vehicles or the Department of Revenue
9 may determine (i) that a limited liability company, partnership,
10 corporation, or other business entity that is organized under the laws of
11 another state or country and that owns or holds title to a recreational

12 vehicle is a shell company used to avoid proper registration of the
13 recreational vehicle in this state and (ii) that the recreational vehicle
14 is controlled by a Nebraska resident.

15 (b) Factors that the Department of Motor Vehicles or the Department
16 of Revenue may consider to determine that the limited liability company,
17 partnership, corporation, or other business entity is a shell company
18 used to avoid proper registration of the recreational vehicle in this
19 state include, but are not limited to:

20 (i) The limited liability company, partnership, corporation, or
21 other business entity lacks a business activity or purpose;

22 (ii) The limited liability company, partnership, corporation, or
23 other business entity does not maintain a physical location in this
24 state;

25 (iii) The limited liability company, partnership, corporation, or
26 other business entity does not employ individual persons and provide
27 those persons with Internal Revenue Service Form W-2 wage and tax
28 statements; or

29 (iv) The limited liability company, partnership, corporation, or
30 other business entity fails to file federal tax returns or fails to file
31 a state tax return in this state.

1 (c) Factors that the Department of Motor Vehicles or the Department
2 of Revenue may consider to determine that the recreational vehicle is
3 controlled by a Nebraska resident include, but are not limited to:

4 (i) A Nebraska resident was the initial purchaser of the
5 recreational vehicle;

6 (ii) A Nebraska resident operated or stored the recreational vehicle
7 in this state for any period of time;

8 (iii) A Nebraska resident is a member, partner, or shareholder or is
9 otherwise affiliated with the limited liability company, partnership,
10 corporation, or other business entity purported to own the recreational
11 vehicle; or

12 (iv) A Nebraska resident is insured to operate the recreational
13 vehicle.

14 (d) If the Department of Motor Vehicles or the Department of Revenue
15 makes the determinations described in subdivision (4)(a) of this section,
16 there is a rebuttable presumption that:

17 (i) The Nebraska resident in control of the recreational vehicle is
18 the actual owner of the recreational vehicle;

19 (ii) Such Nebraska resident is required to register the recreational
20 vehicle in this state and is liable for all motor vehicle taxes, motor
21 vehicle fees, and registration fees as provided in the Motor Vehicle
22 Registration Act; and

23 (iii) The purchase of the recreational vehicle is subject to sales
24 or use tax under section 77-2703.

25 (e) The Department of Motor Vehicles or the Department of Revenue
26 shall notify the Nebraska resident who is presumed to be the owner of the
27 recreational vehicle that he or she is required to register the
28 recreational vehicle in this state, pay any applicable taxes and fees for
29 proper registration of the recreational vehicle under the Motor Vehicle

30 Registration Act, and pay any applicable sales or use tax due on the
 31 purchase under the Nebraska Revenue Act of 1967 no later than thirty days
 1 after the date of the notice.

2 (f)(i) For a determination made by the Department of Motor Vehicles
 3 under this subsection, the Nebraska resident who is presumed to be the
 4 owner of the recreational vehicle may accept the determination and pay
 5 the county treasurer as shown in the notice, or he or she may dispute the
 6 determination and appeal the matter. Such appeal shall be filed with the
 7 Director of Motor Vehicles within thirty days after the date of the
 8 notice or the determination will be final. The director shall appoint a
 9 hearing officer who shall hear the appeal and issue a written decision.
 10 Such appeal shall be in accordance with the Administrative Procedure Act.
 11 Following a final determination in the appeal in favor of the Department
 12 of Motor Vehicles or if no further appeal is filed, the Nebraska resident
 13 shall owe the taxes and fees determined to be due, together with any
 14 costs for the appeal assessed against the owner.

15 (ii) For a determination made by the Department of Revenue under
 16 this subsection, the Nebraska resident who is presumed to be the owner of
 17 the recreational vehicle may appeal the determination made by the
 18 Department of Revenue, and such appeal shall be in accordance with
 19 section 77-2709.

20 (g) If the Nebraska resident who is presumed to be the owner of the
 21 recreational vehicle fails to pay the motor vehicle taxes, motor vehicle
 22 fees, registration fees, or sales or use tax required to be paid under
 23 this subsection, he or she shall be assessed a penalty of fifty percent
 24 of such unpaid taxes and fees. Such penalty shall be remitted by the
 25 county treasurer or the Department of Revenue to the State Treasurer for
 26 credit to the Highway Trust Fund.

27 Sec. 3. Original sections 60-366 and 60-3,104, Revised Statutes
 28 Cumulative Supplement, 2014, are repealed.

29 Sec. 4. The following section is outright repealed: Section 60-383,
 30 Reissue Revised Statutes of Nebraska.

31 2. Renumber the remaining section accordingly.

LEGISLATIVE BILL 181. Placed on General File with amendment.
 AM204

1 1. On page 2, line 19, after "vehicles" insert "owned and".

(Signed) Jim Smith, Chairperson

AMENDMENT(S) - Print in Journal

Senator K. Haar filed the following amendment to LB177:
 AM154

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:
 3 Section 1. Section 70-619, Revised Statutes Cumulative Supplement,
 4 2014, is amended to read:
 5 70-619 (1) The corporate powers of the district shall be vested in

6 and exercised by the board of directors of the district. No person shall
 7 be qualified to hold office as a member of the board of directors unless
 8 (a) he or she is a registered voter (i) of such chartered territory, (ii)
 9 of the subdivision from which a director is to be elected if such
 10 chartered territory is subdivided for election purposes as provided in
 11 subsection (1), (2), or (3) of section 70-612, or (iii) of one of the
 12 combined subdivisions from which directors are to be elected at large as
 13 provided in section 70-612 or (b) he or she is a retail customer duly
 14 certified in accordance with subsection (3) of section 70-604.03.
 15 (2) No person who is a full-time or part-time employee of the
 16 district shall be eligible to serve as a member of the board of directors
 17 of that district and no employed officer of any entity that is part of
 18 the public power industry may serve as a member of the governing board of
 19 any entity that is part of the public power industry unless such person
 20 (a) resigns or (b) assumes an unpaid leave of absence for the term as a
 21 member. The employing district or entity that is part of the public power
 22 industry shall grant such leave of absence when requested by any employee
 23 for the purpose of the employee serving as a member of such the board. A
 24 of directors. No person shall be qualified to be a member of more than
 25 one such district board, except that a director of a rural public power
 26 district may serve as a director of another public power district formed
 27 or organized for the purpose of generating electric energy or
 1 transmitting electric energy exclusively for resale to some other public
 2 power districts, rural electric cooperatives, and membership associations
 3 or municipalities. No member of a governing body of any one of the
 4 municipalities within the areas of the district may not shall be
 5 qualified to serve on the original board of directors under sections
 6 70-603 to 70-609.

7 Sec. 2. Original section 70-619, Revised Statutes Cumulative
 8 Supplement, 2014, is repealed.

Senator Nordquist filed the following amendment to LB40:
 AM224 is available in the Bill Room.

MESSAGE(S) FROM THE GOVERNOR

February 4, 2015

Mr. President, Speaker Hadley
 and Members of the Legislature
 State Capitol
 Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed
 to the Board of Parole:

Teresa L. Bittinger, 504 Groff Avenue, Benedict, NE 68316

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 180. Placed on General File.
LEGISLATIVE BILL 298. Placed on General File.
LEGISLATIVE BILL 352. Placed on General File.

(Signed) Jim Scheer, Chairperson

GENERAL FILE

LEGISLATIVE BILL 260. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 261. Title read. Considered.

Committee AM44, found on page 339, was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 271. Title read. Considered.

Committee AM27, found on page 339, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 142. Title read. Considered.

Committee AM45, found on page 347, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 1 nay, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 142A. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 1 nay, 6 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 160. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 241. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 272. Title read. Considered.

Pending.

NOTICE OF COMMITTEE HEARING(S)
Nebraska Retirement Systems

Room 1525

Tuesday, February 24, 2015 12:00 p.m.

LB655
LB551

Thursday, March 5, 2015 12:00 p.m.

Presentation of Omaha School Employees Retirement System actuarial valuation report as required by section 79-987

LB448
LB447

(Signed) Jeremy Nordquist, Chairperson

Appropriations

Room 1003

Tuesday, February 24, 2015 1:30 p.m.

Agency 45 - Barber Examiners, Board of
Agency 30 - Electrical Board, State
Agency 74 - Power Review Board, Nebraska
Agency 41 - State Real Estate Commission

Agency 53 - Real Property Appraiser Board
 Agency 63 - Public Accountancy, Nebraska Board of
 Agency 59 - Board of Geologists
 Agency 62 - Land Surveyors, State Board of Examiners for
 Agency 36 - Racing Commission, Nebraska State
 Agency 58 - Board of Engineers and Architects
 Agency 66 - Abstracters Board of Examiners
 Agency 73 - Landscape Architects, State Board of
 Agency 88 - Corn Development, Utilization and Marketing Board

Wednesday, February 25, 2015 1:30 p.m.

Agency 57 - Oil and Gas Conservation Commission, Nebraska
 Agency 60 - Ethanol Board, Nebraska
 Agency 18 - Agriculture, Department of
 Agency 39 - Brand Committee, Nebraska
 Agency 56 - Wheat Board, Nebraska
 Agency 61 - Dairy Industry Development Board, Nebraska
 Agency 86 - Dry Bean Commission
 Agency 92 - Grain Sorghum Board, Nebraska

Thursday, February 26, 2015 1:30 p.m.

Agency 28 - Veterans' Affairs, Department of
 Agency 37 - Workers' Compensation Court
 Agency 77 - Industrial Relations, Commission of
 Agency 85 - Public Employees Retirement Board, Nebraska

Friday, February 27, 2015 1:30 p.m.

Agency 75 - Investment Council, Nebraska
 Agency 71 - Nebraska Energy Office
 Agency 16 - Revenue, Department of
 LB309
 LB364
 LB387
 LB442

(Signed) Heath Mello, Chairperson

AMENDMENT(S) - Print in Journal

Senator Krist filed the following amendment to LB70:
 AM235

(Amendments to Standing Committee amendments, AM118)

- 1 1. Insert the following new section:
- 2 Section 1. Section 9-1006, Revised Statutes Cumulative Supplement,
- 3 2014, is amended to read:
- 4 9-1006 The Compulsive Gamblers Assistance Fund is created. The fund

5 shall include revenue transferred from the State Lottery Operation Trust
 6 Fund under section 9-812 and the Charitable Gaming Operations Fund under
 7 section 9-1,101, revenue credited under section 3 of this act, and any
 8 other revenue received by the division or commission for credit to the
 9 fund from any other public or private source, including, but not limited
 10 to, appropriations, grants, donations, gifts, devises, bequests, fees, or
 11 reimbursements. The commission shall administer the fund for the
 12 operation of the Gamblers Assistance Program. The Director of
 13 Administrative Services shall draw warrants upon the Compulsive Gamblers
 14 Assistance Fund upon the presentation of proper vouchers by the
 15 commission. Money from the Compulsive Gamblers Assistance Fund shall be
 16 used exclusively for the purpose of providing assistance to agencies,
 17 groups, organizations, and individuals that provide education,
 18 assistance, and counseling to individuals and families experiencing
 19 difficulty as a result of problem gambling, to promote the awareness of
 20 problem gamblers assistance programs, and to pay the costs and expenses
 21 of the Gamblers Assistance Program, including travel. Any money in the
 22 fund available for investment shall be invested by the state investment
 23 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
 24 State Funds Investment Act.

25 2. On page 2, line 9, after the period insert "All taxes collected
 26 pursuant to this section shall be remitted to the State Treasurer, and
 1 the State Treasurer shall credit ninety-seven percent of such taxes to
 2 the General Fund and the remaining three percent of such taxes to the
 3 Compulsive Gamblers Assistance Fund.".

4 3. Renumber the remaining sections, correct internal references, and
 5 correct the repealer accordingly.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Mello - LB211

VISITORS

Visitors to the Chamber were members of the University of Nebraska Extension Leadership Program; and 5 seniors, teacher, and sponsors from York.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Bloomfield, the Legislature adjourned until 9:00 a.m., Friday, February 6, 2015.

Patrick J. O'Donnell
 Clerk of the Legislature

TWENTY-SECOND DAY - FEBRUARY 6, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****TWENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, February 6, 2015

PRAYER

The prayer was offered by Pastor Brad Hoefs, Community of Grace Lutheran Church, Elkhorn.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Cook and Davis who were excused; and Senators Bolz, Campbell, and K. Haar who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-first day was approved.

COMMITTEE REPORT(S)

Banking, Commerce and Insurance

LEGISLATIVE BILL 155. Placed on General File with amendment.
AM180

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 8-116, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 8-116 (1) Except as provided in subsection (2) of this section, a
6 charter for a bank hereafter organized shall not be issued unless the
7 corporation applying therefor has shall have a surplus and paid-up
8 capital stock in an amount not less than the amount necessary for
9 compliance with subsection (1) of section 8-702 for the insurance of
10 deposits of not less than seventy thousand dollars or seventy percent of
11 its paid-up capital stock, whichever is greater, and a paid-up capital
12 stock as follows: In villages or counties of less than one thousand
13 inhabitants, one hundred thousand dollars; in cities, villages, or
14 counties of one thousand or more and less than twenty five thousand

15 inhabitants, not less than one hundred fifty thousand dollars; in cities
16 or counties of twenty five thousand or more and less than one hundred
17 thousand inhabitants, not less than two hundred thousand dollars; and in
18 cities or counties of one hundred thousand or more inhabitants, not less
19 than five hundred thousand dollars.

20 (2) ~~The Notwithstanding subsection (1) of this section, the~~
21 department shall have the authority to determine the minimum amount of
22 paid-up capital stock and surplus required for any corporation applying
23 for a bank charter, which ~~amount amounts~~ shall not be less than the
24 ~~amount amounts~~ provided in subsection (1) of this section.

25 (3) ~~For purposes of this section, population shall be determined by~~
26 ~~the most recent federal decennial census.~~

27 Sec. 2. Section 8-128, Reissue Revised Statutes of Nebraska, is
1 amended to read:

2 8-128 The paid-in capital stock of any bank may be increased or
3 decreased in the following manner: The stockholders at any regular
4 meeting or at any special meeting duly called for such purpose shall by
5 vote of those owning two-thirds of the capital stock authorize the
6 president or cashier to notify the department of the proposed increase or
7 reduction of paid-in capital stock, and a notice containing a statement
8 of the amount of any proposed reduction of paid-in capital stock shall be
9 published for ~~two~~ ~~four~~ weeks in some newspaper published and of general
10 circulation in the county where such bank is located. Reduction of paid-
11 in capital stock shall be discretionary with the department, but shall be
12 denied if granting the same would reduce the paid-in capital stock below
13 the requirements of the Nebraska Banking Act or would impair the security
14 of the depositors. The bank shall notify the department when the proposed
15 increase or decrease of the paid-in capital stock has been consummated.

16 Sec. 3. Section 8-153, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 8-153 All checks, unless sent to banks as special collection items,
19 shall have preprinted the magnetically encoded routing and transit symbol
20 of the bank and either the name of the maker or the magnetically encoded
21 account number of the maker. Except for checks sent to banks as special
22 collection items or checks presented for payment by the payee in person,
23 all checks drawn on any bank organized under the laws of this state shall
24 be cleared at par by the bank on which they are drawn. The term at par
25 applies only to the settlement of checks between collecting and paying or
26 remitting banks and does not apply to or prohibit a bank from deducting a
27 fee from the face amount of the check for paying the check if the check
28 is presented to the bank by the payee in person.

29 Sec. 4. Section 8-1402, Revised Statutes Cumulative Supplement,
30 2014, is amended to read:

31 8-1402 (1) Any person, party, agency, or organization requesting
1 disclosure of records or information pursuant to section 8-1401 shall pay
2 the costs of providing such records or information, unless:

3 (a) The request for disclosure is made pursuant to subdivision (1)

4 (a) of section 8-1401 and a Nebraska Supreme Court rule provides for the
5 method of payment;

6 ~~(b)~~ The request is made pursuant to subdivision ~~(1)(b)~~ of section
7 8-1401 and the rules for discovery provide for the method of payment;
8 ~~(b e)~~ The request for disclosure is made pursuant to subdivision (1)
9 ~~(d)~~ or ~~(1)(e)~~ of section 8-1401;
10 ~~(c d)~~ Otherwise ordered by a court of competent jurisdiction; or
11 ~~(d e)~~ The person making the disclosure waives any or all of the
12 costs.
13 ~~(2)(a)~~ The requesting person, party, agency, or organization shall
14 pay five dollars per hour per person for the time actually spent on the
15 service or, if such person can show that its actual expense in providing
16 the records or information was greater than five dollars per hour per
17 person, it shall be paid the actual cost of providing the records or
18 information.
19 ~~(b)~~ For purposes of this subsection, actual cost means:
20 ~~(i)~~ Search and processing costs, including the total amount of
21 personnel direct time incurred in locating and retrieving, reproducing,
22 packaging, and preparing records or information for shipment or delivery.
23 Search and processing costs may include the actual cost of extracting
24 information stored by computer in the format in which it is normally
25 produced, based on computer time and necessary supplies;
26 ~~(ii)~~ Reproduction costs incurred in making copies of records or
27 information requested. The rate for reproduction costs for making copies
28 of requested records or information shall be the usual rate charged by
29 the person making the disclosure to its customers for reproducing copies,
30 including copies produced by reader-printer reproduction processes.
31 Photographs, films, and other materials shall be reimbursed at actual
1 cost; and
2 ~~(iii)~~ Transportation costs, including transport of personnel to
3 locate and retrieve the records or information requested and including
4 all other reasonably necessary costs to convey the records or
5 information.
6 (3) No person authorized to receive payment pursuant to subsection
7 (1) of this section has an obligation to provide any records or
8 information pursuant to section 8-1401 until assurances are received that
9 the costs due under this section will be paid, except for requests made
10 pursuant to subdivisions (1)(d), (1)(e), (1)(f), and (1)(g) of section
11 8-1401.
12 Sec. 5. Original sections 8-116, 8-128, and 8-153, Reissue Revised
13 Statutes of Nebraska, and section 8-1402, Revised Statutes Cumulative
14 Supplement, 2014, are repealed.
15 Sec. 6. Since an emergency exists, this act takes effect when passed
16 and approved according to law.

(Signed) Jim Scheer, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 247. Placed on Select File with amendment.
ER15

1 1. On page 1, line 3, strike "an interest rate specification
2 reference" and insert "the interest rate for obligations arising under
3 the Uniform Partnership Act of 1998".

LEGISLATIVE BILL 219. Placed on Select File with amendment.
ER16

1 1. On page 4, line 16; and page 11, line 25, before "law" insert
2 "the".
3 2. On page 7, line 29, strike "section" and insert "sections".
4 3. On page 8, line 2, after "(c)" insert "of this section".
5 4. On page 15, line 11, strike "this uniform act" and insert "the
6 Uniform Deployed Parents Custody and Visitation Act"; in line 16 strike
7 "section"; and in lines 17 and 19 strike the second occurrence of
8 "section".

LEGISLATIVE BILL 18. Placed on Select File.

LEGISLATIVE BILL 18A. Placed on Select File.

LEGISLATIVE BILL 109. Placed on Select File with amendment.
ER17

1 1. On page 1, strike beginning with "requirements" in line 3 through
2 "law" in line 4 and insert "provisions for veterans and their spouses and
3 dependents and other eligible persons".

LEGISLATIVE BILL 198. Placed on Select File with amendment.
ER18

1 1. On page 1, line 4, after the semicolon insert "to define terms;".

LEGISLATIVE BILL 118. Placed on Select File with amendment.
ER14

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 28-1429.03, Revised Statutes Cumulative
4 Supplement, 2014, is amended to read:
5 28-1429.03 (1) Except as provided in subsection (2) of this section
6 and section 28-1429.02, it shall be unlawful to sell or distribute
7 cigarettes, cigars, vapor products, alternative nicotine products, or
8 tobacco in any form whatever through a self-service display. Any person
9 violating this section is guilty of a Class III misdemeanor. In addition,
10 upon conviction for a second or subsequent offense within a twelve-month
11 period, the court shall order a six-month suspension of the license
12 issued under section 28-1421.
13 (2) Cigarettes, cigars, vapor products, alternative nicotine

14 products, or tobacco in any form ~~whatever~~ may be sold or distributed in a
15 self-service display that is located in a tobacco specialty store or
16 cigar shop bar as defined in section 53-103.08.

17 Sec. 2. Section 53-103.08, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 53-103.08 Cigar shop bar means an establishment operated by a holder
20 of a Class C liquor license which:

21 (1) Does not sell food;

22 (2) In addition to selling alcohol, annually receives ten percent or
23 more of its gross revenue from the sale of cigars, ~~and~~ other tobacco
24 products, and tobacco-related products, except from the sale of
25 cigarettes as defined in section 69-2702. A cigar shop bar shall not
26 discount alcohol if sold in combination with cigars or other tobacco
27 products and tobacco-related products;

1 (3) Has a walk-in humidor on the premises; and

2 (4) Does not permit the smoking of cigarettes.

3 Sec. 3. Section 53-131, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 53-131 (1) Any person desiring to obtain a new license to sell
6 alcoholic liquor at retail, a craft brewery license, or a microdistillery
7 license shall file with the commission:

8 (a) An application ~~in triplicate original~~ upon forms prescribed by
9 the commission ~~prescribes~~, including the information required by
10 subsection (3) of this section for an application to operate a cigar shop
11 ~~bar~~;

12 (b) The license fee if under sections 53-124 and 53-124.01 such fee
13 is payable to the commission, which fee shall be returned to the
14 applicant if the application is denied; and

15 (c) The nonrefundable application fee in the sum of four hundred
16 dollars, except that the nonrefundable application fee for an application
17 for a cigar shop bar shall be one thousand dollars.

18 (2) The commission shall notify the clerk of the city or village in
19 which such license is sought or, if the license sought is not sought
20 within a city or village, the county clerk of the county in which such
21 license is sought, of the receipt of the application and shall include
22 one copy of the application with the notice. No such license shall be
23 issued or denied by the commission until the expiration of the time
24 allowed for the receipt of a recommendation of denial or an objection
25 requiring a hearing under subdivision (1)(a) or (b) of section 53-133.
26 During the period of forty-five days after the date of receipt by mail or
27 electronic delivery of such application from the commission, the local
28 governing body of such city, village, or county may make and submit to
29 the commission recommendations relative to the granting or refusal to
30 grant such license to the applicant.

31 (3) For an application to operate a cigar shop bar, the application
1 shall include proof of the cigar shop's bar's annual gross revenue as
2 requested by the commission and such other information as requested by
3 the commission to establish the intent to operate as a cigar shop bar.

4 The commission may adopt and promulgate rules and regulations to regulate

5 cigar shops. The rules and regulations existing on August 1, 2014,
6 applicable to cigar bars shall apply to cigar shops until amended or
7 repealed by the commission bars.

8 (4) For renewal of a license under this section, a licensee shall
9 file with the commission an application, the license fee as provided in
10 subdivision (1)(b) of this section, and a renewal fee of forty-five
11 dollars.

12 Sec. 4. Section 53-1,120.01, Reissue Revised Statutes of Nebraska,
13 is amended to read:

14 53-1,120.01 (1) No county resolution or city ordinance that
15 prohibits smoking in indoor areas shall apply to cigar shops bars.

16 (2)(a) The Legislature finds that allowing smoking in cigar shops as
17 a limited exception to the Nebraska Clean Indoor Air Act does not
18 interfere with the original intent that the general public and employees
19 not be unwillingly subjected to second-hand smoke since employees have
20 ample other opportunities for similar employment at other establishments.
21 This exception poses a de minimis restriction on the public and employees
22 given the limited number of cigar shops compared to other businesses that
23 sell alcohol, cigars, and pipe tobacco, and any member of the public
24 should reasonably expect that there would be second-hand smoke in a cigar
25 shop given the nature of the business and could choose to avoid such
26 exposure.

27 (b) The Legislature finds that (i) cigars and pipe tobacco have
28 different characteristics than other forms of tobacco such as cigarettes,
29 (ii) cigar aficionados often pair cigars with various spirits such as
30 cognac, single malt whisky, bourbon, rum, rye, port, and others, and
31 (iii) unlike cigarette smokers, cigar and pipe smokers may take an hour
1 or longer to enjoy a cigar or pipe rather than simply satisfying an
2 addiction. Cigar shops are a variation of a tobacco retail outlet, which
3 has a liquor license. The issue of whether a liquor license shall be
4 granted to a cigar shop is an entirely separate issue that deals with an
5 entirely separate chapter of state law. Whether a liquor license is
6 granted is at the recommendation of the local governing body and the
7 discretion of the Nebraska Liquor Control Commission.

8 (c) It is the intent of the Legislature to allow cigar and pipe
9 smoking in cigar shops that meet specific statutory criteria. This
10 exception to the Nebraska Clean Indoor Air Act is narrowly tailored in
11 accordance with the intent of the act to protect public places and places
12 of employment.

13 (3)(a) The Legislature finds that allowing smoking in tobacco retail
14 outlets as a limited exception to the Nebraska Clean Indoor Air Act does
15 not interfere with the original intent that the general public and
16 employees not be unwillingly subjected to second-hand smoke since
17 employees have ample other opportunities for similar employment at other
18 establishments and the general public would not frequent those
19 establishments and should reasonably expect that there would be second-
20 hand smoke in a tobacco retail outlet and could choose to avoid such
21 exposure. The products that tobacco retail outlets sell are legal for
22 customers who meet the age requirement. Customers should be able to try

23 them within the tobacco retail outlet, especially given the way that
24 tobacco customization may occur in how tobacco is blended and cigars are
25 produced.

26 (b) It is the intent of the Legislature to allow smoking in tobacco
27 retail outlets that meet specific statutory criteria. This exception to
28 the Nebraska Clean Indoor Air Act is narrowly tailored in accordance with
29 the intent of the act to protect public places and places of employment.
30 Sec. 5. Section 71-5717, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 71-5717 The purpose of the Nebraska Clean Indoor Air Act is to
2 protect the public health and welfare by prohibiting smoking in public
3 places and places of employment with limited exceptions for guestrooms
4 and suites, research, tobacco retail outlets, and cigar shops. The
5 limited exceptions permit smoking in public places where the public would
6 reasonably expect to find persons smoking, including guestrooms and
7 suites which are subject to expectations of privacy like private
8 residences, institutions engaged in research related to smoking, and
9 tobacco retail outlets and cigar shops which provide the public legal
10 retail outlets to sample, use, and purchase tobacco products and products
11 related to smoking. The act shall not be construed to prohibit or
12 otherwise restrict smoking in outdoor areas. The act shall not be
13 construed to permit smoking where it is prohibited or otherwise
14 restricted by other applicable law, ordinance, or resolution. The act
15 shall be liberally construed to further its purpose.

16 Sec. 6. Section 71-5730, Revised Statutes Cumulative Supplement,
17 2014, is amended to read:

18 71-5730 (1) The following indoor areas are exempt from section
19 71-5729:

20 (a 4) Guestrooms and suites that are rented to guests and that are
21 designated as smoking rooms, except that not more than twenty percent of
22 rooms rented to guests in an establishment may be designated as smoking
23 rooms. All smoking rooms on the same floor shall be contiguous, and smoke
24 from such rooms shall not infiltrate into areas where smoking is
25 prohibited under the Nebraska Clean Indoor Air Act;

26 (b 2) Indoor areas used in connection with a research study on the
27 health effects of smoking conducted in a scientific or analytical
28 laboratory under state or federal law or at a college or university
29 approved by the Coordinating Commission for Postsecondary Education;
30 (c 3) Tobacco retail outlets; and

31 (d 4) Cigar shops ~~bars~~ as defined in section 53-103.08.

1 (2)(a) The Legislature finds that allowing smoking in cigar shops as
2 a limited exception to the Nebraska Clean Indoor Air Act does not
3 interfere with the original intent that the general public and employees
4 not be unwillingly subjected to second-hand smoke since employees have
5 ample other opportunities for similar employment at other establishments.
6 This exception poses a de minimis restriction on the public and employees
7 given the limited number of cigar shops compared to other businesses that
8 sell alcohol, cigars, and pipe tobacco, and any member of the public
9 should reasonably expect that there would be second-hand smoke in a cigar

10 shop given the nature of the business and could choose to avoid such
11 exposure.

12 (b) The Legislature finds that (i) cigars and pipe tobacco have
13 different characteristics than other forms of tobacco such as cigarettes,
14 (ii) cigar aficionados often pair cigars with various spirits such as
15 cognac, single malt whisky, bourbon, rum, rye, port, and others, and
16 (iii) unlike cigarette smokers, cigar and pipe smokers may take an hour
17 or longer to enjoy a cigar or pipe rather than simply satisfying an
18 addiction. Cigar shops are a variation of a tobacco retail outlet, which
19 has a liquor license. The issue of whether a liquor license shall be
20 granted to a cigar shop is an entirely separate issue that deals with an
21 entirely separate chapter of state law. Whether a liquor license is
22 granted is at the recommendation of the local governing body and the
23 discretion of the Nebraska Liquor Control Commission.

24 (c) It is the intent of the Legislature to allow cigar and pipe
25 smoking in cigar shops that meet specific statutory criteria. This
26 exception to the Nebraska Clean Indoor Air Act is narrowly tailored in
27 accordance with the intent of the act to protect public places and places
28 of employment.

29 (3)(a) The Legislature finds that allowing smoking in tobacco retail
30 outlets as a limited exception to the Nebraska Clean Indoor Air Act does
31 not interfere with the original intent that the general public and
1 employees not be unwillingly subjected to second-hand smoke since
2 employees have ample other opportunities for similar employment at other
3 establishments and the general public would not frequent those
4 establishments and should reasonably expect that there would be second-
5 hand smoke in a tobacco retail outlet and could choose to avoid such
6 exposure. The products that tobacco retail outlets sell are legal for
7 customers who meet the age requirement. Customers should be able to try
8 them within the tobacco retail outlet, especially given the way that
9 tobacco customization may occur in how tobacco is blended and cigars are
10 produced.

11 (b) It is the intent of the Legislature to allow smoking in tobacco
12 retail outlets that meet specific statutory criteria. This exception to
13 the Nebraska Clean Indoor Air Act is narrowly tailored in accordance with
14 the intent of the act to protect public places and places of employment.

15 Sec. 7. If any section in this act or any part of any section is
16 declared invalid or unconstitutional, the declaration shall not affect
17 the validity or constitutionality of the remaining portions.

18 Sec. 8. Original sections 53-103.08, 53-1,120.01, and 71-5717,
19 Reissue Revised Statutes of Nebraska, and sections 28-1429.03, 53-131,
20 and 71-5730, Revised Statutes Cumulative Supplement, 2014, are repealed.

21 Sec. 9. Since an emergency exists, this act takes effect when
22 passed and approved according to law.

23 2. On page 1, strike beginning with "cigar" in line 1 through line
24 10 and insert "regulated establishments; to amend sections 53-103.08,
25 53-1,120.01, and 71-5717, Reissue Revised Statutes of Nebraska, and
26 sections 28-1429.03, 53-131, and 71-5730, Revised Statutes Cumulative
27 Supplement, 2014; to define cigar shop; to permit certain sales as

28 prescribed; to provide for a nonrefundable application fee; to provide
29 and change requirements for certain liquor license applications; to
30 preempt county resolutions and city ordinances relating to smoking in
31 cigar shops; to state and restate intent; to exempt retail tobacco
1 outlets and cigar shops from the Nebraska Clean Indoor Air Act; to
2 harmonize provisions; to provide severability; to repeal the original
3 sections; and to declare an emergency."

(Signed) Matt Hansen, Chairperson

MOTION - Print in Journal

Senator Johnson filed the following motion to LB262:
MO25
Withdraw bill.

MESSAGE(S) FROM THE GOVERNOR

February 5, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being
reappointed to the Boiler Safety Code Advisory Board:

Steven Bley, 8609 Highway 1, Newhawka, NE 68413
Robert Kirkpatrick, 6315 Huntington Avenue, Lincoln, NE 68507
Thomas E. Phipps, 3724 North 10 Street, Omaha, NE 68134

The aforementioned appointees are respectfully submitted for your
consideration. Copies of the certificates and background information are
included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

February 2, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Liquor Control Commission:

Bruce D. Bailey, 1710 Surfside Drive, Lincoln, NE 68528

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

February 5, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Power Review Board:

Frank J. Reida, 1122 Turner Blvd., Omaha, NE 68105

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

February 5, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being

reappointed to the Board of Trustees of the Nebraska State Colleges:

Michelle Suarez, 2427 Woodsdale Blvd., Lincoln, NE 68502
Jess D. Zeiss, 1517 S. 109 Street, Omaha, NE 68144

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

February 3, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Game and Parks Commission:

Norris Marshall, 186 W. Road, Kearney, NE 68845

Contingent upon your approval, the following individual is being appointed to the Nebraska Game and Parks Commission:

Robert Allen, 1 Plum Creek Canyon Dr. 12G, Eustis, NE 69028

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 5, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Jarecke, Kate Kulesher - Advocacy and Issue Management Inc.
Brain Injury Association of Nebraska
O'Hara Lindsay & Associates, Inc.
Gracie Technologies LLC
Ourada, Mark
American Coalition for Clean Coal Electricity
Pollock, Andy
Enterprise Nebraska
Potter, Cara E.
CVS Health

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

AMENDMENT(S) - Print in Journal

Senator Bloomfield filed the following amendment to LB88:
AM184

1 1. On page 2, line 16, strike "sixteen" and insert "eight"; and
2 after "dollars" insert "and fifty cents".

MOTION(S) - Confirmation Report(s)

Senator Gloor moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 339:

Department of Revenue
Ruth A. Sorensen, Property Tax Administrator

Voting in the affirmative, 32:

| | | | | |
|----------|-----------|-----------|----------------|------------|
| Coash | Hansen | Kolterman | Pansing Brooks | Stinner |
| Crawford | Harr, B. | Krist | Riepe | Sullivan |
| Ebke | Hilkemann | Lindstrom | Scheer | Watermeier |
| Friesen | Howard | McCoy | Schnoor | Williams |
| Garrett | Hughes | Mello | Schumacher | |
| Gloor | Johnson | Murante | Seiler | |
| Hadley | Kolowski | Nordquist | Smith | |

Voting in the negative, 0.

Present and not voting, 12:

| | | | |
|------------|-----------|---------|-------------|
| Baker | Chambers | Kintner | McCollister |
| Bloomfield | Craighead | Kuehn | Morfeld |
| Brasch | Groene | Larson | Schilz |

Excused and not voting, 5:

| | | | | |
|------|----------|------|-------|----------|
| Bolz | Campbell | Cook | Davis | Haar, K. |
|------|----------|------|-------|----------|

The appointment was confirmed with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 391:

State Emergency Response Commission
 Tim Hofbauer
 Dana Miller

Voting in the affirmative, 35:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Garrett | Johnson | McCoy | Schnoor |
| Bloomfield | Gloor | Kintner | Mello | Schumacher |
| Bolz | Haar, K. | Kolowski | Murante | Seiler |
| Brasch | Hadley | Kolterman | Nordquist | Smith |
| Craighead | Hansen | Kuehn | Pansing Brooks | Sullivan |
| Crawford | Hilkemann | Larson | Riepe | Watermeier |
| Ebke | Howard | Lindstrom | Scheer | Williams |

Voting in the negative, 0.

Present and not voting, 11:

| | | | |
|----------|----------|-------------|---------|
| Chambers | Groene | Krist | Schilz |
| Coash | Harr, B. | McCollister | Stinner |
| Friesen | Hughes | Morfeld | |

Excused and not voting, 3:

| | | |
|----------|------|-------|
| Campbell | Cook | Davis |
|----------|------|-------|

The appointments were confirmed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 391:

Nebraska Tourism Commission
Carol E. Schlegel

Voting in the affirmative, 37:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Friesen | Hughes | Mello | Seiler |
| Bloomfield | Garrett | Johnson | Murante | Smith |
| Bolz | Gloor | Kolowski | Nordquist | Sullivan |
| Brasch | Groene | Kolterman | Pansing Brooks | Watermeier |
| Chambers | Haar, K. | Larson | Riepe | Williams |
| Craighead | Hadley | Lindstrom | Scheer | |
| Crawford | Hansen | McCollister | Schnoor | |
| Ebke | Hilkemann | McCoy | Schumacher | |

Voting in the negative, 0.

Present and not voting, 9:

| | | | | |
|----------|---------|-------|---------|---------|
| Coash | Howard | Krist | Morfeld | Stinner |
| Harr, B. | Kintner | Kuehn | Schilz | |

Excused and not voting, 3:

| | | |
|----------|------|-------|
| Campbell | Cook | Davis |
|----------|------|-------|

The appointment was confirmed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 392:

Military Department
Daryl L. Bohac, Adjutant General

Voting in the affirmative, 37:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Garrett | Johnson | Morfeld | Smith |
| Bloomfield | Gloor | Kintner | Murante | Stinner |
| Brasch | Haar, K. | Kolterman | Nordquist | Sullivan |
| Chambers | Hadley | Kuehn | Pansing Brooks | Watermeier |
| Craighead | Hansen | Larson | Riepe | Williams |
| Crawford | Hilkemann | Lindstrom | Schnoor | |
| Ebke | Howard | McCoy | Schumacher | |
| Friesen | Hughes | Mello | Seiler | |

Voting in the negative, 0.

Present and not voting, 9:

| | | | | |
|-------|----------|----------|-------------|--------|
| Bolz | Groene | Kolowski | McCollister | Schilz |
| Coash | Harr, B. | Krist | Scheer | |

Excused and not voting, 3:

Campbell Cook Davis

The appointment was confirmed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 392:

Department of Veterans Affairs
John Hilgert, Director

Voting in the affirmative, 39:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Friesen | Hughes | Lindstrom | Scheer |
| Bloomfield | Garrett | Johnson | McCollister | Schnoor |
| Bolz | Groene | Kintner | Mello | Seiler |
| Brasch | Haar, K. | Kolowski | Morfeld | Smith |
| Chambers | Hadley | Kolterman | Murante | Stinner |
| Craighead | Hansen | Krist | Nordquist | Watermeier |
| Crawford | Hilkemann | Kuehn | Pansing Brooks | Williams |
| Ebke | Howard | Larson | Riepe | |

Voting in the negative, 0.

Present and not voting, 7:

| | | | |
|-------|----------|------------|----------|
| Coash | Harr, B. | Schilz | Sullivan |
| Gloor | McCoy | Schumacher | |

Excused and not voting, 3:

Campbell Cook Davis

The appointment was confirmed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 392:

State Fire Marshal
Jim Heine

Voting in the affirmative, 38:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Friesen | Johnson | McCollister | Seiler |
| Bloomfield | Garrett | Kintner | Mello | Smith |
| Bolz | Gloor | Kolowski | Morfeld | Stinner |
| Brasch | Haar, K. | Kolterman | Murante | Sullivan |
| Chambers | Hansen | Krist | Nordquist | Watermeier |
| Craighead | Hilkemann | Kuehn | Pansing Brooks | Williams |
| Crawford | Howard | Larson | Riepe | |
| Ebke | Hughes | Lindstrom | Schnoor | |

Voting in the negative, 0.

Present and not voting, 8:

| | | | |
|--------|----------|--------|------------|
| Coash | Hadley | McCoy | Schilz |
| Groene | Harr, B. | Scheer | Schumacher |

Excused and not voting, 3:

| | | |
|----------|------|-------|
| Campbell | Cook | Davis |
|----------|------|-------|

The appointment was confirmed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 392:

State Personnel Board
Samuel Seever
Christopher Waddle

Voting in the affirmative, 38:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Garrett | Johnson | Mello | Seiler |
| Bloomfield | Gloor | Kintner | Morfeld | Smith |
| Bolz | Haar, K. | Kolowski | Murante | Stinner |
| Chambers | Hadley | Krist | Nordquist | Sullivan |
| Craighead | Hansen | Kuehn | Pansing Brooks | Watermeier |
| Crawford | Hilkemann | Larson | Riepe | Williams |
| Ebke | Howard | Lindstrom | Scheer | |
| Friesen | Hughes | McCollister | Schnoor | |

Voting in the negative, 0.

Present and not voting, 8:

| | | | |
|--------|----------|-----------|------------|
| Brasch | Groene | Kolterman | Schilz |
| Coash | Harr, B. | McCoy | Schumacher |

Excused and not voting, 3:

| | | |
|----------|------|-------|
| Campbell | Cook | Davis |
|----------|------|-------|

The appointments were confirmed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Senator Johnson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 397:

Nebraska State Fair Board
William Marshall III

Voting in the affirmative, 38:

| | | | | |
|------------|-----------|-----------|-------------|------------|
| Baker | Friesen | Howard | McCollister | Seiler |
| Bloomfield | Garrett | Johnson | Mello | Smith |
| Bolz | Gloor | Kintner | Morfeld | Sinner |
| Brasch | Haar, K. | Kolowski | Murante | Sullivan |
| Chambers | Hadley | Kolterman | Nordquist | Watermeier |
| Craighead | Hansen | Krist | Riepe | Williams |
| Crawford | Harr, B. | Kuehn | Scheer | |
| Ebke | Hilkemann | Lindstrom | Schnoor | |

Voting in the negative, 0.

Present and not voting, 8:

| | | | |
|--------|--------|----------------|------------|
| Coash | Hughes | McCoy | Schilz |
| Groene | Larson | Pansing Brooks | Schumacher |

Excused and not voting, 3:

| | | |
|----------|------|-------|
| Campbell | Cook | Davis |
|----------|------|-------|

The appointment was confirmed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Senator Johnson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 397:

Department of Agriculture
Greg Ibach, Director

Voting in the affirmative, 29:

| | | | | |
|---------|-----------|-------------|------------|------------|
| Brasch | Hadley | Krist | Murante | Smith |
| Ebke | Hilkemann | Kuehn | Nordquist | Stinner |
| Friesen | Hughes | Larson | Riepe | Sullivan |
| Garrett | Johnson | McCollister | Scheer | Watermeier |
| Gloor | Kintner | Mello | Schumacher | Williams |
| Groene | Kolterman | Morfeld | Seiler | |

Voting in the negative, 2:

Chambers Howard

Present and not voting, 15:

| | | | | |
|------------|-----------|----------|-----------|----------------|
| Baker | Coash | Haar, K. | Kolowski | Pansing Brooks |
| Bloomfield | Craighead | Hansen | Lindstrom | Schilz |
| Bolz | Crawford | Harr, B. | McCoy | Schnoor |

Excused and not voting, 3:

Campbell Cook Davis

The appointment was confirmed with 29 ayes, 2 nays, 15 present and not voting, and 3 excused and not voting.

Senator Nordquist moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 402:

Nebraska Investment Council
John Dinkel

Voting in the affirmative, 33:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Gloor | Johnson | Mello | Schumacher |
| Bloomfield | Groene | Kintner | Morfeld | Seiler |
| Brasch | Haar, K. | Kolterman | Murante | Smith |
| Crawford | Hadley | Krist | Nordquist | Stinner |
| Ebke | Hansen | Kuehn | Pansing Brooks | Sullivan |
| Friesen | Hilkemann | Lindstrom | Riepe | |
| Garrett | Howard | McCollister | Scheer | |

Voting in the negative, 0.

Present and not voting, 13:

| | | | | |
|----------|-----------|----------|------------|----------|
| Bolz | Craighead | Kolowski | Schilz | Williams |
| Chambers | Harr, B. | Larson | Schnoor | |
| Coash | Hughes | McCoy | Watermeier | |

Excused and not voting, 3:

Campbell Cook Davis

The appointment was confirmed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Mello filed the following amendment to LB430:

AM242

- 1 1. Insert the following new section:
- 2 Sec. 3. Of the unexpended General Fund appropriation balance
- 3 existing in Agency 25, Program 347, on June 30, 2014, reappropriated to
- 4 such program, \$7,000,000 is hereby reappropriated to Agency 25, Program
- 5 354 - Child Welfare Aid.
- 6 2. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARING(S)

Appropriations

Room 1003

Tuesday, February 17, 2015 1:30 p.m.

AM242 to LB430

(Signed) Heath Mello, Chairperson

COMMITTEE REPORT(S)

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Joel G. Christensen - Nebraska Natural Resources Commission

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Ken Schilz, Chairperson

GENERAL FILE**LEGISLATIVE BILL 272.** Considered.

Senator Garrett offered the following amendment:

AM137

1 1. On page 2, strike beginning with "a" in line 18 through "veteran"
2 in line 21 and insert "proof of marriage to the veteran, and either (a) a
3 copy of the veteran's disability verification from the United States
4 Department of Veterans Affairs demonstrating a one hundred percent
5 permanent disability rating or (b) a copy of the veteran's Department of
6 Defense Form 1300 or its successor form documenting that the veteran was
7 killed in hostile action".

The Garrett amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 305. Title read. Considered.

Committee AM112, found on page 352, was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 23. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARING(S)

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 18, 2015 1:30 p.m.

LB214

LB367

LB368

LB577

Thursday, February 19, 2015 1:30 p.m.

LB291
LB166
LB400
LB640

Friday, February 20, 2015 1:30 p.m.

Ronnie Mitchell - Department of Aeronautics
LB465
LB479
LB562
LR26CA

Wednesday, February 25, 2015 1:30 p.m.

LB541
LB646
LB649
LB273
LR35

Thursday, February 26, 2015 1:30 p.m.

LB462
LB571
LB140
LB202

Friday, February 27, 2015 1:30 p.m.

LB308
LB588
LB383
LB491

(Signed) John Murante, Chairperson

GENERAL FILE

LEGISLATIVE BILL 107. Title read. Considered.

Senator Gloor moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 2 nays, 8 present and not voting, and 4 excused and not voting.

COMMITTEE REPORT(S)

General Affairs

LEGISLATIVE BILL 439. Placed on General File.

LEGISLATIVE BILL 179. Placed on General File with amendment.

AM237

1 1. On page 4, line 3, strike "reduction" and insert "increase".

(Signed) Tyson Larson, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Judiciary

Room 1113

Wednesday, February 18, 2015 1:30 p.m.

LB113

LB425

LB426

LB545

Thursday, February 19, 2015 1:30 p.m.

LB406

LB415

LB316

Friday, February 20, 2015 1:30 p.m.

LB598

LB592

LB605

LB606

Wednesday, February 25, 2015 1:30 p.m.

LB25

LB212

LB482

LB292

Thursday, February 26, 2015 1:30 p.m.

LB566

LB13

LB15

LB347

LB502

Friday, February 27, 2015 1:30 p.m.

LB307
LB433
LB612
LB302
LB265

Wednesday, March 4, 2015 1:30 p.m.

LB354
LB459
LB294
LB268

Thursday, March 5, 2015 1:30 p.m.

LB195
LB254
LB327
LB620

Friday, March 6, 2015 1:30 p.m.

LB643
LB390
LB546
LB326

Wednesday, March 11, 2015 1:30 p.m.

LB362
LB473

Thursday, March 12, 2015 1:30 p.m.

LB281
LB437
LB497
LB625

Wednesday, March 18, 2015 1:30 p.m.

LB422
LB114
LB187
LB358
LB463

Thursday, March 19, 2015 1:30 p.m.

LB136
LB289
LB30
LB14
LB603

Friday, March 20, 2015 1:30 p.m.

LB225
LB340
LB635
LB638

(Signed) Les Seiler, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Krist - LB114

VISITORS

Visitors to the Chamber were Audrey and Richard Kauders from Kearney; James, Anne, and Robert Moseman from Oakland; Gerald and Linda Vogel and Elizabeth Davis from Norfolk; Jan With and Doris Nelson from Norfolk.

The Doctor of the Day was Dr. Doug Dunning from Omaha.

ADJOURNMENT

At 11:55 a.m., on a motion by Senator Craighead, the Legislature adjourned until 10:00 a.m., Monday, February 9, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-THIRD DAY - FEBRUARY 9, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 9, 2015

PRAYER

The prayer was offered by Pastor Glenda Ferguson, Grace Lutheran Church, Wahoo.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Hughes, Larson, and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-second day was approved.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Baker has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 46 and 47 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 46 and 47.

GENERAL FILE

LEGISLATIVE BILL 87. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 90. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

ANNOUNCEMENT

The Chair announced the birthday of Senator Smith.

GENERAL FILE

LEGISLATIVE BILL 70. Title read. Considered.

Committee AM118, found on page 365, was offered.

Senator Krist offered his amendment, AM235, found on page 410, to the committee amendment.

The Krist amendment was adopted with 31 ayes, 0 nays, and 18 present and not voting.

Pending.

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE BILL 164. Placed on General File.

LEGISLATIVE BILL 207. Placed on General File with amendment.
AM194

1 1. On page 2, strike lines 5 and 6, show the old matter as stricken,
2 and insert "one thousand dollars for each day at each site where a
3 violation occurs for the first violation and not less than one thousand
4 dollars and not more than five thousand dollars for each day at each site
5 where a violation occurs for each subsequent violation or (2) guilty of a
6 Class II"; strike beginning with "not" in line 17 through "occurs" in
7 line 19, show the old matter as stricken, and insert "one thousand
8 dollars for each day at each site where a violation occurs for the first
9 violation and not less than one thousand dollars and not more than five
10 thousand dollars for each day at each site where a violation occurs for
11 each subsequent violation"; and in line 31 strike "not less" and show the
12 old matter as stricken.

13 2. On page 3, strike beginning with line 1 through "occurs" in line
14 2, show the old matter as stricken, and insert "one thousand dollars for
15 each day at each site where a violation occurs for the first violation
16 and not less than one thousand dollars and not more than five thousand
17 dollars for each day at each site where a violation occurs for each
18 subsequent violation"; strike beginning with "not" in line 14 through
19 "occurs" in line 16, show the old matter as stricken, and insert "one
20 thousand dollars for each day at each site where a violation occurs for
21 the first violation and not less than one thousand dollars and not more
22 than five thousand dollars for each day at each site where a violation
23 occurs for each subsequent violation"; and strike beginning with "not" in
24 line 28 through "occurs" in line 30, show the old matter as stricken, and
25 insert "one thousand dollars for each day at each site where a violation
26 occurs for the first violation and not less than one thousand dollars and
27 not more than five thousand dollars for each day at each site where a
1 violation occurs for each subsequent violation".

(Signed) Ken Schilz, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Natural Resources

Room 1525

Friday, February 20, 2015 1:30 p.m.

LB412
LB413

Wednesday, February 25, 2015 1:30 p.m.

LB130
LB475

Thursday, February 26, 2015 1:30 p.m.

LB127

Friday, February 27, 2015 1:30 p.m.

LB404

Wednesday, March 4, 2015 1:30 p.m.

LB117
LB407

Thursday, March 5, 2015 1:30 p.m.

LB329

Friday, March 6, 2015 1:30 p.m.

LB344

Wednesday, March 11, 2015 1:30 p.m.

LB512

LB581

Thursday, March 12, 2015 1:30 p.m.

LB634

LB636

LB637

(Signed) Ken Schilz, Chairperson

Agriculture

Room 2102

Tuesday, March 3, 2015 1:30 p.m.

LB618

(Signed) Jerry Johnson, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 269. Placed on Select File with amendment.

ER19

1 1. On page 1, strike beginning with "eliminate" in line 2 through
2 "distribute" in line 3 and insert "change and eliminate provisions
3 relating to".

LEGISLATIVE BILL 94. Placed on Select File.

LEGISLATIVE BILL 122. Placed on Select File.

LEGISLATIVE BILL 52. Placed on Select File.

LEGISLATIVE BILL 260. Placed on Select File.

LEGISLATIVE BILL 261. Placed on Select File with amendment.

ER23

1 1. Strike original section 15 and all amendments thereto and insert
2 the following new section:

3 Sec. 14. Sections 1, 2, 3, 5, 8, 13, 17, and 18 of this act become
 4 operative three calendar months after the adjournment of this legislative
 5 session. Sections 7 and 15 of this act become operative on January 1,
 6 2015. The other sections of this act become operative on their effective
 7 date.

8 2. On page 1, line 3, strike "70-1903,"; and strike beginning with
 9 "to" in line 8 through the semicolon in line 9.

LEGISLATIVE BILL 271. Placed on Select File with amendment.
 ER24

1 1. In the Standing Committee amendments, AM27:
 2 a. On page 10 line 22 after the second "in" insert "subdivision (4)
 3 (b) of"; in line 23 strike ", subdivision (4)(b)" and show as stricken;
 4 in line 25 after "in" insert "subdivision (4)(c) of" and strike ",
 5 subdivision (4)(c)," and show as stricken; and in line 28 after "in"
 6 insert "subdivision (4)(d) of" and strike ", subdivision (4)(d)," and
 7 show as stricken; and
 8 b. On page 19, line 9, strike "such" and show as stricken and after
 9 "sections" insert "48-648 to 48-661".

LEGISLATIVE BILL 142. Placed on Select File with amendment.
 ER20

1 1. On page 1, lines 5 and 6, strike "to provide an operative date;".

LEGISLATIVE BILL 142A. Placed on Select File.

LEGISLATIVE BILL 160. Placed on Select File.

LEGISLATIVE BILL 241. Placed on Select File.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB219:
 AM225

1 1. On page 9, line 18; and page 13, lines 16 and 17, strike "the
 2 operative date of this act" and insert "January 1, 2015".
 3 2. On page 17, strike lines 30 and 31 and show as stricken.
 4 3. On page 18, strike line 1 and show as stricken; in line 2 strike
 5 "(17)", show as stricken, and insert "(16)"; in line 4 strike "(18)",
 6 show as stricken, and insert "(17)"; and in line 31 strike "(19)", show
 7 as stricken, and insert "(18)".
 8 4. On page 19, line 2, strike "(20)", show as stricken, and insert
 9 "(19)"; in line 6 strike "(21)", show as stricken, and insert "(20)"; in
 10 line 9 strike "(22)", show as stricken, and insert "(21)"; in line 12
 11 strike "(23)", show as stricken, and insert "(22)"; in line 18 strike
 12 "(24)", show as stricken, and insert "(23)"; in line 24, strike "(25)",
 13 show as stricken, and insert "(24)"; and in line 28 strike "(26)", show
 14 as stricken, and insert "(25)".

GENERAL FILE

LEGISLATIVE BILL 70. Committee AM118, found on page 365 and considered in this day's Journal, was renewed.

The committee amendment, as amended, was adopted with 29 ayes, 6 nays, and 14 present and not voting.

Pending.

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 10. Placed on General File.

LEGISLATIVE BILL 111. Placed on General File with amendment.
AM233

- 1 1. On page 2, line 14, strike "or"; after line 14 insert the
- 2 following new subdivision:
- 3 "(3) A document issued by an official Indian tribe in the United
- 4 States which shows:
- 5 (a) The name of the individual to whom the document was issued; and
- 6 (b) A photograph of the individual to whom the document was issued;
- 7 or"; and in line 15 strike "(3)" and insert "(4)".
- 8 2. On page 7, line 13, strike "(c) The", show as stricken, and
- 9 insert "(c)(i) Except as otherwise provided in subdivision (ii) or (iii)
- 10 of this subdivision, the"; in line 18 after "voters" insert an
- 11 underscored semicolon; in lines 18 and 19 strike the new matter; and
- 12 after line 23 insert the following new subdivisions:
- 13 "(ii) A registered voter who does not present a government-issued
- 14 photographic identification may receive a ballot under this section if
- 15 the voter presents a voter registration identification card issued by the
- 16 election commissioner or county clerk; or
- 17 (iii) If a registered voter does not comply with subdivision (i) or
- 18 (ii) of this subdivision, the registered voter shall vote a provisional
- 19 ballot pursuant to section 32-915;".
- 20 3. On page 8, lines 10 and 11, strike the new matter and insert ",
- 21 or who does not comply with subdivision (2)(c)(i) or (ii) of section
- 22 32-914".
- 23 4. On page 25, line 7, strike "indigent and".

(Signed) John Murante, Chairperson

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB109:
AM287

(Amendments to Standing Committee amendments, AM66)

1 1. On page 1, line 5, strike "either".

Senator Larson filed the following amendment to LB111:
AM268

(Amendments to Standing Committee amendments, AM233)

1 1. On page 1, line 2, strike "subdivision" and insert
2 "subdivisions"; after line 6 insert the following new subdivision:
3 "(4) A student identification card issued by an accredited
4 postsecondary educational institution in Nebraska which has the name and
5 photograph of the individual to whom the card was issued;"; and in line 7
6 strike "(4)" and insert "(5)".

Senator Larson filed the following amendment to LB111:
AM219 is available in the Bill Room.

Senator Murante filed the following amendment to LB111:
AM273 is available in the Bill Room.

Senator Murante filed the following amendment to LB111:
AM270

(Amendments to Standing Committee amendments, AM233)

1 1. On page 1, line 1, after the first comma insert "line 8, after
2 'States' insert ', including a military identification document;' in".

Senator Larson filed the following amendment to LB111:
AM269

(Amendments to Standing Committee amendments, AM233)

1 1. On page 1, line 2, strike "subdivision" and insert
2 "subdivisions"; after line 6 insert the following new subdivision:
3 "(4) A permit issued under the Concealed Handgun Permit Act which
4 has the name and photograph of the individual to whom the permit was
5 issued;"; and in line 7 strike "(4)" and insert "(5)".

Senator Schilz filed the following amendment to LB111:
AM267

(Amendments to Standing Committee amendments, AM233)

1 1. On page 1, line 1, after the first comma insert "line 8, after
2 'States' insert ', including an identification card or document issued
3 for public assistance benefits;';"; in line 2 strike "subdivision" and
4 insert "subdivisions"; after line 6 insert the following new subdivision:
5 "(4) An identification card or document issued for public assistance
6 benefits by a village, city, county, or state government which has the
7 name and photograph of the individual to whom it was issued;"; and in
8 line 7 strike "(4)" and insert "(5)".

Senator Murante filed the following amendment to LB111:
AM271

(Amendments to Standing Committee amendments, AM233)

1 1. On page 1, line 1, after the first comma insert "line 8, after
2 'States' insert ', including a United States Passport;'; in".

Senator Larson filed the following amendment to LB111:
AM272

(Amendments to Standing Committee amendments, AM233)

1 1. On page 1, line 1, after the first comma insert "line 8, after
2 'States' insert ', including an employee badge or other identification
3 document;' in"; in line 2 strike "subdivision" and insert
4 "subdivisions"; after line 6 insert the following new subdivision:
5 "(4) An employee badge or other identification document issued by a
6 village, city, county, or state government which has the name and
7 photograph of the individual to whom it was issued;"; and in line 7
8 strike "(4)" and insert "(5)".

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Allen, Robert - Nebraska Game and Parks Commission - Natural Resources
Bailey, Bruce D. - Nebraska Liquor Control Commission - General Affairs
Bittinger, Teresa L. - Board of Parole - Judiciary
Bley, Steven - Boiler Safety Code Advisory Board - Business and Labor
Kirkpatrick, Robert - Boiler Safety Code Advisory Board - Business and
Labor
Marshall, Norris - Nebraska Game and Parks Commission - Natural
Resources
Phipps, Thomas E. - Boiler Safety Code Advisory Board - Business and
Labor
Reida, Frank J. - Nebraska Power Review Board - Natural Resources
Suarez, Michelle - Board of Trustees of the Nebraska State Colleges -
Education
Zeiss, Jess D. - Board of Trustees of the Nebraska State Colleges -
Education

(Signed) Bob Krist, Chairperson
Executive Board

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Gloor - LB77 and LB187

VISITOR

The Doctor of the Day was Dr. Weirman from Lincoln.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator McCoy, the Legislature adjourned until 9:00 a.m., Tuesday, February 10, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FOURTH DAY - FEBRUARY 10, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****TWENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 10, 2015

PRAYER

The prayer was offered by Pastor Fred Landsberg, St. Timothy's Lutheran Church, Omaha.

ROLL CALL

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

The roll was called and all members were present except Senators Cook, Hilkemann, and Stinner who were excused; and Senators Ebke, Garrett, Mello, and Scheer who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-third day was approved.

MESSAGE(S) FROM THE GOVERNOR

February 9, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Please withdraw the following individual from consideration for confirmation of appointment to the State Emergency Response Commission:

Keith Hansen, 10700 Dawn Avenue, Lincoln, NE 68516

Keith Hansen has resigned from the State Emergency Response Commission.

Thank you.

Sincerely,
(Signed) Pete Ricketts
Governor

February 9, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Arts Council:

Dr. Jon Hinrichs, 6503 Lone Tree Drive, Lincoln, NE 68512
Pamela Price, 2020 West Charles Street, Grand Island, NE 68803
Timothy Hart, 17315 P Street, Omaha, NE 68133

Contingent upon your approval, the following individuals are being appointed to the Nebraska Arts Council:

Julie Jacobson, 3020 West Leota Street, North Platte, NE 69101
Sue Roush, 525 N. Ohio Avenue, York, NE 68467
Darrel J. Huenergardt, 3000 Ridgegate Drive, Lincoln, NE 68516

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Kolterman has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

COMMITTEE REPORT(S)

Health and Human Services

LEGISLATIVE BILL 34. Placed on General File.

LEGISLATIVE BILL 46. Placed on General File.

LEGISLATIVE BILL 129. Placed on General File.

LEGISLATIVE BILL 37. Placed on General File with amendment.
AM140

1 1. On page 5, line 6, after the last comma insert "or"; and in line
2 7 strike ", or a veterinarian".

3 2. On page 6, line 7, strike "45" and insert "44".

4 3. On page 7, line 8, after "by" insert "the pharmacy or"; and in
5 line 10 after "The" insert "pharmacy or".

6 4. On page 14, line 15, after the period insert "A pharmacy shall
7 not be open for the practice of pharmacy unless a pharmacist is

8 physically present.".

9 5. On page 15, lines 26 and 27, strike "as provided in the Pharmacy
10 Practice Act".

LEGISLATIVE BILL 77. Placed on General File with amendment.
AM109

1 1. On page 4, line 24, strike "preventive health and family planning
2 services.".

LEGISLATIVE BILL 146. Placed on General File with amendment.
AM142

1 1. On page 4, line 13, before "or" insert ", 501(c)(4).".

2 2. On page 8, line 3, strike "gross" and "willful".

(Signed) Kathy Campbell, Chairperson

General Affairs

LEGISLATIVE RESOLUTION 10CA. Placed on General File.

(Signed) Tyson Larson, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services

Room 1510

Wednesday, February 25, 2015 1:30 p.m.

LB650

LB472

Thursday, February 26, 2015 1:30 p.m.

LB81
LB370
LB547

Thursday, February 26, 2015 12:30 p.m.

Child Welfare Privatization in Nebraska Final Report Briefing
Open to the Public, Invited Testimony Only

Friday, February 27, 2015 1:30 p.m.

LB28
LB346
LB557

Wednesday, March 4, 2015 1:30 p.m.

LB500
LB21
LB499
LB240

Thursday, March 5, 2015 1:30 p.m.

LB258
LB264
LB369

Friday, March 6, 2015 1:30 p.m.

LB287
LB211
LB235

Wednesday, March 11, 2015 1:30 p.m.

LB333
LB516
LB411

Wednesday, March 18, 2015 1:30 p.m.

LB631
LB518
LB548

(Signed) Kathy Campbell, Chairperson

MOTION - Print in Journal

Senator Bloomfield offered the following motion to LB604:
MO26
Withdraw bill.

MOTION - Withdraw LB262

Senator Johnson offered his motion, MO25, found on page 421, to withdraw LB262.

The Johnson motion to withdraw the bill prevailed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 70. Considered.

Senator Schumacher moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 11 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 446. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 194. Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 301. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 245. Placed on General File with amendment.
AM197

- 1 1. Insert the following new section:
- 2 Section 1. Section 29-2103, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:

4 29-2103 (1) A motion for new trial shall be made by written
 5 application and may be filed either during or after the term of the court
 6 at which the verdict was rendered.
 7 (2) A motion for a new trial shall state the grounds under section
 8 29-2101 which are the basis for the motion and shall be supported by
 9 evidence as provided in section 29-2102.
 10 (3) A motion for new trial based on the grounds set forth in
 11 subdivision (1), (2), (3), (4), or (7) of section 29-2101 shall be filed
 12 within ten days after the verdict was rendered unless such filing is
 13 unavoidably prevented, and the grounds for such motion may be stated by
 14 directly incorporating the appropriate language of section 29-2101
 15 without further particularity.
 16 (4) A motion for new trial based on the grounds set forth in
 17 subdivision (5) of section 29-2101 shall be filed within a reasonable
 18 time after the discovery of the new evidence ~~and cannot be filed more~~
 19 ~~than three years after the date of the verdict.~~
 20 (5) A motion for new trial based on the grounds set forth in
 21 subdivision (6) of section 29-2101 shall be filed within ninety days
 22 after a final order is issued under section 29-4123 or within ninety days
 23 after the hearing if no final order is entered, whichever occurs first.
 24 2. Renumber the remaining sections and correct the repealer
 25 accordingly.

LEGISLATIVE BILL 215. Indefinitely postponed.
LEGISLATIVE BILL 299. Indefinitely postponed.
LEGISLATIVE BILL 651. Indefinitely postponed.

The Judiciary Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Randall L. Rehmeier - Board of Parole

Aye: 8 Chambers, Coash, Ebke, Krist, Morfeld, Pansing, Brooks, Seiler, Williams. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Les Seiler, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 52. Introduced by Campbell, 25.

PURPOSE: The purpose of this resolution is to study the Child and Maternal Death Review Act. This study shall include, but not be limited to, an examination of the following:

- (1) The history of the State Child and Maternal Death Review Team;
- (2) The timeliness of the review of maternal and child deaths;

(3) The resources needed by the Department of Health and Human Services to carry out the purposes of the Child and Maternal Death Review Act; and

(4) The practices in other states reviewing child and maternal deaths that could be adopted in Nebraska to identify trends, reduce the number of preventable deaths, and provide usable information to the public.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

NOTICE OF COMMITTEE HEARING(S)

Executive Board

Room 2102

Tuesday, February 17, 2015 12:00 p.m.

LB56
LB376

Thursday, February 19, 2015 12:00 p.m.

LB349
LB501

Monday, February 23, 2015 12:00 p.m.

LR7CA
LR31CA

Friday, February 27, 2015 12:00 p.m.

LB580

(Signed) Bob Krist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 314. Title read. Considered.

Committee AM126, found on page 376, was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 252. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 286. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 116. Title read. Considered.

Committee AM192, found on page 387, was adopted with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

SENATOR KRIST PRESIDING

LEGISLATIVE BILL 266. Title read. Considered.

Committee AM122, found on page 391, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 312. Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 313. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 45. Title read. Considered.

Committee AM65, found on page 404, was adopted with 27 ayes, 1 nay, 13 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 1 nay, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 181. Title read. Considered.

Committee AM204, found on page 406, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

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

LEGISLATIVE BILL 180. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 298. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 352. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 272. Placed on Select File with amendment.

ER22

1 1. On page 2, line 2, after "means" insert "a" and after both commas
2 insert "a"; in line 3 before "association" insert "an" and before
3 "limited" insert "a"; and in line 15 before "or" insert an underscored
4 comma.

LEGISLATIVE BILL 305. Placed on Select File with amendment.

ER21

1 1. On page 1, line 3, strike "and"; and in line 4 after "section"
2 insert "; and to declare an emergency".

(Signed) Matt Hansen, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Kolterman - LB599

VISITORS

Visitors to the Chamber were 20 members of the Nebraska Bankers Association Leadership Program class from across the state.

The Doctor of the Day was Dr. Amy McGaha from Omaha.

ADJOURNMENT

At 11:46 a.m., on a motion by Senator Campbell, the Legislature adjourned until 9:00 a.m., Wednesday, February 11, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIFTH DAY - FEBRUARY 11, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 11, 2015

PRAYER

The prayer was offered by Pastor Drew Rietjens, Twin Valley Church, Bellevue.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Coash, Garrett, K. Haar, Kuehn, Larson, Murante, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 304. Placed on General File with amendment.
AM286

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

3 Section 1. Sections 1 to 5 of this act shall be known and may be
4 cited as the Municipal Custodianship for Dissolved Homeowners
5 Associations Act.

6 Sec. 2. For purposes of the Municipal Custodianship for Dissolved
7 Homeowners Associations Act, unless the context otherwise requires:

8 (1) Common area means lot or outlot within a plat or subdivision of
9 real property including the improvements thereon owned or otherwise
10 maintained, cared for, or administered by the homeowners association for
11 the common use, benefit, and enjoyment of its members;

12 (2) Homeowners association means a nonprofit corporation duly
13 incorporated under the laws of the State of Nebraska for the purpose of
14 enforcing the restrictive covenants established upon the real property

15 legally described in the articles of incorporation which is located
16 within the corporate limits of a municipality, each member of which is an
17 owner of a lot located within the plat or subdivision, and by virtue of
18 membership or ownership of a lot is obligated to pay costs for the
19 administration, maintenance, and care of the common area within the plat
20 or subdivision. Homeowners association includes associations of
21 residential homeowners, nonresidential property owners, or both;
22 (3) Lot means any designated parcel of land located within a plat or
23 subdivision to be separately owned, used, developed, or built upon;
24 (4) Member means an owner that is qualified to be a member of a
25 homeowners association by virtue of ownership of a lot covered by the
26 property described in the declaration and articles of incorporation of a
27 homeowners association dissolved under section 21-19,138;
1 (5) Municipality means any city or incorporated village of this
2 state;
3 (6) Owner means the owner of a lot within the plat or subdivision,
4 but does not include a person who has an interest in a lot solely as
5 security for an obligation; and
6 (7) Real property means the real property described in the articles
7 of incorporation which is located within or to be located within a plat
8 or subdivision approved by a municipality and which is subject to
9 restrictive covenants to be enforced by the homeowners association and
10 filed of record in the office of the register of deeds of the county in
11 which the real property is located.
12 Sec. 3. In the event a homeowners association is dissolved pursuant
13 to section 21-19,138 and not reinstated pursuant to the Nebraska
14 Nonprofit Corporation Act, any municipality may bring an action to be
15 appointed as custodian to manage the affairs of the homeowners
16 association as set forth in section 4 of this act.
17 Sec. 4. (1) The district court of the county in which a dissolved
18 homeowners association was previously existing shall, in a proceeding
19 brought by a municipality by petition to the district court, appoint the
20 municipality as custodian to manage the affairs of the homeowners
21 association upon a finding that:
22 (a) The homeowners association has been administratively dissolved
23 by the Secretary of State pursuant to section 21-19,138;
24 (b) The homeowners association has failed in one or more of the
25 following ways:
26 (i) To maintain the common area as required by the municipality's
27 conditions of approval for the plat or subdivision of real property;
28 (ii) To maintain the common area or private improvements located
29 outside of the common area on the real property in the plat or
30 subdivision in accordance with all terms and conditions of any agreement
31 with the municipality; or
1 (iii) To comply with any applicable laws, rules, or regulations
2 pertaining to maintenance of the common area or private improvements
3 located outside of the common area on the real property in the plat or
4 subdivision such that the noncompliance is adverse to the interests of
5 the municipality and may result in expenditures by the municipality not

6 otherwise required;

7 (c) The municipality has made a demand on the members to hold a
8 special meeting to remove and elect new directors and to approve a
9 submission of an application to the Secretary of State for reinstatement
10 pursuant to the Municipal Custodianship for Dissolved Homeowners

11 Associations Act or the Nebraska Nonprofit Corporation Act; and
12 (d) The members have failed to reinstate the homeowners association
13 within six months after the demand.

14 (2) The district court shall hold a hearing, after written
15 notification thereof by the petitioner to all parties to the proceeding
16 and any interested persons designated by the court, before appointing a
17 custodian, and the petitioner shall provide sufficient proof of service
18 to the court. Service by first-class mail shall be deemed sufficient
19 service. The district court appointing the custodian shall have exclusive
20 jurisdiction over the homeowners association and all of its property
21 wherever located.

22 (3) The district court shall describe the powers and duties of the
23 custodian in its appointing order, which order may be amended upon motion
24 and notice to the parties from time to time. Among other powers, the
25 appointing order shall provide that the custodian may exercise all of the
26 powers of the homeowners association, through or in place of its board of
27 directors or officers, to the extent necessary to manage the affairs of
28 the association in the best interests of its members. The custodian shall
29 not be liable for the actions or inactions of the homeowners association
30 and shall maintain all immunities granted to municipalities by applicable
31 law.

1 (4) Upon application of the custodian, the district court from time
2 to time during the custodianship may order compensation paid and expense
3 disbursements or reimbursements made to the custodian from the assets of
4 the association or proceeds from the sale of the assets. Notice of a
5 hearing to determine compensation and costs shall be provided to all
6 owners and interested parties by the custodian as set forth in subsection
7 (2) of this section, with proof of service provided by the custodian. In
8 the event the district court awards compensation or reimbursement of
9 costs, all such compensation and costs shall be a lien on each and all of
10 the lots in the manner as set forth in subsection (5) of this section.

11 Any court order awarding compensation or reimbursement of costs herein
12 shall identify each lot and the amount of compensation or reimbursement
13 of costs each lot shall be charged as a lien.

14 (5)(a) A lien created under subsection (4) of this section shall be
15 effective from the time the district court awards the compensation or
16 reimbursement of costs and a notice containing the dollar amount of the
17 lien is recorded in the office where mortgages or deeds of trust are
18 recorded. The lien may be foreclosed in like manner as a mortgage on real
19 estate but the municipality shall give reasonable notice of its action to
20 all other lienholders whose interest would be affected.

21 (b) A lien created under subsection (4) of this section is prior to
22 all other liens and encumbrances on real estate except (i) liens and
23 encumbrances recorded before the recordation of the declaration or

24 agreement, (ii) a first mortgage or deed of trust on real estate recorded
25 before the notice required under subdivision (5)(a) of this section has
26 been recorded, and (iii) liens for real estate taxes.

27 (6) In the event the homeowners association is reinstated after
28 appointment of a custodian, any interested party may make a request to
29 the district court for termination of the custodianship.

30 (7) A custodian may be allowed to withdraw from or terminate the
31 custodianship upon an order from the district court permitting such
1 withdrawal or termination following a hearing for which notice is
2 provided to all owners and interested parties by the custodian.

3 Sec. 5. (1) Notwithstanding any provision to the contrary in the
4 Nebraska Nonprofit Corporation Act or the articles of incorporation or
5 bylaws of a homeowners association, a homeowners association dissolved
6 pursuant to section 21-19,138 may, in addition to any other procedure
7 allowed by law, apply to the Secretary of State for reinstatement in one
8 or more of the following ways:

9 (a) An application for reinstatement may be brought at any time
10 after dissolution by an officer or director of the dissolved homeowners
11 association pursuant to section 21-19,139; or

12 (b) Three or more members of such homeowners association may, at any
13 time after dissolution, call a special meeting to (i) remove and elect
14 new directors and (ii) approve the submission of an application to the
15 Secretary of State for reinstatement. Such members may set the time and
16 place of the meeting. Notice of the meeting shall be given pursuant to
17 section 21-1955. For purposes of this section only and notwithstanding
18 the declaration, articles of incorporation, or the bylaws of a dissolved
19 homeowners association, action on matters described in this subsection
20 shall be approved by the affirmative vote of the voters present and
21 voting on the matter. Three members eligible to vote on the matter shall
22 constitute a quorum.

23 (2) Upon action being taken to apply for reinstatement as set forth
24 in subdivision (1)(a) or (b) of this section, the process for
25 reinstatement set forth in section 21-19,139 shall apply, except that the
26 reinstatement fee for a homeowners association dissolved more than five
27 years shall be one hundred dollars. Nothing in this subdivision shall be
28 construed to abolish, modify, or otherwise change any restrictive
29 covenant or other benefit or obligation of membership in a homeowners
30 association.

31 (3) The application for reinstatement must:

1 (a) Recite the name of the homeowners association and the effective
2 date of its administrative dissolution;

3 (b) State that the ground or grounds for dissolution either did not
4 exist or have been eliminated; and

5 (c) State that the homeowners association's name satisfies the
6 requirements of section 21-1931.

7 (4) If the Secretary of State determines that the application
8 contains the information required by subdivisions (1)(a) and (b) of this
9 section and that the information is correct, the Secretary of State shall
10 cancel the certificate of dissolution and prepare a certificate of

11 reinstatement reciting that determination and the effective date of
12 reinstatement, file the original of the certificate, and serve a copy on
13 the homeowners association under section 21-1937.
14 (5) When reinstatement is effective, the reinstatement shall relate
15 back to and take effect as of the effective date of the administrative
16 dissolution, and the homeowners association shall resume carrying on its
17 activities as if the administrative dissolution had never occurred.
18 Sec. 6. The Revisor of Statutes shall assign sections 1, 2, 3, 4,
19 and 5 of this act within Chapter 18.

(Signed) Sue Crawford, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Revenue

Room 1524

Wednesday, March 18, 2015 1:30 p.m.

LB26 (cancel)

Wednesday, March 4, 2015 1:30 p.m.

LB26

(Signed) Mike Gloor, Chairperson

MESSAGE(S) FROM THE GOVERNOR

February 4, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Educational Telecommunications Commission:

Dennis Baack, 2233 Surfside Drive, Lincoln, NE 68528
Patricia M. Kircher, 15715 California Street, Omaha, NE 68118
Darlene Starman, 1030 Rockhurst Drive, Lincoln, NE 68510

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
 (Signed) Pete Ricketts
 Governor

Enclosures

ANNOUNCEMENT

The Chair announced the birthday of Senator Hansen.

MOTION - Withdraw LB604

Senator Bloomfield offered his motion, MO26, found on page 451, to withdraw LB604.

The Bloomfield motion to withdraw the bill prevailed with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

MOTION(S) - Confirmation Report(s)

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 431:

Nebraska Natural Resources Commission
 Joel G. Christensen

Voting in the affirmative, 36:

| | | | | |
|-----------|-----------|-------------|----------------|----------|
| Baker | Davis | Hughes | Morfeld | Smith |
| Bolz | Friesen | Johnson | Nordquist | Stinner |
| Brasch | Gloor | Kintner | Pansing Brooks | Sullivan |
| Campbell | Groene | Kolowski | Riepe | Williams |
| Chambers | Hansen | Kolterman | Scheer | |
| Cook | Harr, B. | Larson | Schilz | |
| Craighead | Hilkemann | Lindstrom | Schumacher | |
| Crawford | Howard | McCollister | Seiler | |

Voting in the negative, 0.

Present and not voting, 7:

| | | | |
|------------|--------|-------|---------|
| Bloomfield | Hadley | McCoy | Schnoor |
| Ebke | Krist | Mello | |

Excused and not voting, 6:

| | | |
|---------|----------|------------|
| Coash | Haar, K. | Murante |
| Garrett | Kuehn | Watermeier |

The appointment was confirmed with 36 ayes, 0 nays, 7 present and not

voting, and 6 excused and not voting.

Senator Seiler moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 452:

Board of Parole

Randall L. Rehmeier

Voting in the affirmative, 36:

| | | | | |
|------------|-----------|-----------|----------------|----------|
| Baker | Crawford | Howard | McCollister | Smith |
| Bloomfield | Davis | Hughes | Mello | Stinner |
| Bolz | Ebke | Johnson | Nordquist | Sullivan |
| Brasch | Friesen | Kintner | Pansing Brooks | Williams |
| Campbell | Hadley | Kolowski | Riepe | |
| Chambers | Hansen | Kolterman | Schilz | |
| Cook | Harr, B. | Larson | Schumacher | |
| Craighead | Hilkemann | Lindstrom | Seiler | |

Voting in the negative, 0.

Present and not voting, 9:

| | | | | |
|-------|----------|-------|---------|---------|
| Coash | Groene | Krist | Morfeld | Schnoor |
| Gloor | Haar, K. | McCoy | Scheer | |

Excused and not voting, 4:

| | | | |
|---------|-------|---------|------------|
| Garrett | Kuehn | Murante | Watermeier |
|---------|-------|---------|------------|

The appointment was confirmed with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 91. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 41. ER2, found on page 315, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 42. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 126. ER1, found on page 315, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 92. Senator Johnson offered his amendment, AM89, found on page 349.

The Johnson 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 93. ER4, found on page 346, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 95. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 150. Considered.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 151. Senator Crawford offered her amendment, AM85, found on page 326.

The Crawford amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 170. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 171. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 99. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 100. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 65. ER5, found on page 346, was adopted.

Senator Schumacher offered his amendment, AM67, found on page 364.

The Schumacher amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 177. ER7, found on page 356, was adopted.

Senator K. Haar offered his amendment, AM154, found on page 406.

The K. Haar amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 159. ER8, found on page 401, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 220. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 220A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 157. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 149. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 168. ER9, found on page 402, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 40. ER10, found on page 402, was adopted.

Senator Nordquist offered his amendment, AM224, found on page 407.

The Nordquist amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 43. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 247. ER15, found on page 416, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 219. ER16, found on page 416, was adopted.

Senator Crawford offered her amendment, AM225, found on page 441.

The Crawford amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

NOTICE OF COMMITTEE HEARING(S)

Natural Resources

Room 1525

Wednesday, February 18, 2015 1:30 p.m.

David Bracht - State Energy Office

(Signed) Ken Schilz, Chairperson

COMMITTEE REPORT(S)

Health and Human Services

LEGISLATIVE BILL 366. Placed on General File.

(Signed) Kathy Campbell, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 53. Introduced by Baker, 30.

WHEREAS, the Homestead Act of 1862 was signed by President Abraham Lincoln which gave 160 acres of land to any man or woman who would build a home and make improvements and farm the land for five years; and

WHEREAS, the Homestead Act allowed settlement of almost ten percent or 270 million acres of public land and placed it in the hands of settlers; and

WHEREAS, in 1936, with the backing of United States Senator George Norris, Congress passed a law which was signed by President Franklin D. Roosevelt establishing a new unit in the National Park system called the Homestead National Monument of America; and

WHEREAS, the Homestead National Monument of America near Beatrice commemorates and remembers the hardships and pioneer spirit of early settlers at the homestead site of Daniel Freeman who filed the very first claim in 1863; and

WHEREAS, each homestead created paper documents known as case files which exist only as paper originals. The complete collection of case files consists of over 30 million pieces of paper stored in the National Archives in Washington D.C.; and

WHEREAS, since 1999, the Homestead National Monument of America has been involved in the project to digitize all 30 million documents of the homestead case files collection; and

WHEREAS, the United States Mint's 2015 America the Beautiful Quarters Program will launch the Homestead National Monument of America quarter on February 10, 2015, with approximately 10 million quarters minted each day; and

WHEREAS, the quarter design represents the essential things a homesteader needed to survive including food, housing, and water.

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

1. That the Legislature congratulates the Homestead National Monument of America on the 2015 launch of the Homestead National Monument of America quarter.

2. That a copy of this resolution be sent to the Homestead National Monument of America.

Laid over.

SELECT FILE

LEGISLATIVE BILL 18. Senator Groene offered the following amendment:

AM301

- 1 1. On page 2, lines 19 through 26, strike the new matter and
 2 reinstate the stricken matter; and after line 30 insert the following new
 3 subsection:
 4 "(4)(a) Beginning July 1, 2016, each public and private high school
 5 in Nebraska shall provide to each incoming first-year student and to any
 6 student transferring from a high school located in another state, and to
 7 the student's parent or legal guardian, the following information
 8 concerning meningococcal disease:
 9 (i) Meningococcal disease is a serious disease;
 10 (ii) Meningococcal disease is a contagious, but a largely
 11 preventable, infection of the spinal cord fluid and the fluid that
 12 surrounds the brain; and
 13 (iii) Immunization against meningococcal disease decreases the risk
 14 of contracting the disease.
 15 (b) In addition to the information required in subdivision (4)(a) of
 16 this section, each public and private high school in Nebraska shall
 17 provide to each incoming first-year student and to any student
 18 transferring from a high school located in another state, and to the
 19 student's parent or legal guardian, web site addresses, telephone
 20 numbers, or other information to assist the student or the student's
 21 parent or legal guardian in identifying a location where the student may
 22 receive an immunization against meningococcal disease.
 23 (c) The information required by subdivision (4)(a) of this section
 24 may be provided exactly as written in such subdivision or through similar

25 language that reasonably meets the intent of such subdivision and is
26 based upon established and scientifically recognized medical or
27 epidemiological data.
1 (d) Beginning July 1, 2016, each public and private high school in
2 Nebraska shall require each incoming first-year student and each student
3 transferring from a high school located in another state who has not
4 received the vaccination against meningococcal disease, and the student's
5 parent or legal guardian, to check a box on a document provided by the
6 high school indicating that the student and the parent or legal guardian
7 have reviewed the information provided pursuant to subdivision (4)(a) and
8 (b) of this section and have decided that the student will not obtain a
9 vaccination against meningococcal disease.
10 (e) Nothing in this subsection shall be construed to:
11 (i) Require a student to obtain the vaccination against
12 meningococcal disease; or
13 (ii) Require a high school to provide or pay for the vaccination of
14 a student.
15 (f) A public or private high school in Nebraska that has made a
16 reasonable effort to comply with this subsection shall not be liable for
17 damages for injuries sustained by a student as a result of contracting
18 meningococcal disease if the student's claim is based solely upon the
19 provision of the information required by this subsection."

SPEAKER HADLEY PRESIDING

Pending.

NOTICE OF COMMITTEE HEARING(S)

Appropriations

Room 1524

Monday, March 2, 2015 1:30 p.m.

LB565

LB584

Agency 47 - Educational Telecommunications Commission, Nebraska

Agency 48 - Coordinating Commission for Postsecondary Education

Agency 50 - Nebraska State College System

Agency 83 - Community College Aid

Tuesday, March 3, 2015 1:30 p.m.

Agency 51 - University of Nebraska System

LB108

LB110

LB154

LB417

LB436

LB496
LB532
LB533
LB560
LB593

Room 1003

Wednesday, March 4, 2015 1:30 p.m.

Agency 21 - State Fire Marshal
Agency 35 - Liquor Control Commission, Nebraska
Agency 64 - State Patrol, Nebraska
Agency 78 - Nebraska Commission on Law Enforcement and Criminal
Justice
Agency 24 - Motor Vehicles, Department of

Thursday, March 5, 2015 1:30 p.m.

Agency 82 - Commission for the Deaf and Hard of Hearing
Agency 81 - Commission for the Blind and Visually Impaired
Agency 67 - Equal Opportunity Commission
Agency 68 - Latino-American Commission
Agency 70 - Foster Care Review Board, State
Agency 76 - Indian Commission, Nebraska

Friday, March 6, 2015 1:30 p.m.

LB57
Agency 19 - Banking, Department of
Agency 22 - Insurance, Department of
Agency 87 - Accountability and Disclosure Commission
Agency 93 - Tax Equalization and Review Commission
Agency 65 - Administrative Services, Department of

(Signed) Heath Mello, Chairperson

Health and Human Services

Room 1510

Friday, February 20, 2015 1:00 p.m.

John A. E. Craig - Nebraska Rural Health Advisory Commission
Teresa Konda - State Board of Health
Laura A. Scholl - Board of Emergency Medical Services

(Signed) Kathy Campbell, Chairperson

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 504. Placed on General File with amendment.

AM291

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

2 sections:

3 Section 1. Section 29-2261, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:5 29-2261 (1) Unless it is impractical to do so, when an offender has
6 been convicted of a felony other than murder in the first degree, the
7 court shall not impose sentence without first ordering a presentence
8 investigation of the offender and according due consideration to a
9 written report of such investigation. When an offender has been convicted
10 of murder in the first degree and (a) a jury renders a verdict finding
11 the existence of one or more aggravating circumstances as provided in
12 section 29-2520 or (b)(i) the information contains a notice of
13 aggravation as provided in section 29-1603 and (ii) the offender waives
14 his or her right to a jury determination of the alleged aggravating
15 circumstances, the court shall not commence the sentencing determination
16 proceeding as provided in section 29-2521 without first ordering a
17 presentence investigation of the offender and according due consideration
18 to a written report of such investigation.19 (2) A court may order a presentence investigation in any case,
20 except in cases in which an offender has been convicted of a Class IIIA
21 misdemeanor, a Class IV misdemeanor, a Class V misdemeanor, a traffic
22 infraction, or any corresponding city or village ordinance.23 (3) The presentence investigation and report shall include, when
24 available, an analysis of the circumstances attending the commission of
25 the crime, the offender's history of delinquency or criminality, physical
26 and mental condition, family situation and background, economic status,
27 education, occupation, and personal habits, and any other matters that
1 the probation officer deems relevant or the court directs to be included.2 All local and state police agencies and Department of Correctional
3 Services adult correctional facilities shall furnish to the probation
4 officer copies of such criminal records, in any such case referred to the
5 probation officer by the court of proper jurisdiction, as the probation
6 officer shall require without cost to the court or the probation officer.

7 Such investigation shall also include:

8 (a) Any written statements submitted to the county attorney by a
9 victim; and10 (b) Any written statements submitted to the probation officer by a
11 victim.12 (4) If there are no written statements submitted to the probation
13 officer, he or she shall certify to the court that:

14 (a) He or she has attempted to contact the victim; and

15 (b) If he or she has contacted the victim, such officer offered to
16 accept the written statements of the victim or to reduce such victim's
17 oral statements to writing.

18 For purposes of subsections (3) and (4) of this section, the term
19 victim shall be as defined in section 29-119.

20 (5) Before imposing sentence, the court may order the offender to
21 submit to psychiatric observation and examination for a period of not
22 exceeding sixty days or such longer period as the court determines to be
23 necessary for that purpose. The offender may be remanded for this purpose
24 to any available clinic or mental hospital, or the court may appoint a
25 qualified psychiatrist to make the examination. The report of the
26 examination shall be submitted to the court.

27 (6) Any presentence report or psychiatric examination shall be
28 privileged and shall not be disclosed directly or indirectly to anyone
29 other than a judge, probation officers to whom an offender's file is duly
30 transferred, the probation administrator or his or her designee, or
31 others entitled by law to receive such information, including personnel
1 and mental health professionals for the Nebraska State Patrol
2 specifically assigned to sex offender registration and community
3 notification for the sole purpose of using such report or examination for
4 assessing risk and for community notification of registered sex
5 offenders. For purposes of this subsection, mental health professional
6 means (a) a practicing physician licensed to practice medicine in this
7 state under the Medicine and Surgery Practice Act, (b) a practicing
8 psychologist licensed to engage in the practice of psychology in this
9 state as provided in section 38-3111, or (c) a practicing mental health
10 professional licensed or certified in this state as provided in the
11 Mental Health Practice Act.

12 (7) The court may permit inspection of the report or examination of
13 parts thereof by the offender or his or her attorney, or other person
14 having a proper interest therein, whenever the court finds it is in the
15 best interest of a particular offender. Upon application by counsel, the
16 court shall provide a copy of the report or examination to counsel for
17 the defendant and the prosecution at no charge at least seven days in
18 advance of the sentencing hearing. The copy of the report may be provided
19 electronically. The court may order that the report or examination not be
20 reproduced or disseminated to persons other than the defendant and his or
21 her counsel and counsel for the prosecution. Upon application by counsel
22 for the prosecution or the defendant, the court may order that addresses,
23 telephone numbers, and other contact information for victims or witnesses
24 named in the report or examination be redacted upon a showing by a
25 preponderance of the evidence that such redaction is warranted in the
26 interests of public safety. The court may allow fair opportunity for an
27 offender to provide additional information for the court's consideration.

28 (8 7) If an offender is sentenced to imprisonment, a copy of the
29 report of any presentence investigation or psychiatric examination shall
30 be transmitted immediately to the Department of Correctional Services.
31 Upon request, the Board of Parole or the Office of Parole Administration
1 may receive a copy of the report from the department.

2 (9 8) Notwithstanding subsection (6) and (7) of this section, the
3 Supreme Court or an agent of the Supreme Court acting under the direction
4 and supervision of the Chief Justice shall have access to psychiatric

5 examinations and presentence investigations and reports for research
6 purposes. The Supreme Court and its agent shall treat such information as
7 confidential, and nothing identifying any individual shall be released.
8 Sec. 2. Original section 29-2261, Revised Statutes Cumulative
9 Supplement, 2014, is repealed.

LEGISLATIVE BILL 602. Placed on General File with amendment.
AM308

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

3 Section 1. Section 24-703, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 24-703 (1) Each original member shall contribute monthly four
6 percent of his or her monthly compensation to the fund until the maximum
7 benefit as limited in subsection (1) of section 24-710 has been earned.

8 It shall be the duty of the Director of Administrative Services in
9 accordance with subsection (10) of this section to make a deduction of
10 four percent on the monthly payroll of each original member who is a
11 judge of the Supreme Court, a judge of the Court of Appeals, a judge of
12 the district court, a judge of a separate juvenile court, a judge of the
13 county court, a clerk magistrate of the county court who was an associate
14 county judge and a member of the fund at the time of his or her
15 appointment as a clerk magistrate, or a judge of the Nebraska Workers'
16 Compensation Court showing the amount to be deducted and its credit to
17 the fund. The Director of Administrative Services and the State Treasurer
18 shall credit the four percent as shown on the payroll and the amounts
19 received from the various counties to the fund and remit the same to the
20 director in charge of the judges retirement system who shall keep an
21 accurate record of the contributions of each judge.

22 (2)(a) In addition to the contribution required under subdivision
23 (c) of this subsection, beginning on July 1, 2004, each future member who
24 has not elected to make contributions and receive benefits as provided in
25 section 24-703.03 shall contribute monthly six percent of his or her
26 monthly compensation to the fund until the maximum benefit as limited in
27 subsection (2) of section 24-710 has been earned. After the maximum
1 benefit as limited in subsection (2) of section 24-710 has been earned,
2 such future member shall make no further contributions to the fund,
3 except that (i) any time the maximum benefit is changed, a future member
4 who has previously earned the maximum benefit as it existed prior to the
5 change shall contribute monthly six percent of his or her monthly
6 compensation to the fund until the maximum benefit as changed and as
7 limited in subsection (2) of section 24-710 has been earned and (ii) such
8 future member shall continue to make the contribution required under
9 subdivision (c) of this subsection.

10 (b) In addition to the contribution required under subdivision (c)
11 of this subsection, beginning on July 1, 2004, a judge who first serves
12 as a judge on or after such date or a future member who elects to make
13 contributions and receive benefits as provided in section 24-703.03 shall
14 contribute monthly eight percent of his or her monthly compensation to

15 the fund until the maximum benefit as limited by subsection (2) of
16 section 24-710 has been earned. In addition to the contribution required
17 under subdivision (c) of this subsection, after the maximum benefit as
18 limited in subsection (2) of section 24-710 has been earned, such judge
19 or future member shall contribute monthly four percent of his or her
20 monthly compensation to the fund for the remainder of his or her active
21 service.

22 (c) Beginning on July 1, 2009, a member or judge described in
23 subdivisions (a) and (b) of this subsection shall contribute monthly an
24 additional one percent of his or her monthly compensation to the fund.
25 (d) It shall be the duty of the Director of Administrative Services
26 to make a deduction on the monthly payroll of each such future member who
27 is a judge of the Supreme Court, a judge of the Court of Appeals, a judge
28 of the district court, a judge of a separate juvenile court, a judge of
29 the county court, a clerk magistrate of the county court who was an
30 associate county judge and a member of the fund at the time of his or her
31 appointment as a clerk magistrate, or a judge of the Nebraska Workers'
1 Compensation Court showing the amount to be deducted and its credit to
2 the fund. This shall be done each month. The Director of Administrative
3 Services and the State Treasurer shall credit the amount as shown on the
4 payroll and the amounts received from the various counties to the fund
5 and remit the same to the director in charge of the judges retirement
6 system who shall keep an accurate record of the contributions of each
7 judge.

8 (3) Except as otherwise provided in this subsection, a Nebraska
9 Retirement Fund for Judges fee of six dollars shall be taxed as costs in
10 each (a) civil cause of action, criminal cause of action, traffic
11 misdemeanor or infraction, and city or village ordinance violation filed
12 in the district courts, the county courts, and the separate juvenile
13 courts, (b) beginning October 1, 2015, enrollment in a pretrial diversion
14 program established under section 29-3602 or 43-260.02, (c) filing in the
15 district court of an order, award, or judgment of the Nebraska Workers'
16 Compensation Court or any judge thereof pursuant to section 48-188, (d) e
17 appeal or other proceeding filed in the Court of Appeals, and (e) f
18 original action, appeal, or other proceeding filed in the Supreme Court.
19 In county courts a sum shall be charged which is equal to ten percent of
20 each fee provided by sections 33-125, 33-126.02, 33-126.03, and
21 33-126.06, rounded to the nearest even dollar. No judges retirement fee
22 shall be charged for filing a report pursuant to sections 33-126.02 and
23 33-126.06. When collected by the clerk of the district or county court,
24 such fees shall be paid and information submitted to the director in
25 charge of the judges retirement system on forms prescribed by the board
26 by the clerk within ten days after the close of each calendar quarter,
27 except that fees related to pretrial diversion programs shall be paid and
28 information submitted by the appropriate county treasurer or city
29 treasurer. Beginning July 1, 2015, the county attorney or city attorney
30 in each county or city that has established a pretrial diversion program
31 shall inform the director in charge of the judges retirement system, in
1 writing, which pretrial diversion programs have been established. The

2 board may charge a late administrative processing fee not to exceed
3 twenty-five dollars if the information is not timely received or the
4 money is delinquent. In addition, the board may charge a late fee of
5 thirty-eight thousandths of one percent of the amount required to be
6 submitted pursuant to this section for each day such amount has not been
7 received. Such director shall promptly thereafter remit the same to the
8 State Treasurer for credit to the fund. No Nebraska Retirement Fund for
9 Judges fee which is uncollectible for any reason shall be waived by a
10 county judge as provided in section 29-2709.

11 (4) All expenditures from the fund shall be authorized by voucher in
12 the manner prescribed in section 24-713. The fund shall be used for the
13 payment of all annuities and other benefits and for the expenses of
14 administration.

15 (5) The fund shall consist of the total fund as of December 25,
16 1969, the contributions of members as provided in this section, all
17 supplementary court fees as provided in subsection (3) of this section,
18 and any required contributions of the state.

19 (6) Not later than January 1 of each year, the State Treasurer shall
20 transfer to the fund the amount certified by the board as being necessary
21 to pay the cost of any benefits accrued during the fiscal year ending the
22 previous June 30 in excess of member contributions for that fiscal year
23 and court fees as provided in subsection (3) of this section and fees
24 pursuant to sections 25-2804, 33-103, 33-103.01, 33-106, 33-106.02,
25 33-123, 33-125, 33-126.02, 33-126.03, and 33-126.06 and directed to be
26 remitted to the fund, if any, for that fiscal year plus any required
27 contributions of the state as provided in subsection (9) of this section.

28 (7) Benefits under the retirement system to members or to their
29 beneficiaries shall be paid from the fund.

30 (8) Any member who is making contributions to the fund on December
31 25, 1969, may, on or before June 30, 1970, elect to become a future
1 member by delivering written notice of such election to the board.

2 (9) Not later than January 1 of each year, the State Treasurer shall
3 transfer to the fund an amount, determined on the basis of an actuarial
4 valuation as of the previous June 30 and certified by the board, to fully
5 fund the unfunded accrued liabilities of the retirement system as of June
6 30, 1988, by level payments up to January 1, 2000. Such valuation shall
7 be on the basis of actuarial assumptions recommended by the actuary,
8 approved by the board, and kept on file with the board. For the fiscal
9 year beginning July 1, 2013, and each fiscal year thereafter, the actuary
10 for the board shall perform an actuarial valuation of the system using
11 the entry age actuarial cost method. Under this method, the actuarially
12 required funding rate is equal to the normal cost rate, plus the
13 contribution rate necessary to amortize the unfunded actuarial accrued
14 liability on a level percentage of salary basis. The normal cost under
15 this method shall be determined for each individual member on a level
16 percentage of salary basis. The normal cost amount is then summed for all
17 members. Beginning July 1, 2006, any existing unfunded liabilities shall
18 be reinitialized and amortized over a thirty-year period, and during each
19 subsequent actuarial valuation, changes in the funded actuarial accrued

20 liability due to changes in benefits, actuarial assumptions, the asset
21 valuation method, or actuarial gains or losses shall be measured and
22 amortized over a thirty-year period beginning on the valuation date of
23 such change. If the unfunded actuarial accrued liability under the entry
24 age actuarial cost method is zero or less than zero on an actuarial
25 valuation date, then all prior unfunded actuarial accrued liabilities
26 shall be considered fully funded and the unfunded actuarial accrued
27 liability shall be reinitialized and amortized over a thirty-year period
28 as of the actuarial valuation date. If the actuarially required
29 contribution rate exceeds the rate of all contributions required pursuant
30 to the Judges Retirement Act, there shall be a supplemental appropriation
31 sufficient to pay for the differences between the actuarially required
1 contribution rate and the rate of all contributions required pursuant to
2 the Judges Retirement Act.

3 (10) The state or county shall pick up the member contributions
4 required by this section for all compensation paid on or after January 1,
5 1985, and the contributions so picked up shall be treated as employer
6 contributions pursuant to section 414(h)(2) of the Internal Revenue Code
7 in determining federal tax treatment under the code and shall not be
8 included as gross income of the member until such time as they are
9 distributed or made available. The contributions, although designated as
10 member contributions, shall be paid by the state or county in lieu of
11 member contributions. The state or county shall pay these member
12 contributions from the same source of funds which is used in paying
13 earnings to the member. The state or county shall pick up these
14 contributions by a compensation deduction through a reduction in the
15 compensation of the member. Member contributions picked up shall be
16 treated for all purposes of the Judges Retirement Act in the same manner
17 and to the extent as member contributions made prior to the date picked
18 up.

19 Sec. 2. Section 29-3602, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 29-3602 The county attorney of any county may establish a pretrial
22 diversion program with the concurrence of the county board. Any city
23 attorney may establish a pretrial diversion program with the concurrence
24 of the governing body of the city. Such programs shall be established
25 pursuant to sections 29-3603 and 29-3605 to 29-3609. Beginning July 1,
26 2015, and within sixty days after establishing new or additional pretrial
27 diversion programs, the county attorney or city attorney shall submit
28 written notification to the director in charge of the judges retirement
29 system, regarding the establishment of each program and provide
30 additional information as requested for purposes of remitting fees as
31 required in section 24-703.

1 Sec. 3. Section 29-3606, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 29-3606 (1) A pretrial diversion plan for minor traffic violations
4 shall consist of a driver's safety training program.

5 (2) A driver's safety training program shall:

6 (a) Provide a curriculum of driver's safety training, as approved by

7 the department, which is designed to educate persons committing minor
8 traffic violations and to deter future violations; and
9 (b) In addition to the fee established in section 24-703, require
10 ~~Require~~ payment of a fee approved by the department which is reasonable
11 and appropriate to defray the cost of the presentation of the program. A
12 jurisdiction shall charge a uniform fee for participation in a driver's
13 safety training program regardless of the traffic violation for which the
14 applicant was cited. Except for the fee established in section 24-703,
15 ~~fees~~ Fees received by a jurisdiction offering a driver's safety training
16 program may be utilized by such jurisdiction to pay for the costs of
17 administering and operating such program, to promote driver safety, and
18 to pay for the costs of administering and operating other safety and
19 educational programs within such jurisdiction.

20 (3) The program administrator of each driver's safety training
21 program shall keep a record of attendees and shall be responsible for
22 determining eligibility. A report of attendees at all driver's safety
23 training programs in the state shall be shared only with similar programs
24 throughout the state. All procedures for sharing records of attendees
25 among such programs shall conform with the rules and regulations adopted
26 and promulgated by the department to assure that no individual takes the
27 approved course more than once within any three-year period in Nebraska.
28 Such record of attendees and any related records shall not be considered
29 a public record as defined in section 84-712.01.

30 (4) The department shall approve the curriculum and fees of each
31 program and shall adopt and promulgate rules and regulations governing
1 such programs, including guidelines for fees, curriculum, and instructor
2 certification.

3 Sec. 4. Section 43-260.02, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 43-260.02 A county attorney may establish a juvenile pretrial
6 diversion program with the concurrence of the county board. If the county
7 is part of a multicounty juvenile services plan under the Nebraska County
8 Juvenile Services Plan Act, the county attorney may establish a juvenile
9 pretrial diversion program in conjunction with other county attorneys
10 from counties that are a part of such multicounty plan. A city attorney
11 may establish a juvenile pretrial diversion program with the concurrence
12 of the governing body of the city. Such programs shall meet the
13 requirements of sections 43-260.02 to 43-260.07. Beginning July 1, 2015,
14 and within sixty days after establishing new or additional juvenile
15 pretrial diversion programs, the county attorney or city attorney shall
16 submit written notification to the director in charge of the judges
17 retirement system, regarding the establishment of each program and
18 provide additional information as requested for purposes of remitting
19 fees as required in section 24-703.

20 Sec. 5. This act becomes operative on July 1, 2015.

21 Sec. 6. Original sections 29-3602, 29-3606, and 43-260.02, Reissue
22 Revised Statutes of Nebraska, and section 24-703, Revised Statutes
23 Cumulative Supplement, 2014, are repealed.

24 Sec. 7. Since an emergency exists, this act takes effect when

25 passed and approved according to law.

(Signed) Les Seiler, Chairperson

AMENDMENT(S) - Print in Journal

Senator Groene filed the following amendment to LB18:

AM300

- 1 1. On page 2, lines 19 through 26, strike the new matter and
- 2 reinstate the stricken matter; and after line 30 insert the following new
- 3 subsection:
- 4 "(4)(a) On and after July 1, 2016, every public and private high
- 5 school shall provide each student and the student's parent or legal
- 6 guardian with information about meningococcal disease and its vaccine one
- 7 week prior to the student's graduation from high school. Such information
- 8 shall include:
- 9 (i) The causes and symptoms of meningococcal disease, how the
- 10 disease is spread, and the places where parents and guardians may obtain
- 11 additional information; and
- 12 (ii) Current recommendations from the United States Centers for
- 13 Disease Control and Prevention regarding the receipt of vaccinations for
- 14 meningococcal disease and where the vaccination may be received.
- 15 (b) This subsection shall not be construed to require the Department
- 16 of Health and Human Services or any public or private high school to
- 17 provide meningococcal vaccination to students.
- 18 (c) The Department of Health and Human Services shall prepare the
- 19 informational materials required in this subsection.
- 20 (d) This subsection does not create a private right of action."

Senator Groene filed the following amendment to LB18:

AM302

- 1 1. On page 2, line 21, strike "shall" and insert "may".

Senator Groene filed the following amendment to LB18:

AM143

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 79-221, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 79-221 Immunization shall not be required for a student's enrollment
- 5 in any school in this state if he or she submits to the admitting
- 6 official either of the following:
- 7 (1) A statement signed by a physician, a physician assistant, or an
- 8 advanced practice registered nurse practicing under and in accordance
- 9 with his or her respective certification act, stating that, in the health
- 10 care provider's opinion, the immunizations required would be injurious to
- 11 the health and well-being of the student or any member of the student's
- 12 family or household; or
- 13 (2) An affidavit signed by the student or, if he or she is a minor,
- 14 by a legally authorized representative of the student, stating that the

15 immunization conflicts with the tenets and practice of a recognized
 16 religious denomination of which the student is an adherent or member or
 17 that immunization conflicts with the personal and sincerely followed
 18 religious or philosophical beliefs of the student.
 19 2. Renumber the remaining section and correct the repealer
 20 accordingly.

Senator Groene filed the following amendment to LB18:
 AM303

1 1. On page 2, line 20, strike "2016" and insert "2017".

Senator Groene filed the following amendment to LB18:
 AM304

1 1. On page 2, line 20, strike "2016" and insert "2018".

Senator Groene filed the following amendment to LB18:
 AM305

1 1. On page 2, line 20, strike "seventh" and insert "eighth"; and in
 2 line 21 strike "sixteen" and insert "seventeen".

Senator Groene filed the following amendment to LB18:
 AM299

1 1. On page 2, lines 19 through 26, strike the new matter and
 2 reinstate the stricken matter; and after line 30 insert the following new
 3 subsection:
 4 "(4)(a) On and after July 1, 2016, every public and private school
 5 shall provide each student entering the seventh grade and each student
 6 entering the junior year of high school and the student's parent or legal
 7 guardian with information about meningococcal disease and its vaccine.
 8 Such information shall include:
 9 (i) The causes and symptoms of meningococcal disease, how the
 10 disease is spread, and the places where parents and guardians may obtain
 11 additional information; and
 12 (ii) Current recommendations from the United States Centers for
 13 Disease Control and Prevention regarding the receipt of vaccinations for
 14 meningococcal disease and where the vaccination may be received.
 15 (b) This subsection shall not be construed to require the Department
 16 of Health and Human Services or any public or private school to provide
 17 meningococcal vaccination to students.
 18 (c) The Department of Health and Human Services shall prepare the
 19 informational materials required in this subsection."

Senator Cook filed the following amendment to LB10:
 AM344

1 1. On page 2, line 13, strike "formulate and promulgate a state
 2 platform," and show as stricken.

Senator Schumacher filed the following amendment to LB118:
AM343

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

3 Section 1. Section 28-1429.03, Revised Statutes Cumulative
4 Supplement, 2014, is amended to read:

5 28-1429.03 (1) Except as provided in subsection (2) of this section
6 and section 28-1429.02, it shall be unlawful to sell or distribute
7 cigarettes, cigars, vapor products, alternative nicotine products, or
8 tobacco in any form whatever through a self-service display. Any person
9 violating this section is guilty of a Class III misdemeanor. In addition,
10 upon conviction for a second or subsequent offense within a twelve-month
11 period, the court shall order a six-month suspension of the license
12 issued under section 28-1421.

13 (2) Cigarettes, cigars, vapor products, alternative nicotine
14 products, or tobacco in any form whatever may be sold or distributed in a
15 self-service display that is located in a tobacco specialty store or
16 cigar ~~shop bar~~ as defined in section 53-103.08.

17 Sec. 2. Section 53-101, Revised Statutes Cumulative Supplement,
18 2014, is amended to read:

19 53-101 Sections 53-101 to 53-1,122 and sections 5 and 6 of this act
20 shall be known and may be cited as the Nebraska Liquor Control Act.

21 Sec. 3. Section 53-103.08, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 53-103.08 Cigar ~~shop bar~~ means an establishment operated by a holder
24 of a Class C liquor license which:

25 (1) Does not sell food;

26 (2) In addition to selling alcohol, annually receives ten percent or
27 more of its gross revenue from the sale of cigars, ~~and~~ other tobacco
1 products, and tobacco-related products, except from the sale of
2 cigarettes as defined in section 69-2702. A cigar ~~shop bar~~ shall not
3 discount alcohol if sold in combination with cigars or other tobacco
4 products and tobacco-related products;

5 (3) Has a walk-in humidor on the premises; and

6 (4) Does not permit the smoking of cigarettes.

7 Sec. 4. Section 53-131, Revised Statutes Cumulative Supplement,
8 2014, is amended to read:

9 53-131 (1) Any person desiring to obtain a new license to sell
10 alcoholic liquor at retail, a craft brewery license, or a microdistillery
11 license shall file with the commission:

12 (a) An application in triplicate original upon forms prescribed by
13 the commission ~~prescribes~~, including the information required by
14 subsection (3) of this section for an application to operate a cigar ~~shop~~
15 ~~bar~~;

16 (b) The license fee if under sections 53-124 and 53-124.01 such fee
17 is payable to the commission, which fee shall be returned to the
18 applicant if the application is denied; and

19 (c) The nonrefundable application fee in the sum of four hundred
20 dollars, except that the nonrefundable application fee for an application

21 for a cigar ~~shop bar~~ shall be one thousand dollars.

22 (2) The commission shall notify the clerk of the city or village in
23 which such license is sought or, if the license sought is not sought
24 within a city or village, the county clerk of the county in which such
25 license is sought, of the receipt of the application and shall include
26 one copy of the application with the notice. No such license shall be
27 issued or denied by the commission until the expiration of the time
28 allowed for the receipt of a recommendation of denial or an objection
29 requiring a hearing under subdivision (1)(a) or (b) of section 53-133.
30 During the period of forty-five days after the date of receipt by mail or
31 electronic delivery of such application from the commission, the local
1 governing body of such city, village, or county may make and submit to
2 the commission recommendations relative to the granting or refusal to
3 grant such license to the applicant.

4 (3) For an application to operate a cigar ~~shop bar~~, the application
5 shall include proof of the cigar ~~shop's bar's~~ annual gross revenue as
6 requested by the commission and such other information as requested by
7 the commission to establish the intent to operate as a cigar ~~shop bar~~.
8 The commission may adopt and promulgate rules and regulations to regulate
9 cigar ~~shops~~. The rules and regulations existing on August 1, 2014,
10 applicable to cigar bars shall apply to cigar shops until amended or
11 repealed by the commission bars.

12 (4) For renewal of a license under this section, a licensee shall
13 file with the commission an application, the license fee as provided in
14 subdivision (1)(b) of this section, and a renewal fee of forty-five
15 dollars.

16 Sec. 5. (1) The Legislature finds that allowing smoking in cigar
17 shops as a limited exception to the Nebraska Clean Indoor Air Act does
18 not interfere with the original intent that the general public and
19 employees not be unwillingly subjected to second-hand smoke. This
20 exception poses a de minimis restriction on the public and employees
21 given the limited number of cigar shops compared to other businesses that
22 sell alcohol, cigars, and pipe tobacco, and any member of the public
23 should reasonably expect that there would be second-hand smoke in a cigar
24 shop given the nature of the business and could choose to avoid such
25 exposure.

26 (2) The Legislature finds that (a) cigars and pipe tobacco have
27 different characteristics than other forms of tobacco such as cigarettes,
28 (b) cigars are customarily paired with various spirits such as cognac,
29 single malt whisky, bourbon, rum, rye, port, and others, and (c) unlike
30 cigarette smokers, cigar and pipe smokers may take an hour or longer to
31 enjoy a cigar or pipe while cigarettes simply serve as a mechanism for
1 delivering nicotine. Cigars paired with selected liquor creates a synergy
2 unique to the particular pairing similar to wine paired with particular
3 foods. Cigars are a pure, natural product wrapped in a tobacco leaf that
4 is typically not inhaled in order to enjoy the taste of the smoke, unlike
5 cigarettes that tend to be processed with additives and wrapped in paper
6 and are inhaled. Cigars have a different taste and smell than cigarettes
7 due to the fermentation process cigars go through during production.

8 Cigars tend to cost considerably more than cigarettes, and their quality
9 and characteristics vary depending on the type of tobacco plant, the
10 geography and climate where the tobacco was grown, and the overall
11 quality of the manufacturing process. Not only does the customized
12 blending of the tobacco influence the smoking experience, so does the
13 freshness of the cigars, which is dependent on how the cigars were stored
14 and displayed. These variables are similar to fine wines, which can also
15 be very expensive to purchase. It is all of these variables that warrant
16 a customer wanting to sample the product before making such a substantial
17 purchase.

18 (3) The Legislature finds that exposure to second-hand smoke is
19 inherent in the selling and sampling of cigars and pipe tobacco and that
20 this exposure is inextricably connected to the nature of selling this
21 legal product, similar to other inherent hazards in other professions and
22 employment.

23 (4) It is the intent of the Legislature to allow cigar and pipe
24 smoking in cigar shops that meet specific statutory criteria not
25 inconsistent with the fundamental nature of the business. This exception
26 to the Nebraska Clean Indoor Air Act is narrowly tailored in accordance
27 with the intent of the act to protect public places and places of
28 employment.

29 Sec. 6. (1) The holder of a cigar shop license shall not allow a
30 person under twenty-one years of age to smoke or purchase any product in
31 the cigar shop.

1 (2) The licensee shall post a sign on all entrances to the cigar
2 shop, on the outside of each door, in a conspicuous location slightly
3 above or next to the door, with the following statement: SMOKING OF
4 CIGARS AND PIPES IS ALLOWED INSIDE THIS BUSINESS. SMOKING OF CIGARETTES
5 IS NOT ALLOWED.

6 (3) Beginning November 1, 2015, the licensee shall provide to the
7 commission a copy of a waiver signed prior to employment by each employee
8 on a form prescribed by the commission. The waiver shall expressly notify
9 the employee that he or she will be exposed to second-hand smoke, and the
10 employee shall acknowledge that he or she understands the risks of
11 exposure to second-hand smoke.

12 Sec. 7. Section 53-1,120.01, Reissue Revised Statutes of Nebraska,
13 is amended to read:

14 53-1,120.01 No county resolution or city ordinance that prohibits
15 smoking in indoor areas shall apply to cigar ~~shops~~ ~~bars~~.

16 Sec. 8. Section 71-5716, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 71-5716 Sections 71-5716 to 71-5734 and section 11 of this act shall
19 be known and may be cited as the Nebraska Clean Indoor Air Act.

20 Sec. 9. Section 71-5717, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 71-5717 The purpose of the Nebraska Clean Indoor Air Act is to
23 protect the public health and welfare by prohibiting smoking in public
24 places and places of employment with limited exceptions for guestrooms
25 and suites, research, tobacco retail outlets, and cigar shops. The

26 limited exceptions permit smoking in public places where the public would
27 reasonably expect to find persons smoking, including guestrooms and
28 suites which are subject to expectations of privacy like private
29 residences, institutions engaged in research related to smoking, and
30 tobacco retail outlets and cigar shops which provide the public legal
31 retail outlets to sample, use, and purchase tobacco products and products
1 related to smoking. The act shall not be construed to prohibit or
2 otherwise restrict smoking in outdoor areas. The act shall not be
3 construed to permit smoking where it is prohibited or otherwise
4 restricted by other applicable law, ordinance, or resolution. The act
5 shall be liberally construed to further its purpose.

6 Sec. 10. Section 71-5730, Revised Statutes Cumulative Supplement,
7 2014, is amended to read:

8 71-5730 (1) The following indoor areas are exempt from section
9 71-5729:

10 (a) (1) Guestrooms and suites that are rented to guests and that are
11 designated as smoking rooms, except that not more than twenty percent of
12 rooms rented to guests in an establishment may be designated as smoking
13 rooms. All smoking rooms on the same floor shall be contiguous, and smoke
14 from such rooms shall not infiltrate into areas where smoking is
15 prohibited under the Nebraska Clean Indoor Air Act;

16 (b) (2) Indoor areas used in connection with a research study on the
17 health effects of smoking conducted in a scientific or analytical
18 laboratory under state or federal law or at a college or university
19 approved by the Coordinating Commission for Postsecondary Education;

20 (c) (3) Tobacco retail outlets; and

21 (d) (4) Cigar shops ~~bars~~ as defined in section 53-103.08.

22 (2)(a) The Legislature finds that allowing smoking in tobacco retail
23 outlets as a limited exception to the Nebraska Clean Indoor Air Act does
24 not interfere with the original intent that the general public and
25 employees not be unwillingly subjected to second-hand smoke since the
26 general public does not frequent tobacco retail outlets and should
27 reasonably expect that there would be second-hand smoke in tobacco retail
28 outlets and could choose to avoid such exposure. The products that
29 tobacco retail outlets sell are legal for customers who meet the age
30 requirement. Customers should be able to try them within the tobacco
31 retail outlet, especially given the way that tobacco customization may
1 occur in how tobacco is blended and cigars are produced. The Legislature
2 finds that exposure to second-hand smoke is inherent in the selling and
3 sampling of cigars and pipe tobacco and that this exposure is
4 inextricably connected to the nature of selling this legal product,
5 similar to other inherent hazards in other professions and employment.

6 (b) It is the intent of the Legislature to allow cigar and pipe
7 smoking in tobacco retail outlets that meet specific statutory criteria
8 not inconsistent with the fundamental nature of the business. This
9 exception to the Nebraska Clean Indoor Air Act is narrowly tailored in
10 accordance with the intent of the act to protect public places and places
11 of employment.

12 (3)(a) The Legislature finds that allowing smoking in cigar shops as

13 a limited exception to the Nebraska Clean Indoor Air Act does not
14 interfere with the original intent that the general public and employees
15 not be unwillingly subjected to second-hand smoke. This exception poses a
16 de minimis restriction on the public and employees given the limited
17 number of cigar shops compared to other businesses that sell alcohol,
18 cigars, and pipe tobacco, and any member of the public should reasonably
19 expect that there would be second-hand smoke in a cigar shop given the
20 nature of the business and could choose to avoid such exposure.
21 (b) The Legislature finds that (i) cigars and pipe tobacco have
22 different characteristics than other forms of tobacco such as cigarettes,
23 (ii) cigars are customarily paired with various spirits such as cognac,
24 single malt whisky, bourbon, rum, rye, port, and others, and (iii) unlike
25 cigarette smokers, cigar and pipe smokers may take an hour or longer to
26 enjoy a cigar or pipe while cigarettes simply serve as a mechanism for
27 delivering nicotine. Cigars paired with selected liquor creates a synergy
28 unique to the particular pairing similar to wine paired with particular
29 foods. Cigars are a pure, natural product wrapped in a tobacco leaf that
30 is typically not inhaled in order to enjoy the taste of the smoke, unlike
31 cigarettes that tend to be processed with additives and wrapped in paper
1 and are inhaled. Cigars have a different taste and smell than cigarettes
2 due to the fermentation process cigars go through during production.
3 Cigars tend to cost considerably more than cigarettes, and their quality
4 and characteristics vary depending on the type of tobacco plant, the
5 geography and climate where the tobacco was grown, and the overall
6 quality of the manufacturing process. Not only does the customized
7 blending of the tobacco influence the smoking experience, so does the
8 freshness of the cigars, which is dependent on how the cigars were stored
9 and displayed. These variables are similar to fine wines, which can also
10 be very expensive to purchase. It is all of these variables that warrant
11 a customer wanting to sample the product before making such a substantial
12 purchase.
13 (c) The Legislature finds that exposure to second-hand smoke is
14 inherent in the selling and sampling of cigars and pipe tobacco and that
15 this exposure is inextricably connected to the nature of selling this
16 legal product, similar to other inherent hazards in other professions and
17 employment.
18 (d) It is the intent of the Legislature to allow cigar and pipe
19 smoking in cigar shops that meet specific statutory criteria not
20 inconsistent with the fundamental nature of the business. This exception
21 to the Nebraska Clean Indoor Air Act is narrowly tailored in accordance
22 with the intent of the act to protect public places and places of
23 employment.
24 Sec. 11. (1) The owner of a tobacco retail outlet shall post a sign
25 on all entrances to the tobacco retail outlet, on the outside of each
26 door, in a conspicuous location slightly above or next to the door, with
27 the following statement: SMOKING OF CIGARS AND PIPES IS ALLOWED INSIDE
28 THIS BUSINESS. SMOKING OF CIGARETTES IS NOT ALLOWED.
29 (2) Beginning November 1, 2015, the owner shall provide to the
30 Division of Public Health a copy of a waiver signed prior to employment

31 by each employee on a form prescribed by the division. The waiver shall
 1 expressly notify the employee that he or she will be exposed to second-
 2 hand smoke, and the employee shall acknowledge that he or she understands
 3 the risks of exposure to second-hand smoke.

4 (3) The owner shall not allow cigarette smoking in the tobacco
 5 retail outlet.

6 Sec. 12. If any section in this act or any part of any section is
 7 declared invalid or unconstitutional, the declaration shall not affect
 8 the validity or constitutionality of the remaining portions.

9 Sec. 13. Original sections 53-103.08, 53-1,120.01, 71-5716, and
 10 71-5717, Reissue Revised Statutes of Nebraska, and sections 28-1429.03,
 11 53-101, 53-131, and 71-5730, Revised Statutes Cumulative Supplement,
 12 2014, are repealed.

13 Sec. 14. Since an emergency exists, this act takes effect when
 14 passed and approved according to law.

Senator Riepe filed the following amendment to LB18:
 AM352

1 1. On page 2, line 25, after the period insert "A student may be
 2 exempted from complying with this subsection if he or she presents to the
 3 administration of the school in which he or she is enrolled written
 4 permission signed by either a physician licensed and practicing under the
 5 Medicine and Surgery Practice Act or a nurse practitioner licensed and
 6 practicing under the Nurse Practitioner Practice Act.".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Davis - LB641
 Riepe - LB357
 Garrett - LB268
 Harr, B. - LB329

VISITORS

Visitor to the Chamber was Karen Humphrey from Kearney.

The Doctor of the Day was Dr. Gilbert Head from Omaha.

ADJOURNMENT

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

Patrick J. O'Donnell
 Clerk of the Legislature

TWENTY-SIXTH DAY - FEBRUARY 12, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 12, 2015

PRAYER

The prayer was offered by Senator Brasch.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Campbell who was excused; and Senators Bolz, Craighead, Davis, B. Harr, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fifth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 23. Placed on Select File with amendment.
ER25

- 1 1. On page 1, line 8, after "change" insert "and eliminate
- 2 provisions of".
- 3 2. On page 5, line 17, strike "are".
- 4 3. On page 6, line 23, strike "are" and after "not" insert "be".
- 5 4. On page 15, line 13, strike "professions" and insert
- 6 "profession".
- 7 5. On page 16, line 26, strike "submission" and insert
- 8 "submissions".
- 9 6. On page 18, line 2, strike "practices" and insert "practice".
- 10 7. On page 33, line 19; and page 42, line 21, strike "act", show as
- 11 stricken, and insert "Engineers and Architects Regulation Act".
- 12 8. On page 37, line 13, after "Act" insert an underscored comma.

LEGISLATIVE BILL 107. Placed on Select File.

LEGISLATIVE BILL 87. Placed on Select File with amendment.

ER26

- 1 1. On page 1, line 4, strike "a reporting deadline" and insert "and
- 2 eliminate reporting requirements" and after the semicolon insert "and".
- 3 2. On page 5, line 5, strike "43-4302" and insert "section 43-4202".

LEGISLATIVE BILL 90. Placed on Select File.

LEGISLATIVE BILL 70. Placed on Select File with amendment.

ER27

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 9-1006, Revised Statutes Cumulative Supplement,
- 4 2014, is amended to read:
- 5 9-1006 The Compulsive Gamblers Assistance Fund is created. The fund
- 6 shall include revenue transferred from the State Lottery Operation Trust
- 7 Fund under section 9-812 and the Charitable Gaming Operations Fund under
- 8 section 9-1,101, revenue credited under section 3 of this act, and any
- 9 other revenue received by the division or commission for credit to the
- 10 fund from any other public or private source, including, but not limited
- 11 to, appropriations, grants, donations, gifts, devises, bequests, fees, or
- 12 reimbursements. The commission shall administer the fund for the
- 13 operation of the Gamblers Assistance Program. The Director of
- 14 Administrative Services shall draw warrants upon the Compulsive Gamblers
- 15 Assistance Fund upon the presentation of proper vouchers by the
- 16 commission. Money from the Compulsive Gamblers Assistance Fund shall be
- 17 used exclusively for the purpose of providing assistance to agencies,
- 18 groups, organizations, and individuals that provide education,
- 19 assistance, and counseling to individuals and families experiencing
- 20 difficulty as a result of problem gambling, to promote the awareness of
- 21 problem gamblers assistance programs, and to pay the costs and expenses
- 22 of the Gamblers Assistance Program, including travel. Any money in the
- 23 fund available for investment shall be invested by the state investment
- 24 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
- 25 State Funds Investment Act.
- 26 Sec. 2. Section 77-3004, Reissue Revised Statutes of Nebraska, is
- 27 amended to read:
- 1 77-3004 (1) An occupation tax is hereby imposed and levied, in the
- 2 amount and in accordance with the terms and conditions hereafter stated,
- 3 upon the business of operating mechanical amusement devices within the
- 4 State of Nebraska for profit or gain either directly or indirectly
- 5 received. Every person who now or hereafter engages in the business of
- 6 operating such devices in the State of Nebraska shall pay such tax in the
- 7 amount and manner specified in this section.
- 8 (2) Any operator of a mechanical amusement device within the State
- 9 of Nebraska shall pay an occupation tax for each machine or device which
- 10 he or she operates during all of the taxable year. The tax shall be due
- 11 and payable on January 1 of each year on each machine or device in
- 12 operation on that date, except that it shall be unlawful to pay any such

13 occupation tax unless the sales or use tax has been paid on such
14 mechanical amusement devices. For every machine or device put into
15 operation on a date subsequent to January 1, and which has not been
16 included in computing the tax imposed and levied by ~~the Mechanical~~
17 ~~Amusement Device Tax Act~~ this section, the tax shall be due and payable
18 therefor prior to the time the machine or device is placed in operation.
19 All taxes collected pursuant to ~~the act~~ this section shall be remitted to
20 the State Treasurer for credit to the General Fund.

21 ~~(3) The amount of the occupation tax shall be fifty dollars for each~~
22 ~~machine or device for the period from July 1, 1998, through December 31,~~
23 ~~1999, except that for machines placed in operation after April 1, 1999,~~
24 ~~and before January 1, 2000, the occupation tax shall be twenty-five~~
25 ~~dollars for each machine or device.~~

26 ~~(4) (3)~~ The amount of the occupation tax shall be thirty-five dollars
27 for each machine or device ~~for any period beginning on or after January~~
28 ~~1, 2000~~, except that for machines placed in operation after July 1; and
29 before January 1 of each year, the occupation tax shall be twenty dollars
30 for each machine or device.

31 Sec. 3. (1) Beginning sixty days after the effective date of this
1 act, in addition to the occupation tax imposed pursuant to section
2 77-3004, an additional occupation tax shall be levied upon the business
3 of operating a mechanical amusement device that:

4 (a) Accepts currency, coins, tokens, or other value in exchange for
5 play;

6 (b) Awards a monetary prize or anything redeemable for a monetary
7 prize;

8 (c) Is played by a player using a touch screen, computer mouse,
9 touch pad, light pen, laser, or device of similar function by which the
10 player competes against software running the device; and

11 (d) Has not been adjudicated by a court of competent jurisdiction
12 within the State of Nebraska to not constitute a gambling device as
13 defined in subdivision (5) of section 28-1101. Any such adjudication
14 shall be by way of a final order in which the Tax Commissioner has been
15 made a party to the action and written notice shall have been provided to
16 the Attorney General at the commencement of the action.

17 (2) Any operator of such mechanical amusement device shall pay the
18 occupation tax. If an operator believes that a mechanical amusement
19 device is not taxable under subsection (1) of this section, the burden is
20 on the operator to prove to the Tax Commissioner that such device does
21 not have one or more of the characteristics required for taxability under
22 subsection (1) of this section. Such proof may be made by, among other
23 things, a showing that the software running the game remains constant
24 with the nature of a game that had its software at issue in a judicial
25 case, not overturned by appeal, in which the State of Nebraska was a
26 party, the issue was litigated, and the final order found that the
27 particular game is more controlled by the player than not, and thus is
28 predominantly a game of skill.

29 (3) The amount of the occupation tax shall be equal to ten percent
30 of the gross revenue derived from the operation of any mechanical

31 amusement device described in subsection (1) of this section. The Tax
1 Commissioner shall collect such occupation tax concurrently with
2 collection of the state sales tax in the same manner as the state sales
3 tax is collected. All taxes collected pursuant to this section shall be
4 remitted to the State Treasurer, and the State Treasurer shall credit
5 ninety-seven percent of such taxes to the General Fund and the remaining
6 three percent of such taxes to the Compulsive Gamblers Assistance Fund.

7 (4) For purposes of this section, gross revenue means the total
8 aggregate receipts received from the operation of any mechanical
9 amusement device described in subsection (1) of this section without any
10 reduction for prizes, discounts, taxes, or expenses and includes receipts
11 from admission costs, any consideration necessary for participation, and
12 the value of any free tickets, games, or plays used.

13 (5) The occupation tax imposed in this section shall not apply to
14 any device not within the definition of a gambling device as defined in
15 subdivision (5) of section 28-1101 or to any device that is specifically
16 authorized by law.

17 (6) For purposes of this section, the fact that the device is played
18 or connected via league or tournament play shall play no factor in
19 determining whether the occupation tax imposed by this section is due.

20 Sec. 4. Section 77-3005, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 77-3005 The occupation ~~tax~~ taxes levied and imposed ~~by the~~
23 ~~Mechanical Amusement Device Tax Act~~ under section 77-3004 and section 3
24 of this act shall be in addition to any and all taxes or fees, of any
25 form whatsoever, now imposed by the State of Nebraska or any of its
26 subdivisions, upon the business of operating or distributing mechanical
27 amusement devices as defined in section 77-3001, or otherwise defined by
28 the subdivisions and municipalities of the State of Nebraska, except that
29 payment of the tax imposed under section 77-3004 and license fees due and
30 owing on or before the licensing date of each year and payment of any tax
31 due and owing under section 3 of this act shall exempt any such
1 mechanical amusement device from the application of the sales tax which
2 would or could otherwise be imposed under the Nebraska Revenue Act of
3 1967. Nonpayment of the ~~taxes or tax~~ tax imposed under section 77-3004 and
4 license fees due and owing on or before the licensing date of each year
5 or nonpayment of any tax due and owing under section 3 of this act shall
6 render the exemption provided by this section inapplicable and the
7 particular machines or devices shall then be subject to all the
8 provisions of the Nebraska Revenue Act of 1967, including the penalty
9 provisions pertaining to the owner or operator of such machines or
10 devices.

11 Sec. 5. Section 77-3006, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 77-3006 The administration of the ~~provisions of sections 77-3001 to~~
14 ~~77-3011~~ Mechanical Amusement Device Tax Act is hereby vested in the Tax
15 Commissioner of the State of Nebraska subject to other provisions of law
16 relating to the Tax Commissioner. The Tax Commissioner may prescribe,
17 adopt, and enforce rules and regulations relating to the administration

18 and enforcement of the ~~provisions of sections 77-3001 to 77-3011, act~~ and
19 may delegate authority to his ~~or her~~ representatives to conduct hearings,
20 or perform any other duties imposed under the ~~provisions of sections~~
21 ~~77-3001 to 77-3011 act~~.

22 Sec. 6. Section 77-3007, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 77-3007 (1) The payment of the tax imposed ~~by the provisions of~~
25 ~~sections 77-3001 to 77-3011 under section 77-3004~~ shall be evidenced by a
26 separate decal for each device signifying payment of ~~the such~~ tax, in a
27 form prescribed by the Tax Commissioner.

28 (2) Every operator shall place such decal in a conspicuous place on
29 each device to denote payment of ~~the such~~ tax for each device for the
30 current year.

31 Sec. 7. Section 77-3008, Reissue Revised Statutes of Nebraska, is
1 amended to read:

2 77-3008 Nothing in ~~sections 77-3001 to 77-3011~~ the Mechanical
3 Amusement Device Tax Act shall be construed to limit, usurp, or repeal
4 any power to tax granted to the subdivisions and municipalities of the
5 State of Nebraska by the laws and Constitution of the State of Nebraska.

6 Sec. 8. Section 77-3009, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 77-3009 (1) Any person who places a mechanical amusement device in
9 operation in the State of Nebraska without the necessary decal being
10 placed conspicuously upon it, ~~or~~ without having obtained the necessary
11 license, ~~or without having paid any occupation tax due under section 3 of~~
12 this act shall be subject to an administrative penalty of seventy-five
13 dollars for each violation.

14 (2) ~~If a Any~~ mechanical amusement device ~~which~~ does not have the
15 necessary decal conspicuously displayed upon it ~~or if an occupation tax~~
16 under section 3 of this act has been imposed on a mechanical amusement
17 device and such tax has not been paid, the mechanical amusement device in
18 question shall be subject to being sealed by the Tax Commissioner or his
19 or her delegate. If such seal is broken prior to payment of ~~the all~~
20 occupation tax upon taxes owed on such device, the device shall be
21 subject to forfeiture and sale by the Tax Commissioner.

22 (3) Any person violating the Mechanical Amusement Device Tax Act
23 shall be guilty of a Class II misdemeanor. Each day on which any person
24 engages in or conducts the business of operating or distributing the
25 machines or devices subject to the Mechanical Amusement Device Tax Act,
26 without having paid ~~the tax~~ taxes required by section 77-3004 and section
27 3 of this act or without having obtained the required license as
28 provided, shall constitute a separate offense.

29 Sec. 9. Section 77-3010, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 77-3010 Prosecutions for any violations of ~~sections 77-3001 to~~
1 ~~77-3011~~ the Mechanical Amusement Device Tax Act shall be brought by the
2 Attorney General or county attorney in the county in which the violation
3 occurs. Any such prosecution ~~for the violation of any of the provisions~~
4 ~~of sections 77-3001 to 77-3011~~ shall be instituted within three years

5 after the commission of the offense.

6 Sec. 10. Section 77-3011, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 77-3011 Sections 77-3001 to 77-3011 and section 3 of this act shall
9 be known and may be cited as the Mechanical Amusement Device Tax Act.

10 Sec. 11. Original sections 77-3004, 77-3005, 77-3006, 77-3007,
11 77-3008, 77-3009, 77-3010, and 77-3011, Reissue Revised Statutes of
12 Nebraska, and section 9-1006, Revised Statutes Cumulative Supplement,
13 2014, are repealed.

14 Sec. 12. Since an emergency exists, this act takes effect when
15 passed and approved according to law.

16 2. On page 1, line 3, after "Nebraska" insert ", and section 9-1006,
17 Revised Statutes Cumulative Supplement, 2014"; in line 5 after the
18 semicolon insert "to change the distribution of certain occupation
19 taxes;"; in line 6 strike "and"; and in line 7 after "sections" insert "
20 and to declare an emergency".

LEGISLATIVE BILL 446. Placed on Select File.

LEGISLATIVE BILL 194. Placed on Select File.

LEGISLATIVE BILL 301. Placed on Select File with amendment.
ER28

1 1. On page 3, line 14, after "24-212" insert an underscored comma;
2 and in line 17 strike "section 24-209" and insert "this section".

LEGISLATIVE BILL 314. Placed on Select File.

LEGISLATIVE BILL 252. Placed on Select File with amendment.
ER29

1 1. On page 5, line 2, strike the comma.

LEGISLATIVE BILL 286. Placed on Select File.

LEGISLATIVE BILL 116. Placed on Select File.

LEGISLATIVE BILL 266. Placed on Select File with amendment.
ER30

1 1. On page 12, line 2, after "including" insert an underscored comma
2 and after "to" insert an underscored comma.

3 2. On page 16, line 29, strike "and".

4 3. On page 17, line 6, strike the new matter and reinstate the
5 stricken matter; and in line 9 strike "extraterritorial", show as
6 stricken, and insert "two-mile".

7 4. On page 18, line 7, strike the comma and show as stricken.

LEGISLATIVE BILL 312. Placed on Select File.

LEGISLATIVE BILL 313. Placed on Select File with amendment.

ER31

1 1. On page 1, strike beginning with "update" in line 4 through
2 "carriers" in line 5 and insert "adopt and update references to certain
3 federal provisions relating to low-speed vehicles, handicapped or
4 disabled parking permits, the International Registration Plan, operators'
5 licenses, persons handling source documents, hazardous materials, and the
6 unified carrier registration plan and agreement".

LEGISLATIVE BILL 45. Placed on Select File with amendment.

ER32

1 1. On page 1, strike lines 2 through 5 and insert "amend sections
2 60-366 and 60-3,104, Revised Statutes Cumulative Supplement, 2014; to
3 change and eliminate provisions regarding film vehicles; to harmonize
4 provisions; to repeal the original sections; and to outright repeal
5 section 60-383, Reissue Revised Statutes of Nebraska."

LEGISLATIVE BILL 181. Placed on Select File.

LEGISLATIVE BILL 180. Placed on Select File with amendment.

ER33

1 1. On page 9, line 13, strike "to", show as stricken, and insert
2 "through".

LEGISLATIVE BILL 298. Placed on Select File with amendment.

ER35

1 1. On page 1, line 3, after "reinsurance" insert "and acceptable
2 forms of security".
3 2. On page 8, line 9, strike the semicolon and after "or" insert an
4 underscored comma; and in line 13 strike the comma.

LEGISLATIVE BILL 352. Placed on Select File with amendment.

ER34

1 1. On page 1, line 4, strike "recordkeeping by" and insert "duties
2 of".
3 2. On page 2, lines 13 and 14, strike the semicolon, show as
4 stricken, and insert an underscored comma.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 54. Introduced by Brasch, 16.

WHEREAS, Caleb Sandall, a member of Troop 143, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, Caleb is the son of Brian and Tiffany Sandall and Kristine and John Calhoun; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Caleb 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, Caleb refurbished, hardscaped, and reinstalled a cedar wood swing set at Camp Fontenelle in Nickerson; and

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

WHEREAS, Caleb, 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 Caleb Sandall on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Caleb Sandall.

Laid over.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 11, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Baird Holm LLP
Grande Prairie Wind, LLC
Infigen Energy
Turner Park North, LLC
Bruckner, Traci
Center for Rural Affairs
Bruning, Jon
Bruning Law Group
Frohman, Ann M.
Ameritas Life Insurance Corp.
Kelley & Jerram, PC, LLO
Omaha Exposition and Racing, Inc.

Levy, David C.
 Baird Holm LLP
 Roque, Matthew
 ProRail Nebraska, Inc.

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

COMMITTEE REPORT(S)

Agriculture

LEGISLATIVE BILL 128. Placed on General File.

LEGISLATIVE BILL 242. Placed on General File with amendment.
 AM357

1 1. Strike original section 5 and insert the following new section:

2 Section 1. Section 2-3753, Reissue Revised Statutes of Nebraska, is
 3 amended to read:

4 2-3753 The commission shall have the following powers and duties:

5 (1) To adopt and devise a dry bean program consisting of research,
 6 education, advertising, publicity, and promotion to increase total
 7 consumption of dry beans on a state, national, and international basis;

8 (2) To prepare and approve a budget consistent with limited receipts
 9 and the scope of the dry bean program;

10 (3) To adopt and promulgate reasonable rules and regulations
 11 necessary to carry out the dry bean program;

12 (4) To procure and evaluate data and information necessary for the
 13 proper administration and operation of the dry bean program;

14 (5) To employ personnel and contract for services which are
 15 necessary for the proper operation of the dry bean program;

16 (6) To establish a means whereby the grower and processor of dry
 17 beans has the opportunity at least annually to offer his or her ideas and
 18 suggestions relative to commission policy for the coming year;

19 (7) To authorize the expenditure of funds and contracting of
 20 expenditures to conduct proper activities of the program;

21 (8) To bond such persons as may be necessary in order to insure
 22 adequate protection of funds;

23 (9) To keep minutes of its meetings and other books and records
 24 which will clearly reflect all of the acts and transactions of the

25 commission and to keep such records open to examination by any grower or
 26 processor participant during normal business hours;

27 (10) To prohibit any funds collected by the commission from being
 1 expended directly or indirectly to promote or oppose any candidate for

2 public office or to influence state legislation. The board shall not
 3 expend more than fifteen ~~twenty-five~~ percent of its annual budget to

4 influence federal legislation. The purpose of such federal lobbying

5 activity shall be limited to support of the underlying objectives of the
6 dry bean program relating to market development, education, and research;
7 (11) To establish an administrative office at such place in the
8 state as may be suitable for the proper discharge of the functions of the
9 commission; and
10 (12) To adopt and promulgate rules and regulations to carry out the
11 Dry Bean Resources Act.
12 2. Renumber the remaining sections and correct the repealer
13 accordingly.

(Signed) Jerry Johnson, Chairperson

MOTION(S) - Return LB1 to Select File

Senator Chambers moved to return LB1 to Select File for the following specific amendment:

FA9

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

Senator Krist moved to return LB1 to Select File for the following specific amendment:

FA10

Strike the enacting clause.

Senator Krist withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1.

A BILL FOR AN ACT relating to a transfer of property; to eliminate a provision relating to transfer of property taking place in 1994; and to outright repeal section 83-1,100.01, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Friesen | Hughes | McCollister | Schilz |
| Bloomfield | Garrett | Johnson | McCoy | Schnoor |
| Brasch | Gloor | Kintner | Mello | Schumacher |
| Chambers | Groene | Kolowski | Morfeld | Seiler |
| Coash | Haar, K. | Kolterman | Murante | Smith |
| Cook | Hadley | Krist | Nordquist | Stinner |
| Craighead | Hansen | Kuehn | Pansing Brooks | Sullivan |
| Crawford | Hilkemann | Larson | Riepe | Williams |
| Ebke | Howard | Lindstrom | Scheer | |

Voting in the negative, 0.

Excused and not voting, 5:

| | | | | |
|------|----------|-------|----------|------------|
| Bolz | Campbell | Davis | Harr, B. | Watermeier |
|------|----------|-------|----------|------------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 2.

A BILL FOR AN ACT relating to correctional facilities; to eliminate provisions relating to design and location of certain correctional facilities done in 1970's; and to outright repeal section 83-954, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Friesen | Hughes | McCoy | Schnoor |
| Bloomfield | Garrett | Johnson | Mello | Schumacher |
| Brasch | Gloor | Kintner | Morfeld | Seiler |
| Chambers | Groene | Kolowski | Murante | Smith |
| Coash | Haar, K. | Kolterman | Nordquist | Stinner |
| Cook | Hadley | Krist | Pansing Brooks | Sullivan |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Hilkemann | Larson | Scheer | |
| Ebke | Howard | Lindstrom | Schilz | |

Voting in the negative, 0.

Present and not voting, 1:

McCollister

Excused and not voting, 5:

Bolz Campbell Davis Harr, B. Watermeier

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 3.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Cumulative Supplement, 2014; to repeal provisions relating to tax credits that terminated January 1, 2010; to harmonize provisions; to repeal the original section; and to outright repeal sections 77-27,228, 77-27,229, 77-27,230, 77-27,231, 77-27,232, 77-27,233, and 77-27,234, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Friesen | Hughes | McCollister | Schilz |
| Bloomfield | Garrett | Johnson | McCoy | Schnoor |
| Brasch | Gloor | Kintner | Mello | Schumacher |
| Chambers | Groene | Kolowski | Morfeld | Seiler |
| Coash | Haar, K. | Kolterman | Murante | Smith |
| Cook | Hadley | Krist | Nordquist | Stinner |
| Craighead | Hansen | Kuehn | Pansing Brooks | Sullivan |
| Crawford | Hilkemann | Larson | Riepe | Williams |
| Ebke | Howard | Lindstrom | Scheer | |

Voting in the negative, 0.

Excused and not voting, 5:

Bolz Campbell Davis Harr, B. Watermeier

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 4.

A BILL FOR AN ACT relating to the Nebraska Opportunity Zone Act; to repeal provisions that terminated December 31, 2010; and to outright repeal sections 81-12,117, 81-12,118, 81-12,119, 81-12,120, 81-12,121, 81-12,123, and 81-12,124, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Friesen | Hughes | McCollister | Schilz |
| Bloomfield | Garrett | Johnson | McCoy | Schnoor |
| Brasch | Gloor | Kintner | Mello | Schumacher |
| Chambers | Groene | Kolowski | Morfeld | Seiler |
| Coash | Haar, K. | Kolterman | Murante | Smith |
| Cook | Hadley | Krist | Nordquist | Stinner |
| Craighead | Hansen | Kuehn | Pansing Brooks | Sullivan |
| Crawford | Hilkemann | Larson | Riepe | Williams |
| Ebke | Howard | Lindstrom | Scheer | |

Voting in the negative, 0.

Excused and not voting, 5:

| | | | | |
|------|----------|-------|----------|------------|
| Bolz | Campbell | Davis | Harr, B. | Watermeier |
|------|----------|-------|----------|------------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 5.

A BILL FOR AN ACT relating to the Nebraska Innovation and High Wage Employment Act; to repeal provisions that terminated January 1, 2011; and to outright repeal sections 48-2801, 48-2802, 48-2803, 48-2804, and 48-2805, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Friesen | Hughes | McCollister | Schilz |
| Bloomfield | Garrett | Johnson | McCoy | Schnoor |
| Brasch | Gloor | Kintner | Mello | Schumacher |
| Chambers | Groene | Kolowski | Morfeld | Seiler |
| Coash | Haar, K. | Kolterman | Murante | Smith |
| Cook | Hadley | Krist | Nordquist | Stinner |
| Craighead | Hansen | Kuehn | Pansing Brooks | Sullivan |
| Crawford | Hilkemann | Larson | Riepe | Williams |
| Ebke | Howard | Lindstrom | Scheer | |

Voting in the negative, 0.

Excused and not voting, 5:

| | | | | |
|------|----------|-------|----------|------------|
| Bolz | Campbell | Davis | Harr, B. | Watermeier |
|------|----------|-------|----------|------------|

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

LEGISLATIVE BILL 6.

A BILL FOR AN ACT relating to prenatal services; to repeal a provision that terminated June 30, 2011; and to outright repeal section 68-721, Revised Statutes Cumulative Supplement, 2014.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Friesen | Hughes | McCollister | Schilz |
| Bloomfield | Garrett | Johnson | McCoy | Schnoor |
| Brasch | Gloor | Kintner | Mello | Schumacher |
| Chambers | Groene | Kolowski | Morfeld | Seiler |
| Coash | Haar, K. | Kolterman | Murante | Smith |
| Cook | Hadley | Krist | Nordquist | Stinner |
| Craighead | Hansen | Kuehn | Pansing Brooks | Sullivan |
| Crawford | Hilkemann | Larson | Riepe | Williams |
| Ebke | Howard | Lindstrom | Scheer | |

Voting in the negative, 0.

Excused and not voting, 5:

| | | | | |
|------|----------|-------|----------|------------|
| Bolz | Campbell | Davis | Harr, B. | Watermeier |
|------|----------|-------|----------|------------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 7.

A BILL FOR AN ACT relating to the Lead-Based Paint Hazard Control Program; to repeal a provision that terminated June 30, 2011; and to outright repeal section 81-1212, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Friesen | Hughes | McCollister | Schilz |
| Bloomfield | Garrett | Johnson | McCoy | Schnoor |
| Brasch | Gloor | Kintner | Mello | Schumacher |
| Chambers | Groene | Kolowski | Morfeld | Seiler |
| Coash | Haar, K. | Kolterman | Murante | Smith |
| Cook | Hadley | Krist | Nordquist | Stinner |
| Craighead | Hansen | Kuehn | Pansing Brooks | Sullivan |
| Crawford | Hilkemann | Larson | Riepe | Williams |
| Ebke | Howard | Lindstrom | Scheer | |

Voting in the negative, 0.

Excused and not voting, 5:

| | | | | |
|------|----------|-------|----------|------------|
| Bolz | Campbell | Davis | Harr, B. | Watermeier |
|------|----------|-------|----------|------------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 8.

A BILL FOR AN ACT relating to the Children's Behavioral Health Oversight Committee of the Legislature; to amend section 71-821, Reissue Revised Statutes of Nebraska, and section 50-424, Revised Statutes Cumulative Supplement, 2014; to repeal provisions that terminated on December 31, 2012; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-827, Revised Statutes Cumulative Supplement, 2014.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Garrett | Johnson | McCoy | Schnoor |
| Bloomfield | Gloor | Kintner | Mello | Schumacher |
| Brasch | Groene | Kolowski | Morfeld | Seiler |
| Chambers | Haar, K. | Kolterman | Murante | Smith |
| Coash | Hadley | Krist | Nordquist | Stinner |
| Cook | Hansen | Kuehn | Pansing Brooks | Sullivan |
| Crawford | Hilkemann | Larson | Riepe | Williams |
| Ebke | Howard | Lindstrom | Scheer | |
| Friesen | Hughes | McCollister | Schilz | |

Voting in the negative, 0.

Present and not voting, 1:

Craighead

Excused and not voting, 5:

Bolz Campbell Davis Harr, B. Watermeier

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 9.

A BILL FOR AN ACT relating to the Republican River Basin Water Sustainability Task Force; to repeal provisions that terminated on June 30, 2012; to repeal a fund that is no longer needed; and to outright repeal sections 46-2,140 and 46-2,141, Revised Statutes Cumulative Supplement, 2014.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Friesen | Hughes | McCollister | Schilz |
| Bloomfield | Garrett | Johnson | McCoy | Schnoor |
| Brasch | Gloor | Kintner | Mello | Schumacher |
| Chambers | Groene | Kolowski | Morfeld | Seiler |
| Coash | Haar, K. | Kolterman | Murante | Smith |
| Cook | Hadley | Krist | Nordquist | Stinner |
| Craighead | Hansen | Kuehn | Pansing Brooks | Sullivan |
| Crawford | Hilkemann | Larson | Riepe | Williams |
| Ebke | Howard | Lindstrom | Scheer | |

Voting in the negative, 0.

Excused and not voting, 5:

Bolz Campbell Davis Harr, B. Watermeier

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 1, 2, 3, 4, 5, 6, 7, 8, and 9.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 48, 49, 50, and 51 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR 48, 49, 50, and 51.

NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

Monday, February 23, 2015 1:30 p.m.

Richard Sawyer - Technical Advisory Committee for Statewide Assessment
Linda Poole - Technical Advisory Committee for Statewide Assessment
Glenn R. Wilson Jr. - Board of Educational Lands and Funds
Patricia M. Kircher - Nebraska Educational Telecommunications
Commission
Jess D. Zeiss - Board of Trustees of the Nebraska State Colleges
Michelle Suarez - Board of Trustees of the Nebraska State Colleges

Tuesday, February 24, 2015 1:30 p.m.

Brian Gong - Technical Advisory Committee for Statewide Assessment
LB601
LB379
LB382
LB435
LB617

Monday, March 2, 2015 1:30 p.m.

LB227
LB402
LB589
LB355
LB520
LB519

Tuesday, March 3, 2015 1:30 p.m.

LB102
LB410
LB36
LB232
LB401
LB380

Monday, March 9, 2015 1:30 p.m.

LB443
LB507
LB508
LB489

Tuesday, March 10, 2015 1:30 p.m.

LB572
LB29
LB511

Monday, March 16, 2015 1:30 p.m.

LB526
LB527
LB525

(Signed) Kate Sullivan, Chairperson

AMENDMENT(S) - Print in Journal

Senator Larson filed the following amendment to LB160:

AM254

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

2 sections:

3 Section 1. Section 9-701, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 9-701 (1) For purposes of this section:

6 (a) Financial institution means a bank, savings bank, building and
7 loan association, or savings and loan association, whether chartered by
8 the United States, the Department of Banking and Finance, or a foreign
9 state agency as defined in section 8-101; or any other similar
10 organization which is covered by federal deposit insurance;

11 (b) Gift enterprise means a contest, game of chance, savings
12 promotion raffle, or game promotion which is conducted within the state
13 or throughout the state and other states in connection with the sale of
14 consumer or trade products or services solely as business promotions and
15 in which the elements of chance and prize are present. Gift enterprise
16 does not include any scheme using the game of bingo or keno; any non-
17 telecommunication-related, player-activated electronic or
18 electromechanical facsimile of any game of chance; or any slot machine of
19 any kind. A gift enterprise shall not utilize pickle cards as defined in
20 section 9-315. Promotional game tickets may be utilized subject to the
21 following:

22 (i) The tickets utilized shall be manufactured or imprinted with the
23 name of the operator on each ticket;

24 (ii) The tickets utilized shall not be manufactured with a cost per

25 play printed on them; and

26 (iii) The tickets utilized shall not be substantially similar to any
27 type of pickle card approved by the Department of Revenue pursuant to
1 section 9-332.01;

2 (c ~~b~~) Operator means any person, firm, corporation, financial
3 institution, association, governmental entity, or agent or employee
4 thereof who promotes, operates, or conducts a gift enterprise. Operator
5 does not include any nonprofit organization or any agent or employee
6 thereof, except that operator includes any credit union chartered under
7 state or federal law or any agent or employee thereof who promotes,
8 operates, or conducts a gift enterprise; and

9 (d ~~e~~) Savings promotion raffle means a contest conducted by a
10 financial institution or credit union chartered under state or federal
11 law or any agent or employee thereof in which a chance of winning a
12 designated prize is obtained by the deposit of a specified amount of
13 money in a savings account or other savings program if each entry has an
14 equal chance of winning.

15 (2) Any operator may conduct a gift enterprise within this state in
16 accordance with this section.

17 (3) An operator shall not:

18 (a) Design, engage in, promote, or conduct a gift enterprise in
19 connection with the promotion or sale of consumer products or services in
20 which the winner may be unfairly predetermined or the game may be
21 manipulated or rigged;

22 (b) Arbitrarily remove, disqualify, disallow, or reject any entry;

23 (c) Fail to award prizes offered;

24 (d) Print, publish, or circulate literature or advertising material
25 used in connection with such gift enterprise which is false, deceptive,
26 or misleading; or

27 (e) Require an entry fee, a payment or promise of payment of any
28 valuable consideration, or any other consideration as a condition of
29 entering a gift enterprise or winning a prize from the gift enterprise,
30 except that a contest, game of chance, or business promotion may require,
31 as a condition of participation, evidence of the purchase of a product or
1 service as long as the purchase price charged for such product or service
2 is not greater than it would have been without the contest, game of
3 chance, or business promotion. For purposes of this section,
4 consideration shall not include (i) filling out an entry blank, (ii)
5 entering by mail with the purchase of postage at a cost no greater than
6 the cost of postage for a first-class letter weighing one ounce or less,
7 (iii) entering by a telephone call to the operator of or for the gift
8 enterprise at a cost no greater than the cost of postage for a first-
9 class letter weighing one ounce or less. When the only method of entry is
10 by telephone, the cost to the entrant of the telephone call shall not
11 exceed the cost of postage for a first-class letter weighing one ounce or
12 less for any reason, including (A) whether any communication occurred
13 during the call which was not related to the gift enterprise or (B) the
14 fact that the cost of the call to the operator was greater than the cost
15 to the entrant allowed under this section, or (iv) the deposit of money

16 in a savings account or other savings program, regardless of the interest
17 rate earned by such account or program.

18 (4) An operator shall disclose to participants all terms and
19 conditions of a gift enterprise.

20 (5)(a) The Department of Revenue may adopt and promulgate rules and
21 regulations necessary to carry out the operation of gift enterprises.

22 (b) Whenever the department has reason to believe that a gift
23 enterprise is being operated in violation of this section or the
24 department's rules and regulations, it may bring an action in the
25 district court of Lancaster County in the name of and on behalf of the
26 people of the State of Nebraska against the operator of the gift
27 enterprise to enjoin the continued operation of such gift enterprise
28 anywhere in the state.

29 (6)(a) Any person, firm, corporation, association, or agent or
30 employee thereof who engages in any unlawful acts or practices pursuant
31 to this section or violates any of the rules and regulations promulgated
1 pursuant to this section shall be guilty of a Class II misdemeanor.

2 (b) Any person, firm, corporation, association, or agent or employee
3 thereof who violates any provision of this section or any of the rules
4 and regulations promulgated pursuant to this section shall be liable to
5 pay a civil penalty of not more than one thousand dollars imposed by the
6 district court of Lancaster County for each such violation which shall be
7 remitted to the State Treasurer for distribution in accordance with
8 Article VII, section 5, of the Constitution of Nebraska. Each day of
9 continued violation shall constitute a separate offense or violation for
10 purposes of this section.

11 (7) A financial institution or credit union may limit the number of
12 chances that a participant in a savings promotion raffle may obtain for
13 making the required deposits but shall not limit the number of deposits.

14 (8) In all proceedings initiated in any court or otherwise under
15 this section, the Attorney General or appropriate county attorney shall
16 prosecute and defend all such proceedings.

17 (9) This section shall not apply to any activity authorized and
18 regulated under the Nebraska Bingo Act, the Nebraska County and City
19 Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle
20 Card Lottery Act, ~~or~~ the Nebraska Small Lottery and Raffle Act, or the
21 State Lottery Act.

22 Sec. 2. Original section 9-701, Reissue Revised Statutes of
23 Nebraska, is repealed.

Senator Nordquist filed the following amendment to LB446:
AM339

1 1. Insert the following new section:

2 Sec. 2. Section 79-904.01, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 79-904.01 (1) If the board determines that the retirement system has
5 previously received contributions or distributed benefits which for any
6 reason are not in accordance with the statutory provisions of the School
7 Employees Retirement Act, the board may refund contributions, require

8 additional contributions, adjust benefits, or require repayment of
 9 benefits paid. In the event of an overpayment of a benefit, the board
 10 may, in addition to other remedies, offset future benefit payments by the
 11 amount of the prior overpayment, together with regular interest thereon.
 12 In the event of a material underpayment of a benefit, the board shall
 13 immediately make payment equal to the deficit amount plus regular
 14 interest.

15 (2) If the board determines that termination of employment has not
 16 occurred and a retirement benefit has been paid to a member of the
 17 retirement system pursuant to section 79-933, such member shall repay the
 18 benefit to the retirement system.

19 (3) The board shall adopt and promulgate rules and regulations
 20 implementing this section, which shall include, but not be limited to,
 21 the following: (a) The procedures for refunding contributions, adjusting
 22 future contributions or benefit payments, and requiring additional
 23 contributions or repayment of benefits; (b) the process for a member,
 24 member's beneficiary, employee, or employer to dispute an adjustment of
 25 contributions or benefits; and (c) notice provided to all affected
 26 persons. All notices shall be sent at the time of or prior to an
 27 adjustment and shall describe the process for disputing an adjustment of
 1 contributions or benefits.

2 (4) The board shall not refund contributions made on compensation in
 3 excess of the limitations imposed by subdivision (35) of section 79-902
 4 or subsection (7) of section 79-934.

5 2. On page 24, line 27, after the first comma insert "79-904.01,".

6 3. Renumber the remaining sections accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 55. Introduced by Ebke, 32.

WHEREAS, McBattas Packaging and Printing in Fairbury purchased the former Swingster Company sewing factory in 2000; and

WHEREAS, Fairbury native and owner, Fred Arnold, purchased the closed sewing factory to house his growing printing and packaging business; and

WHEREAS, MSA Brand Products, also owned by Fred Arnold, began manufacturing American flags in the former sewing factory building in 2014; and

WHEREAS, the flags sewn at the Fairbury factory are 100% American-made, including the raw materials purchased from suppliers in the United States; and

WHEREAS, Fred Arnold now employs a total of approximately 85 workers and hopes to increase the number of workers in the sewing division from 9 to 25 by the end of 2015; and

WHEREAS, MSA Brand Products joins a small but mighty group of American flag manufacturers located in the United States; and

WHEREAS, Fred Arnold has helped revive manufacturing in his hometown of Fairbury, hired back former Swingster factory sewers and

created local jobs, and provided American retailers and consumers with quality American flags made in Nebraska.

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

1. That the Legislature recognizes Fred Arnold for his local economic development success in the Fairbury community.
2. That the Legislature commends MSA Brand Products for producing and selling American flags made in Nebraska.
3. That a copy of this resolution be sent to Fred Arnold and MSA Brand Products.

Laid over.

SELECT FILE

LEGISLATIVE BILL 18. Senator Groene renewed his amendment, AM301, found on page 467.

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

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

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

Voting in the affirmative, 31:

| | | | | |
|----------|-----------|-------------|----------------|----------|
| Baker | Hadley | Krist | Nordquist | Smith |
| Coash | Hansen | Kuehn | Pansing Brooks | Sullivan |
| Cook | Harr, B. | Lindstrom | Riepe | Williams |
| Crawford | Hilkemann | McCollister | Scheer | |
| Davis | Howard | Mello | Schilz | |
| Gloor | Johnson | Morfeld | Schumacher | |
| Haar, K. | Kolowski | Murante | Seiler | |

Voting in the negative, 15:

| | | | | |
|------------|-----------|---------|-----------|---------|
| Bloomfield | Craighead | Garrett | Kintner | McCoy |
| Brasch | Ebke | Groene | Kolterman | Schnoor |
| Chambers | Friesen | Hughes | Larson | Stinner |

Excused and not voting, 3:

| | | |
|------|----------|------------|
| Bolz | Campbell | Watermeier |
|------|----------|------------|

The motion to cease debate prevailed with 31 ayes, 15 nays, and 3 excused and not voting.

Senator Groene requested a roll call vote on his amendment.

Voting in the affirmative, 19:

| | | | | |
|------------|---------|-----------|-----------|------------|
| Baker | Ebke | Hughes | Lindstrom | Schnoor |
| Bloomfield | Friesen | Kintner | McCoy | Stinner |
| Brasch | Garrett | Kolterman | Murante | Watermeier |
| Craighead | Groene | Larson | Schilz | |

Voting in the negative, 28:

| | | | | |
|----------|-----------|-------------|----------------|----------|
| Chambers | Haar, K. | Johnson | Morfeld | Seiler |
| Coash | Hadley | Kolowski | Nordquist | Smith |
| Cook | Hansen | Krist | Pansing Brooks | Sullivan |
| Crawford | Harr, B. | Kuehn | Riepe | Williams |
| Davis | Hilkemann | McCollister | Scheer | |
| Gloor | Howard | Mello | Schumacher | |

Excused and not voting, 2:

Bolz Campbell

The Groene amendment lost with 19 ayes, 28 nays, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

NOTICE OF COMMITTEE HEARING(S)

Natural Resources

Room 1525

Friday, February 27, 2015 1:30 p.m.

Frank J. Reida - Nebraska Power Review Board

(Signed) Ken Schilz, Chairperson

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 138. Placed on General File.

LEGISLATIVE BILL 55. Placed on General File with amendment.

AM78

1 1. On page 4, line 31, after the period insert "Such expenditures

2 shall be used for the purposes as provided in subsection (5) of this
3 section.".

(Signed) John Murante, Chairperson

Executive Board

LEGISLATIVE RESOLUTION 34. Reported to the Legislature for further consideration with the following amendment:

AM290

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

3 WHEREAS, the Department of Correctional Services Special
4 Investigative Committee of the Legislature was created in LR424, One
5 Hundred Third Legislature, Second Session; and

6 WHEREAS, the committee, having completed its work and issued its
7 report on December 15, 2014, discovered additional problems within the
8 Department of Correctional Services during the course of its LR424 study;
9 and

10 WHEREAS, the Legislature believes that further study and oversight
11 of the department is necessary in order to prevent additional mistakes
12 and to correct inadequate department procedures and policies.

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

15 1. That the Legislature hereby calls for the Executive Board of the
16 Legislative Council to meet forthwith and reappoint the Department of
17 Correctional Services Special Investigative Committee of the Legislature.
18 The committee shall consist of up to eleven members of the Legislature
19 appointed by the Executive Board. The Executive Board shall appoint the
20 chairperson and vice-chairperson of the committee. The Executive Board is
21 hereby authorized to provide the committee with a legal counsel,
22 committee clerk, and other staff as required by the committee from
23 existing legislative staff. The Executive Board is also authorized to
24 hire outside legal counsel, consultants, and investigators as required by
25 the committee. The committee shall be an investigative committee and is
26 hereby authorized to hold hearings and issue subpoenas as deemed
27 necessary by the committee.

1 2. That the Department of Correctional Services Special
2 Investigative Committee of the Legislature is hereby authorized to study
3 the following with respect to the Department of Correctional Services:

4 (a) The adequacy of programs designed to rehabilitate inmates;

5 (b) The funding history of programs designed to rehabilitate
6 inmates;

7 (c) The availability of mental health care and the policies and
8 procedures in place to ensure that inmates receive appropriate mental
9 health care or confinement through the civil commitment process;

10 (d) The policies relating to the solitary confinement, segregation,
11 or other isolation of inmates;

12 (e) The transition of inmates from incarceration to the community at

13 large;
 14 (f) The administration of good time laws; and
 15 (g) Any evaluation or study made of the department's policies and
 16 practices, whether or not any recommendations were adopted as a result of
 17 the evaluation or study, and the reasons if any recommendations were not
 18 adopted.
 19 3. That the Department of Correctional Services Special
 20 Investigative Committee shall brief the Judiciary Committee of the
 21 Legislature by December 15, 2015, and December 15, 2016, and issue a
 22 report with its findings and recommendations to the Legislature as
 23 circumstances warrant.
 24 4. That the Department of Correctional Services Special
 25 Investigative Committee is hereby authorized to continue its work until
 26 the beginning of the One Hundred Fifth Legislature, First Session.

(Signed) Bob Krist, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 12, 2015, at 9:55 a.m. were the following: LBs 1, 2, 3, 4, 5, 6, 7, 8, and 9.

(Signed) Jamie Kruse
 Clerk of the Legislature's Office

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Baack, Dennis - Nebraska Educational Telecommunications Commission -
 Education
 Hart, Timothy - Nebraska Arts Council - General Affairs
 Hinrichs, Jon - Nebraska Arts Council - General Affairs
 Huenergardt, Darrel J. - Nebraska Arts Council - General Affairs
 Jacobson, Julie - Nebraska Arts Council - General Affairs
 Kircher, Patricia M. - Nebraska Educational Telecommunications
 Commission - Education
 Price, Pamela - Nebraska Arts Council - General Affairs
 Roush, Sue - Nebraska Arts Council - General Affairs
 Starman, Darlene - Nebraska Educational Telecommunications Commission
 - Education

(Signed) Bob Krist, Chairperson
 Executive Board

SELECT FILE

LEGISLATIVE BILL 18. Senator Groene offered his amendment, AM300, found on page 477.

Senator Groene asked unanimous consent to withdraw his amendment, AM300, found on page 477 and considered in this day's Journal, and replace it with his substitute amendment, AM143, found on page 477. No objections. So ordered.

Senator Chambers offered the following amendment to the Groene amendment:

FA11

Amend AM143

In line 15, strike and show as stricken "recognized".

Senator Krist offered the following motion:

MO29

Unanimous consent to bracket until June 5, 2015.

No objections. So ordered.

LEGISLATIVE BILL 109. ER17, found on page 416, was adopted.

Senator Crawford offered her amendment, AM287, found on page 443.

The Crawford amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 198. ER18, found on page 416, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 118. ER14, found on page 416, was adopted.

Senator Larson withdrew his amendment, AM76, found on page 318.

Senator Schumacher offered his amendment, AM343, found on page 479.

The Schumacher amendment was adopted with 32 ayes, 1 nay, 14 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 167. Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 1, 2, 3, 4, 5, 6, 7, 8, and 9.

(Signed) Al Davis

COMMITTEE REPORT(S)

Business and Labor

LEGISLATIVE BILL 270. Placed on General File.

LEGISLATIVE BILL 334. Placed on General File with amendment.
AM283

- 1 1. Insert the following new section:
- 2 Sec. 4. Since an emergency exists, this act takes effect when passed
- 3 and approved according to law.

(Signed) Burke Harr, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 257. Placed on General File.

LEGISLATIVE BILL 342. Placed on General File.

LEGISLATIVE BILL 456. Placed on General File.

LEGISLATIVE BILL 464. Placed on General File.

LEGISLATIVE BILL 139. Placed on General File with amendment.
AM119

- 1 1. Strike original sections 10, 21, 36, and 44 and insert the
- 2 following new section:
- 3 Sec. 41. Section 76-2221, Revised Statutes Cumulative Supplement,
- 4 2014, is amended to read:
- 5 76-2221 The Real Property Appraiser Act shall not apply to:
- 6 (1) Any real property appraiser who is a salaried employee of (a)
- 7 the federal government, (b) any agency of the state government or a
- 8 political subdivision which appraises real estate, (c) any insurance
- 9 company authorized to do business in this state, or (d) any bank, savings
- 10 bank, savings and loan association, building and loan association, credit
- 11 union, or small loan company licensed by ~~this~~ the state or supervised or
- 12 regulated by or through federal enactments covering financial
- 13 institutions, except that any employee of the entities listed in

14 subdivisions (a) through (d) of this subdivision who signs a ~~an appraisal~~
15 report as a credentialed real property appraiser shall be subject to the
16 act and the Uniform Standards of Professional Appraisal Practice. Any
17 salaried employee of the entities listed in subdivisions (a) through (d)
18 of this subdivision who does not sign a ~~an appraisal~~ report as a
19 credentialed real property appraiser shall include the following
20 disclosure prominently with such report: This opinion of value may not
21 meet the minimum standards contained in the Uniform Standards of
22 Professional Appraisal Practice and is not governed by the Real Property
23 Appraiser Act;

24 (2) A person referred to in subsection (1) of section 81-885.16;

25 (3) Any person who provides assistance (a) in obtaining the data
26 upon which an appraisal is based, (b) in the physical preparation of a ~~an~~
27 ~~appraisal~~ report, such as taking photographs, preparing charts, maps, or
1 graphs, or typing or printing the report, or (c) that does not directly
2 involve the exercise of judgment in arriving at the analyses, opinions,
3 or conclusions concerning real estate or real property set forth in the
4 ~~appraisal~~ report;

5 (4) Any owner of real estate, employee of the owner, or attorney
6 licensed to practice law in this state ~~the State of Nebraska~~ representing
7 the owner who renders an estimate or opinion of value of the real estate
8 or any interest in the real estate when such estimate or opinion is for
9 the purpose of real estate taxation, or any other person who renders such
10 an estimate or opinion of value when that estimate or opinion requires a
11 specialized knowledge that a real property appraiser would not have,
12 except that a real property appraiser or a person licensed under the
13 Nebraska Real Estate License Act is not exempt under this subdivision;

14 (5) Any owner of real estate, employee of the owner, or attorney
15 licensed to practice law in this state ~~the State of Nebraska~~ representing
16 the owner who renders an estimate or opinion of value of real estate or
17 any interest in real estate or damages thereto when such estimate or
18 opinion is offered as testimony in any condemnation proceeding, or any
19 other person who renders such an estimate or opinion when that estimate
20 or opinion requires a specialized knowledge that a real property
21 appraiser would not have, except that a real property appraiser or a
22 person licensed under the Nebraska Real Estate License Act is not exempt
23 under this subdivision;

24 (6) Any owner of real estate, employee of the owner, or attorney
25 licensed to practice law in this state ~~the State of Nebraska~~ representing
26 the owner who renders an estimate or opinion of value of the real estate
27 or any interest in the real estate when such estimate or opinion is
28 offered in connection with a legal matter involving real property; or

29 (7) Any person appointed by a county board of equalization to act as
30 a referee pursuant to section 77-1502.01, except that any person who also
31 practices as an independent real property appraiser or real property
1 associate for others shall be subject to the Real Property Appraiser Act
2 and shall be credentialed prior to engaging in such other appraising. Any
3 real property appraiser appointed to act as a referee pursuant to section
4 77-1502.01 and who prepares a ~~an appraisal~~ report for the county board of

5 equalization shall not sign such ~~appraisal~~ report as a credentialed real
 6 property appraiser and shall include the following disclosure prominently
 7 with such report: This opinion of value may not meet the minimum
 8 standards contained in the Uniform Standards of Professional Appraisal
 9 Practice and is not governed by the Real Property Appraiser Act.
 10 2. Renumber the remaining sections and correct internal references
 11 accordingly.

LEGISLATIVE BILL 458. Placed on General File with amendment.
 AM245

- 1 1. On page 5, line 3, after "of" insert "an individual or".
- 2 2. On page 6, line 8, strike "prelicensure educational" and insert
- 3 "prelicensing education".

(Signed) Jim Scheer, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 41. Placed on Final Reading.
LEGISLATIVE BILL 42. Placed on Final Reading.
LEGISLATIVE BILL 65. Placed on Final Reading.
LEGISLATIVE BILL 91. Placed on Final Reading.
LEGISLATIVE BILL 92. Placed on Final Reading.
LEGISLATIVE BILL 93. Placed on Final Reading.
LEGISLATIVE BILL 95. Placed on Final Reading.
LEGISLATIVE BILL 99. Placed on Final Reading.
LEGISLATIVE BILL 100. Placed on Final Reading.
LEGISLATIVE BILL 126. Placed on Final Reading.
LEGISLATIVE BILL 150. Placed on Final Reading.
LEGISLATIVE BILL 151. Placed on Final Reading.
LEGISLATIVE BILL 170. Placed on Final Reading.
LEGISLATIVE BILL 171. Placed on Final Reading.
LEGISLATIVE BILL 177. Placed on Final Reading.

(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.

Michael W. Walden-Newman, State Investment Officer - Nebraska Investment Council

Aye: 6 Davis, Groene, Kolowski, Kolterman, Mello, Nordquist. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Jeremy Nordquist, Chairperson

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB10:
AM366

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

3 Section 1. Section 32-710, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

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

23 (2) The Secretary of State shall divide the state into five
24 presidential elector districts, and one presidential elector shall be
25 chosen from each district. The districts shall be compact and contiguous
26 and substantially equal in population. The basis of apportionment shall
27 be the population as determined by the most recent federal decennial
1 census. The Secretary of State shall redistrict the state after each
2 federal decennial census. In any such redistricting, county lines shall
3 be followed whenever practicable, and other established lines may be
4 followed at the discretion of the Secretary of State.

5 Sec. 2. Section 32-713, Revised Statutes Cumulative Supplement,
6 2014, is amended to read:

7 32-713 (1) The certificates of appointment for presidential electors
8 shall be served by the Governor on each person appointed. The Governor
9 shall notify the presidential electors to be at the State Capitol at noon
10 on the first Monday after the second Wednesday in December after
11 appointment and report to the Governor at his or her office in the
12 capitol as being in attendance. The Governor shall serve the certificates
13 of appointment by registered or certified mail. In submitting this
14 state's certificate of ascertainment as required by 3 U.S.C. 6, the
15 Governor shall certify this state's presidential electors and state in

16 the certificate that:

17 (a) The presidential electors will serve as presidential electors
 18 unless a vacancy occurs in the office of presidential elector before the
 19 end of the meeting at which the presidential electors cast their votes,
 20 in which case a substitute presidential elector will fill the vacancy;
 21 and

22 (b) If a substitute presidential elector is appointed to fill a
 23 vacancy, the Governor will submit an amended certificate of ascertainment
 24 stating the names on the final list of this state's presidential
 25 electors.

26 (2) The presidential electors shall convene at 2 p.m. of such Monday
 27 at the Governor's office in the capitol. Each presidential elector shall
 28 execute the following pledge: As a presidential elector duly selected (or
 29 appointed) for this position, I agree to serve and to mark my ballots for
 30 President and Vice President for the presidential and vice-presidential
 31 candidates who received the highest number of votes in the state if I am
 1 an at large presidential elector or the highest number of votes in my
 2 congressional district if I am a congressional district presidential
 3 elector district which I represent.

4 Sec. 3. Section 32-714, Revised Statutes Cumulative Supplement,
 5 2014, is amended to read:

6 32-714 (1) The Governor shall provide each presidential elector with
 7 a list of all the presidential electors. If any presidential elector is
 8 absent or if there is a deficiency in the proper number of presidential
 9 electors, those present shall elect from the citizens of the state so
 10 many persons as will supply the deficiency and immediately issue a
 11 certificate of election, signed by those present or a majority of them,
 12 to the person or persons so chosen. In case of failure to elect as
 13 required in this subsection by 3 p.m. of such day or in case of a vacancy
 14 created under subsection (4) of this section, the Governor shall fill the
 15 vacancies by appointment. Each appointee shall execute the pledge in
 16 section 32-713. After all vacancies are filled, the presidential electors
 17 shall proceed with the election of a President of the United States and a
 18 Vice President of the United States and certify their votes in conformity
 19 with the Constitution and laws of the United States.

20 (2) The Secretary of State shall provide each presidential elector
 21 with a presidential and vice-presidential ballot. Each ~~at large~~
 22 presidential elector shall mark his or her ballot for the presidential
 23 and vice-presidential candidates who received the highest number of votes
 24 ~~in the state and consistent with his or her pledge. Each congressional~~
 25 ~~district presidential elector shall mark his or her ballot for the~~
 26 ~~presidential and vice-presidential candidates who received the highest~~
 27 ~~number of votes in his or her presidential elector congressional district~~
 28 and consistent with his or her pledge.

29 (3) Each presidential elector shall present the completed ballot to
 30 the Secretary of State. The Secretary of State shall examine each ballot
 31 and accept as cast each ballot marked by a presidential elector
 1 consistent with his or her pledge. The Secretary of State shall not
 2 accept and shall not count the ballot if the presidential elector has not

3 marked the ballot or has marked the ballot in violation of his or her
4 pledge.

5 (4) A presidential elector who refuses to present a ballot, who
6 attempts to present an unmarked ballot, or who attempts to present a
7 ballot marked in violation of his or her pledge vacates the office of
8 presidential elector.

9 Sec. 4. Section 32-1038, Reissue Revised Statutes of Nebraska, is
10 amended to read:

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

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

7 Sec. 5. Original section 32-1038, Reissue Revised Statutes of
8 Nebraska, and sections 32-710, 32-713, and 32-714, Revised Statutes
9 Cumulative Supplement, 2014, are repealed.

Senator K. Haar filed the following amendment to LB111:
AM247

(Amendments to Standing Committee amendments, AM233)

1 1. Insert the following new amendments:

2 1. Insert the following new section:

3 Sec. 2. Section 32-202, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 32-202 In addition to any other duties prescribed by law, the

6 Secretary of State shall:

7 (1) Supervise the conduct of primary and general elections in this

- 8 state;
- 9 (2) Provide training for election commissioners, county clerks, and
 10 other election officials in providing for registration of voters and the
 11 conduct of elections;
- 12 (3) Enforce the Election Act;
- 13 (4) With the assistance and advice of the Attorney General, make
 14 uniform interpretations of the act;
- 15 (5) Provide periodic training for the agencies and their agents and
 16 contractors in carrying out their duties under sections 32-308 to 32-310;
- 17 (6) Develop and print forms for use as required by sections 32-308,
 18 32-310, 32-320, 32-329, 32-947, 32-956, and 32-958;
- 19 (7) Contract with the Department of Administrative Services for
 20 storage and distribution of the forms;
- 21 (8) Require reporting to ensure compliance with sections 32-308 to
 22 32-310;
- 23 (9) Prepare and transmit reports as required by the National Voter
 24 Registration Act of 1993, 42 U.S.C. 1973gg et seq.;
- 25 (10) Develop and print a manual describing the requirements of the
 26 initiative and referendum process and distribute the manual to election
 1 commissioners and county clerks for distribution to the public upon
 2 request;
- 3 (11) Develop and print pamphlets described in section 32-1405.01;
- 4 (12) Adopt and promulgate rules and regulations for elections
 5 conducted under sections 32-952 to 32-959; ~~and~~
- 6 (13) Establish a free access system, such as a toll-free telephone
 7 number or an Internet web site, that any voter who casts a provisional
 8 ballot may access to discover whether the vote of that voter was counted
 9 and, if the vote was not counted, the reason that the vote was not
 10 counted. The Secretary of State shall establish and maintain reasonable
 11 procedures necessary to protect the security, confidentiality, and
 12 integrity of personal information collected, stored, or otherwise used by
 13 the free access system. Access to information about an individual
 14 provisional ballot shall be restricted to the individual who cast the
 15 ballot; ~~and~~ -
- 16 (14) Develop informational material to assist voters with
 17 requirements to present government-issued photographic identification in
 18 order to vote and make such informational material available on the
 19 Internet web site of the Secretary of State and, within sixty days after
 20 the effective date of this act, mail such informational material to every
 21 registered voter in this state.
- 22 2. Renumber the remaining amendments accordingly.
- 23 6. On page 26, line 6, after the first comma insert "32-202,".
- 24 7. Renumber the remaining sections accordingly.

Senator Schilz filed the following amendment to LB142:
 AM255

- 1 1. Insert the following new section:
 2 Sec. 7. Section 37-1273, Reissue Revised Statutes of Nebraska, is
 3 amended to read:

4 37-1273 All fees as provided by the State Boat Act shall be remitted
5 to the State Treasurer for credit to the State Game Fund to be used
6 primarily for (1) administration and enforcement of the State Boat Act,
7 (2) boating safety educational programs, (3) the construction and
8 maintenance of boating and docking facilities, navigation aids, and
9 access to boating areas and such other uses as will promote the safety
10 and convenience of the boating public in Nebraska, (4) the Aquatic
11 Invasive Species Program, and (5 4) publishing costs subject to the
12 restrictions and limitations in section 37-324. Secondary uses for the
13 fees shall be for the propagation, importation, protection, preservation,
14 and distribution of game and fish and necessary equipment therefor and
15 all things pertaining thereto.
16 2. On page 4, line 8, strike "section 37-1220" and insert "sections
17 37-1220 and 37-1273".
18 3. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Coash - LB210

VISITORS

Visitors to the Chamber were Robin Rauner from Lincoln; and 12 members of Boy Scout Troop 282 from Millard.

The Doctor of the Day was Dr. Ferdinando Andrade from Omaha.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Nordquist, the Legislature adjourned until 10:00 a.m., Tuesday, February 17, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SEVENTH DAY - FEBRUARY 17, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****TWENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 17, 2015

PRAYER

The prayer was offered by Senator Ebke.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators McCollister and McCoy who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-sixth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 40. Placed on Final Reading.

ST2

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

1. On page 1, the matter beginning with "23-2305.01" in line 1 through "Nebraska" in line 3 has been struck and "16-1019, 16-1038, 23-2305.01, 23-2322, 24-704.01, 79-904.01, 79-948, 79-9,104, 81-2019.01, 81-2032, 84-1305.02, 84-1324, 84-1503, and 84-1505, Reissue Revised Statutes of Nebraska, and sections 14-2111, 24-710.02, and 48-1401, Revised Statutes Cumulative Supplement, 2014; to eliminate unconstitutional provisions related to payment of benefits or annuities for civil damages" inserted.

LEGISLATIVE BILL 43. Placed on Final Reading.

LEGISLATIVE BILL 109. Placed on Final Reading.

LEGISLATIVE BILL 118. Placed on Final Reading.

ST3

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

1. On page 1, the matter beginning with "cigar" in line 1 through line 10 and all amendments thereto have been struck and "tobacco; to amend sections 53-103.08, 53-1,120.01, 71-5716, and 71-5717, Reissue Revised Statutes of Nebraska, and sections 28-1429.03, 53-101, 53-131, and 71-5730, Revised Statutes Cumulative Supplement, 2014; to define cigar shop; to permit certain sales as prescribed; to provide for a nonrefundable application fee; to provide and change requirements for cigar shops; to state and restate intent; to preempt county resolutions and city ordinances relating to smoking in cigar shops; to exempt tobacco retail outlets and cigar shops from the Nebraska Clean Indoor Air Act; to provide requirements for tobacco retail outlets; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 149. Placed on Final Reading.

LEGISLATIVE BILL 157. Placed on Final Reading.

LEGISLATIVE BILL 159. Placed on Final Reading.

LEGISLATIVE BILL 168. Placed on Final Reading.

ST6

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

1. On page 4, line 15, "(1)" has been struck, shown as stricken, and "(a)" inserted; and in line 16 "(2)" has been struck, shown as stricken, and "(b)" inserted.

LEGISLATIVE BILL 198. Placed on Final Reading.

LEGISLATIVE BILL 219. Placed on Final Reading.

LEGISLATIVE BILL 220. Placed on Final Reading.

LEGISLATIVE BILL 220A. Placed on Final Reading.

LEGISLATIVE BILL 247. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 167. Placed on Select File with amendment.

ER36

1 1. On page 1, line 3, strike "to" and insert "with the Clerk of".

2 2. On page 2, line 14, strike the second "and".

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 586. Placed on General File with amendment.

AM289

1 1. Insert the following new section:

2 Sec. 9. Section 48-1103, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 48-1103 The Nebraska Fair Employment Practice Act shall not apply

5 to:

6 (1) A religious corporation, association, or society with respect to

7 the employment of individuals of a particular religion to perform work

8 connected with the carrying on by such corporation, association, or

9 society of its religious activities; or

10 (2) The employment of ~~an any~~ individual (a) by his or her parent,

11 grandparent, spouse, child, or grandchild or (b) in the domestic service

12 of any person.

13 2. Renumber the remaining sections and correct the repealer

14 accordingly.

(Signed) Les Seiler, Chairperson

RESOLUTION(S)**LEGISLATIVE RESOLUTION 56.** Introduced by Krist, 10.

WHEREAS, Maxwell Kaye, Montgomery Wylie, and Nicholas Harpster, members of Troop 31, have completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout their scouting experience, Maxwell, Montgomery, and Nicholas have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, for Maxwell's Eagle Scout community service project, he installed a new flag and flag pole at Bohemian Cemetery in Omaha. Maxwell also planted flowers and painted a bench at a memorial for those who have given their lives for their country; and

WHEREAS, for Montgomery's Eagle Scout community service project, he built and mended picnic tables for Two Rivers State Park in Wahoo. Because of Montgomery's project, 36 picnic tables were placed around the park for visitors to enjoy. Montgomery, with the help of Troop 31, built 24

picnic tables and restored 12 of the older picnic tables used by visitors in the park; and

WHEREAS, for Nicholas's Eagle Scout community service project, he built a dozen bat houses with the help of his troop and delivered them to Two Rivers State Park in Wahoo where they were installed throughout the park at different camp sites. Nicholas's project is helping to benefit visitors to the park by reducing the mosquito population; and

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

WHEREAS, Maxwell, Montgomery, and Nicholas, through hard work and perseverance, have 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 Maxwell Kaye, Montgomery Wylie, and Nicholas Harpster from Troop 31 on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Maxwell Kaye, Montgomery Wylie, and Nicholas Harpster.

Laid over.

LEGISLATIVE RESOLUTION 57. Introduced by Krist, 10.

WHEREAS, engineers plan, design, and implement engineering works that propel the nation's economy, enhance our quality of life, and safeguard America's infrastructure; and

WHEREAS, engineers face the major technological challenges of our time, from rebuilding towns devastated by natural disasters to designing an information superhighway that will speed our country into the twenty-first century, and have used their scientific and technical knowledge and skills in creative and innovative ways to fulfill society's needs; and

WHEREAS, engineers are encouraging our young math and science students to realize the practical power of their knowledge; and

WHEREAS, we will look more than ever to engineers and their knowledge and skill to bridge the gap between science, theory, and practical application to meet the challenges of the future; and

WHEREAS, National Engineers Week was founded in 1951 and is celebrated at the time of George Washington's birthday, who himself was a military engineer and surveyor; and

WHEREAS, February 22-28, 2015, is recognized as Engineers Week in Nebraska.

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

1. That the Legislature recognizes the contributions and achievements of Nebraska's engineers and recognizes February 22-28, 2015, as Engineers Week in Nebraska.

2. That a copy of this resolution be sent to the American Council of Engineering Companies of Nebraska.

Laid over.

MESSAGE(S) FROM THE GOVERNOR

February 11, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Educational Telecommunications Commission:

Marilyn Hadley, 3112 Country Club Lane, Kearney, NE 68845

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

February 10, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Board of Parole:

Virgil J. Patlan Sr., 3305 E Street, Omaha, NE 68107

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosure

ANNOUNCEMENT

Pursuant to Neb. Rev. Stat. 43-4202(3)(b), Senator Seiler announced as Chairperson of the Judiciary Committee, that Senator Patty Pansing Brooks has been designated as a member of the Nebraska Children's Commission.

GENERAL FILE

LEGISLATIVE BILL 155. Title read. Considered.

Committee AM180, found on page 413, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 439. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 179. Title read. Considered.

Committee AM237, found on page 434, was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 164. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 207. Title read. Considered.

Committee AM194, found on page 438, was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 111. Title read. Considered.

Committee AM233, found on page 442, was offered.

Senator Chambers offered the following motion:

MO30

Bracket until April 15, 2015.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 139A. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 139, One Hundred Fourth Legislature, First Session, 2015.

LEGISLATIVE BILL 504A. Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 504, One Hundred Fourth Legislature, First Session, 2015.

ATTORNEY GENERAL'S OPINION

Opinion 15-002

SUBJECT: LB 280 - Constitutionality of Reducing the Percentage of the Actual Value of Agricultural and Horticultural Land Used in Calculating State Aid Value Under the Tax Equity and Educational Opportunities Support Act.

REQUESTED BY: Senator Al Davis
Nebraska Legislature

WRITTEN BY: Doug Peterson, Attorney General
L. Jay Bartel, Assistant Attorney General

LB 280 contains several provisions relating to school funding. The bill proposes creation of a school-funding surtax on individuals with an income tax liability. LB 280, § 1. The maximum levy rate for school districts would be reduced in incremental steps over a period of years from the current rate of \$1.05 per one hundred dollars of taxable value to \$.805 per one hundred dollars of value by fiscal year 2020-2021. LB 280, § 2. The maximum levy rate for learning communities would also be reduced over the same period

from the current rate of \$.95 per one hundred dollars of taxable value to \$.705 per one hundred dollars of value. *Id.* The bill also includes several changes to the Tax Equity and Educational Opportunities Support Act [“TEEOSA”]. Section 8 would amend Neb. Rev. Stat. § 79-1015.01 (2014), which establishes the local effort rate for inclusion in local system formula aid resources, by reducing the rate to \$.755 for school fiscal year 2017-18 and subsequent years. LB 280, § 8. The bill would also lower the percentage of agricultural and horticultural land used in determining state aid value from 72 percent to 62.4 percent of actual value. LB 280, § 9. Beginning in school fiscal year 2017-19, a foundation aid amount of \$500 would be provided for each student in all school districts. LB 280, § 12.

Your original request referenced prior legislative proposals to “reduce the valuation of agricultural and horticultural land for the purposes of calculating state aid to schools....” Subsequent to receipt of your request, you introduced LB 280. It is our understanding that you seek our opinion on the constitutionality of that portion of the bill which would lower the percentage of agricultural and horticultural land used in determining state aid value from 72 percent to 62.4 percent of actual value.

Your request does not articulate a specific constitutional issue to be addressed, or identify any particular constitutional provision this portion of the bill may contravene. To the extent that the bill proposes only to reduce the portion of state aid value for agricultural and horticultural land from 72 percent to 62.4 percent of actual value, while retaining the state aid value for real property other than agricultural and horticultural land at 96 percent of actual value, there may be a question whether this establishes an unreasonable classification in violation of the prohibition against special legislation in Neb. Const. art. III, § 18.

Agricultural land and horticultural land is “a separate and distinct class of property for purposes of taxation...”, and is “valued for taxation at seventy-five percent of its actual value.” Neb. Rev. Stat. § 77-201(2) (2009). Agricultural land and horticultural land that “meets the qualifications for special valuation...” is also a “separate and distinct class of property for purposes of taxation...” and is “valued for taxation at seventy-five percent of its special value....” Neb. Rev. Stat. § 77-202(3) (2009). All other real property that is not expressly exempt from taxation “shall be subject to taxation and shall be valued at its actual value.” Neb. Rev. Stat. § 77-202(1) (2009). “Actual value of real property for purposes of taxation means the market value of real property in the ordinary course of trade.” Neb. Rev. Stat. § 77-112 (2009).

For statewide equalization purposes, the “acceptable range” for agricultural land and horticultural land is “sixty-nine to seventy-five percent of actual value.” Neb. Rev. Stat. § 77-5023(2)(a) (2009). The acceptable range for agricultural and horticultural land receiving special valuation is “sixty-nine to seventy-five percent of special valuation....” Neb. Rev. Stat. § 77-5023(2)(b) (2009). For all other real property, the acceptable range is

“ninety-two to one hundred percent of actual value.” Neb. Rev. Stat. § 77-5023(2)(c) (2009).

TEEOSA requires the Property Tax Administrator to “compute and certify to the State Department of Education the adjusted valuation for the current assessment year for each class of property in each school district and each local system.” Neb. Rev. Stat. § 79-1016(2) (2014). “The adjusted valuation of property of each school district and each local school system, for purposes of determining state aid pursuant to the Tax Equity and Education Opportunities Support Act, shall reflect as nearly as possible the state aid value....” *Id.* Neb. Rev. Stat. § 79-1016(3) (2014) provides that “state aid value” means

(a) For real property other than agricultural and horticultural land, ninety-six percent of actual value;

(b) For agricultural and horticultural land, seventy-two percent of actual value as provided in sections 77-1359 to 77-1363. For agricultural and horticultural land that receives special valuation, seventy-two percent of special valuation as defined in section 77-1343; and

(c) For personal property, the net book value as defined in section 77-120.

“State aid value” for agricultural and horticultural land, including agricultural and horticultural land receiving special valuation, is thus currently set at 72 percent of actual or special value, the midpoint of the acceptable range of value for these classes of property. Similarly, “state aid value” for all other taxable real property is 96 percent of actual value, the midpoint of the range for real property other than agricultural and horticultural land or land subject to special valuation. Thus, adjusted valuation of property for state aid purposes is currently determined using the midpoint of the acceptable range for each class of property as the measure of state aid value. Section 9 of LB 280 would lower the measure of state aid value from 72 percent, the midpoint of the acceptable range for agricultural and horticultural land and agricultural and horticultural land receiving special valuation, to 62.4 percent. Adjusted valuation for state aid purposes for all other real property would remain at 96 percent, the midpoint of the acceptable range.

Article III, § 18, provides:

The Legislature shall not pass local or special laws in any of the following cases, that is to say:

* * *

Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever.... In all other cases where a general law can be made applicable, no special law shall be enacted.

The Nebraska Supreme Court has stated that a legislative act can violate art. III, § 18, as special legislation in “one of two ways: (1) by creating a totally arbitrary and unreasonable method of classification, or (2) by creating a permanently closed class.” *Haman v. Marsh*, 237 Neb. 699, 709, 467 N.W.2d 836, 845 (1991). “A special legislation analysis focuses on a legislative body’s purpose in creating a challenged class and asks if there is a substantial difference of circumstances to suggest the expediency of diverse legislation.” *J. M. v. Hobbs*, 288 Neb. 546, 557, 849 N.W.2d 480, 489 (2014). “The prohibition aims to prevent legislation that arbitrarily benefits a special class.” *Id.* “Classifications for the purpose of legislation must be real and not illusive; they cannot be based on distinctions without a substantial difference.” *Big John’s Billards, Inc. v. State*, 288 Neb. 938, 945, 852 N.W.2d 727, 735 (2014). “A legislative body’s distinctive treatment of a class is proper if the class has some reasonable distinction from other subjects of a like general character.” *Id.* “[T]hat distinction must bear some reasonable relation to the legitimate objective and purposes of the legislative act.” *Id.* As no closed classification is implicated, the question is whether the distinction between the percentages of agricultural and horticultural lands and other real property, utilizing a percentage below the midpoint of the range for agricultural and horticultural lands and land subject to special valuation while retaining the midpoint of the range for other real property, establishes an arbitrary and unreasonable classification.

In 2011, legislation was introduced which proposed to incrementally reduce the percentage of the actual value of agricultural and horticultural land used to calculate state aid from 72 percent to 62 percent over a ten year period. The legislative history of the bill (LB 440) noted this proposal would “decrease formula resources in the calculation of state aid for school districts that have agricultural and horticultural land...”, which would “in turn trigger an increase in equalization aid to those school districts.” Committee Records on LB 440, 102nd Leg., 1st Sess. 1 (Feb. 1, 2011). The bill’s principal introducer stated the bill was intended to provide school districts the benefit of additional state aid, and that school districts would then “possibly lower the levy of the property taxes.” *Id.* (Statement of Sen. Heidemann). The introducer further stated “the bill [was] mainly to get more state aid to...more rural school districts...”, and “would help neutralize the effect of soaring agricultural land values and resulting decrease in state aid that burdens our rural communities in supporting K-12 school districts.” *Id.* at 1-2 (Statement of Sen. Heidemann). The introducer noted that the number of unequalized school districts (districts not receiving equalization aid under TEEOSA) had risen from 23.5 percent in 2001 to around 30 percent of all districts in 2011. *Id.* at 2 (Statement of Sen. Heidemann). Supporting testimony noted that, “[s]ince 2005, property tax increases statewide on agricultural real estate had increased nearly 46 percent, almost twice the

percentage increase as on residential properties...”, and that “LB 440 attempt[ed] to help with this issue by reducing the value of agricultural land in the state aid to schools formula, which would translate into greater aid for school districts that have come to rely so heavily upon agricultural land for funding...”, and “aid in alleviating some of the pressure on agricultural land as the funding sources for some schools.” *Id.* at 12 (Statement of Jessica Kolterman on behalf of the Nebraska Farm Bureau).

While LB 440 was not advanced from the Education Committee, we believe the purposes articulated in support of that bill provide a reasonable basis for the proposed reduction to the percentage of agricultural and horticultural land to be used to calculate state aid to schools contained in LB 280. The effect of a decrease in the percentage of actual value of agricultural and horticultural land would be to decrease formula resources in determining state aid, which in turn would increase the amount of state aid allocated to schools as equalization aid. Equalized school districts may receive increased equalization aid, and the number of unequalized districts would be reduced. Given the substantial increase in the valuation of agricultural and horticultural lands statewide in recent years, which has outpaced increases in the valuation of other real property, utilizing a different, lower percentage of agricultural land value in the calculation of state aid is not arbitrary or unreasonable, as it is based on real substantial differences between such lands and other real property. Thus, reducing the value of agricultural and horticultural land, including land subject to special valuation, from the midpoint of the acceptable range for such property (72 percent) to 62.4 percent, while continuing to use the midpoint of the range for other real property (96 percent), in calculating state aid to schools, is not an improper classification in violation of the special legislation clause.

CONCLUSION

The Nebraska Constitution provides that “[t]he Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years.” Neb. Const. art. VII, § 1. “What methods and what means should be adopted in order to furnish free instruction to the children of the state has been left by the constitution to the legislature.” *Affholder v. State*, 51 Neb. 91, 93, 70 N.W. 544, 545 (1897). “Nebraska’s constitutional history shows that the people of Nebraska have repeatedly left school funding decisions to the Legislature’s discretion.” *Nebraska Coalition for Educational Equity and Adequacy v. Heineman*, 273 Neb. 531, 550, 731 N.W.2d 164, 179 (2007). Given the broad discretion afforded the Legislature in determining the proper means to fund our schools, we conclude that, for purposes of calculating state aid to schools, LB 280’s proposed reduction to the value of agricultural and horticultural land, including land subject to special valuation, from the midpoint of the acceptable range for such property (72 percent) to 62.4 percent, while continuing to use the midpoint of the range for other real property (96 percent), does not result in an improper classification in violation of the special legislation clause.

Very truly yours,
DOUG PETERSON
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

pc Patrick J. O'Donnell
Clerk of the Nebraska Legislature
07-918-29

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Kintner - LB350

WITHDRAW - Cointroducer

Senator Krist withdrew his name as cointroducer to LB114 and LB614.

VISITORS

Visitors to the Chamber were Brian Schlote from Plainview; 50 members of Hall County Leadership UNLIMITED; delegates and facilitators of Open World Leadership Center from Ukraine; and 15 members of a leadership group from Fillmore County.

The Doctor of the Day was Dr. Elizabeth Dayton from Omaha.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator B. Harr, the Legislature adjourned until 9:00 a.m., Wednesday, February 18, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-EIGHTH DAY - FEBRUARY 18, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 18, 2015

PRAYER

The prayer was offered by Senator Watermeier.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator McCoy who was excused; and Senators Baker, Campbell, Garrett, Gloor, Schilz, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-seventh day was approved.

MESSAGE(S) FROM THE GOVERNOR

February 17, 2015

Patrick J. O'Donnell
Clerk of the Nebraska Legislature
2018 State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1, 2, 3, 4, 5, 6, 7, 8, and 9 were received in my office on February 12, 2015.

These bills were signed and delivered to the Secretary of State on February 17, 2015.

Sincerely,
(Signed) Pete Ricketts
Governor

PR/lhk

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Morfeld has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

GENERAL FILE

LEGISLATIVE BILL 111. Senator Chambers withdrew his motion, MO30, found on page 525, to bracket until April 15, 2015.

Senator Chambers offered the following motion:
MO31
Recommit to Government, Military and Veterans Affairs Committee.

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 155. Placed on Select File with amendment.
ER39

1 1. On page 1, line 6, before "disclosure" insert "the cost of"; and
2 in line 7 strike "and" and after "sections" insert "; and to declare an
3 emergency".

LEGISLATIVE BILL 439. Placed on Select File with amendment.
ER38

1 1. On page 3, lines 1, 4, 11, and 12, strike the new matter and
2 reinstate the stricken matter.

LEGISLATIVE BILL 179. Placed on Select File.

LEGISLATIVE BILL 164. Placed on Select File with amendment.
ER40

1 1. On page 3, line 26, strike "natural resources district, or" and
2 show the old matter as stricken and after "village" insert ", or natural
3 resources district".

LEGISLATIVE BILL 207. Placed on Select File with amendment.
ER37

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 46-1139, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 46-1139 Any person who engages in chemigation without first
6 obtaining a chemigation permit shall be (1) subject to a civil penalty of
7 ~~not more than~~ one thousand dollars for each day at each site where a

8 violation occurs for the first violation and not less than one thousand
9 dollars and not more than five thousand dollars for each day at each site
10 where a violation occurs for each subsequent violation or (2) guilty of a
11 Class II misdemeanor. Each day of continued violation shall constitute a
12 separate offense. The court may issue such injunctive orders as may be
13 necessary to prohibit continued violations of the Nebraska Chemigation
14 Act. When the Attorney General, a county attorney, or a private attorney
15 brings an action on behalf of a district to recover a civil penalty under
16 this section, the district shall recover the costs of the action if a
17 civil penalty is awarded.

18 Sec. 2. Section 46-1140, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 46-1140 Any person who engages in chemigation with a suspended or
21 revoked chemigation permit shall be (1) subject to a civil penalty of ~~not~~
22 ~~more than~~ one thousand dollars for each day at each site where a
23 violation occurs for the first violation and not less than one thousand
24 dollars and not more than five thousand dollars for each day at each site
25 where a violation occurs for each subsequent violation or (2) guilty of a
26 Class II misdemeanor. Each day of continued violation shall constitute a
27 separate offense. The court may issue such injunctive orders as may be
1 necessary to prohibit continued violations of the Nebraska Chemigation
2 Act. When the Attorney General, a county attorney, or a private attorney
3 brings an action on behalf of a district to recover a civil penalty under
4 this section, the district shall recover the costs of the action if a
5 civil penalty is awarded.

6 Sec. 3. Section 46-1141, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 46-1141 Any person who willfully tampers with or otherwise willfully
9 damages in any way equipment meeting the requirements specified in
10 section 46-1127 shall be (1) subject to a civil penalty of ~~not more than~~
11 one thousand dollars for each day at each site where a violation occurs
12 for the first violation and not less than one thousand dollars and not
13 more than five thousand dollars for each day at each site where a
14 violation occurs for each subsequent violation or (2) guilty of a Class I
15 misdemeanor. Each day of continued violation shall constitute a separate
16 offense. The court may issue such injunctive orders as may be necessary
17 to prohibit continued violations of the Nebraska Chemigation Act. When
18 the Attorney General, a county attorney, or a private attorney brings an
19 action on behalf of a district to recover a civil penalty under this
20 section, the district shall recover the costs of the action if a civil
21 penalty is awarded.

22 Sec. 4. Section 46-1142, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 46-1142 Any permit holder who fails to notify the district and the
25 department of any actual or suspected accident resulting from the use of
26 chemigation shall be (1) subject to a civil penalty of one thousand
27 dollars for each day at each site where a violation occurs for the first
28 violation and not less than one thousand dollars and not more than five
29 thousand dollars for each day at each site where a violation occurs for

30 ~~each subsequent violation not more than five hundred dollars~~ or (2)
 31 guilty of a Class III misdemeanor. Each day of continued violation shall
 1 constitute a separate offense. The court may issue such injunctive orders
 2 as may be necessary to prohibit continued violations of the Nebraska
 3 Chemigation Act. When the Attorney General, a county attorney, or a
 4 private attorney brings an action on behalf of a district to recover a
 5 civil penalty under this section, the district shall recover the costs of
 6 the action if a civil penalty is awarded.

7 Sec. 5. Section 46-1143, Reissue Revised Statutes of Nebraska, is
 8 amended to read:

9 46-1143 Any person who violates any of the provisions of the
 10 Nebraska Chemigation Act for which a specific penalty is not provided
 11 shall be (1) subject to a civil penalty of one thousand dollars for each
 12 day at each site where a violation occurs for the first violation and not
 13 less than one thousand dollars and not more than five thousand dollars
 14 for each day at each site where a violation occurs for each subsequent
 15 violation not more than five hundred dollars or (2) guilty of a Class IV
 16 misdemeanor. Each day of continued violation shall constitute a separate
 17 offense. The court may issue such injunctive orders as may be necessary
 18 to prohibit continued violations of the Nebraska Chemigation Act. When
 19 the Attorney General, a county attorney, or a private attorney brings an
 20 action on behalf of a district to recover a civil penalty under this
 21 section, the district shall recover the costs of the action if a civil
 22 penalty is awarded.

23 Sec. 6. Original sections 46-1139, 46-1140, 46-1141, 46-1142, and
 24 46-1143, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Matt Hansen, Chairperson

NOTICE OF COMMITTEE HEARING(S)
 Health and Human Services

Room 1510

Thursday, March 5, 2015 1:30 p.m.

LR41

(Signed) Kathy Campbell, Chairperson

COMMITTEE REPORT(S)
 Health and Human Services

LEGISLATIVE BILL 12. Placed on General File with amendment.
 AM293

1 1. On page 2, strike beginning with "or" in line 23 through "sooner"
 2 in line 25.

(Signed) Kathy Campbell, Chairperson

AMENDMENT(S) - Print in Journal

Senator Bloomfield filed the following amendment to LB122:
AM407

1 1. On page 4, strike lines 23 through 25 and insert the following
2 new subdivisions:
3 "(a) The crossing is made at an intersection that:
4 (i) Is controlled by a traffic control signal; or
5 (ii) For any intersection located outside the corporate limits of a
6 city or village, is controlled by stop signs;
7 (b) The crossing at such intersection is made in compliance with the
8 traffic control signal or stop signs; and"; and in line 26 strike "(b)"
9 and insert "(c)".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 58. Introduced by Johnson, 23.

WHEREAS, Kevin Koopmann, the band director for Yutan Public Schools, has won the Veterans of Foreign Wars (VFW) Nebraska Citizenship Education Teacher of the Year Award for grades six through eight; and

WHEREAS, each year, the Nebraska VFW recognizes three exceptional teachers for their outstanding commitment to teach Americanism and patriotism to their students; and

WHEREAS, Kevin recognizes those who have served our country by starting each morning saying the Pledge of Allegiance with his class and leading the Yutan Public Schools band in performances at the Veteran's Day and Memorial Day programs; and

WHEREAS, Kevin will be presented with the award at the VFW State Convention in Norfolk on June 6, 2015.

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

1. That the Legislature congratulates Kevin Koopmann for winning the Veterans of Foreign Wars Nebraska Citizenship Education Teacher of the Year Award.

2. That a copy of this resolution be sent to Kevin Koopmann.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 111. The Chambers motion, MO31, found in this day's Journal, to recommit to Government, Military and Veterans Affairs Committee, was renewed.

Pending.

NOTICE OF COMMITTEE HEARING(S)

Natural Resources

Room 1525

Wednesday, February 25, 2015 1:30 p.m.

Henry H. (Hod) Kosman - Nebraska Natural Resources Commission

Thursday, March 5, 2015 1:30 p.m.

Norris Marshall - Nebraska Game and Parks Commission

(Signed) Ken Schilz, Chairperson

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE BILL 104. Placed on General File.**LEGISLATIVE BILL 206.** Placed on General File with amendment.

AM170

- 1 1. On page 3, line 30, strike "and" and show as stricken.
- 2 2. On page 4, line 1, after the semicolon insert "and
- 3 (e) Activities related to the operation, construction, or
- 4 maintenance of industrial or commercial public power district or public
- 5 power and irrigation district facilities or sites when such activity is
- 6 conducted pursuant to state or federal law or is part of the operational
- 7 plan for such facility or site;".

LEGISLATIVE BILL 203. Indefinitely postponed.

(Signed) Ken Schilz, Chairperson

GENERAL FILE

LEGISLATIVE BILL 111. Senator Chambers withdrew his motion, MO31, found in this day's Journal, to recommit to Government, Military and Veterans Affairs Committee.

Senator Chambers offered the following motion:

MO32

Bracket until June 5, 2015.

Pending.

ANNOUNCEMENT

Senator Campbell announced the Health and Human Services Committee will meet in Room 1510 on February 26, 2015, at 12:45 p.m. instead of 12:30 p.m.

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 420. Placed on General File.**LEGISLATIVE BILL 455.** Placed on General File.**LEGISLATIVE BILL 131.** Placed on General File with amendment.

AM405

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

2 section:

3 Section 1. (1) If the chairperson of a sanitary and improvement4 district board of trustees or the legal counsel or administrator for the5 district receives written notice from a city or village proposing to6 annex territory within the sanitary and improvement district under the7 authority of sections 14-117, 15-104, 16-117, 16-130, 17-405.01, or8 17-407, the district shall not spend assets for a period of ninety days9 after receiving such notice, except for:10 (a) All interest and principal payments on bonds due and payable11 from the construction fund or bond fund of the district;12 (b) All interest and principal payments on construction fund13 warrants due and payable from the construction fund or bond fund of the14 district;15 (c) All interest and principal payments on general fund warrants due16 and payable from the general fund of the district;17 (d) Payment or issuance of warrants for services, work, labor, or18 materials that were ordered or contracted for by the district prior to19 receiving notice of the city or village's proposal to annex the district.20 Such payments or warrants shall be paid from the district's general fund,21 construction fund, bond fund, or service fee fund, so long as such22 payment or warrant shall not cause the district to exceed its total23 budget for the fund from which payment or warrant is to be made;24 (e) Payment or issuance of warrants for any expense incurred by the25 district prior to receiving notice of the city or village's proposal to26 annex the district that is required by the district (i) to satisfy any27 statutory obligation of the district, (ii) to address emergency or1 imminent public safety repairs or replacements to district property, and2 expenses that would be paid by the district in the ordinary course of3 business of the district, and (iii) to address projects for which a4 notice to contractors has been published, the bidding process has begun,5 and contracts are awarded for such project that (A) does not cause the6 district to exceed the district's total general fund budget and is paid7 from the general fund, including, but not limited to, levied tax receipts8 to be received by the district on April 1 and August 1 if the annexation

9 is to occur after such dates, (B) does not cause the district to exceed
 10 the district's total construction fund or bond fund budget and is paid
 11 from the construction fund or bond fund, and (C) does not cause the
 12 district to exceed the district's total service fee fund budget and is
 13 paid from the service fee fund; and
 14 (f) Payment or issuance of warrants for a commitment or contract
 15 that will bind the district to pay for any other expense approved in
 16 writing by the city finance director or other designated person
 17 responsible for such approvals.
 18 (2) If a district plans to commence a construction project or enter
 19 into any contracts required to be publicly bid pursuant to section 31-741
 20 and for which a notice to contractors has not been published and the
 21 bidding process has not begun prior to the district receiving notice of
 22 the city or village's proposal to annex the district, the district shall
 23 first submit either the plans and specifications for the improvements or
 24 the proposed contract to the city or village finance director or other
 25 designated person. Within ten business days after the district submits
 26 the plans and specifications or the proposed contract, the city or
 27 village finance director or other designated person shall either (a)
 28 approve or deny such plans and specifications or the proposed contract or
 29 (b) direct the department head within the city or village responsible for
 30 reviewing plans and specifications or contracts to approve or deny such
 31 plans and specifications or the proposed contract within ten business
 1 days.

LEGISLATIVE BILL 197. Placed on General File with amendment.
 AM390

1 1. On page 6, line 26, strike "a" and insert "the"; in line 27,
 2 after "located" insert "and the county board in which a majority of the
 3 sanitary and improvement district is located"; in line 29 strike
 4 beginning with "greater" through "eight" and insert "less than one
 5 hundred"; and in line 30 after "located" insert "predominantly".
 6 2. On page 7, line 6, strike "(1)" and insert "(6)"; and in line 9
 7 after "located" insert "and the county board in which a majority of the
 8 sanitary and improvement district is located".

LEGISLATIVE BILL 295. Placed on General File with amendment.
 AM323

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 16-901, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 16-901 (1) Except as provided in section 13-327, any city of the
 6 first class may apply by ordinance any existing or future zoning
 7 regulations, property use regulations, building ordinances, electrical
 8 ordinances, plumbing ordinances, and ordinances authorized by section
 9 16-240 to the unincorporated area two miles beyond and adjacent to its
 10 corporate boundaries with the same force and effect as if such outlying
 11 area were within the corporate limits of such city, except that no such

12 ordinance shall be extended or applied so as to prohibit, prevent, or
13 interfere with the conduct of existing farming, livestock operations,
14 businesses, or industry. For purposes of sections 70-1001 to 70-1020, the
15 zoning area of a city of the first class shall be one mile beyond and
16 adjacent to the corporate area. The fact that such unincorporated area is
17 located in a different county or counties than some or all portions of
18 the municipality shall not be construed as affecting the powers of the
19 city to apply such ordinances.

20 (2)(a) A city of the first class shall provide written notice to the
21 county board of the county in which the city's zoning area is located
22 when proposing to adopt or amend a zoning ordinance which effects the
23 city's zoning area. The written notice of the proposed change to the
24 zoning ordinance shall be sent to the county board or its designee at
25 least thirty days prior to the final decision by the city. The county
26 board may submit recommendations regarding the change in the zoning
27 ordinance at the public hearings on the proposed change or directly to
1 the city within thirty days after receiving such notice. The city may
2 make its final decision on the zoning ordinance upon receiving the
3 recommendations from the county board.

4 (b) Subdivision (2)(a) of this section does not apply to a city of
5 the first class (i) located in a county with a population in excess of
6 one hundred thousand inhabitants or (ii) if the city and the county have
7 a joint planning commission or joint planning department.

8 Sec. 2. Section 17-1001, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 17-1001 (1) Except as provided in section 13-327, any city of the
11 second class or village may apply by ordinance any existing or future
12 zoning ordinances, property use regulation ordinances, building
13 ordinances, electrical ordinances, and plumbing ordinances, to an area
14 within one mile of the corporate limits of such municipality
15 ~~municipalities~~, with the same force and effect as if such area ~~was were~~
16 within ~~its their~~ corporate limits. No such ordinance shall be extended or
17 applied so as to prohibit, prevent, or interfere with the conduct of
18 existing farming, livestock operations, businesses, or industry. For
19 purposes of sections 70-1001 to 70-1020, the zoning area of a city of the
20 second class or village shall be one-half mile from the corporate limits
21 of such municipalities. The fact that the zoning area or part thereof is
22 located in a different county or counties than some or all portions of
23 the municipality shall not be construed as affecting the necessity of
24 obtaining the approval of the city council or board of trustees of such
25 municipality or its agent designated pursuant to section 19-916.

26 (2)(a) A city of the second class or village shall provide written
27 notice to the county board of the county in which the city or village's
28 zoning area is located when proposing to adopt or amend a zoning
29 ordinance which effects the city or village's zoning area. The written
30 notice of the proposed change to the zoning ordinance shall be sent to
31 the county board or its designee at least thirty days prior to the final
1 decision by the city or village. The county board may submit
2 recommendations regarding the change in the zoning ordinance at the

3 public hearings on the proposed change or directly to the city or village
 4 within thirty days after receiving such notice. The city or village may
 5 make its final decision on the zoning ordinance upon receiving the
 6 recommendations from the county board.
 7 (b) Subdivision (2)(a) of this section does not apply to a city of
 8 the second class or a village (i) located in a county with a population
 9 in excess of one hundred thousand inhabitants or (ii) if the city or
 10 village and the county have a joint planning commission or joint planning
 11 department.
 12 Sec. 3. Original sections 16-901 and 17-1001, Reissue Revised
 13 Statutes of Nebraska, are repealed.

(Signed) Sue Crawford, Chairperson

GENERAL FILE

LEGISLATIVE BILL 111. The Chambers motion, MO32, found in this day's Journal, to bracket until June 5, 2015, was renewed.

Senator K. Haar moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 9 nays, and 13 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

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

Voting in the affirmative, 25:

| | | | | |
|----------|----------|-----------|-------------|----------------|
| Baker | Davis | Harr, B. | Kolterman | Morfeld |
| Campbell | Gloor | Hilkemann | Krist | Nordquist |
| Chambers | Haar, K. | Howard | Lindstrom | Pansing Brooks |
| Cook | Hadley | Johnson | McCollister | Seiler |
| Crawford | Hansen | Kolowski | Mello | Sullivan |

Voting in the negative, 15:

| | | | | |
|------------|---------|---------|---------|----------|
| Bloomfield | Ebke | Groene | Larson | Schnoor |
| Brasch | Friesen | Hughes | Murante | Stinner |
| Craighead | Garrett | Kintner | Schilz | Williams |

Present and not voting, 4:

| | | | |
|-------|-------|------------|-------|
| Kuehn | Riepe | Schumacher | Smith |
|-------|-------|------------|-------|

Excused and not voting, 5:

| | | | | |
|------|-------|-------|--------|------------|
| Bolz | Coash | McCoy | Scheer | Watermeier |
|------|-------|-------|--------|------------|

The Chambers motion to bracket prevailed with 25 ayes, 15 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 34. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 1 nay, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 46. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 129. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 37. Title read. Considered.

Committee AM140, found on page 449, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Lindstrom - LB357

Kolterman - LB276

AMENDMENT(S) - Print in Journal

Senator Krist filed the following amendment to LB28:

AM368

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

2 sections:

3 Section 1. Sections 1 to 5 of this act shall be known and may be

4 cited as the Radon Resistant New Construction Act.

5 Sec. 2. The Legislature finds that:

6 (1) Radon is a radioactive element that is part of the radioactive

7 decay chain of naturally occurring uranium in soil;

8 (2) Radon is the leading cause of lung cancer among nonsmokers and

9 the number one risk in homes according to the Harvard School of Public
10 Health, Harvard Center for Risk Analysis;
11 (3) The World Health Organization Handbook on Indoor Radon includes
12 key messages which state:
13 (a) "There is no known threshold concentration below which radon
14 exposure presents no risk."; and
15 (b) "The majority of radon-induced lung cancers are caused by low
16 and moderate radon concentrations rather than by high radon
17 concentrations, because in general less people are exposed to high indoor
18 radon concentrations.";
19 (4) The Surgeon General of the United States urged Americans to test
20 their homes to find out how much radon they might be breathing;
21 (5) The United States Environmental Protection Agency estimates that
22 more than twenty thousand Americans die of radon-related lung cancer each
23 year; and
24 (6) The United States Environmental Protection Agency has identified
25 radon levels in Nebraska as the third highest in the United States
26 because of the high concentration of uranium in the soil.
27 Sec. 3. For purposes of the Radon Resistant New Construction Act:
1 (1) Active radon mitigation system means a family of radon
2 mitigation systems involving mechanically driven soil depressurization,
3 including subslab depressurization, drain tile depressurization, block
4 wall depressurization, and submembrane depressurization. Active radon
5 mitigation system is also known as active soil depressurization;
6 (2) Building code means an ordinance, resolution, or law that
7 establishes standards applicable to new construction;
8 (3) Building contractor means any individual, corporation,
9 partnership, limited liability company, or other business entity that
10 engages in new construction;
11 (4) Department means the Department of Health and Human Services;
12 (5) New construction means any original construction of a single-
13 family home or a multifamily dwelling, including apartments, group homes,
14 condominiums, and townhouses, or any original construction of a building
15 used for commercial, industrial, educational, or medical purposes. New
16 construction does not include additions to existing structures or
17 remodeling of existing structures;
18 (6) Passive new construction pipe means a pipe installed in new
19 construction that relies solely on the convective flow of air upward for
20 soil gas depressurization and may consist of multiple pipes routed
21 through conditioned space from below the foundation to above the roof;
22 and
23 (7) Radon mitigation specialist means an individual who is licensed
24 by the department as a radon mitigation specialist in accordance with the
25 Radiation Control Act.
26 Sec. 4. (1) The Radon Resistant New Construction Task Force is
27 created. The task force shall consist of the chief medical officer of the
28 Division of Public Health of the Department of Health and Human Services
29 as designated in section 81-3115 or his or her designee, who shall serve
30 as the chairperson of the task force, and the following additional

31 members to be appointed by the Governor:

- 1 (a) Three representatives of home builders' associations in
- 2 Nebraska, each from a different congressional district;
- 3 (b) A representative of a home inspectors' association in Nebraska;
- 4 (c) A representative of an international building code organization;
- 5 (d) A representative of a Nebraska realtors' organization;
- 6 (e) Two representatives of respiratory disease organizations, each
- 7 from a different organization;
- 8 (f) A representative of a cancer research and prevention
- 9 organization;
- 10 (g) A representative of the League of Nebraska Municipalities;
- 11 (h) Three community public health representatives, each from a
- 12 different congressional district;
- 13 (i) A professional engineer as defined in section 81-3422; and
- 14 (j) An architect as defined in section 81-3404.

15 (2) The task force shall meet at the call of the chairperson. The

16 appointed members of the task force shall serve without compensation but

17 shall be reimbursed for their actual and necessary expenses as provided

18 in sections 81-1174 to 81-1177. The department shall provide staff and

19 support for the operation of the task force.

20 (3) The task force shall develop minimum standards for radon

21 resistant new construction and shall recommend such minimum standards to

22 the Governor and to the Health and Human Services Committee of the

23 Legislature. In developing such minimum standards, the task force shall:

- 24 (a) Design the minimum standards so that they may be enforced by a
- 25 county, city, or village as part of its local building code;
- 26 (b) Consider Appendix F of the International Residential Code for
- 27 One- and Two-Family Dwellings, 2012 edition, published by the
- 28 International Code Council; and
- 29 (c) Consider including the following provisions in such minimum
- 30 standards:

- 31 (i) A requirement that the installation of an active radon
- 1 mitigation system only be performed by a radon mitigation specialist;
- 2 (ii) A requirement that the installation of radon resistant new
- 3 construction only be performed by a building contractor or his or her
- 4 subcontractors or by a radon mitigation specialist; and
- 5 (iii) A requirement that only a radon mitigation specialist be
- 6 allowed to install a radon vent fan or upgrade a passive new construction
- 7 pipe to an active radon mitigation system.

8 (4) The task force shall provide its recommendation by December 15,

9 2015. The task force and this section terminate on January 1, 2016.

10 Sec. 5. It is the intent of the Legislature that the recommendation

11 provided by the Radon Resistant New Construction Task Force under section

12 4 of this act be used by the Legislature during the 2016 legislative

13 session to establish, in statute, minimum standards for radon resistant

14 new construction.

VISITORS

Visitors to the Chamber were 15 members of Leadership York; 50 twelfth-grade students from Syracuse; 10 members of Leadership Beatrice; 9 members of Leadership Ogallala; and Senator Hilkemann's wife, Julie, and Diane Murphy and Bev Layten from Omaha.

The Doctor of the Day was Dr. Nathan Krug from Central City.

ADJOURNMENT

At 11:50 a.m., on a motion by Senator McCollister, the Legislature adjourned until 9:00 a.m., Thursday, February 19, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-NINTH DAY - FEBRUARY 19, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 19, 2015

PRAYER

The prayer was offered by Pastor Jim Haack, Beautiful Savior Lutheran Church, La Vista.

ROLL CALL

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

The roll was called and all members were present except Senator Larson who was excused; and Senators Craighead, Kolowski, Krist, Murante, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-eighth day was approved.

MESSAGE(S) FROM THE GOVERNOR

February 13, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Director of the Department of Economic Development:

Brenda L. Hicks-Sorensen, 7305 Pioneers Blvd., #604, Lincoln, NE 68506

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

RESOLUTION(S)

LEGISLATIVE RESOLUTION 59. Introduced by Hilkemann, 4.

WHEREAS, November 2015 is National Family Caregivers Month; and

WHEREAS, about 250,000 people in Nebraska, 14 percent of the state's population, are 65 years of age and older, and that number is expected to increase in the next 15 years to 417,000 people, or 20 percent of the state's population in 2030; and

WHEREAS, an estimated 40,000 people in Nebraska, 2 percent of the state's population, are 85 years of age and older, and that number is expected to increase in the next 15 years to about 50,000 people, or 2.4 percent of the state's population in 2030; and

WHEREAS, it is estimated that 37,000 people in Nebraska have Alzheimer's disease, and this number is expected to increase to 44,000 people by 2025 with an expected 70 percent of the people with Alzheimer's disease and other forms of dementia living at home; and

WHEREAS, at least 20 percent of those persons 65 years of age and older need some level of assistance with the activities of daily living, and there are an estimated 220,000 adults in Nebraska providing paid and unpaid care to adult relatives or friends; and

WHEREAS, both unpaid family caregivers and paid caregivers work together to serve the daily living needs of seniors who live in their own homes; and

WHEREAS, the longer a senior is able to provide for his or her own care, the less the burden that is placed on public assistance offered by the state and federal governments.

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

1. That the Legislature recognizes the importance of caregiving and the caregiving profession and supports the private home health care industry and the efforts of family caregivers throughout Nebraska by encouraging individuals to provide care to family, friends, and neighbors.

2. That the Legislature encourages accessible and affordable care for seniors and supports the continuing review of state policies and current state programs which address the needs of seniors and their family caregivers.

3. That the Legislature encourages the Department of Health and Human Services to continue working to educate people in Nebraska on the impact of aging and the importance of knowing the options available to seniors when they need care to meet their personal needs.

4. That the Legislature recognizes November 2015 as Nebraska Caregivers Month and encourages citizens to participate in activities related to National Family Caregivers Month.

5. That a copy of this resolution be sent to the Department of Health and Human Services.

Laid over.

LEGISLATIVE RESOLUTION 60. Introduced by Hadley, 37.

WHEREAS, the NEBRASKAland Foundation on Saturday, February 28, 2015, will present the Distinguished NEBRASKAlander Award to three honorees at the annual Statehood Day Dinner held in the Nebraska State Capitol; and

WHEREAS, a Distinguished NEBRASKAlander Award will be presented to Gene Haynes, an Omaha educator and community leader, who has been principal of Omaha North Magnet High School for 13 years. Gene led the development of the privately-funded Haddix Center at Omaha North High School which draws students from across Omaha to study science, technology, engineering, and mathematics. Gene has been a teacher, coach, and an administrator in the Omaha Public Schools for 48 years, including 29 years at Omaha North High School, and has received numerous awards for his work in education and the community; and

WHEREAS, a Distinguished NEBRASKAlander Award will be presented to United States Senator Mike Johanns who has brought great recognition to Nebraska through more than 30 years of public service at all levels of government. Mike served as the 28th Secretary of the United States Department of Agriculture, and was then elected to the United States Senate where he served from 2009-2015. Mike's public service began in 1983 as a county commissioner and city councilman before his election as mayor of Lincoln in 1995. He served as Governor of Nebraska from 1999-2005 where he took a strong leadership role in agriculture, economic development, and foreign trade; and

WHEREAS, a Distinguished NEBRASKAlander Award will be presented to Paul Younes of Kearney who has built a hospitality business that has changed the landscape of Kearney and Nebraska. Paul came to York College from Haifa, Israel, on a soccer scholarship and then transferred to Kearney State College. After starting as a dishwasher at a local motel, Paul worked his way up to become manager, then an owner, and is now president of Younes Hospitality, a family-run business which owns 12 hotels throughout Nebraska. Paul privately financed the Younes Conference Center which hosts regional, statewide, and national events.

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

1. That the Legislature congratulates the recipients of the Distinguished NEBRASKAlander Award and extends its appreciation for their service to the State of Nebraska.

2. That a copy of this resolution be given to Gene Haynes, Mike Johanns, and Paul Younes.

Laid over.

MOTION(S) - Confirmation Report(s)

Senator Nordquist moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 513:

Nebraska Investment Council
Michael W. Walden-Newman, State Investment Officer

Voting in the affirmative, 37:

| | | | | |
|------------|----------|-------------|----------------|------------|
| Baker | Ebke | Hilkemann | Mello | Smith |
| Bloomfield | Friesen | Hughes | Morfeld | Stinner |
| Bolz | Garrett | Johnson | Nordquist | Sullivan |
| Campbell | Gloor | Kintner | Pansing Brooks | Watermeier |
| Coash | Groene | Kolterman | Riepe | Williams |
| Cook | Haar, K. | Kuehn | Schnoor | |
| Craighead | Hadley | Lindstrom | Schumacher | |
| Crawford | Hansen | McCollister | Seiler | |

Voting in the negative, 0.

Present and not voting, 8:

| | | | |
|----------|----------|--------|--------|
| Brasch | Davis | Howard | Scheer |
| Chambers | Harr, B. | McCoy | Schilz |

Excused and not voting, 4:

| | | | |
|----------|-------|--------|---------|
| Kolowski | Krist | Larson | Murante |
|----------|-------|--------|---------|

The appointment was confirmed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

SPEAKER HADLEY PRESIDING

SELECT FILE

LEGISLATIVE BILL 430. Senator Mello offered his amendment, AM242, found on page 431.

The Mello amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 269. ER19, found on page 440, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 94. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 52. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 260. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 261. ER23, found on page 440, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 271. ER24, found on page 441, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 241. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 305. ER21, found on page 455, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 107. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 87. ER26, found on page 486, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 90. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 194. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 301. ER28, found on page 490, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 314. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 252. ER29, found on page 490, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 286. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 116. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 266. ER30, found on page 490, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 312. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 313. ER31, found on page 491, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 45. ER32, found on page 491, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 180. ER33, found on page 491, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 298. ER35, found on page 491, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 352. ER34, found on page 491, was adopted.

Advanced to Enrollment and Review for Engrossment.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 61. Introduced by Kintner, 2.

WHEREAS, Kathleen Gottsch has been named the city administrator for Springfield; and

WHEREAS, Kathleen is currently the city clerk and treasurer which are positions she will maintain in her new job as city administrator; and

WHEREAS, Kathleen has been an employee of Springfield for the past eight years; and

WHEREAS, the Mayor of Springfield, Mike Dill, describes Kathleen as a "very bright, very capable" employee and the right person for the job.

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

1. That the Legislature congratulates Kathleen Gottsch for being named the city administrator for Springfield.
2. That a copy of the resolution be sent to Kathleen Gottsch.

Laid over.

PRESIDENT FOLEY PRESIDING

SELECT FILE

LEGISLATIVE BILL 88. Senator Bloomfield offered his amendment, AM184, found on page 424.

Senator Chambers offered the following amendment to the Bloomfield amendment:

FA12

Amend AM184

In line 1 strike "eight" and insert "seven".

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

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 6:

| | | |
|------------|---------|---------|
| Bloomfield | Ebke | Schnoor |
| Brasch | Kintner | Seiler |

Voting in the negative, 32:

| | | | | |
|----------|-----------|-------------|----------------|------------|
| Bolz | Groene | Johnson | Morfeld | Stinner |
| Campbell | Haar, K. | Kolowski | Murante | Sullivan |
| Coash | Hadley | Kolterman | Nordquist | Watermeier |
| Cook | Harr, B. | Kuehn | Pansing Brooks | Williams |
| Crawford | Hilkemann | Lindstrom | Riepe | |
| Friesen | Howard | McCollister | Scheer | |
| Gloor | Hughes | McCoy | Smith | |

Present and not voting, 8:

| | | | |
|----------|---------|--------|------------|
| Baker | Davis | Hansen | Schilz |
| Chambers | Garrett | Mello | Schumacher |

Excused and not voting, 3:

Craighead Krist Larson

The Chambers amendment lost with 6 ayes, 32 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO33

Reconsider the vote on FA12.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Senator Bloomfield withdrew his amendment, AM184, found on page 424 and considered in this day's Journal.

Senator Bloomfield offered the following amendment:

FA13

Strike "sixteen" in line 16 page 2 and insert in its place "nine".

The Bloomfield amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 122. Senator Bloomfield offered his amendment, AM407, found on page 535.

The Bloomfield amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 142. ER20, found on page 441, was adopted.

Senator Schilz offered his amendment, AM255, found on page 517.

The Schilz amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 142A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 160. Senator Coash offered the Larson amendment, AM254, found on page 502.

The Larson amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

SENATOR GLOOR PRESIDING

LEGISLATIVE BILL 272. ER22, found on page 455, was adopted.

Senator Garrett offered the following amendment:

AM309

- 1 1. Strike the original section and all amendments thereto and insert
- 2 the following new section:
- 3 Section 1. (1) For purposes of this section:
- 4 (a) Private employer means a sole proprietorship, a corporation, a
- 5 partnership, an association, a limited liability company, or any other
- 6 entity with one or more employees;
- 7 (b) Veteran means (i) a person who served full-time duty with
- 8 military pay and allowances in the armed forces of the United States,
- 9 except for training or for determining physical fitness, and was
- 10 discharged or otherwise separated with a characterization of honorable or
- 11 general (under honorable conditions), or (ii) the spouse of a veteran who
- 12 (A) has a one hundred percent permanent disability as determined by the
- 13 United States Department of Veterans Affairs or (B) was killed in hostile
- 14 action; and
- 15 (c) Voluntary veterans preference employment policy means a private
- 16 employer's voluntary preference for hiring and promoting a veteran over
- 17 another equally qualified applicant or employee.
- 18 (2) A private employer may adopt a voluntary veterans preference
- 19 employment policy. Such policy shall be in writing and applied uniformly
- 20 to decisions regarding hiring and promotion.
- 21 (3) If a private employer offers a voluntary veterans preference
- 22 employment policy, a veteran desiring to use such policy shall provide
- 23 the private employer with a copy of the veteran's Department of Defense
- 24 Form 214, also known as the DD Form 214, or its successor form. A spouse
- 25 of a veteran desiring to use such preference shall provide the private
- 26 employer with a copy of the veteran's Department of Defense Form 214 or
- 27 its successor form, proof of marriage to the veteran, and either (a) a
- 1 copy of the veteran's disability verification from the United States
- 2 Department of Veterans Affairs demonstrating a one hundred percent
- 3 permanent disability rating or (b) a copy of the veteran's Department of
- 4 Defense Form 1300 or its successor form documenting that the veteran was
- 5 killed in hostile action.
- 6 (4) If a private employer implements a voluntary veterans preference
- 7 employment policy, it shall notify the Commissioner of Labor of such
- 8 policy. The commissioner shall use the information to maintain a registry

9 of the private employers that have a voluntary veterans preference
 10 employment policy in Nebraska.
 11 (5) A voluntary veterans preference employment policy shall not be
 12 considered a violation of any state or local equal employment opportunity
 13 law including the Nebraska Fair Employment Practice Act.

The Garrett amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 446. Senator Nordquist offered his amendment, AM339, found on page 504.

The Nordquist amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 181. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 167. ER36, found on page 520, was adopted.

Senator Mello offered the following amendment:
 AM440

1 1. On page 2, line 13, strike "September" and insert "November".

The Mello amendment was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S)
 Enrollment and Review

LEGISLATIVE BILL 34. Placed on Select File.
LEGISLATIVE BILL 46. Placed on Select File.
LEGISLATIVE BILL 129. Placed on Select File.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
 Revenue

LEGISLATIVE BILL 123. Placed on General File.
LEGISLATIVE BILL 246. Placed on General File.
LEGISLATIVE BILL 277. Placed on General File.

(Signed) Mike Gloor, Chairperson

AMENDMENT(S) - Print in Journal

Senator Kolterman filed the following amendment to LB77:
AM403

1 1. On page 4, line 14, after the period insert "No state funds shall
2 be utilized to pay for elective abortion services or to promote elective
3 abortion services. The department shall ensure that any funds received
4 under this subsection shall not be spent or used in any way to contract
5 with any entity that performs or promotes elective abortion services or
6 with any entity that affiliates with any entity that performs or promotes
7 elective abortions. For purposes of this subsection, elective abortion
8 means an abortion (a) other than a spontaneous abortion or (b) that is
9 performed for any reason other than to prevent the death of the female
10 upon whom the abortion is performed."

NOTICE OF COMMITTEE HEARING(S)

Appropriations

Room 1524

Monday, March 9, 2015 1:30 p.m.

Agency 13 - Education, Department of
Agency 32 - Educational Lands and Funds, Board of
Agency 34 - Library Commission, Nebraska
Agency 69 - Arts Council, Nebraska
LB185
LB274

Tuesday, March 10, 2015 1:30 p.m.

Agency 5 - Supreme Court
Agency 11 - Attorney General
Agency 94 - Public Advocacy, Commission on
Agency 15 - Parole, Nebraska Board of
Agency 46 - Correctional Services, Department of
LB229
LB237
LB654

Room 1003

Wednesday, March 11, 2015 1:30 p.m.

Agency 23 - Labor, Department of
Agency 54 - Historical Society, Nebraska State

Agency 52 - State Fair Board
Agency 91 - Nebraska Tourism Commission
Agency 72 - Economic Development, Department of
LB161
LB263
LB318
LB449
LB450
LB569

Thursday, March 12, 2015 1:30 p.m.

LB374
LB537
LB461
Agency 31 - Military Department
Agency 29 - Natural Resources, Department of
Agency 84 - Environmental Quality, Department of
Agency 33 - Game and Parks Commission

(Signed) Heath Mello, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Groene - LB437
Ebke - LB172, LB173, and LB268

VISITORS

Visitors to the Chamber were representatives from 10 Nebraska franchises of Home Instead Senior Care including founders Paul and Lori Hogan; 50 first- through eleventh-grade home school students from Lincoln; and 18 fourth-grade students, teacher, and sponsors from St. John Lutheran School, Seward.

The Doctor of the Day was Dr. Susan Evans from Omaha.

ADJOURNMENT

At 11:49 a.m., on a motion by Senator Murante, the Legislature adjourned until 9:00 a.m., Friday, February 20, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTIETH DAY - FEBRUARY 20, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 20, 2015

PRAYER

The prayer was offered by Senator Garrett.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Craighead, Kolowski, Kuehn, Murante, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 19, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Ashworth, Bill
Yahoo, Inc.
Castleberry, William
Facebook
Coburn, Tom
Convention of States Action
Hladik, Johnathan
Center for Rural Affairs
Mueller Robak
PLL Performance Group

O'Hara Lindsay & Associates, Inc.
Vandelay Investments, LLC
Wright, Lee
Farmers Group, Inc.

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

MOTION - Return LB40 to Select File

Senator Chambers moved to return LB40 to Select File for the following specific amendment:

FA14
Strike the enacting clause.

Senator Chambers requested a record vote on the motion to return.

Voting in the affirmative, 0.

Voting in the negative, 43:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Bloomfield | Friesen | Howard | McCoy | Schumacher |
| Bolz | Garrett | Hughes | Mello | Seiler |
| Brasch | Gloor | Johnson | Morfeld | Smith |
| Campbell | Groene | Kintner | Murante | Sinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Kuehn | Pansing Brooks | Watermeier |
| Craighead | Hansen | Larson | Riepe | Williams |
| Crawford | Harr, B. | Lindstrom | Scheer | |
| Ebke | Hilkemann | McCollister | Schnoor | |

Present and not voting, 4:

Baker Chambers Davis Krist

Excused and not voting, 2:

Kolowski Schilz

The Chambers motion to return failed with 0 ayes, 43 nays, 4 present and not voting, and 2 excused and not voting.

Senator Chambers offered the following motion:

MO34
Reconsider the motion to return to Select File for purposes of striking the enacting clause.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB40 with 44 ayes, 1 nay, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 40.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1019, 16-1038, 23-2305.01, 23-2322, 24-704.01, 79-904.01, 79-948, 79-9,104, 81-2019.01, 81-2032, 84-1305.02, 84-1324, 84-1503, and 84-1505, Reissue Revised Statutes of Nebraska, and sections 14-2111, 24-710.02, and 48-1401, Revised Statutes Cumulative Supplement, 2014; to eliminate unconstitutional provisions related to payment of benefits or annuities for civil damages; to grant the Public Employees Retirement Board certain investigative powers; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER HADLEY PRESIDING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB41 with 46 ayes, 0 nays, and 3 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 41.

A BILL FOR AN ACT relating to retirement; to amend sections 23-1118 and 23-2301, Revised Statutes Cumulative Supplement, 2014; to change the size of a county for purposes of county employees retirement; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 42.

A BILL FOR AN ACT relating to retirement; to amend section 13-2402, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to annual reports; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Davis | Howard | McCollister | Schnoor |
| Bloomfield | Ebke | Hughes | McCoy | Schumacher |
| Bolz | Friesen | Johnson | Mello | Seiler |
| Brasch | Garrett | Kintner | Morfeld | Smith |
| Campbell | Gloor | Kolowski | Murante | Stinner |
| Chambers | Groene | Kolterman | Nordquist | Sullivan |
| Coash | Hadley | Krist | Pansing Brooks | Watermeier |
| Cook | Hansen | Kuehn | Riepe | Williams |
| Craighead | Harr, B. | Larson | Scheer | |
| Crawford | Hilkemann | Lindstrom | Schilz | |

Voting in the negative, 0.

Present and not voting, 1:

Haar, K.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 43.

A BILL FOR AN ACT relating to the Nebraska Probate Code; to amend sections 30-2619, 30-3002, 30-3003, 30-3004, and 30-3005, Reissue Revised Statutes of Nebraska, and section 30-2201, Revised Statutes Cumulative Supplement, 2014; to provide for appointment of standby guardians for incapacitated persons; to transfer and change provisions regarding recovery of estate assets; to provide for recovery of assets of wards as prescribed; to provide enforcement procedures; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Davis | Howard | McCollister | Schnoor |
| Bloomfield | Ebke | Hughes | McCoy | Schumacher |
| Bolz | Friesen | Johnson | Mello | Seiler |
| Brasch | Garrett | Kintner | Morfeld | Smith |
| Campbell | Gloor | Kolowski | Murante | Stinner |
| Chambers | Haar, K. | Kolterman | Nordquist | Sullivan |
| Coash | Hadley | Krist | Pansing Brooks | Watermeier |
| Cook | Hansen | Kuehn | Riepe | Williams |
| Craighead | Harr, B. | Larson | Scheer | |
| Crawford | Hilkemann | Lindstrom | Schilz | |

Voting in the negative, 0.

Present and not voting, 1:

Groene

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 65. With Emergency Clause.

A BILL FOR AN ACT relating to counties; to amend section 23-2,100, Reissue Revised Statutes of Nebraska; to provide powers and duties for county boards upon termination of a township board; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 91.

A BILL FOR AN ACT relating to livestock; to repeal provisions regarding scabies, diseased swine, and hog cholera; to repeal the Hog Cholera Control and Eradication Act; and to outright repeal sections 54-724.01, 54-724.02, 54-726.04, 54-1401, 54-1402, 54-1403, 54-1404, 54-1405, 54-1406, 54-1407, 54-1408, 54-1409, 54-1410, 54-1411, 54-1501, 54-1503, 54-1505, 54-1508, 54-1509, 54-1510, 54-1511, 54-1512, 54-1513, 54-1514, 54-1515, 54-1516, 54-1517, 54-1518, 54-1519, 54-1520, 54-1521, 54-1522, and 54-1523, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 92.

A BILL FOR AN ACT relating to the Agricultural Liming Materials Act; to amend sections 2-4323, 2-4324, 2-4326, and 2-4327, Reissue Revised Statutes of Nebraska; to change requirements for annual report filing and report publication; to change provisions relating to enforcement; to provide for seizure and disposal of noncompliant agricultural liming materials; to change penalties; to provide a duty for the Attorney General and local county attorneys; to remove an obsolete provision; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Lindstrom | Schilz |
| Bloomfield | Ebke | Howard | McCollister | Schnoor |
| Bolz | Friesen | Hughes | McCoy | Schumacher |
| Brasch | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Chambers | Groene | Kolowski | Murante | Sullivan |
| Coash | Haar, K. | Kolterman | Nordquist | Watermeier |
| Cook | Hadley | Krist | Pansing Brooks | Williams |
| Craighead | Hansen | Kuehn | Riepe | |
| Crawford | Harr, B. | Larson | Scheer | |

Voting in the negative, 0.

Present and not voting, 1:

Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB93 to Select File

Senator Chambers moved to return LB93 to Select File for the following specific amendment:

FA15

Strike the enacting clause.

The Chambers motion to return failed with 2 ayes, 39 nays, and 8 present and not voting.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB93 with 42 ayes, 1 nay, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 93.

A BILL FOR AN ACT relating to the Nebraska Commercial Fertilizer and Soil Conditioner Act; to amend sections 81-2,162.02, 81-2,162.04, 81-2,162.05, 81-2,162.06, 81-2,162.07, 81-2,162.08, 81-2,162.11, 81-2,162.23, and 81-2,162.27, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change labeling requirements; to change penalties; to change requirements for publishing sales information; to remove a license application requirement; to change provisions relating to a fund; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 62. Introduced by Cook, 13.

WHEREAS, Dr. Paulette C. Walker is the 25th National President of Delta Sigma Theta Sorority, Incorporated; and

WHEREAS, Dr. Walker was initiated into Delta Sigma Theta Sorority, Incorporated, through the Epsilon Epsilon Chapter of Michigan State University in 1966; and

WHEREAS, Dr. Walker has served the sorority on the local, regional, and national levels; and

WHEREAS, Dr. Walker spent her professional career as an educator, a nationally recognized researcher, and an advocate for excellence in public education before her retirement in 2011; and

WHEREAS, Dr. Walker has received the distinguished Ronald McNair Scholars Research Mentor Award and the Ronald McNair Scholars Role Model Mentor Award; and

WHEREAS, Delta Sigma Theta Sorority, Incorporated, is celebrating its 102nd anniversary in 2015; and

WHEREAS, the mission of Delta Sigma Theta Sorority, Incorporated, is to provide assistance and support through established programs in local communities and throughout the world and to confront the challenges facing African-Americans; and

WHEREAS, Delta Sigma Theta Sorority, Incorporated, has been serving Nebraska communities since the University of Nebraska-Lincoln chapter was established in 1922.

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

1. That the Legislature congratulates Dr. Paulette C. Walker for her outstanding service with Delta Sigma Theta Sorority, Incorporated.
2. That a copy of this resolution be sent to Dr. Paulette C. Walker.

Laid over.

LEGISLATIVE RESOLUTION 63. Introduced by Cook, 13.

WHEREAS, Soror Jan M. Carpenter Baker was elected the 30th Mid-Western Regional Director of Alpha Kappa Alpha Sorority, Incorporated, in 2014; and

WHEREAS, Jan began her membership in Alpha Kappa Alpha Sorority, Incorporated, at the University of Missouri in Columbia in 1977, and has been a member of Mu Omega Chapter in Kansas City, Missouri, since 1981; and

WHEREAS, Jan has been active in the Alpha Kappa Alpha Sorority, Incorporated, at the local, regional, and international levels, serving in numerous key leadership positions; and

WHEREAS, Alpha Kappa Alpha Sorority, Incorporated, is celebrating its 107th anniversary in 2015; and

WHEREAS, the mission of Alpha Kappa Alpha Sorority, Incorporated, is to encourage lifelong personal and professional development in its members and to organize its members to effectively advocate for social change that results in equality and equity for all citizens of the world; and

WHEREAS, Alpha Kappa Alpha Sorority, Incorporated, has been serving Nebraska communities since the Gamma Beta Chapter was chartered in 1940 at the University of Nebraska Omaha.

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

1. That the Legislature congratulates Soror Jan M. Carpenter Baker on her election and for her outstanding service with Alpha Kappa Alpha Sorority, Incorporated.
2. That a copy of this resolution be sent to Soror Jan M. Carpenter Baker.

Laid over.

LEGISLATIVE RESOLUTION 64. Introduced by Friesen, 34.

WHEREAS, Nathan Olsufka, a member of Troop 28 from Aurora, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Nathan has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 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, Nathan removed the old fence and sign at the George Western Cemetery near Marquette and replaced them with a new fence and sign; and

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

WHEREAS, Nathan, 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 Nathan Olsufka on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Nathan Olsufka.

Laid over.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 290. Placed on General File.

LEGISLATIVE BILL 189. Placed on General File with amendment.

AM412

- 1 1. Renumber section 5 as section 3.
- 2 2. On page 7, strike lines 20 through 22 and insert "whether growing
- 3 or not, which contains any quantifiable amount of tetrahydrocannabinols.
- 4 Marijuana includes every manufacture or preparation of such plant or its
- 5 seeds which contain any quantifiable amount of tetrahydrocannabinols.
- 6 Marijuana does not include marijuana concentrate, industrial hemp as
- 7 defined in section 2-5701, or any product made from the mature stalks or
- 8 sterilized seeds of a plant of the genus cannabis;".
- 9 3. On page 9, line 26, after the semicolon insert "and"; and strike
- 10 lines 27 through 31.
- 11 4. On page 10, line 1, strike "44" and insert "43".
- 12 5. On page 13, line 14, strike "5" and insert "3".
- 13 6. On page 17, strike line 31 and show as stricken.
- 14 7. On page 18, strike line 1; in line 2 strike "9" and insert "7";

- 15 in line 3 strike "10" and insert "8"; in line 8 strike "11" and insert
 16 "9"; in line 9 strike "12" and insert "10"; after line 9 insert the
 17 following new subdivision:
 18 "(11) Tetrahydrocannabinols"; in line 23 strike "(13)", show as
 19 stricken, and insert "(12)"; in line 24 strike "(14)", show as stricken,
 20 and insert "(13)"; in line 25 strike "(15)", show as stricken, and insert
 21 "(14)"; and in line 29 strike "16" and insert "15".
 22 8. On page 19, line 1, strike "17" and insert "16"; in line 5 strike
 23 "18" and insert "17"; in line 8 strike "19" and insert "18"; in line 11
 24 strike "20" and insert "19"; in line 12 strike "21" and insert "20"; in
 25 line 13 strike "22" and insert "21"; in line 14 strike "23" and insert
 26 "22"; and in line 22 strike "24" and insert "23".
 27 9. On page 20, line 4, strike "contained" and insert "occurring";
 1 and in line 5 after "cannabis" insert an underscored comma.
 2 10. On page 23, line 20, strike "25" and insert "24".
 3 11. On page 26, line 18, strike "26" and insert "25".
 4 12. On page 27, line 14, strike "(28)", show as stricken, and insert
 5 "(26)".
 6 13. On page 43, line 9, after "unless" insert "(a)"; and in line 11
 7 after "practice" insert "or (b) such substance is in the possession of a
 8 person as authorized under section 2-5701, in compliance with rules and
 9 regulations adopted and promulgated by the Department of Agriculture".
 10 14. On page 46, strike beginning with the last "or" in line 21
 11 through "concentrate" in line 22 and show the older matter as stricken.
 12 15. On page 47, line 6, after "of" insert "marijuana concentrate or
 13 ;" and in line 7 strike "(c)(24)" and insert "(c)(23)".
 14 16. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 253. Placed on General File with amendment.
 AM278

- 1 1. On page 2, line 6, strike "husband and wife", show as stricken,
 2 and insert "spouses".

LEGISLATIVE BILL 505. Placed on General File with amendment.
 AM391

- 1 1. On page 2, line 7, after "agency" insert ", except as provided in
 2 subsection (4) of this section or"; in line 12 strike "except" and show
 3 as stricken; and in line 26 after "(1)" insert "or (4)".
 4 2. On page 3, line 27, after "agencies" insert ", except as provided
 5 in subsection (4) of this section".
 6 3. On page 4, line 2, strike "offense" and insert "case"; strike
 7 lines 5 through 8 and insert the following new subsections:
 8 "(4) That part of the criminal history record information described
 9 in subsection (3) of this section may be disseminated to individuals or
 10 agencies for the express purpose of research, evaluative, or statistical
 11 activities pursuant to an agreement with a criminal justice agency that
 12 specifically authorizes access to the information, limits the use of the
 13 information to research, evaluative, or statistical activities, and
 14 ensures the confidentiality and security of the information.

15 (5) In any application for employment, bonding, license, education,
 16 or other right or privilege, any appearance as a witness, or any other
 17 public inquiry, a person cannot be questioned with respect to any offense
 18 for which the record is sealed. If an inquiry is made in violation of
 19 this subsection, the person may respond as if the offense never
 20 occurred."; in line 9 strike "(5) A" and insert "(6) Except as provided
 21 in subsections (1) and (4) of this section, a"; in line 11 strike "a
 22 Class III misdemeanor" and insert "an infraction, and may be fined up to
 23 five hundred dollars"; and in line 12 strike "6" and insert "7".

(Signed) Les Seiler, Chairperson

Agriculture

LEGISLATIVE BILL 183. Placed on General File with amendment.
 AM445

1 1. On page 4, strike beginning with "File" in line 12 through
 2 "States" in line 14, show the old matter as stricken, and insert "File a
 3 reviewed or audited fiscal year-end financial statement prepared by an
 4 independent certified public accounting firm"; and in line 30 strike
 5 "accountant's", show as stricken, and insert "accounting firm's".

(Signed) Jerry Johnson, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 430. Placed on Final Reading.
 ST7

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

1. On page 1, line 2, "funds" has been struck and "and reappropriate
 funds; to eliminate an appropriation" inserted.

(Signed) Matt Hansen, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Hadley, Marilyn - Nebraska Educational Telecommunications Commission
 - Education

Hicks-Sorensen, Brenda L., Director - Department of Economic
 Development - Banking, Commerce and Insurance

Patlan, Virgil J., Sr. - Board of Parole - Judiciary

(Signed) Bob Krist, Chairperson
 Executive Board

COMMITTEE REPORT(S)

Judiciary

The Judiciary 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.

Scott R. Frakes, Director - Department of Correctional Services

Aye: 8 Chambers, Coash, Ebke, Krist, Morfeld, Pansing Brooks, Seiler, Williams. Nay: 0. Absent: 0. Present and not voting: 0.

The Judiciary 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.

Darrell E. Fisher, Executive Director - Nebraska Commission on Law Enforcement and Criminal Justice

Aye: 8 Chambers, Coash, Ebke, Krist, Morfeld, Pansing Brooks, Seiler, Williams. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Les Seiler, Chairperson

MESSAGE(S) FROM THE GOVERNOR

February 19, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Commission for the Deaf and Hard of Hearing:

John Hogue, 924 West 14th Street, Falls City, NE 68355

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 173. Placed on General File with amendment.
AM472 is available in the Bill Room.

(Signed) Les Seiler, Chairperson

Executive Board

LEGISLATIVE RESOLUTION 32. Reported to the Legislature for further consideration with the following amendment:

AM331

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

3 WHEREAS, the One Hundredth Legislature, Second Session, 2008,
4 adopted Legislative Resolution 283 to establish the Developmental
5 Disabilities Special Investigative Committee of the Legislature. The
6 committee was then reauthorized by the One Hundred First Legislature,
7 First Session, 2009, in Legislative Resolution 11, by the One Hundred
8 Second Legislature, First Session, 2011, in Legislative Resolution 47, by
9 the One Hundred Second Legislature, Second Session, 2012, in Legislative
10 Resolution 365, and by the One Hundred Third Legislature, First Session,
11 2013, in Legislative Resolution 20. The committee was authorized to study
12 the quality of care and related staffing issues at the Beatrice State
13 Developmental Center, investigate the placement and quality of care
14 statewide for the developmentally disabled in Nebraska, and determine how
15 and why such services to the developmentally disabled were permitted to
16 decline to the level documented in the United States Department of
17 Justice report.

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

20 1. That the Legislature hereby calls for the Executive Board of the
21 Legislative Council to meet forthwith and appoint a special committee of
22 the Legislature to be known as the Developmental Disabilities Special
23 Investigative Committee of the Legislature. The committee shall consist
24 of seven members of the Legislature appointed by the Executive Board. The
25 Executive Board shall appoint the chairperson and vice-chairperson of the
26 committee. The Executive Board is hereby authorized to provide the
27 committee with a legal counsel, committee clerk, and other staff as
1 required by the committee from existing legislative staff. The Executive
2 Board is also authorized to hire outside legal counsel, consultants, and
3 investigators as required by the committee. The committee shall be an
4 investigative committee and is hereby authorized to hold hearings and
5 issue subpoenas as is deemed necessary by the committee.

6 2. That the Developmental Disabilities Special Investigative
7 Committee shall provide oversight to ensure that the terms of the United
8 States Department of Justice Consent Decree and the recommendations from
9 the Report of the Developmental Disabilities Special Investigative

10 Committee dated December 15, 2008, are implemented in a timely fashion.
11 3. That the Developmental Disabilities Special Investigative
12 Committee is hereby authorized to continue to study the quality of care
13 and related staffing issues at the Beatrice State Developmental Center
14 and other such facilities, including options and funding for services for
15 residents.

16 4. That the Developmental Disabilities Special Investigative
17 Committee is hereby authorized to continue investigation of the placement
18 and quality of care statewide for the developmentally disabled in
19 Nebraska, including a determination of whether adequate staffing,
20 funding, and capacity exist for persons to receive community-based
21 services, a review of staffing practices at community-based care
22 facilities, and an analysis of the relationship of those practices to the
23 quality of care provided to the developmentally disabled.

24 5. That the Developmental Disabilities Special Investigative
25 Committee shall review the processes of how the Division of Developmental
26 Disabilities of the Department of Health and Human Services determines
27 eligibility for services for individuals who are in need of services, as
28 well as the processes utilized by the division to determine when
29 individuals who have received services are no longer eligible for such
30 services.

31 6. That the Developmental Disabilities Special Investigative
1 Committee shall brief the Health and Human Services Committee of the
2 Legislature by December 15, 2015, and December 15, 2016, and issue a
3 report with its findings and recommendations to the Legislature as
4 circumstances warrant.

5 7. That the Developmental Disabilities Special Investigative
6 Committee is hereby authorized to continue its work until the beginning
7 of the One Hundred Fifth Legislature, First Session.

LEGISLATIVE RESOLUTION 33. Reported to the Legislature for
further consideration with the following amendment:

AM310

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

3 WHEREAS, in 2008, the Department of Health and Human Services (DHHS)
4 began to develop the ACCESSNebraska system. ACCESSNebraska is a system
5 that is intended to efficiently determine public assistance eligibility
6 and provide service delivery. Since the implementation of this system,
7 the Legislature has conducted several hearings on bills and resolutions
8 related to ACCESSNebraska. In these hearings, the realities and problems
9 faced by clients navigating the ACCESSNebraska system were revealed,
10 including long call wait times, lost documentation, erroneous public
11 assistance decisions, and a general difficulty for clients to get the
12 assistance they needed in a timely manner; and

13 WHEREAS, the One Hundred Third Legislature, Second Session, adopted
14 Legislative Resolution 400, which created the ACCESSNebraska Special
15 Investigative Committee of the Legislature to study the ACCESSNebraska
16 system; and

17 WHEREAS, on December 15, 2014, the committee issued a report and
18 recommendations related to ACCESSNebraska. The committee found the
19 ACCESSNebraska system has been and continues to be plagued with problems.
20 The committee also found ACCESSNebraska front-line workers have not been
21 given the proper tools to complete daunting work loads; and
22 WHEREAS, the committee recommended among other things that the
23 ACCESSNebraska Special Investigative Committee be continued to provide
24 ongoing oversight for the ACCESSNebraska system.

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

27 1. That the Legislature hereby calls for the Executive Board of the
1 Legislative Council to meet forthwith and appoint a special committee of
2 the Legislature to be known as the ACCESSNebraska Special Investigative
3 Committee of the Legislature. The committee shall consist of seven
4 members of the Legislature appointed by the Executive Board. The
5 Executive Board shall appoint the chairperson and vice-chairperson of the
6 committee. The Executive Board is hereby authorized to provide the
7 committee with a legal counsel, committee clerk, and other staff as
8 required by the committee from existing legislative staff. The Executive
9 Board is also authorized to hire outside legal counsel, consultants, and
10 investigators as required by the committee. The committee shall be an
11 investigative committee and is hereby authorized to hold hearings and
12 issue subpoenas as is deemed necessary by the committee.

13 2. That the ACCESSNebraska Special Investigative Committee of the
14 Legislature is hereby authorized to study the adequacy of staffing and
15 training of DHHS employees working within the ACCESSNebraska system,
16 including the number of employees for local offices, the number of
17 employees for call centers and document imaging centers, the type and
18 amount of training received, the education levels and years of experience
19 of employees, client access to employees, and the need for and
20 availability of dedicated caseworkers for clients. The scope of the
21 committee's investigation shall include, but not be limited to, the
22 adequacy of technology used within the ACCESSNebraska system, including
23 telephone systems, computer software, case management, information
24 technology, and use of and access to databases to allow for data
25 matching. The committee shall also investigate the effectiveness of
26 processes and structures used by the ACCESSNebraska system, including
27 system design, management structure, and system goals. The committee
28 shall also investigate the need for new or additional data collection to
29 determine system effectiveness. The committee shall analyze the
30 experiences of clients and their family members and examine customer
31 service experience, access to benefits, and responses to changing family
1 needs. The committee shall utilize existing studies and reports and
2 legislation developed to address the current conditions. The committee
3 shall not be limited to such studies, reports, or legislation.

4 3. That the ACCESSNebraska Special Investigative Committee shall
5 brief the Health and Human Services Committee of the Legislature by
6 December 15, 2015, and issue a report with its findings and
7 recommendations to the Legislature as circumstances warrant.

8 4. That the ACCESSNebraska Special Investigative Committee is hereby
9 authorized to continue its work until the beginning of the One Hundred
10 Fourth Legislature, Second Session.

(Signed) Bob Krist, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 37. Placed on Select File with amendment.

ER41

- 1 1. On page 6, line 21, strike "the"; and in line 22 strike the
- 2 second "the".
- 3 2. On page 7, line 20, after "(g)" insert "the"; in line 22 after
- 4 "(h)" insert "the" and after "(i)" insert "the"; and in line 24 after
- 5 "(j)" insert "the".
- 6 3. On page 23, strike beginning with the period in line 6 through
- 7 "earlier" in line 8 and show the old matter as stricken.
- 8 4. On page 28, line 15, strike the first "the"; in lines 20 and 27
- 9 strike "the"; and in line 22 strike "section" and insert "sections".
- 10 5. On page 30, line 29, after "66" insert "of this act".

(Signed) Matt Hansen, Chairperson

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB95 with 47 ayes, 1 nay, and 1 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 95.

A BILL FOR AN ACT relating to bicycles; to amend sections 28-109, 39-101, 60-122, 60-338, 60-611, 60-637, 60-638, and 60-640, Reissue Revised Statutes of Nebraska, and sections 60-123, 60-339, 60-471, 60-4,182, and 60-501, Revised Statutes Cumulative Supplement, 2014; to redefine bicycle to include certain electric-powered bicycles; to exclude bicycles from certain definitions of motor vehicle; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Davis | Howard | McCollister | Schnoor |
| Bloomfield | Ebke | Hughes | McCoy | Schumacher |
| Bolz | Friesen | Johnson | Mello | Seiler |
| Brasch | Garrett | Kintner | Morfeld | Smith |
| Campbell | Gloor | Kolowski | Murante | Stinner |
| Chambers | Groene | Kolterman | Nordquist | Sullivan |
| Coash | Hadley | Krist | Pansing Brooks | Watermeier |
| Cook | Hansen | Kuehn | Riepe | Williams |
| Craighead | Harr, B. | Larson | Scheer | |
| Crawford | Hilkemann | Lindstrom | Schilz | |

Voting in the negative, 0.

Present and not voting, 1:

Haar, K.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 99. With Emergency Clause.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-1429, Reissue Revised Statutes of Nebraska; to eliminate a duty for the Education Committee of the Legislature as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 100.

A BILL FOR AN ACT relating to the Community College Aid Act; to amend sections 85-1503 and 85-2234, Reissue Revised Statutes of Nebraska; to provide for allocation of state aid amounts to tribally controlled community colleges; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SENATOR KRIST PRESIDING

LEGISLATIVE BILL 109. With Emergency Clause.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-502.01, Reissue Revised Statutes of Nebraska; to change residency provisions for veterans and their spouses and dependents and other eligible persons; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB118 with 42 ayes, 1 nay, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 118. With Emergency Clause.

A BILL FOR AN ACT relating to tobacco; to amend sections 53-103.08, 53-1,120.01, 71-5716, and 71-5717, Reissue Revised Statutes of Nebraska, and sections 28-1429.03, 53-101, 53-131, and 71-5730, Revised Statutes Cumulative Supplement, 2014; to define cigar shop; to permit certain sales as prescribed; to provide for a nonrefundable application fee; to provide and change requirements for cigar shops; to state and restate intent; to preempt county resolutions and city ordinances relating to smoking in cigar shops; to exempt tobacco retail outlets and cigar shops from the Nebraska Clean Indoor Air Act; to provide requirements for tobacco retail outlets; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

| | | | | |
|------------|-----------|-----------|-------------|------------|
| Baker | Friesen | Howard | Lindstrom | Schilz |
| Bloomfield | Garrett | Hughes | McCollister | Schnoor |
| Bolz | Gloor | Johnson | McCoy | Schumacher |
| Brasch | Groene | Kintner | Mello | Seiler |
| Coash | Haar, K. | Kolowski | Morfeld | Smith |
| Craighead | Hadley | Kolterman | Murante | Stinner |
| Crawford | Hansen | Krist | Nordquist | Sullivan |
| Davis | Harr, B. | Kuehn | Riepe | Watermeier |
| Ebke | Hilkemann | Larson | Scheer | Williams |

Voting in the negative, 3:

Chambers Cook Pansing Brooks

Present and not voting, 1:

Campbell

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 126.

A BILL FOR AN ACT relating to retirement; to amend section 23-1118, Revised Statutes Cumulative Supplement, 2014; to change the applicability of certain county retirement provisions; to change a combined contribution rate as prescribed; to provide for an irrevocable election regarding future contributions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 149.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-735, Revised Statutes Cumulative Supplement, 2014; to change election procedures; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 150.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend section 18-2709, Reissue Revised Statutes of Nebraska, and section 18-2705, Revised Statutes Cumulative Supplement, 2014; to redefine terms; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Ebke | Howard | McCoy | Schumacher |
| Bloomfield | Friesen | Hughes | Mello | Seiler |
| Bolz | Garrett | Johnson | Morfeld | Smith |
| Brasch | Gloor | Kolowski | Murante | Sinner |
| Campbell | Groene | Kolterman | Nordquist | Sullivan |
| Coash | Haar, K. | Krist | Pansing Brooks | Watermeier |
| Cook | Hadley | Kuehn | Riepe | Williams |
| Craighead | Hansen | Larson | Scheer | |
| Crawford | Harr, B. | Lindstrom | Schilz | |
| Davis | Hilkemann | McCollister | Schnoor | |

Voting in the negative, 0.

Present and not voting, 2:

Chambers Kintner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 151.

A BILL FOR AN ACT relating to real property; to amend sections 25-2142, 76-1006, and 76-1012, Reissue Revised Statutes of Nebraska; to provide for a person designated to accept city or village notices in cases of mortgaged property or trust deed default; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Lindstrom | Schilz |
| Bloomfield | Ebke | Howard | McCollister | Schnoor |
| Bolz | Friesen | Hughes | McCoy | Schumacher |
| Brasch | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Chambers | Groene | Kolowski | Murante | Sinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB157 with 43 ayes, 1 nay, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 157.

A BILL FOR AN ACT relating to corporations; to amend sections 21-245, 21-2,127, 21-2,128, 21-2,133, 21-2,134, 21-2,143, 21-2,145, 21-2,230, and 21-2,231, Revised Statutes Cumulative Supplement, 2014, and Laws 2014, LB 749, section 295; to change operative date provisions relating to the Nebraska Model Business Corporation Act; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER HADLEY PRESIDING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 159.

A BILL FOR AN ACT relating to the Public Accountancy Act; to amend sections 1-105 and 1-106, Reissue Revised Statutes of Nebraska; to define

and redefine terms; to provide for peer review; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB168 with 49 ayes, 0 nays, and 0 not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 168.

A BILL FOR AN ACT relating to the Business Improvement District Act; to amend sections 19-4015, 19-4016, 19-4017, 19-4017.01, 19-4020, 19-4021, 19-4025, 19-4026, 19-4027, 19-4028, 19-4029, 19-4030, 19-4033, 19-4037, and 19-4038, Reissue Revised Statutes of Nebraska; to authorize expansion of existing district boundaries; to define and redefine terms; to harmonize provisions; to repeal the original sections; and to outright repeal section 19-4024, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Lindstrom | Schnoor |
| Bloomfield | Ebke | Howard | McCollister | Schumacher |
| Bolz | Friesen | Hughes | McCoy | Seiler |
| Brasch | Garrett | Johnson | Mello | Smith |
| Campbell | Gloor | Kintner | Morfeld | Stinner |
| Chambers | Groene | Kolowski | Nordquist | Sullivan |
| Coash | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Cook | Hadley | Krist | Riepe | Williams |
| Craighead | Hansen | Kuehn | Scheer | |
| Crawford | Harr, B. | Larson | Schilz | |

Voting in the negative, 0.

Present and not voting, 1:

Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 170.

A BILL FOR AN ACT relating to the Sports Arena Facility Support Fund; to amend section 13-3108, Revised Statutes Cumulative Supplement, 2014; to change distribution provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

LEGISLATIVE BILL 171. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Revised Statutes Cumulative Supplement, 2014; to update references to the Internal Revenue Code; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB198 with 45 ayes, 0 nays, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 198.

A BILL FOR AN ACT relating to insurance; to amend sections 44-3904, 44-3909, 44-4049, 44-4054, and 44-4055, Reissue Revised Statutes of Nebraska; to change prelicensing and continuing education requirements; to define terms; to authorize licenses for limited line pre-need funeral insurance; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB219 with 44 ayes, 1 nay, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 219.

A BILL FOR AN ACT relating to child custody and visitation; to amend sections 43-2922 and 43-2929, Revised Statutes Cumulative Supplement, 2014; to adopt the Uniform Deployed Parents Custody and Visitation Act; to change and eliminate provisions relating to military parents; to provide an operative date; to repeal the original sections; and to outright repeal section 43-2929.01, Revised Statutes Cumulative Supplement, 2014.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB220 with 44 ayes, 1 nay, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 220.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 81-8,310 and 82-108.02, Reissue Revised Statutes of Nebraska, and sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2014; to provide for Nebraska 150 Sesquicentennial Plates; to create a fund; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 220A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 220, One Hundred Fourth Legislature, First Session, 2015.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 247.

A BILL FOR AN ACT relating to the Uniform Partnership Act of 1998; to amend section 67-405, Reissue Revised Statutes of Nebraska; to change the interest rate for obligations arising under the Uniform Partnership Act of 1998; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Lindstrom | Schilz |
| Bloomfield | Ebke | Howard | McCollister | Schnoor |
| Bolz | Friesen | Hughes | McCoy | Schumacher |
| Brasch | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Chambers | Groene | Kolowski | Murante | Sinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 52. Placed on Final Reading.
LEGISLATIVE BILL 87. Placed on Final Reading.
LEGISLATIVE BILL 90. Placed on Final Reading.
LEGISLATIVE BILL 94. Placed on Final Reading.
LEGISLATIVE BILL 107. Placed on Final Reading.
LEGISLATIVE BILL 116. Placed on Final Reading.
LEGISLATIVE BILL 194. Placed on Final Reading.
LEGISLATIVE BILL 241. Placed on Final Reading.
LEGISLATIVE BILL 252. Placed on Final Reading.
LEGISLATIVE BILL 260. Placed on Final Reading.
LEGISLATIVE BILL 261. Placed on Final Reading.
LEGISLATIVE BILL 266. Placed on Final Reading.
LEGISLATIVE BILL 269. Placed on Final Reading.
LEGISLATIVE BILL 271. Placed on Final Reading.
LEGISLATIVE BILL 286. Placed on Final Reading.
LEGISLATIVE BILL 301. Placed on Final Reading.
LEGISLATIVE BILL 305. Placed on Final Reading.
LEGISLATIVE BILL 312. Placed on Final Reading.
LEGISLATIVE BILL 314. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Riepe filed the following amendment to LB284:

AM468

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

2 sections:

3 Section 1. Section 13-3101, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 13-3101 Sections 13-3101 to 13-3109 and section 4 of this act shall

6 be known and may be cited as the Sports Arena Facility Financing

7 Assistance Act.

8 Sec. 2. Section 13-3102, Reissue Revised Statutes of Nebraska, is

9 amended to read:

10 13-3102 For purposes of the Sports Arena Facility Financing

11 Assistance Act:

12 (1) Board means a board consisting of the Governor, the State

13 Treasurer, the chairperson of the Nebraska Investment Council, the

14 chairperson of the Nebraska State Board of Public Accountancy, and a

15 professor of economics on the faculty of a state postsecondary

16 educational institution appointed to a two-year term on the board by the

17 Coordinating Commission for Postsecondary Education. For administrative

18 and budget purposes only, the board shall be considered part of the

19 Department of Revenue;

20 (2) Bond means a general obligation bond, redevelopment bond, lease-

21 purchase bond, revenue bond, or combination of any such bonds;

22 (3) Eligible sports arena facility means:

23 (a) Any publicly owned, enclosed, and temperature-controlled

24 building primarily used for sports that has a permanent seating capacity

25 of at least three thousand but no more than seven thousand seats and in

26 which initial occupancy occurs on or after July 1, 2010. Eligible sports

27 arena facility includes stadiums, arenas, dressing and locker facilities,

1 concession areas, parking facilities, and onsite administrative offices

2 connected with operating the facilities; and

3 (b) Any racetrack enclosure licensed by the State Racing Commission

4 in which initial occupancy occurs on or after July 1, 2010, including

5 concession areas, parking facilities, and onsite administrative offices

6 connected with operating the racetrack;

7 (4) General obligation bond means any bond or refunding bond issued

8 by a political subdivision and which is payable from the proceeds of an

9 ad valorem tax;

10 (5) Increase in state sales tax revenue means the amount of state

11 sales tax revenue collected by a nearby retailer during the fiscal year

12 for which state assistance is calculated minus the amount of state sales

13 tax revenue collected by the nearby retailer in the fiscal year that

14 ended immediately preceding the date of occupancy of the eligible sports

15 arena facility, except that the amount of state sales tax revenue of a

16 nearby retailer shall not be less than zero;

17 (6) Nearby retailer means a retailer as defined in section

18 77-2701.32 that is located within one thousand ~~six hundred~~ yards of an

19 eligible sports arena facility, measured from the facility but not from
20 any parking facility or other structure. The term includes a subsequent
21 owner of a nearby retailer operating at the same location;

22 (7) New state sales tax revenue means:

23 (a) For nearby retailers that commenced collecting state sales tax
24 during the period of time beginning twenty-four months prior to occupancy
25 of the eligible sports arena facility and ending one hundred twenty
26 ~~twenty-four~~ months after the occupancy of the eligible sports arena
27 facility, one hundred percent of the state sales tax revenue collected by
28 the nearby retailer and sourced under sections 77-2703.01 to 77-2703.04
29 to a location within one thousand six hundred yards of the eligible
30 sports arena facility; and

31 (b) For nearby retailers that commenced collecting state sales tax
1 prior to twenty-four months prior to occupancy of the eligible sports
2 arena facility, the increase in state sales tax revenue collected by the
3 nearby retailer and sourced under sections 77-2703.01 to 77-2703.04 to a
4 location within one thousand six hundred yards of the facility;

5 (8) Political subdivision means any city, village, or county; and

6 (9) Revenue bond means any bond or refunding bond issued by a
7 political subdivision which is limited or special rather than a general
8 obligation bond of the political subdivision and which is not payable
9 from the proceeds of an ad valorem tax.

10 Sec. 3. Section 13-3108, Revised Statutes Cumulative Supplement,
11 2014, is amended to read:

12 13-3108 (1) The Sports Arena Facility Support Fund is created. Any
13 money in the fund available for investment shall be invested by the state
14 investment officer pursuant to the Nebraska Capital Expansion Act and the
15 Nebraska State Funds Investment Act.

16 (2)(a) Upon receiving the certification described in subsection (3)
17 of section 13-3107, the State Treasurer shall transfer the amount
18 certified to the fund.

19 (b) Upon receiving the quarterly certification described in
20 subsection (4) of section 13-3107, the State Treasurer shall transfer the
21 amount certified to the fund.

22 (3)(a) It is the intent of the Legislature to appropriate from the
23 fund money to be distributed as provided in subsections (4) and (5) of
24 this section to any political subdivision for which an application for
25 state assistance under the Sports Arena Facility Financing Assistance Act
26 has been approved an amount not to exceed seventy percent of the (i)
27 state sales tax revenue collected by retailers doing business at eligible
28 sports arena facilities on sales at such facilities, (ii) state sales tax
29 revenue collected on primary and secondary box office sales of admissions
30 to such facilities, and (iii) new state sales tax revenue collected by
31 nearby retailers and sourced under sections 77-2703.01 to 77-2703.04 to a
1 location within one thousand six hundred yards of the eligible facility.

2 (b) The amount to be appropriated for distribution as state
3 assistance to a political subdivision under this subsection for any one
4 year after the tenth year shall not exceed the highest such amount
5 appropriated under subdivision (3)(a) of this section during any one year

6 of the first ten years of such appropriation. If seventy percent of the
7 state sales tax revenue as described in subdivision (3)(a) of this
8 section exceeds the amount to be appropriated under this subdivision,
9 such excess funds shall be transferred to the General Fund.
10 (4) The amount certified under subsection (3) of section 13-3107
11 shall be distributed as state assistance on or before April 15, 2014.
12 (5) Beginning in 2014, quarterly distributions of state assistance
13 shall be made. Such quarterly distributions shall be based on the
14 certifications provided under subsection (4) of section 13-3107 and shall
15 occur within fifteen days after receipt of such certification.
16 (6) The total amount of state assistance approved for an eligible
17 sports arena facility shall not (a) exceed fifty million dollars or (b)
18 be paid out for more than twenty years after the issuance of the first
19 bond for the sports arena facility.
20 (7) State assistance to the political subdivision shall no longer be
21 available upon the retirement of the bonds issued to acquire, construct,
22 improve, or equip the facility or any subsequent bonds that refunded the
23 original issue or when state assistance reaches the amount determined
24 under subsection (6) of this section, whichever comes first.
25 (8) State assistance shall not be used for an operating subsidy or
26 other ancillary facility.
27 (9) The thirty percent of state sales tax revenue remaining after
28 the appropriation and transfer in subsection (3) of this section shall be
29 appropriated by the Legislature to the Civic and Community Center
30 Financing Fund.
31 (10) Except as provided in subsection (11) of this section for a
1 city of the primary class, any municipality that has applied for and
2 received a grant of assistance under the Civic and Community Center
3 Financing Act shall not receive state assistance under the Sports Arena
4 Facility Financing Assistance Act for the same project for which the
5 grant was awarded under the Civic and Community Center Financing Act.
6 (11) A city of the primary class shall not be eligible to receive a
7 grant of assistance from the Civic and Community Center Financing Act if
8 the city has applied for and received a grant of assistance under the
9 Sports Arena Facility Financing Assistance Act.
10 Sec. 4. The changes made in sections 13-3102 and 13-3108 by this
11 legislative bill apply to applications for state assistance approved
12 prior to, on, or after the operative date of this act.
13 Sec. 5. This act becomes operative on January 1, 2016.
14 Sec. 6. Original sections 13-3101 and 13-3102, Reissue Revised
15 Statutes of Nebraska, and section 13-3108, Revised Statutes Cumulative
16 Supplement, 2014, are repealed.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 40, 41, 42, 43, 65, 91, 92, 93, 95, 99, 100, 109, 118, 126, 149, 150, 151, 157, 159, 168, 170, 171, 198, 219, 220, 220A, and 247.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Chambers - LB483

Krist - LB485

VISITORS

Visitors to the Chamber were 24 dental hygiene students from UNL; 7 third-, fourth-, eighth-, and tenth-grade students and sponsors from Sutton and Auburn; and 25 members of the Nebraska State Bar Association Leadership Academy from across the state.

The Doctor of the Day was Dr. Jason Bepalec from Geneva.

ADJOURNMENT

At 12:11 p.m., on a motion by Senator Watermeier, the Legislature adjourned until 10:00 a.m., Monday, February 23, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIRST DAY - FEBRUARY 23, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****THIRTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 23, 2015

PRAYER

The prayer was offered by Pastor Mario Hatcher, Bellevue Christian Center, Bellevue.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Schilz and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirtieth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 20, 2015, at 12:18 p.m. were the following: LBs 40, 41, 42, 43, 65e, 91, 92, 93, 95, 99e, 100, 109e, 118e, 126, 149, 150, 151, 157, 159, 168, 170, 171e, 198, 219, 220, 220A, and 247.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 45. Placed on Final Reading.
LEGISLATIVE BILL 180. Placed on Final Reading.

LEGISLATIVE BILL 298. Placed on Final Reading.

ST10

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

1. On page 10, line 6, "subsection (6) of this section" has been struck and "this subsection" inserted.

LEGISLATIVE BILL 313. Placed on Final Reading.

LEGISLATIVE BILL 352. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 65. Introduced by Seiler, 33.

WHEREAS, Antonio (Levi) Acosta, a member of Troop 207 from Hastings, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Levi 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, Levi landscaped the National Weather Service office located in Hastings which took over 150 community service hours to complete; and

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

WHEREAS, Levi, 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 Antonio (Levi) Acosta on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Antonio (Levi) Acosta.

Laid over.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 53, 54, and 55 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 53, 54, and 55.

GENERAL FILE

LEGISLATIVE BILL 10. Title read. Considered.

Senator Cook offered her amendment, AM344, found on page 478.

PRESIDENT FOLEY PRESIDING

Pending.

NOTICE OF COMMITTEE HEARING(S)
Banking, Commerce and Insurance

Room 1507

Monday, March 9, 2015 1:30 p.m.

Brenda L. Hicks-Sorensen - Department of Economic Development

(Signed) Jim Scheer, Chairperson

COMMITTEE REPORT(S)
Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

David Bracht, Director - State Energy Office

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Thomas D. Oliver - Nebraska Oil and Gas Conservation Commission

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Donald P. Batie - Nebraska Natural Resources Commission
Owen A. Palm - Nebraska Natural Resources Commission

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Ken Schilz, Chairperson

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 97. Placed on General File.

LEGISLATIVE BILL 275. Placed on General File.

LEGISLATIVE BILL 474. Placed on General File with amendment.
AM347

1 1. On page 7, line 19; page 9, line 30; page 10, lines 1, 9, 13, 18,
2 21, and 29; page 11, lines 6, 14, 16, 20, and 24; and page 12, lines 3
3 and 8, strike "Protection" and insert "Conservation".
4 2. On page 10, line 2, strike "protection" and insert
5 "conservation".

LEGISLATIVE BILL 642. Placed on General File with amendment.
AM402

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 37-1214, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 37-1214 (1) Except as otherwise provided in section 37-1211, the
6 owner of each motorboat shall register such vessel or renew the
7 registration every three years as provided in section 37-1226. The owner
8 of such vessel shall file an initial application for a certificate of
9 number pursuant to section 37-1216 with a county treasurer on forms
10 approved and provided by the commission. The application shall be signed
11 by the owner of the vessel, shall contain the year manufactured, and
12 shall be accompanied by a fee for the three-year period of not less than
13 twenty dollars and not more than twenty-three dollars for Class 1 boats,
14 not less than forty dollars and not more than forty-six dollars for Class
15 2 boats, not less than sixty dollars and not more than sixty-seven
16 dollars and fifty cents for Class 3 boats, and not less than one hundred
17 dollars and not more than one hundred fifteen dollars for Class 4 boats,
18 as established by the commission pursuant to section 37-327.

19 (2) This subsection applies beginning on an implementation date
20 designated by the Director of Motor Vehicles in cooperation with the
21 commission. The director shall designate an implementation date on or
22 before January 1, 2020, for motorboat registration. In addition to the
23 information required under subsection (1) of this section, the
24 application for registration shall contain (a) the full legal name as
25 defined in section 60-468.01 of each owner and (b)(i) the motor vehicle
26 operator's license number or state identification card number of each
27 owner, if applicable, and one or more of the identification elements as
1 listed in section 60-484 of each owner, if applicable, and (ii) if any
2 owner is a business entity, a nonprofit organization, an estate, a trust,
3 or a church-controlled organization, its tax identification number.

4 Sec. 2. Section 37-1278, Revised Statutes Cumulative Supplement,
5 2014, is amended to read:

6 37-1278 (1) Application for a certificate of title shall be
7 presented to the county treasurer, shall be made upon a form prescribed
8 by the Department of Motor Vehicles, and shall be accompanied by the fee
9 prescribed in section 37-1287. The owner of a motorboat for which a
10 certificate of title is required shall obtain a certificate of title
11 prior to registration required under section 37-1214.

12 (2)(a) If a certificate of title has previously been issued for the
13 motorboat in this state, the application for a new certificate of title
14 shall be accompanied by the certificate of title duly assigned. If a
15 certificate of title has not previously been issued for the motorboat in
16 this state, the application shall be accompanied by a certificate of
17 number from this state, a manufacturer's or importer's certificate, a
18 duly certified copy thereof, proof of purchase from a governmental agency
19 or political subdivision, a certificate of title from another state, or a
20 court order issued by a court of record, a manufacturer's certificate of
21 origin, or an assigned registration certificate, if the motorboat was
22 brought into this state from a state which does not have a certificate of
23 title law. The county treasurer shall retain the evidence of title
24 presented by the applicant on which the certificate of title is issued.
25 When the evidence of title presented by the applicant is a certificate of
26 title or an assigned registration certificate issued by another state,
27 the department shall notify the state of prior issuance that the
28 certificate has been surrendered. If a certificate of title has not
29 previously been issued for the motorboat in this state and the applicant
30 is unable to provide such documentation, the applicant may apply for a
31 bonded certificate of title as prescribed in section 37-1278.01.

1 (b) This subdivision applies beginning on an implementation date
2 designated by the Director of Motor Vehicles. The director shall
3 designate an implementation date which is on or before January 1, 2020.
4 In addition to the information required under subdivision (2)(a) of this
5 section, the application for registration shall contain (i) the full
6 legal name as defined in section 60-468.01 of each owner and (ii)(A) the
7 motor vehicle operator's license number or state identification card
8 number of each owner, if applicable, and one or more of the
9 identification elements as listed in section 60-484 of each owner, if

10 applicable, and (B) if any owner is a business entity, a nonprofit
11 organization, an estate, a trust, or a church-controlled organization,
12 its tax identification number.

13 (3) The county treasurer shall use reasonable diligence in
14 ascertaining whether or not the statements in the application for a
15 certificate of title are true by checking the application and documents
16 accompanying the same with the records of motorboats in his or her
17 office. If he or she is satisfied that the applicant is the owner of the
18 motorboat and that the application is in the proper form, the county
19 treasurer shall issue a certificate of title over his or her signature
20 and sealed with his or her seal.

21 (4) In the case of the sale of a motorboat, the certificate of title
22 shall be obtained in the name of the purchaser upon application signed by
23 the purchaser, except that for titles to be held by husband and wife,
24 applications may be accepted by the county treasurer upon the signature
25 of either spouse as a signature for himself or herself and as an agent
26 for his or her spouse.

27 (5) In all cases of transfers of motorboats, the application for a
28 certificate of title shall be filed within thirty days after the delivery
29 of the motorboat. A dealer need not apply for a certificate of title for
30 a motorboat in stock or acquired for stock purposes, but upon transfer of
31 a motorboat in stock or acquired for stock purposes, the dealer shall
1 give the transferee a reassignment of the certificate of title on the
2 motorboat or an assignment of a manufacturer's or importer's certificate.
3 If all reassignments printed on the certificate of title have been used,
4 the dealer shall obtain title in his or her name prior to any subsequent
5 transfer.

6 Sec. 3. Section 60-144, Revised Statutes Cumulative Supplement,
7 2014, is amended to read:

8 60-144 (1)(a)(i) Except as provided in subdivisions (b), (c), and
9 (d) of this subsection, the county treasurer shall be responsible for
10 issuing and filing certificates of title for vehicles, and each county
11 shall issue and file such certificates of title using the vehicle titling
12 and registration computer system prescribed by the department.
13 Application for a certificate of title shall be made upon a form
14 prescribed by the department. All applications shall be accompanied by
15 the appropriate fee or fees.

16 (ii) This subdivision applies beginning on an implementation date
17 designated by the director. The director shall designate an
18 implementation date which is on or before January 1, 2020. In addition to
19 the information required under subdivision (1)(a)(i) of this section, the
20 application for registration shall contain (A) the full legal name as
21 defined in section 60-468.01 of each owner and (B)(I) the motor vehicle
22 operator's license number or state identification card number of each
23 owner, if applicable, and one or more of the identification elements as
24 listed in section 60-484 of each owner, if applicable, and (II) if any
25 owner is a business entity, a nonprofit organization, an estate, a trust,
26 or a church-controlled organization, its tax identification number.

27 (b) The department shall issue and file certificates of title for

28 Nebraska-based fleet vehicles. Application for a certificate of title
29 shall be made upon a form prescribed by the department. All applications
30 shall be accompanied by the appropriate fee or fees.

31 (c) The department shall issue and file certificates of title for
1 state-owned vehicles. Application for a certificate of title shall be
2 made upon a form prescribed by the department. All applications shall be
3 accompanied by the appropriate fee or fees.

4 (d) The department shall issue certificates of title pursuant to
5 section 60-142.06. Application for a certificate of title shall be made
6 upon a form prescribed by the department. All applications shall be
7 accompanied by the appropriate fee or fees.

8 (2) If the owner of an all-terrain vehicle, a utility-type vehicle,
9 or a minibike resides in Nebraska, the application shall be filed with
10 the county treasurer of the county in which the owner resides.

11 (3)(a) Except as otherwise provided in subdivision (b) of this
12 subsection, if a vehicle, other than an all-terrain vehicle, a utility-
13 type vehicle, or a minibike, has situs in Nebraska, the application shall
14 be filed with the county treasurer of the county in which the vehicle has
15 situs.

16 (b) If a motor vehicle dealer licensed under the Motor Vehicle
17 Industry Regulation Act, applies for a certificate of title for a
18 vehicle, the application may be filed with the county treasurer of any
19 county.

20 (4) If the owner of a vehicle is a nonresident, the application
21 shall be filed in the county in which the transaction is consummated.

22 (5) The application shall be filed within thirty days after the
23 delivery of the vehicle.

24 (6) All applicants registering a vehicle pursuant to section
25 60-3,198 shall file the application for a certificate of title with the
26 Division of Motor Carrier Services of the department. The division shall
27 deliver the certificate to the applicant if there are no liens on the
28 vehicle. If there are one or more liens on the vehicle, the certificate
29 of title shall be handled as provided in section 60-164. All certificates
30 of title issued by the division shall be issued in the manner prescribed
31 for the county treasurer in section 60-152.

1 Sec. 4. Section 60-386, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 60-386 (1) Each new application shall contain, in addition to other
4 information as may be required by the department, the name and
5 residential and mailing address of the applicant and a description of the
6 motor vehicle or trailer, including the color, the manufacturer, the
7 identification number, the United States Department of Transportation
8 number if required by 49 C.F.R. 390.5 and 390.19, as such regulations
9 existed on January 1, 2015, and the weight of the motor vehicle or
10 trailer required by the Motor Vehicle Registration Act. With the
11 application the applicant shall pay the proper registration fee and shall
12 state whether the motor vehicle is propelled by alternative fuel and, if
13 alternative fuel, the type of fuel. The application shall also contain a
14 notification that bulk fuel purchasers may be subject to federal excise

15 tax liability. The department shall include such notification in the
 16 notices required by section 60-3,186.
 17 (2) This subsection applies beginning on an implementation date
 18 designated by the director. The director shall designate an
 19 implementation date which is on or before January 1, 2020. In addition to
 20 the information required under subsection (1) of this section, the
 21 application for registration shall contain (a) the full legal name as
 22 defined in section 60-468.01 of each owner and (b)(i) the motor vehicle
 23 operator's license number or state identification card number of each
 24 owner, if applicable, and one or more of the identification elements as
 25 listed in section 60-484 of each owner, if applicable, and (ii) if any
 26 owner is a business entity, a nonprofit organization, an estate, a trust,
 27 or a church-controlled organization, its tax identification number.
 28 Sec. 5. Original sections 37-1214, 37-1278, 60-144, and 60-386,
 29 Revised Statutes Cumulative Supplement, 2014, are repealed.

(Signed) Jim Smith, Chairperson

Judiciary

LEGISLATIVE BILL 415. Placed on General File with amendment.
 AM200

1 1. Insert the following new section:
 2 Sec. 65. Since an emergency exists, this act takes effect when
 3 passed and approved according to law.

(Signed) Les Seiler, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 66. Introduced by Krist, 10.

WHEREAS, the State of Nebraska recognizes there are families adversely
 affected by problem gambling; and

WHEREAS, the State of Nebraska allocates funds to provide education,
 counseling, and support to families affected by problem gambling; and

WHEREAS, the key to recognizing problem gambling is awareness; and

WHEREAS, in order to promote prevention of problem gambling in the
 future, educating citizens about the dangers of problem gambling is crucial.

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

1. That the Legislature recognizes March 2015 as Problem Gambling
 Awareness Month in Nebraska.

2. That a copy of this resolution be sent to the National Council on
 Problem Gambling, the Nebraska Council on Compulsive Gambling, and
 the Nebraska Commission on Problem Gambling.

Laid over.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 77A. Introduced by Nordquist, 7.

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

LEGISLATIVE BILL 586A. Introduced by Morfeld, 46.

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

GENERAL FILE

LEGISLATIVE BILL 10. Senator Chambers offered the following motion:

MO35

Bracket until June 5, 2015.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 88. Placed on Final Reading.

LEGISLATIVE BILL 122. Placed on Final Reading.

LEGISLATIVE BILL 142. Placed on Final Reading.

ST8

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

1. On page 1, line 1, "section 37-1220" has been struck and "sections 37-1220 and 37-1273" inserted.

LEGISLATIVE BILL 142A. Placed on Final Reading.

LEGISLATIVE BILL 160. Placed on Final Reading.

LEGISLATIVE BILL 167. Placed on Final Reading.

LEGISLATIVE BILL 181. Placed on Final Reading.

LEGISLATIVE BILL 272. Placed on Final Reading.

LEGISLATIVE BILL 446. Placed on Final Reading.

ST9

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

1. On page 1, line 2, "79-904.01," has been inserted after the first comma; and in line 5 "to prohibit refund of certain contributions as prescribed;" has been inserted after the semicolon.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Ronnie Mitchell, Director - Department of Aeronautics

Aye: 8 Bloomfield, Craighead, Garrett, Groene, Hansen, Larson, McCoy, Murante. Nay: 0. Absent: 0. Present and not voting: 0.

LEGISLATIVE BILL 283. Placed on General File.

LEGISLATIVE BILL 365. Placed on General File.

LEGISLATIVE BILL 514. Placed on General File.

LEGISLATIVE BILL 561. Placed on General File.

LEGISLATIVE RESOLUTION 26CA. Placed on General File.

LEGISLATIVE BILL 282. Indefinitely postponed.

(Signed) John Murante, Chairperson

General Affairs

LEGISLATIVE BILL 330. Placed on General File with amendment.

AM113

1 1. Strike original sections 1, 8, 15, and 18 to 20 and insert the
2 following new sections:
3 Section 1. Section 53-101, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 53-101 Sections 53-101 to 53-1,122 and sections 6, 8, and 13 of this
6 act shall be known and may be cited as the Nebraska Liquor Control Act.
7 Sec. 8. (1) The holder of a Class C license may obtain a limited
8 bottling endorsement for such license as prescribed in this section. The
9 endorsement shall be issued for the same period and may be renewed in the
10 same manner as the Class C license. A limited bottling endorsement may
11 not be used in conjunction with a special designated license.

12 (2) A licensee desiring to obtain a limited bottling endorsement for
13 a license shall file with the commission an application upon such forms
14 as the commission prescribes and a fee of three hundred dollars payable
15 to the commission.

16 (3) The holder of a limited bottling endorsement may sell beer for
17 consumption off the licensed premises in sealed containers filled as
18 provided in this subsection if:

19 (a) The sale occurs on the licensed premises of the licensee during
20 the hours the licensee is authorized to sell beer;

21 (b) The licensee uses sanitary containers purchased by the customer
22 from the licensee or exchanged for containers previously purchased by the
23 customer from the licensee. The containers shall prominently display the
24 endorsement holder's trade name or logo or some other mark that is unique
25 to the endorsement holder and shall hold no more than thirty-two ounces;

26 (c) The licensee seals the container in a manner designed so that it
27 is visibly apparent whether the sealed container has been tampered with
1 or opened or seals the container and places the container in a bag
2 designed so that it is visibly apparent whether the sealed container has
3 been tampered with or opened; and

4 (d) The licensee provides a dated receipt to the customer and
5 attaches a copy of the dated receipt to the sealed container or, if the
6 sealed container is placed in a bag, to the bag.

7 Sec. 10. Section 53-131, Revised Statutes Cumulative Supplement,
8 2014, is amended to read:

9 53-131 (1) Any person desiring to obtain a new license to sell
10 alcoholic liquor at retail, a craft brewery license, or a microdistillery
11 license shall file with the commission:

12 (a) An application ~~in triplicate original~~ upon forms the commission
13 prescribes, including the information required by subsection (3) of this
14 section for an application to operate a cigar bar;

15 (b) The license fee if under sections 53-124 and 53-124.01 such fee
16 is payable to the commission, which fee shall be returned to the
17 applicant if the application is denied; and

18 (c) The nonrefundable application fee in the sum of four hundred
19 dollars, except that the nonrefundable application fee for an application
20 for a cigar bar shall be one thousand dollars.

21 (2) The commission shall notify the clerk of the city or village in
22 which such license is sought or, if the license sought is not sought
23 within a city or village, the county clerk of the county in which such
24 license is sought, of the receipt of the application and shall include
25 one copy of the application with the notice. No such license shall be
26 issued or denied by the commission until the expiration of the time
27 allowed for the receipt of a recommendation of denial or an objection
28 requiring a hearing under subdivision (1)(a) or (b) of section 53-133.
29 During the period of forty-five days after the date of receipt by mail or
30 electronic delivery of such application from the commission, the local
31 governing body of such city, village, or county may make and submit to
1 the commission recommendations relative to the granting or refusal to
2 grant such license to the applicant.

3 (3) For an application to operate a cigar bar, the application shall
4 include proof of the cigar bar's annual gross revenue as requested by the
5 commission and such other information as requested by the commission to
6 establish the intent to operate as a cigar bar. The commission may adopt
7 and promulgate rules and regulations to regulate cigar bars.

8 (4) For renewal of a license under this section, a licensee shall
9 file with the commission an application, the license fee as provided in
10 subdivision (1)(b) of this section, and a renewal fee of forty-five
11 dollars.

12 Sec. 13. (1) The Legislature finds that encouraging manufacturers
13 of beer to use beer-related crops grown in this state in their
14 manufacturing operations stimulates the creation of jobs and investments
15 in small communities in this state, encourages the use of lands upon
16 which beer-related crops may be grown, and provides tax revenue to the
17 state which would not otherwise be realized. It is the intent of the
18 Legislature to encourage the use of such beer-related crops by providing
19 a nonrefundable tax credit as provided in this section.

20 (2) For purposes of this section, beer-related crop means barley,
21 hops, or any other grain customarily used in the manufacture of beer.
22 (3) A nonrefundable credit against the tax imposed in section 53-160
23 shall be allowed to any manufacturer of beer if at least ten percent of
24 the beer-related crops used by such manufacturer in the previous calendar
25 year were grown in this state. The credit shall be an amount equal to the
26 percentage specified in subsection (4) of this section multiplied by the
27 total amount of tax paid under section 53-160 in the previous calendar
28 year on the first twenty thousand barrels of beer sold by such
29 manufacturer.

30 (4) The percentage used to determine the credit shall be as follows:

31 (a) If at least ten percent but less than forty percent of the beer-
1 related crops used by the manufacturer in the previous calendar year were
2 grown in this state, the percentage used to determine the credit shall be
3 fifteen percent;

4 (b) If at least forty percent but less than seventy percent of the
5 beer-related crops used by the manufacturer in the previous calendar year
6 were grown in this state, the percentage used to determine the credit
7 shall be twenty-five percent; and

8 (c) If at least seventy percent of the beer-related crops used by
9 the manufacturer in the previous calendar year were grown in this state,
10 the percentage used to determine the credit shall be thirty-five percent.

11 (5) A manufacturer of beer shall apply for the credit to the
12 commission on a form prescribed by the commission. The application shall
13 be submitted on or before January 25 of each year and shall contain the
14 following information:

15 (a) The name of the manufacturer;

16 (b) The total number of barrels of beer sold and the total amount of
17 tax paid under section 53-160 during the previous calendar year;

18 (c) The percentage of beer-related crops used by the manufacturer in
19 the previous calendar year that were grown in this state; and

20 (d) Such other information as required by the commission to verify

21 that the manufacturer is qualified to receive the credit allowed under
 22 this section and to calculate the amount of the credit.
 23 (6) If the manufacturer of beer qualifies for the credit, the
 24 commission shall approve the application and notify the manufacturer of
 25 the amount of the credit approved. The manufacturer may then claim the
 26 credit on the reports due each month under section 53-164.01 as an offset
 27 against the taxes due pursuant to such reports until the credit is fully
 28 utilized or until the following December 31, whichever occurs first.
 29 Sec. 19. Original sections 53-103.01, 53-103.02, 53-130, 53-135,
 30 53-167.02, 53-167.03, 53-1,111, and 53-1,113, Reissue Revised Statutes of
 31 Nebraska, and sections 53-101, 53-103, 53-103.03, 53-123.15, 53-131,
 1 53-133, and 53-177, Revised Statutes Cumulative Supplement, 2014, are
 2 repealed.
 3 Sec. 20. Since an emergency exists, this act takes effect when
 4 passed and approved according to law.
 5 2. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 460. Placed on General File with amendment.
 AM396 is available in the Bill Room.

(Signed) Tyson Larson, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 231. Placed on General File with amendment.
 AM296 is available in the Bill Room.

LEGISLATIVE BILL 498. Placed on General File with amendment.
 AM413 is available in the Bill Room.

(Signed) Jim Smith, Chairperson

AMENDMENT(S) - Print in Journal

Senator Krist filed the following amendment to LB37:
 AM470

1 1. Insert the following new section:
 2 Sec. 28. Section 28-411, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 28-411 (1) Every practitioner who is authorized to administer or
 5 professionally use controlled substances shall keep a record of such
 6 controlled substances received by him or her and a record of all such
 7 controlled substances administered or professionally used by him or her,
 8 other than by medical order issued by a practitioner authorized to
 9 prescribe, in accordance with subsection (4) of this section.
 10 (2) Manufacturers, wholesalers, distributors, and reverse
 11 distributors shall keep records of all controlled substances compounded,
 12 mixed, cultivated, grown, or by any other process produced or prepared
 13 and of all controlled substances received and disposed of by them, in

14 accordance with subsection (4) of this section.
 15 (3) Pharmacies shall keep records of all controlled substances
 16 received and disposed of by them, in accordance with subsection (4) of
 17 this section.
 18 (4) The record of controlled substances received shall in every case
 19 show (a) the date of receipt, (b) the name, address, and Drug Enforcement
 20 Administration number of the person receiving the controlled substances,
 21 (c) the name, address, and Drug Enforcement Administration number of the
 22 person from whom received, (d) the kind and quantity of controlled
 23 substances received, (e) the kind and quantity of controlled substances
 24 produced or removed from process of manufacture, and (f) the date of such
 25 production or removal from process of manufacture. The record shall in
 26 every case show the proportion of morphine, cocaine, or ecgonine
 27 contained in or producible from crude opium or coca leaves received or
 1 produced. The record of all controlled substances sold, administered,
 2 dispensed, or otherwise disposed of shall show the date of selling,
 3 administering, or dispensing, the name and address of the person to whom
 4 or for whose use or the owner and species of animal for which the
 5 controlled substances were sold, administered, or dispensed, and the kind
 6 and quantity of controlled substances. For any lost, destroyed, or stolen
 7 controlled substances, the record shall list the kind and quantity of
 8 such controlled substances and the discovery date of such loss,
 9 destruction, or theft. Every such record shall be kept for a period of
 10 five years from the date of the transaction recorded.
 11 (5) Any person authorized to compound controlled substances shall
 12 comply with section 45 of this act.
 13 2. On page 17, line 2, strike "The" and insert "Beginning January 1,
 14 2017, the"; and strike beginning with the comma in line 2 through the
 15 second comma in line 3.
 16 3. On page 36, line 10, strike beginning with "Each" through the
 17 last comma and insert "Beginning January 1, 2016, each hospital shall".
 18 4. On page 50, line 27, after "sections" insert "28-411".
 19 5. Renumber the remaining sections and correct the internal
 20 references accordingly.

Senator Kolowski filed the following amendment to LB558:
 AM489

1 1. Strike original section 1 and insert the following new section:
 2 Section 1. Section 81-2,245.01, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 81-2,245.01 Food establishment shall mean an operation that stores,
 5 prepares, packages, serves, sells, vends, or otherwise provides food for
 6 human consumption. The term does not include:
 7 (1) An establishment or vending machine operation that offers only
 8 prepackaged soft drinks, carbonated or noncarbonated; canned or bottled
 9 fruit and vegetable juices; prepackaged ice; candy; chewing gum; potato
 10 or corn chips; pretzels; cheese puffs and curls; crackers; popped
 11 popcorn; nuts and edible seeds; and cookies, cakes, pies, and other
 12 pastries, that are not potentially hazardous foods;

- 13 (2) A produce stand that only offers whole, uncut fresh fruits and
 14 vegetables;
- 15 (3) A food processing plant;
- 16 (4) A salvage operation;
- 17 (5) A private home where food is prepared or served for personal
 18 use, a small day care in the home, or a hunting lodge, guest ranch, or
 19 other operation where no more than ten paying guests eat meals in the
 20 home;
- 21 (6) A private home or other area where food that is not potentially
 22 hazardous food is prepared:
- 23 (a) For sale or service at a religious, charitable, or fraternal
 24 organization's bake sale or similar function; ~~or~~
- 25 (b) ~~For~~ ~~for~~ sale directly to the consumer at a farmer's farmers
 26 market if the consumer is informed by a clearly visible placard at the
 27 sale location that the food was prepared in a kitchen that is not subject
 1 to regulation and inspection by the regulatory authority; or
- 2 (c) For sale directly to a consumer or indirectly to a consumer
 3 through a food establishment if:
- 4 (i) The private home or other area is required to obtain a permit by
 5 the department on forms developed by the department. The permit shall
 6 identify a specific listing of the food products allowed to be produced
 7 by the permittee. Prior to issuing a permit, the department shall inspect
 8 the premises of the private home or other area to determine that it is in
 9 substantial compliance with the following requirements:
- 10 (A) Only those specific foods identified on the permit may be
 11 produced;
- 12 (B) No person other than the permittee, or a person under the direct
 13 supervision of the permittee, may be engaged in the processing,
 14 preparing, packaging, or handling of any food products or be in the
 15 kitchen during the preparation, packaging, or handling of any food
 16 products;
- 17 (C) No preparation, packaging, or handling of food products occurs
 18 in the kitchen concurrent with any other domestic activities such as
 19 family meal preparation, dishwashing, clothes washing or ironing, kitchen
 20 cleaning, or guest entertainment;
- 21 (D) No infants, small children, or pets are in the kitchen during
 22 the preparation, packaging, or handling of any food products;
- 23 (E) All food contact surfaces, equipment, and utensils used for the
 24 preparation, packaging, or handling of any food products are washed,
 25 rinsed, and sanitized before each use;
- 26 (F) All food preparation and food and equipment storage areas are
 27 maintained free of rodents and insects;
- 28 (G) All persons involved in the preparation and packaging of food
 29 products:
- 30 (I) Are not working in the kitchen when ill;
- 31 (II) Wash their hands before any food preparation and food packaging
 1 activities; and
- 2 (III) Avoid bare hand contact with ready-to-eat foods through the
 3 use of single-service gloves, bakery papers, tongs, or other utensils;

4 and

5 (H) Any private home or other area which has a private water supply
6 has had the water supply tested prior to initial permitting and at least
7 annually thereafter and demonstrates through a written record of testing
8 that the water supply is potable. The department may require more
9 frequent testing as deemed necessary.

10 After the initial inspection, the department may inspect at any time
11 and whenever the department has reason to believe the permittee is in
12 violation of the requirements of this subdivision or is operating in an
13 unsanitary manner. The department may also inspect the permitted area in
14 response to a foodborne illness outbreak, consumer complaint, or other
15 public health emergency. All permittees under this subdivision shall sign
16 a document attesting that the permittee expressly grants to the
17 department the right to enter the private home or other area during
18 normal business hours, or at other reasonable times, for the purposes of
19 inspection, including the collection of food samples. The initial permit
20 fee charged under this subdivision shall be eighty-six dollars. The
21 initial and annual inspection fee charged under this subdivision shall be
22 eighty-six dollars. The initial permit fee and initial inspection fee
23 shall be paid at the time of application. The annual inspection fee shall
24 be due on August 1 of each year thereafter.

25 (ii) The consumer is informed by a clearly visible placard at the
26 sale location or on the package or container label that contains the
27 following information printed in English:

28 (A) The name and address of the permittee;

29 (B) The name of the food product;

30 (C) The ingredients of the food product in descending order of
31 predominance by weight;

1 (D) The net weight or net volume of the food product;

2 (E) Allergen information as specified by federal labeling
3 requirements; and

4 (F) The following statement printed in at least ten-point type in a
5 color that provides a clear contrast to the background label: "Homemade
6 Food that is not Subject to Routine Government Food Safety Inspection";

7 (iii) The permittee has not more than fifty thousand dollars in
8 gross annual sales during a calendar year. The department may request, in
9 writing, documentation to verify the calendar year gross annual sales of
10 the permittee;

11 (iv) The permittee does not employ more than one full-time
12 equivalent employee, not including a family member or a member of the
13 permittee's household; and

14 (v) The permittee and his or her employees have undergone food
15 handler training provided online on the department's web site. The
16 department shall develop and make available an online food handler
17 training program on its web site not later than December 31, 2015;

18 (7) A private home or other area where food is prepared for
19 distribution at a fundraising event for a charitable purpose if the
20 consumer is informed by a clearly visible placard at the serving location
21 that the food was prepared in a kitchen that is not subject to regulation

22 and inspection by the regulatory authority. This subdivision does not
23 apply to a caterer or other establishment providing food for the event if
24 the caterer or establishment receives compensation for providing the
25 food;

26 (8) The location where food prepared by a caterer is served so long
27 as the caterer only minimally handles the food at the serving location;

28 (9) Educational institutions, health care facilities, nursing homes,
29 and governmental organizations which are inspected by a state agency or a
30 political subdivision other than the regulatory authority for sanitation
31 in the food preparation areas;

1 (10) A pharmacy as defined in section 71-425 if the pharmacy only
2 sells prepackaged pharmaceutical, medicinal, or health supplement foods
3 that are not potentially hazardous or foods described in subdivision (1)
4 of this section; and

5 (11) An establishment which is not a commercial food establishment
6 and which sells only commercially packaged foods that are not potentially
7 hazardous foods.

VISITORS

Visitors to the Chamber were a group from the Nebraska Grocery Industry Association.

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

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Garrett, the Legislature adjourned until 9:00 a.m., Tuesday, February 24, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SECOND DAY - FEBRUARY 24, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****THIRTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 24, 2015

PRAYER

The prayer was offered by Senator Kolowski.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senator Schilz who was excused; and Senators Garrett and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-first day was approved.

ANNOUNCEMENT(S)

Senator Bloomfield designates LB31 as his priority bill.

Senator Baker designates LB431 as his priority bill.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 221. Placed on General File with amendment.

AM467

- 1 1. On page 3, line 21, strike "shall" and insert "may"; and in line 2 27 strike "ten" and insert "twenty".
- 3 2. On page 4, line 14, strike "ten" and insert "twenty".

The Judiciary Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Gerard A. (Fred) Ruiz - Crime Victim's Reparations Committee
Michelle Schindler - Crime Victim's Reparations Committee

Aye: 8 Chambers, Coash, Ebke, Krist, Morfeld, Pansing Brooks, Seiler, Williams. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Les Seiler, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 67. Introduced by Ebke, 32.

WHEREAS, Arne and Esther Larsen celebrated their 80th wedding anniversary on December 23, 2014; and

WHEREAS, Arne and Esther are one of the longest married couples living in Nebraska. Arne is 103 years old and Esther is 99 years old; and

WHEREAS, Arne and Esther were married in 1934 at Bethel Lutheran Church near Superior; and

WHEREAS, after being married, Arne and Esther moved into a two-bedroom home without electricity or running water on a farm near Hebron; and

WHEREAS, after several years of working side by side on the farm, Arne and Esther moved into Hebron in 1945; and

WHEREAS, Arne and Esther now live in an assisted living facility in Hebron where they share an apartment filled with photos of their two children DeLoyd and Rogene, as well as their three grandchildren and six great-grandchildren; and

WHEREAS, nearly 200 people attended their 80th anniversary open house in December; and

WHEREAS, after 80 years of marriage, Arne and Esther consider themselves "the richest people in Thayer County".

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

1. That the Legislature congratulates Arne and Esther Larsen on their 80th wedding anniversary.
2. That a copy of this resolution be sent to Arne and Esther Larsen.

Laid over.

LEGISLATIVE RESOLUTION 68. Introduced by Ebke, 32.

WHEREAS, the Friend High School wrestling team finished second at the 2015 Class D State Wrestling Championships; and

WHEREAS, the Friend Bulldogs showed outstanding determination, teamwork, and skill during the competition and earned a team score of 95.5 points; and

WHEREAS, the Friend Bulldogs had three state finalists including two state champions on their team; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Friend High School wrestling team for finishing second at the 2015 Class D State Wrestling Championships.

2. That a copy of this resolution be sent to the Friend High School wrestling team.

Laid over.

UNANIMOUS CONSENT - Room Change

Senator Johnson asked unanimous consent that the Agriculture Committee conduct its hearing on Tuesday, February 24, 2015, in Room 1524 instead of Room 2102. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 430. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2013, LB530A, section 1; to appropriate and reappropriate funds; to eliminate an appropriation; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Crawford | Hilkemann | Lindstrom | Schnoor |
| Bloomfield | Davis | Howard | McCollister | Schumacher |
| Bolz | Ebke | Hughes | McCoy | Seiler |
| Brasch | Friesen | Johnson | Mello | Stinner |
| Campbell | Gloor | Kolowski | Morfeld | Sullivan |
| Chambers | Haar, K. | Kolterman | Nordquist | Watermeier |
| Coash | Hadley | Krist | Pansing Brooks | Williams |
| Cook | Hansen | Kuehn | Riepe | |
| Craighead | Harr, B. | Larson | Scheer | |

Voting in the negative, 0.

Present and not voting, 3:

Groene Kintner Smith

Excused and not voting, 3:

Garrett Murante Schilz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LB430.

GENERAL FILE

LEGISLATIVE BILL 10. Senator Chambers renewed his motion, MO35, found on page 601, to bracket until June 5, 2015.

SENATOR HOWARD PRESIDING

PRESIDENT FOLEY PRESIDING

Pending.

COMMITTEE REPORT(S)

Banking, Commerce and Insurance

LEGISLATIVE BILL 375. Placed on General File.

LEGISLATIVE BILL 515. Placed on General File with amendment.
AM380

1 1. On page 2, line 29, before "children" insert "minor".

(Signed) Jim Scheer, Chairperson

Health and Human Services

LEGISLATIVE BILL 80. Placed on General File.

LEGISLATIVE BILL 452. Placed on General File.

LEGISLATIVE BILL 315. Placed on General File with amendment.
AM458

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

2 sections:

3 Section 1. Section 68-974, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 68-974 (1) The department shall contract with one or more recovery
6 audit contractors to promote the integrity of the medical assistance

7 program and to assist with cost-containment efforts and recovery audits.
8 The contract or contracts shall include services for (a) cost-avoidance
9 through identification of third-party liability, (b) cost recovery of
10 third-party liability through postpayment reimbursement, (c) casualty
11 recovery of payments by identifying and recovering costs for claims that
12 were the result of an accident or neglect and payable by a casualty
13 insurer, and (d) reviews of claims submitted by providers of services or
14 other individuals furnishing items and services for which payment has
15 been made to determine whether providers have been underpaid or overpaid,
16 and to take actions to recover any overpayments identified or make
17 payment for any underpayment identified.
18 (2) Notwithstanding any other provision of law, all recovery audit
19 contractors retained by the department when conducting a recovery audit
20 shall:
21 (a) Review claims within two years from the date of the payment;
22 (b) Send a determination letter concluding an audit within sixty
23 days after receipt of all requested material from a provider;
24 (c) In any records request to a provider, furnish information
25 sufficient for the provider to identify the patient, procedure, or
26 location;
27 (d) Develop and implement with the department a procedure in which
1 an improper payment identified by an audit is permitted to be rebilled as
2 a corrected claim;
3 (e) Utilize a licensed health care professional from the area of
4 practice being audited to establish relevant audit methodology consistent
5 with established practice guidelines, standards of care, and state-issued
6 medicaid provider handbooks;
7 (f) Provide a written notification and explanation of an adverse
8 determination that includes the reason for the adverse determination, the
9 medical criteria on which the adverse determination was based, an
10 explanation of the provider's appeal rights, and, if applicable, an
11 explanation of the appropriate procedure to rebill in accordance with
12 subdivision (2)(d) of this section; and
13 (g) Schedule any onsite audits with advance notice of not less than
14 ten business days and make a good faith effort to establish a mutually
15 agreed upon time and date for the onsite audit.
16 (3) The department shall exclude the following from the scope of
17 review of recovery audit contractors: (a) Claims processed or paid
18 through a capitated medicaid managed care program; (b) medical necessity
19 reviews in which the provider has obtained prior authorization for the
20 service and in which the authorized service was provided; and (c) any
21 claims that are currently being audited or that have already been audited
22 by the recovery audit contractor or by another entity.
23 ~~(4 2)~~ The department shall contract with one or more persons to
24 support a health insurance premium assistance payment program.
25 ~~(5 3)~~ The department may enter into any other contracts deemed to
26 increase the efforts to promote the integrity of the medical assistance
27 program.
28 ~~(6 4)~~ Contracts entered into under the authority of this section may

29 be on a contingent fee basis. Contracts entered into on a contingent fee
30 basis shall provide that contingent fee payments are based upon amounts
31 recovered, not amounts identified, ~~and that contingent fee payments are~~
1 ~~not to be paid on amounts subsequently repaid due to determinations made~~
2 ~~in appeal proceedings.~~ Whether the contract is a contingent fee contract
3 or otherwise, the contractor shall not recover overpayments by the
4 department until all appeals have been completed unless there is a
5 credible allegation of fraudulent activity by the provider, the
6 contractor has referred the claims to the department for investigation,
7 and an investigation has commenced. In that event, the contractor may
8 recover overpayment prior to the conclusion of the appeals process. In
9 any contract between the department and a recovery audit contractor, the
10 payment or fee provided for identification of overpayments shall be the
11 same provided for identification of underpayments. Contracts shall be in
12 compliance with federal law and regulations when pertinent, including a
13 limit on contingent fees of no more than twelve and one-half percent of
14 amounts recovered, and initial contracts shall be entered into as soon as
15 practicable under such federal law and regulations.

16 (7 5) All amounts recovered and savings generated as a result of
17 this section shall be returned to the medical assistance program.

18 (8) Records requests made by a recovery audit contractor in any one-
19 hundred-eighty-day period shall be limited to not more than five percent
20 of the number of claims filed by the provider for the specific service
21 being reviewed, not to exceed two hundred records. The contractor shall
22 allow a provider no less than forty-five days to respond to and comply
23 with a record request. If the contractor can demonstrate a significant
24 provider error rate relative to an audit of records, the contractor may
25 make a request to the department to initiate an additional records
26 request regarding the subject under review for the purpose of further
27 review and validation. The contractor shall not make the request until
28 the time period for the appeals process has expired and the provider
29 given the opportunity to contest to the department the second records
30 request.

31 (9) On an annual basis, the department shall require the recovery
1 audit contractor to compile and publish on the department's Internet web
2 site metrics related to the performance of each recovery audit
3 contractor. Such metrics shall include: (a) The number and type of issues
4 reviewed; (b) the number of medical records requested; (c) the number of
5 overpayments and the aggregate dollar amounts associated with the
6 overpayments identified by the contractor; (d) the number of
7 underpayments and the aggregate dollar amounts associated with the
8 identified underpayments; (e) the duration of audits from initiation to
9 time of completion; (f) the number of adverse determinations and the
10 overturn rating of those determinations in the appeal process; (g) the
11 number of appeals filed by providers and the disposition status of such
12 appeals; (h) the contractor's compensation structure and dollar amount of
13 compensation; and (i) a copy of the department's contract with the
14 recovery audit contractor.

15 (10) The recovery audit contractor, in conjunction with the

16 department, shall perform educational and training programs annually for
17 providers that encompass a summary of audit results, description of
18 common issues, problems, and mistakes identified through audits and
19 reviews, and a discussion of opportunities for improvement in provider
20 performance with respect to claims, billing, and documentation.
21 (11) Providers shall be allowed to submit records requested as a
22 result of an audit in electronic format which shall include either
23 compact disc or digital versatile disc or via facsimile transmission, at
24 the request of the provider.
25 (12)(a) A provider shall have the right to appeal a determination
26 made by the recovery audit contractor.
27 (b) The contractor shall establish an informal consultation process.
28 Within thirty days after receipt of notification of an adverse
29 determination from the contractor, the provider may request an informal
30 consultation with the contractor and the Medicaid Program Integrity Unit
31 of the Division of Medicaid and Long-Term Care of the department to
1 discuss and attempt to resolve the findings or portion of such findings
2 in the adverse determination letter. The request shall be made to the
3 contractor. The consultation shall occur within thirty days after the
4 provider's request for informal consultation.
5 (c) Within thirty days after an informal consultation, or within
6 thirty days after notification of a final decision or an adverse
7 determination if no informal consultation is requested, a provider may
8 request an administrative appeal of the final decision or adverse
9 determination as set forth in the Administrative Procedure Act.
10 (13 ~~6~~) The department shall by December 1 of each year ~~, 2012,~~
11 report to the Legislature the status of the contracts, including the
12 parties, the programs and issues addressed, the estimated cost recovery,
13 and the savings accrued as a result of the contracts. Such report shall
14 be filed electronically.
15 (14 ~~7~~) For purposes of this section:
16 (a) Adverse determination means any decision rendered by the
17 recovery audit contractor that results in a payment to a provider for a
18 claim for service being reduced or rescinded;
19 (b ~~a~~) Person means bodies politic and corporate, societies,
20 communities, the public generally, individuals, partnerships, limited
21 liability companies, joint-stock companies, and associations; and
22 (c ~~b~~) Recovery audit contractor means private entities with which
23 the department contracts to audit claims for medical assistance, identify
24 underpayments and overpayments, and recoup overpayments.
25 Sec. 2. Original section 68-974, Revised Statutes Cumulative
26 Supplement, 2014, is repealed.

(Signed) Kathy Campbell, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 621. Placed on General File.

LEGISLATIVE BILL 539. Placed on General File with amendment.
AM487 is available in the Bill Room.

(Signed) John Murante, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 69. Introduced by Pansing Brooks, 28;
Campbell, 25.

WHEREAS, Thomas R. Buecker was born on November 14, 1948, in Lincoln, Nebraska; and

WHEREAS, Tom graduated from Sidney High School in 1966 and went on to earn a bachelor's degree from Kearney State College. Tom received a master's degree from Chadron State College in 1992; and

WHEREAS, in 1974, Tom married Colleen Kay Blakeman and together they raised their two children, Michael and Anne; and

WHEREAS, in 1977, Tom was named the curator of the Neligh Flour Mill, and in 1985, he transferred to the Fort Robinson Museum near Crawford; and

WHEREAS, Tom spent 26 years researching and telling the story of Fort Robinson, including writing his master's degree thesis on the early history of Fort Robinson and his book "Fort Robinson and the American West 1874-1899"; and

WHEREAS, in 2011, Tom moved to Lincoln and worked at the Thomas Kennard House and the Nebraska Museum of History where he continued his research and writing; and

WHEREAS, in 2009, Tom was awarded the Distinguished Alumni Award from the University of Nebraska at Kearney; and

WHEREAS, Tom passed away on February 2, 2015.

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

1. That the Legislature recognizes the contributions of Thomas R. Buecker and extends its sympathy to his family.
2. That a copy of this resolution be sent to the family of Thomas R. Buecker.

Laid over.

LEGISLATIVE RESOLUTION 70. Introduced by Ebke, 32.

WHEREAS, Zemua Baptista, a junior at Friend High School, won the 2015 Class D State Wrestling Championship in the 152-pound division; and

WHEREAS, Zemua's win helped lead the Friend Bulldogs to a second-place team finish; and

WHEREAS, this is Zemua's second state wrestling championship, having also won as a sophomore; and

WHEREAS, Zemua finished the year with a 39-1 record.

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

1. That the Legislature congratulates Zemua Baptista on his state wrestling championship and his career achievements.
2. That a copy of this resolution be sent to Zemua Baptista.

Laid over.

LEGISLATIVE RESOLUTION 71. Introduced by Ebke, 32.

WHEREAS, Patrick Dempsey, a senior at Friend High School, won the 2015 Class D State Wrestling Championship in the 170-pound division; and

WHEREAS, Patrick's win helped lead the Friend Bulldogs to a second-place team finish; and

WHEREAS, this is Patrick's first state wrestling championship; and

WHEREAS, Patrick finished the year with a 45-1 record, and a career record of 161-19.

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

1. That the Legislature congratulates Patrick Dempsey on his state wrestling championship and his career achievements.
2. That a copy of this resolution be sent to Patrick Dempsey.

Laid over.

LEGISLATIVE RESOLUTION 72. Introduced by Krist, 10.

WHEREAS, Sister Mary Evangeline Randolph was born on September 25, 1919; and

WHEREAS, in 1960, Sister Evangeline recognized a need in Omaha for a school to educate children with special needs where they could learn, grow, and belong; and

WHEREAS, at the time, Sister Evangeline was teaching three students at St. James Orphanage who had cognitive disabilities that prevented them from enrolling in the public school system; and

WHEREAS, Sister Evangeline founded the Madonna School to help teach children with special needs; and

WHEREAS, by 1970, there were 38 children attending classes at the growing Madonna School; and

WHEREAS, through the help of volunteers and donors, Sister Evangeline was able to purchase a church in the Benson area and remodel it to accommodate the growing number of students; and

WHEREAS, today, there are 58 children and young adults attending the Madonna School from ages 5 to 21; and

WHEREAS, Sister Evangeline passed away on February 9, 2015.

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

1. That the Legislature recognizes the contributions of Sister Mary Evangeline Randolph and extends its sympathy to her family.
2. That a copy of this resolution be sent to the family of Sister Mary Evangeline Randolph and the Madonna School.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 12A. Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 12, One Hundred Fourth Legislature, First Session, 2015.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Hogue, John - Commission for the Deaf and Hard of Hearing - Health and Human Services

(Signed) Bob Krist, Chairperson
Executive Board

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 24, 2015, at 9:56 a.m. was the following: LB430e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

GENERAL FILE

LEGISLATIVE BILL 10. The Chambers motion, MO35, found on page 601 and considered in this day's Journal, to bracket until June 5, 2015, was renewed.

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

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

Voting in the affirmative, 12:

| | | | |
|----------|----------|----------|----------------|
| Bolz | Crawford | Howard | Nordquist |
| Campbell | Haar, K. | Kolowski | Pansing Brooks |
| Cook | Hansen | Morfeld | Sullivan |

Voting in the negative, 30:

| | | | | |
|------------|----------|-----------|-------------|------------|
| Bloomfield | Friesen | Hilkemann | Lindstrom | Schnoor |
| Brasch | Garrett | Hughes | McCollister | Seiler |
| Coash | Gloor | Johnson | McCoy | Smith |
| Craighead | Groene | Kintner | Murante | Stinner |
| Davis | Hadley | Kolterman | Riepe | Watermeier |
| Ebke | Harr, B. | Kuehn | Scheer | Williams |

Present and not voting, 4:

| | | | |
|-------|----------|-------|------------|
| Baker | Chambers | Krist | Schumacher |
|-------|----------|-------|------------|

Excused and not voting, 3:

| | | |
|--------|-------|--------|
| Larson | Mello | Schilz |
|--------|-------|--------|

The Chambers motion to bracket failed with 12 ayes, 30 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO36

Reconsider the vote to bracket.

SPEAKER HADLEY PRESIDING

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

Senator Chambers requested a roll call vote, in reverse order, on the motion to reconsider.

Voting in the affirmative, 15:

| | | | | |
|----------|----------|----------|-----------|----------------|
| Bolz | Cook | Hansen | Kolowski | Pansing Brooks |
| Campbell | Crawford | Harr, B. | Morfeld | Schumacher |
| Chambers | Haar, K. | Howard | Nordquist | Sullivan |

Voting in the negative, 29:

| | | | | |
|------------|-----------|-----------|-------------|------------|
| Bloomfield | Friesen | Hughes | McCollister | Seiler |
| Brasch | Garrett | Johnson | McCoy | Smith |
| Coash | Gloor | Kintner | Murante | Stinner |
| Craighead | Groene | Kolterman | Riepe | Watermeier |
| Davis | Hadley | Kuehn | Scheer | Williams |
| Ebke | Hilkemann | Lindstrom | Schnoor | |

Present and not voting, 1:

Baker

Excused and not voting, 4:

| | | | |
|-------|--------|-------|--------|
| Krist | Larson | Mello | Schilz |
|-------|--------|-------|--------|

The Chambers motion to reconsider failed with 15 ayes, 29 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Cook renewed her amendment, AM344, found on page 478 and considered on page 595.

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

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

Voting in the affirmative, 34:

| | | | | |
|-----------|----------|-----------|----------------|----------|
| Baker | Crawford | Hansen | Kolterman | Riepe |
| Bolz | Friesen | Harr, B. | Kuehn | Scheer |
| Brasch | Garrett | Hilkemann | Lindstrom | Seiler |
| Campbell | Gloor | Howard | McCoy | Smith |
| Chambers | Groene | Hughes | Murante | Sullivan |
| Cook | Haar, K. | Johnson | Nordquist | Williams |
| Craighead | Hadley | Kolowski | Pansing Brooks | |

Voting in the negative, 4:

| | | | |
|-------|---------|------------|------------|
| Davis | Kintner | Schumacher | Watermeier |
|-------|---------|------------|------------|

Present and not voting, 2:

Bloomfield Schnoor

Absent and not voting, 1:

McCollister

Excused and not voting, 8:

| | | | |
|-------|--------|---------|---------|
| Coash | Krist | Mello | Schilz |
| Ebke | Larson | Morfeld | Stinner |

The Cook amendment was adopted with 34 ayes, 4 nays, 2 present and not voting, 1 absent and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 570. Placed on General File with amendment.

AM398

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

2 sections:

3 Section 1. Section 60-6,381, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 60-6,381 (1)(a) A city or village may adopt an ordinance authorizing
6 the operation of golf car vehicles within the corporate limits of the
7 city or village if the operation is on streets adjacent and contiguous to
8 a golf course.

9 ~~(b 2)~~ A county board may adopt an ordinance pursuant to section
10 23-187 a resolution authorizing the operation of golf car vehicles within
11 the county if the operation is on roads adjacent and contiguous to a golf
12 course.

13 ~~(c 3)~~ Any person operating a golf car vehicle as authorized under
14 this subsection ~~section~~ shall have a valid Class O operator's license,
15 and the owner of the golf car vehicle shall have liability insurance
16 coverage for the golf car vehicle. The person operating the golf car
17 vehicle shall provide proof of such insurance coverage to any peace
18 officer requesting such proof within five days after such a request ~~The~~
19 ~~Department of Roads may prohibit the operation of golf car vehicles on~~
20 ~~any highway under its jurisdiction if it determines that the prohibition~~
21 ~~is necessary in the interest of public safety.~~

22 (d) The restrictions of subsection (2) of this section do not apply
23 to ordinances adopted under this subsection.

24 (2)(a) A city or village may adopt an ordinance authorizing the
25 operation of golf car vehicles on streets within the corporate limits of
26 the city or village if the operation is (i) between sunrise and sunset
27 and (ii) on streets with a posted speed limit of thirty-five miles per
1 hour or less. When operating a golf car vehicle as authorized under this
2 subsection, the operator shall not operate such vehicle at a speed in
3 excess of twenty miles per hour. A golf car vehicle shall not be operated
4 at any time on any state or federal highway but may be operated upon such

5 a highway in order to cross a portion of the highway system which
6 intersects a street as directed in subsection (3) of this section. A city
7 or village may, as part of such ordinance, implement standards for
8 operation of golf car vehicles that are more stringent than the
9 restrictions of this subsection for the safety of the operator and the
10 public.
11 (b) A county board may adopt an ordinance pursuant to section 23-187
12 authorizing the operation of golf car vehicles on roads within the county
13 if the operation is (i) between sunrise and sunset and (ii) on roads with
14 a posted speed limit of thirty-five miles per hour or less. When
15 operating a golf car vehicle as authorized under this subsection, the
16 operator shall not operate such vehicle at a speed in excess of twenty
17 miles per hour. A golf car vehicle shall not be operated at any time on
18 any state or federal highway but may be operated upon such highway in
19 order to cross a portion of the highway system which intersects a road as
20 directed in subsection (3) of this section. A county may, as part of such
21 ordinance, implement standards for operation of golf car vehicles that
22 are more stringent than the restrictions of this subsection for the
23 safety of the operator and the public.
24 (c) Any person operating a golf car vehicle as authorized under this
25 subsection shall have a valid Class O operator's license, and the owner
26 of the golf car vehicle shall have liability insurance coverage for the
27 golf car vehicle. The person operating the golf car vehicle shall provide
28 proof of such insurance coverage to any peace officer requesting such
29 proof within five days after such a request. The liability insurance
30 coverage shall be subject to limits, exclusive of interest and costs, as
31 follows: Twenty-five thousand dollars because of bodily injury to or
1 death of one person in any one accident and, subject to such limit for
2 one person, fifty thousand dollars because of bodily injury to or death
3 of two or more persons in any one accident, and twenty-five thousand
4 dollars because of injury to or destruction of property of others in any
5 one accident.
6 (3) The crossing of a highway shall be permitted by a golf car
7 vehicle only if:
8 (a) The crossing is made at an angle of approximately ninety degrees
9 to the direction of the highway and at a place where no obstruction
10 prevents a quick and safe crossing;
11 (b) The golf car vehicle is brought to a complete stop before
12 crossing the shoulder or roadway of the highway;
13 (c) The operator yields the right-of-way to all oncoming traffic
14 that constitutes an immediate potential hazard; and
15 (d) In crossing a divided highway, the crossing is made only at an
16 intersection of such highway with a street or road, as applicable.
17 (4) For purposes of this section:
18 (a) Road means a public way for the purposes of vehicular travel,
19 including the entire area within the right-of-way; and
20 (b) Street means a public way for the purposes of vehicular travel
21 in a city or village and includes the entire area within the right-of-
22 way.

23 Sec. 2. Original section 60-6,381, Revised Statutes Cumulative
24 Supplement, 2014, is repealed.

(Signed) Jim Smith, Chairperson

COMMITTEE REPORT(S)

Education

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Michelle Suarez - Board of Trustees of the Nebraska State Colleges
Jess D. Zeiss - Board of Trustees of the Nebraska State Colleges

Aye: 8 Baker, Cook, Groene, Kolowski, Morfeld, Pansing Brooks, Schnoor,
Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Linda Poole - Technical Advisory Committee for Statewide Assessment
Richard Sawyer - Technical Advisory Committee for Statewide Assessment

Aye: 8 Baker, Cook, Groene, Kolowski, Morfeld, Pansing Brooks, Schnoor,
Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Glenn R. Wilson Jr. - Board of Educational Lands and Funds

Aye: 8 Baker, Cook, Groene, Kolowski, Morfeld, Pansing Brooks, Schnoor,
Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Patricia M. Kircher - Nebraska Educational Telecommunications
Commission

Aye: 8 Baker, Cook, Groene, Kolowski, Morfeld, Pansing Brooks, Schnoor,
Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kate Sullivan, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 73. Introduced by Ebke, 32; Chambers, 11.

WHEREAS, the President and Vice President of the United States are elected by the Electoral College which consists of 538 presidential electors from the fifty states and the District of Columbia; and

WHEREAS, a candidate must currently receive a majority of 270 electoral votes to win the office of President or Vice President; and

WHEREAS, Article II, Section 1, Clause 2, of the United States Constitution requires each state legislature to determine how presidential electors for each state are chosen; and

WHEREAS, in every state except Maine and Nebraska, presidential electors are chosen by a "winner-take-all" method which awards all presidential electors to the candidate who receives the most votes in those states; and

WHEREAS, Maine and Nebraska use a proportional method whereby presidential electors are allocated based on the popular vote winner within each state's congressional districts and the statewide popular vote winner receives two additional presidential electors; and

WHEREAS, advocates of the proportional method for allocating presidential electors believe it encourages grassroots organizing within each congressional district and incentivizes presidential candidates to broaden their campaigns in otherwise noncompetitive states; and

WHEREAS, in the interest of fairness, all states should have the same method for allocating presidential electors and the proportional method is most democratic method while still maintaining the Electoral College.

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

1. That the Legislature urges each state to adopt or continue the proportional method for allocating presidential electors.
2. That a copy of this resolution be sent to each state legislature.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 366A. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 366, One Hundred Fourth Legislature, First Session, 2015.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Kolterman - LB373

Coash - LB485

VISITORS

Visitors to the Chamber were 27 members of Leadership Hastings; 7 seventh- and eighth-grade students, teacher, and sponsors from Platte Valley Christian School; Katie Fischer Ziegler, NCSL Liaison from Denver, CO; and 20 members of Leadership Lincoln County.

The Doctor of the Day was Dr. John A. Craig from Omaha.

ADJOURNMENT

At 12:04 p.m., on a motion by Senator Bloomfield, the Legislature adjourned until 9:00 a.m., Wednesday, February 25, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-THIRD DAY - FEBRUARY 25, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****THIRTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 25, 2015

PRAYER

The prayer was offered by Pastor Earl Fuoss, Lutheran Church - Missouri Synod, Wayne.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senator Coash who was excused; and Senators Campbell, Craighead, K. Haar, Hansen, Hilkemann, Larson, and Morfeld who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-second day was approved.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 74. Introduced by Garrett, 3; Crawford, 45.

WHEREAS, Bellevue University was founded as Bellevue College in 1966; and

WHEREAS, Bellevue University provides a quality education to approximately 10,000 students annually; and

WHEREAS, Bellevue University established a Military-Veteran Services Center which offers services and support for military and veteran students; and

WHEREAS, the Military-Veteran Services Center exemplifies Bellevue University's commitment to serving members of the military, veterans, and their families.

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

1. That the Legislature commends Bellevue University for its commitment to members of the military, veterans, and their families.
2. That a copy of this resolution be sent to Bellevue University.

Laid over.

AMENDMENT(S) - Print in Journal

Senator K. Haar filed the following amendment to LB177:
AM434

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 70-619, Revised Statutes Cumulative Supplement,
- 4 2014, is amended to read:
- 5 70-619 (1) The corporate powers of the district shall be vested in
- 6 and exercised by the board of directors of the district. No person shall
- 7 be qualified to hold office as a member of the board of directors unless
- 8 (a) he or she is a registered voter (i) of such chartered territory, (ii)
- 9 of the subdivision from which a director is to be elected if such
- 10 chartered territory is subdivided for election purposes as provided in
- 11 subsection (1), (2), or (3) of section 70-612, or (iii) of one of the
- 12 combined subdivisions from which directors are to be elected at large as
- 13 provided in section 70-612 or (b) he or she is a retail customer duly
- 14 certified in accordance with subsection (3) of section 70-604.03.
- 15 (2)(a) No person who is a full-time or part-time employee of the
- 16 district shall be eligible to serve as a member of the board of directors
- 17 of that district and no high-level manager employed by a district may
- 18 serve as a member of the board of directors of any district unless such
- 19 person (i) resigns or (ii) assumes an unpaid leave of absence for the
- 20 term as a member. The employing district shall grant such leave of
- 21 absence when requested by any employee for the purpose of the employee
- 22 serving as a member of such the board. A of directors. No person shall be
- 23 qualified to be a member of more than one such district board, except
- 24 that a director of a rural public power district may serve as a director
- 25 of another public power district formed or organized for the purpose of
- 26 generating electric energy or transmitting electric energy exclusively
- 1 for resale to some other public power districts, rural electric
- 2 cooperatives, and membership associations or municipalities. No member of
- 3 a governing body of any one of the municipalities within the areas of the
- 4 district may not shall be qualified to serve on the original board of
- 5 directors under sections 70-603 to 70-609.
- 6 (b) For purposes of this subsection, high-level manager means a
- 7 person employed by a district who serves in a high-level managerial
- 8 position, including chief executive officer, president, vice president,
- 9 chief financial officer, chief operations officer, general manager, or
- 10 assistant general manager.
- 11 Sec. 2. Original section 70-619, Revised Statutes Cumulative
- 12 Supplement, 2014, is repealed.

13 2. On page 1, line 1, after "power" insert "district"; and in line 3
14 after the semicolon insert "to define a term;".

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR73 was referred to the Reference Committee.

ANNOUNCEMENT

Pursuant to Rule 8, Sec. 3, the Appropriations Committee presented its preliminary report on February 25, 2015, summarizing the recommended appropriations for the following biennium.

MOTION(S) - Confirmation Report(s)

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 595:

State Energy Office
David Bracht, Director

Voting in the affirmative, 32:

| | | | | |
|------------|----------|-------------|----------------|------------|
| Baker | Friesen | Hughes | Mello | Schumacher |
| Bloomfield | Garrett | Kolowski | Murante | Seiler |
| Chambers | Gloor | Krist | Pansing Brooks | Stinner |
| Cook | Groene | Kuehn | Riepe | Williams |
| Crawford | Hadley | Lindstrom | Scheer | |
| Davis | Harr, B. | McCollister | Schilz | |
| Ebke | Howard | McCoy | Schnoor | |

Voting in the negative, 0.

Present and not voting, 9:

| | | | | |
|--------|---------|-----------|----------|------------|
| Bolz | Johnson | Kolterman | Smith | Watermeier |
| Brasch | Kintner | Nordquist | Sullivan | |

Excused and not voting, 8:

| | | | |
|----------|-----------|-----------|---------|
| Campbell | Craighead | Hansen | Larson |
| Coash | Haar, K. | Hilkemann | Morfeld |

The appointment was confirmed with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 595:

Nebraska Oil and Gas Conservation Commission
Thomas D. Oliver

Voting in the affirmative, 35:

| | | | | |
|------------|---------|-----------|----------------|------------|
| Baker | Ebke | Hughes | Lindstrom | Scheer |
| Bloomfield | Friesen | Johnson | McCollister | Schilz |
| Bolz | Garrett | Kintner | McCoy | Schnoor |
| Brasch | Gloor | Kolowski | Mello | Schumacher |
| Chambers | Groene | Kolterman | Murante | Seiler |
| Crawford | Hadley | Krist | Pansing Brooks | Smith |
| Davis | Howard | Kuehn | Riepe | Williams |

Voting in the negative, 0.

Present and not voting, 7:

| | | | |
|----------|-----------|----------|------------|
| Campbell | Harr, B. | Stinner | Watermeier |
| Cook | Nordquist | Sullivan | |

Excused and not voting, 7:

| | | | |
|-----------|----------|-----------|---------|
| Coash | Haar, K. | Hilkemann | Morfeld |
| Craighead | Hansen | Larson | |

The appointment was confirmed with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 596:

Nebraska Natural Resources Commission
Donald P. Batie
Owen A. Palm

Voting in the affirmative, 39:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Davis | Hughes | McCollister | Schilz |
| Bloomfield | Ebke | Johnson | McCoy | Schnoor |
| Bolz | Friesen | Kintner | Mello | Schumacher |
| Brasch | Garrett | Kolowski | Murante | Seiler |
| Campbell | Gloor | Kolterman | Nordquist | Smith |
| Chambers | Hadley | Krist | Pansing Brooks | Stinner |
| Cook | Hilkemann | Kuehn | Riepe | Williams |
| Crawford | Howard | Lindstrom | Scheer | |

Voting in the negative, 0.

Present and not voting, 4:

Groene Harr, B. Sullivan Watermeier

Excused and not voting, 6:

Coash Haar, K. Larson
Craighead Hansen Morfeld

The appointments were confirmed with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 602:

Department of Aeronautics
Ronnie Mitchell, Director

Voting in the affirmative, 40:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Davis | Howard | Lindstrom | Schilz |
| Bloomfield | Ebke | Hughes | McCollister | Schnoor |
| Bolz | Friesen | Johnson | McCoy | Schumacher |
| Brasch | Garrett | Kintner | Mello | Seiler |
| Campbell | Gloor | Kolowski | Murante | Stinner |
| Chambers | Groene | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Crawford | Hilkemann | Kuehn | Riepe | Williams |

Voting in the negative, 0.

Present and not voting, 3:

Harr, B. Scheer Smith

Excused and not voting, 6:

Coash Haar, K. Larson
Craighead Hansen Morfeld

The appointment was confirmed with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

Senator Seiler moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 611:

Crime Victim's Reparations Committee

Gerard A. (Fred) Ruiz

Michelle Schindler

Voting in the affirmative, 39:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Ebke | Hughes | McCoy | Schumacher |
| Bloomfield | Friesen | Johnson | Mello | Seiler |
| Brasch | Garrett | Kintner | Murante | Smith |
| Campbell | Gloor | Kolterman | Nordquist | Stinner |
| Chambers | Groene | Krist | Pansing Brooks | Sullivan |
| Cook | Hadley | Kuehn | Riepe | Watermeier |
| Crawford | Hilkemann | Lindstrom | Scheer | Williams |
| Davis | Howard | McCollister | Schnoor | |

Voting in the negative, 0.

Present and not voting, 6:

| | | |
|----------|----------|---------|
| Bolz | Kolowski | Morfeld |
| Harr, B. | Larson | Schilz |

Excused and not voting, 4:

| | | | |
|-------|-----------|----------|--------|
| Coash | Craighead | Haar, K. | Hansen |
|-------|-----------|----------|--------|

The appointment was confirmed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 10. Senator Chambers offered the following motion:

MO37

Recommit to the Government, Military and Veterans Affairs Committee.

PRESIDENT FOLEY PRESIDING

Pending.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 56, 57, and 58 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 56, 57, and 58.

GENERAL FILE

LEGISLATIVE BILL 10. The Chambers motion, MO37, found in this day's Journal, to recommit to the Government, Military and Veterans Affairs Committee, was renewed.

Pending.

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 431. Placed on General File.

LEGISLATIVE BILL 477. Placed on General File.

LEGISLATIVE BILL 513. Placed on General File.

LEGISLATIVE BILL 49. Indefinitely postponed.

LEGISLATIVE BILL 616. Indefinitely postponed.

(Signed) Kate Sullivan, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 75. Introduced by Kolterman, 24.

WHEREAS, Steven Bader, a senior at Centennial High School, won the 2015 Class C State Wrestling Championship in the 145-pound division; and

WHEREAS, Steven's win helped lead the Centennial Broncos to a sixth-place team finish; and

WHEREAS, Steven displayed outstanding determination, perseverance, and skill in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Steven Bader on his state wrestling championship.

2. That a copy of this resolution be sent to Steven Bader.

Laid over.

LEGISLATIVE RESOLUTION 76. Introduced by Kolterman, 24.

WHEREAS, Doyle Trout, a senior at Centennial High School, won the 2015 Class C State Wrestling Championship in the 126-pound division; and

WHEREAS, the victory gave Doyle his fourth straight state wrestling championship; and

WHEREAS, Doyle displayed outstanding determination, perseverance, and skill in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Doyle Trout on his state wrestling championship.

2. That a copy of this resolution be sent to Doyle Trout.

Laid over.

LEGISLATIVE RESOLUTION 77. Introduced by Johnson, 23.

WHEREAS, Drew Ratkovec of East Butler High School won the 2015 Class C State Wrestling Championship in the 138-pound division; and

WHEREAS, Drew's win helped lead the East Butler Tigers to a fourth-place team finish; and

WHEREAS, Drew displayed outstanding determination, perseverance, and skill in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Drew Ratkovec on his state wrestling championship.

2. That a copy of this resolution be sent to Drew Ratkovec.

Laid over.

LEGISLATIVE RESOLUTION 78. Introduced by Johnson, 23.

WHEREAS, Alexander Reimers of David City Aquinas Catholic High School won the 2015 Class C State Wrestling Championship in the 195-pound division; and

WHEREAS, Alexander's win helped lead the David City Aquinas Catholic Monarchs to an eighth-place team finish; and

WHEREAS, Alexander displayed outstanding determination, perseverance, and skill in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Alexander Reimers on his state wrestling championship.
2. That a copy of this resolution be sent to Alexander Reimers.

Laid over.

LEGISLATIVE RESOLUTION 79. Introduced by Johnson, 23.

WHEREAS, Matthew Kindler of David City Aquinas Catholic High School won the 2015 Class C State Wrestling Championship in the 182-pound division; and

WHEREAS, Matthew's win helped lead the David City Aquinas Catholic Monarchs to an eighth-place team finish; and

WHEREAS, Matthew displayed outstanding determination, perseverance, and skill in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Matthew Kindler on his state wrestling championship.
2. That a copy of this resolution be sent to Matthew Kindler.

Laid over.

LEGISLATIVE RESOLUTION 80. Introduced by Johnson, 23.

WHEREAS, Trevor Nichelson of Ashland-Greenwood High School won the 2015 Class B State Wrestling Championship in the 170-pound division; and

WHEREAS, Trevor's win helped lead the Ashland-Greenwood Bluejays to a fourth-place team finish; and

WHEREAS, Trevor displayed outstanding determination, perseverance, and skill in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Trevor Nichelson on his state wrestling championship.
2. That a copy of this resolution be sent to Trevor Nichelson.

Laid over.

LEGISLATIVE RESOLUTION 81. Introduced by Johnson, 23.

WHEREAS, Ben Stille of Ashland-Greenwood High School won the 2015 Class B State Wrestling Championship in the 220-pound division; and

WHEREAS, Ben's win helped lead the Ashland-Greenwood Bluejays to a fourth-place team finish; and

WHEREAS, Ben displayed outstanding determination, perseverance, and skill in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Ben Stille on his state wrestling championship.
2. That a copy of this resolution be sent to Ben Stille.

Laid over.

LEGISLATIVE RESOLUTION 82. Introduced by Johnson, 23.

WHEREAS, Wyatt Phillips of David City High School won the 2015 Class C State Wrestling Championship in the 120-pound division; and

WHEREAS, Wyatt's win helped lead the David City Scouts to a fifth-place team finish; and

WHEREAS, Wyatt displayed outstanding determination, perseverance, and skill in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Wyatt Phillips on his state wrestling championship.
2. That a copy of this resolution be sent to Wyatt Phillips.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

| | |
|--------------|---|
| LB/LR | Committee |
| LR73 | Government, Military and Veterans Affairs |

(Signed) Bob Krist, Chairperson
Executive Board

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Morfeld has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

GENERAL FILE

LEGISLATIVE BILL 10. The Chambers motion, MO37, found in this day's Journal, to recommit to the Government, Military and Veterans Affairs Committee, was renewed.

SPEAKER HADLEY PRESIDING

Pending.

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB10:
AM528

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new section:
- 3 Section 1. (1) The Legislature finds that:
- 4 (a) The President and Vice President of the United States are
- 5 electd by the Electoral College which consists of 538 presidential
- 6 electors from the fifty states and the District of Columbia;
- 7 (b) A candidate must currently receive a majority of 270 electoral
- 8 votes to win the office of President or Vice President;
- 9 (c) Article II, Section 1, Clause 2, of the United States
- 10 Constitution requires each state legislature to determine how
- 11 presidential electors for each state are chosen;
- 12 (d) In every state except Maine and Nebraska, presidential electors
- 13 are chosen by a "winner-take-all" method which awards all presidential
- 14 electors to the candidate who receives the most votes in those states;
- 15 (e) Maine and Nebraska use a proportional method whereby
- 16 presidential electors are allocated based on the popular vote winner
- 17 within each state's congressional districts and the statewide popular
- 18 vote winner receives two additional presidential electors;
- 19 (f) Advocates of the proportional method for allocating presidential
- 20 electors believe it encourages grassroots organizing within each
- 21 congressional district and incentivizes presidential candidates to
- 22 broaden their campaigns in otherwise noncompetitive states; and
- 23 (g) In the interest of fairness, all states should have the same
- 24 method for allocating presidential electors and the proportional method
- 25 is most democratic method while still maintaining the Electoral College.
- 26 (2) It is the intent of the Legislature to urge each state to adopt
- 27 or continue the proportional method for allocating presidential electors.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Cook - LB167
Morfeld - LB485

VISITORS

Visitors to the Chamber were members from the League of Women Voters of Nebraska and American Association of University Women of Nebraska; and 60 fourth-grade students and teachers from Morton Elementary, Lexington.

ADJOURNMENT

At 11:53 a.m., on a motion by Senator Gloor, the Legislature adjourned until 9:00 a.m., Thursday, February 26, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FOURTH DAY - FEBRUARY 26, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****THIRTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 26, 2015

PRAYER

The prayer was offered by Pastor Roger Criser, Harrison Street Baptist Church, La Vista.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senator McCoy who was excused; and Senators Campbell, Craighead, Davis, Hansen, Howard, Krist, and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-third day was approved.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 59, 60, and 61 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 59, 60, and 61.

MOTION(S) - Confirmation Report(s)

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 625:

Board of Trustees of the Nebraska State Colleges
Michelle Suarez
Jess D. Zeiss

Voting in the affirmative, 30:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Ebke | Hughes | Mello | Schnoor |
| Bloomfield | Garrett | Kolowski | Nordquist | Schumacher |
| Bolz | Gloor | Kolterman | Pansing Brooks | Seiler |
| Brasch | Groene | Kuehn | Riepe | Stinner |
| Cook | Hadley | Lindstrom | Scheer | Sullivan |
| Crawford | Hilkemann | McCollister | Schilz | Williams |

Voting in the negative, 0.

Present and not voting, 11:

| | | | |
|----------|----------|---------|------------|
| Chambers | Haar, K. | Kintner | Smith |
| Coash | Harr, B. | Larson | Watermeier |
| Friesen | Johnson | Morfeld | |

Excused and not voting, 8:

| | | | |
|-----------|--------|--------|---------|
| Campbell | Davis | Howard | McCoy |
| Craighead | Hansen | Krist | Murante |

The appointments were confirmed with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 625:

Technical Advisory Committee for Statewide Assessment
Linda Poole
Richard Sawyer

Voting in the affirmative, 32:

| | | | | |
|------------|-----------|-------------|----------------|----------|
| Baker | Garrett | Kolowski | Nordquist | Smith |
| Bloomfield | Gloor | Kolterman | Pansing Brooks | Stinner |
| Bolz | Groene | Kuehn | Riepe | Sullivan |
| Brasch | Hadley | Lindstrom | Scheer | Williams |
| Cook | Hilkemann | McCollister | Schnoor | |
| Crawford | Hughes | Mello | Schumacher | |
| Ebke | Kintner | Morfeld | Seiler | |

Voting in the negative, 0.

Present and not voting, 9:

| | | | | |
|----------|----------|----------|--------|------------|
| Chambers | Friesen | Harr, B. | Larson | Watermeier |
| Coash | Haar, K. | Johnson | Schilz | |

Excused and not voting, 8:

| | | | |
|-----------|--------|--------|---------|
| Campbell | Davis | Howard | McCoy |
| Craighead | Hansen | Krist | Murante |

The appointments were confirmed with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 625:

Board of Educational Lands and Funds
Glenn R. Wilson Jr.

Voting in the affirmative, 33:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Gloor | Kolowski | Morfeld | Schumacher |
| Bloomfield | Groene | Kolterman | Nordquist | Smith |
| Brasch | Haar, K. | Kuehn | Pansing Brooks | Stinner |
| Cook | Hadley | Larson | Riepe | Sullivan |
| Crawford | Hilkemann | Lindstrom | Scheer | Williams |
| Ebke | Hughes | McCollister | Schilz | |
| Garrett | Kintner | Mello | Schnoor | |

Voting in the negative, 0.

Present and not voting, 8:

| | | | |
|----------|---------|----------|------------|
| Bolz | Coash | Harr, B. | Seiler |
| Chambers | Friesen | Johnson | Watermeier |

Excused and not voting, 8:

| | | | |
|-----------|--------|--------|---------|
| Campbell | Davis | Howard | McCoy |
| Craighead | Hansen | Krist | Murante |

The appointment was confirmed with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 625:

Nebraska Educational Telecommunications Commission
Patricia M. Kircher

Voting in the affirmative, 33:

| | | | | |
|------------|-----------|-------------|----------------|----------|
| Baker | Groene | Kolterman | Nordquist | Seiler |
| Bloomfield | Haar, K. | Kuehn | Pansing Brooks | Smith |
| Brasch | Hadley | Larson | Riepe | Stinner |
| Cook | Hilkemann | Lindstrom | Scheer | Sullivan |
| Ebke | Hughes | McCollister | Schilz | Williams |
| Garrett | Kintner | Mello | Schnoor | |
| Gloor | Kolowski | Morfeld | Schumacher | |

Voting in the negative, 0.

Present and not voting, 8:

| | | | |
|----------|----------|----------|------------|
| Bolz | Coash | Friesen | Johnson |
| Chambers | Crawford | Harr, B. | Watermeier |

Excused and not voting, 8:

| | | | |
|-----------|--------|--------|---------|
| Campbell | Davis | Howard | McCoy |
| Craighead | Hansen | Krist | Murante |

The appointment was confirmed with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 83. Introduced by Larson, 40.

WHEREAS, Dylan Loberg of Randolph High School won the 2015 Class D State Wrestling Championship in the 195-pound division; and

WHEREAS, Dylan's win helped lead the Randolph Cardinals to a fifth-place team finish; and

WHEREAS, Dylan displayed outstanding determination, perseverance, and skill in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Dylan Loberg on his state wrestling championship.
2. That a copy of this resolution be sent to Dylan Loberg.

Laid over.

LEGISLATIVE RESOLUTION 84. Introduced by Larson, 40.

WHEREAS, Garret Zimmerer of Creighton Community High School won the 2015 Class D State Wrestling Championship in the 120-pound division; and

WHEREAS, Garret's win helped lead the Creighton Community Bulldogs to a fourth-place team finish; and

WHEREAS, Garret displayed outstanding determination, perseverance, and skill in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Garret Zimmerer on his state wrestling championship.
2. That a copy of this resolution be sent to Garret Zimmerer.

Laid over.

LEGISLATIVE RESOLUTION 85. Introduced by Larson, 40.

WHEREAS, Ty Sawyer, a member of Troop 245 from O'Neill, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Ty 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, Ty repaired and repainted playground teeter-totters for the Lions Club Kiddie Park in O'Neill. Prior to Ty's project, the teeter-totters were in need of new seats that were safe for children to use; and

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

WHEREAS, Ty, 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 Ty Sawyer on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Ty Sawyer.

Laid over.

LEGISLATIVE RESOLUTION 86. Introduced by Larson, 40.

WHEREAS, Cody Watson, a member of Troop 245 from O'Neill, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Cody 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, Cody rebuilt and then installed a sign located at the Lions Club Kiddie Park in O'Neill. Prior to Cody's project, the sign had deteriorated and fallen down; and

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

WHEREAS, Cody, 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 Cody Watson on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Cody Watson.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 77. Title read. Considered.

Committee AM109, found on page 449, was offered.

Senator Murante 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 Campbell moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The committee amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

SENATOR KRIST PRESIDING

Senator Bolz offered the following amendment:

FA16

On page 4, line 14, after the period, insert "no state funds shall be utilized to pay for elective abortion services or to promote elective abortion services."

The Bolz amendment was adopted with 31 ayes, 1 nay, 15 present and not voting, and 2 excused and not voting.

Senator Howard moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Nordquist requested a record vote on the advancement of the bill.

Voting in the affirmative, 21:

| | | | | |
|-----------|----------|-------------|----------------|----------|
| Baker | Crawford | Hansen | Mello | Sullivan |
| Campbell | Davis | Harr, B. | Morfeld | |
| Chambers | Gloor | Howard | Nordquist | |
| Cook | Haar, K. | Kolowski | Pansing Brooks | |
| Craighead | Hadley | McCollister | Schumacher | |

Voting in the negative, 23:

| | | | | |
|------------|-----------|-----------|---------|------------|
| Bloomfield | Garrett | Kintner | Murante | Stinner |
| Brasch | Groene | Kolterman | Riepe | Watermeier |
| Coash | Hilkemann | Krist | Schnoor | Williams |
| Ebke | Hughes | Kuehn | Seiler | |
| Friesen | Johnson | Lindstrom | Smith | |

Present and not voting, 3:

| | | |
|------|--------|--------|
| Bolz | Scheer | Schilz |
|------|--------|--------|

Excused and not voting, 2:

| | |
|--------|-------|
| Larson | McCoy |
|--------|-------|

Failed to advance to Enrollment and Review Initial with 21 ayes, 23 nays, 3 present and not voting, and 2 excused and not voting.

NOTICE OF COMMITTEE HEARING(S)

Appropriations

Room 1524

Monday, March 16, 2015 1:30 p.m.

Agency 25 - Health and Human Services

Divisions: Operations, Medicaid and Long Term Care, Public Health, and
Veterans Homes

LB125

LB82

LB98

LB233

LB332

LB397

LB418

Tuesday, March 17, 2015 1:30 p.m.

Agency 25 - Health and Human Services

Divisions: Developmental Disabilities, Children and Family Services,
Behavioral Health

LB381

LB485

LB506

Room 1003

Wednesday, March 18, 2015 1:30 p.m.

Agency 40 - Motor Vehicle Licensing Board, Nebraska

Agency 17 - Aeronautics, Department of

Agency 27 - Roads, Department of

LB633

Thursday, March 19, 2015 1:30 p.m.

Agency 7 - Governor

Agency 8 - Lieutenant Governor

Agency 9 - Secretary of State

Agency 10 - Auditor of Public Accounts

Agency 12 - State Treasurer

Agency 14 - Public Service Commission

Agency 3 - Legislative Council

(Signed) Heath Mello, Chairperson

Natural Resources

Room 1525

Wednesday, March 18, 2015 1:30 p.m.

Robert Allen - Nebraska Game and Parks Commission

(Signed) Ken Schilz, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Watermeier - LB599
Bolz - LB315
Krist - LB599
Coash, Kolterman - LB396
Stinner - LB599
Garrett - LB599

VISITORS

Visitors to the Chamber were 6 members of a home school family from Oxford; 4 fifth-, seventh-, and eighth-grade home school students and teacher from Minden; 25 ninth-grade students from Omaha South High School; and members of Alpha Kappa Alpha Sorority, Inc. from Lincoln and Omaha.

The Doctor of the Day was Dr. LuDane Simmons from Omaha.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Scheer, the Legislature adjourned until 9:00 a.m., Friday, February 27, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIFTH DAY - FEBRUARY 27, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****THIRTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, February 27, 2015

PRAYER

The prayer was offered by Senator Johnson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Cook and McCoy who were excused; and Senators Craighead and Groene who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fourth day was approved.

COMMITTEE REPORT(S)

Agriculture

LEGISLATIVE BILL 176. Placed on General File with amendment.
AM495

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

2 Sec. 2. Section 54-2604, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 54-2604 (1) Except as provided in subsection (2) of this section, a

5 packer shall not:

6 (a) Directly or indirectly own, control, or operate a livestock

7 operation in this state; or

8 (b) Directly or indirectly be engaged in the ownership, keeping, or

9 feeding of livestock, other than temporary ownership, keeping, and

10 feeding not to exceed fourteen days which is necessary and incidental to,

11 and immediately prior to, the process of slaughter.

12 (2) Subdivision (1)(b) of this section does not apply to the

13 ownership, keeping, or feeding of swine by a packer at one or more

14 contract swine operations in this state if the packer does not own, keep,

15 or feed swine in this state except for the purpose of the slaughtering of

16 swine or the manufacturing or preparation of carcasses of swine or goods
 17 originating from the carcasses in one or more processing facilities owned
 18 or controlled by the packer.
 19 (3) For purposes of this section, indirectly own, control, or
 20 operate a livestock operation and indirectly be engaged in the ownership,
 21 keeping, or feeding of livestock includes:
 22 (a) Receiving the net revenue or a share of the net revenue derived
 23 from a livestock operation or from a person who contracts for the care
 24 and feeding of livestock in this state, unless the packer is not involved
 25 in the management of the livestock operation;
 26 (b) Assuming a morbidity or mortality production risk if the
 27 livestock are fed or otherwise maintained as part of a livestock
 1 operation in this state, unless the packer is not involved in the
 2 management of the livestock operation;
 3 (c) Loaning money or guaranteeing, acting as a surety for, or
 4 otherwise financing a livestock operation in this state or a person who
 5 contracts for the care and feeding of livestock in this state. For
 6 purposes of this subdivision, loaning money or guaranteeing, acting as a
 7 surety for, or otherwise financing a livestock operation does not include
 8 executing a contract for the purchase of livestock by a packer,
 9 including, but not limited to, forward contracts, marketing agreements,
 10 long-term arrangements, formula arrangements, other noncash sales
 11 arrangements, contracts that contain a ledger balance unsecured by
 12 collateral of the debtor or other price risk sharing arrangements, or
 13 providing an open account or loan unsecured by collateral of the debtor
 14 or a ledger balance or loan secured by collateral of the debtor so long
 15 as the amount due from the debtor does not exceed one million dollars.
 16 After May 27, 1999, it is unlawful for a packer to directly or
 17 indirectly be engaged in the ownership, keeping, or feeding of livestock
 18 for the production of livestock or livestock products, other than
 19 temporary ownership, keeping, and feeding, not to exceed five days,
 20 necessary and incidental to the process of slaughter.

(Signed) Jerry Johnson, Chairperson

MESSAGE(S) FROM THE GOVERNOR

February 26, 2015

Patrick J. O'Donnell
 Clerk of the Nebraska Legislature
 2018 State Capitol
 Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 40, 41, 42, 43, 65e, 91, 92, 93, 95, 99e, and 100 were received in my office on February 20, 2015.

These bills were signed and delivered to the Secretary of State on February 26, 2015.

Sincerely,
(Signed) Pete Ricketts
Governor

PR/lhk

February 26, 2015

Patrick J. O'Donnell
Clerk of the Nebraska Legislature
2018 State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 118e, 126, 149, 150, 151, 157, 159, 168, 170, 171e, 198, 219, 220, 220A, and 247 were received in my office on February 20, 2015. LB 430e was received in the Governor's Office on February 24, 2015.

These bills were signed and delivered to the Secretary of State on February 26, 2015.

Sincerely,
(Signed) Pete Ricketts
Governor

PR/lhk

February 26, 2015

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I have signed LB 109e but with concerns that I want to share with you.

I agree with the underlying goal of the legislation which is to allow a veteran, a spouse, or a dependent to continue to qualify for veterans' educational benefits under the federal "Veterans Access, Choice, and Accountability Act of 2014." As presented in its final form, however, LB 109 is a potentially unconstitutional violation of Article I, Section 29 of the Nebraska Constitution.

Last year, the U.S. Congress made changes to its law governing the use of federal education assistance benefits. In one of those changes, Congress declared that veterans would not be able to use their benefits in any state public institution of higher education, if a state did not change its law to match the new federal requirements. LB 109 was introduced to change our state statutes in accordance with the federal law.

Both the federal statutes and federal regulations that are incorporated by referenced into our state law by LB 109 reference a "veteran" and a "spouse." Nebraska's Constitution provides that only marriage between a man and a woman will be recognized under state law.

Federal guidance that has been issued regarding the federal education program suggests that states are mandated to recognize same-sex unions for purposes of this federal benefit. To the extent that the federal government attempts to interpret the changes contained in LB 109 in a manner that would usurp our Constitution, then I will seek to challenge such an interpretation and I will ask you to consider a future legislative change that will reject the federal bureaucracy's attempt to mandate its view of marriage upon our citizens.

Sincerely,
(Signed) Pete Ricketts
Governor

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 26, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Brinkman, Jennifer
Tetrad Property Group
Meckler, Mark
Convention of States Action

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

RESOLUTION(S)

LEGISLATIVE RESOLUTION 87. Introduced by Seiler, 33.

WHEREAS, Connor Laux, a freshman at Hastings High School, won the 2015 Class A State Wrestling Championship in the 106-pound division; and

WHEREAS, Connor is the first freshman at Hastings High School to win an individual state wrestling championship; and

WHEREAS, Nolan Laux, a senior at Hastings High School, won the 2015 Class A State Wrestling Championship in the 126-pound division; and

WHEREAS, Nolan has medaled four times at the State Wrestling Championship and is a two-time state champion; and

WHEREAS, Brian Laux, Connor and Nolan's father, is the coach of the Hastings High School wrestling team and was a member of the 1988 Hastings High School State Wrestling Championship team. Brian watched each of his two sons win their state championships; and

WHEREAS, Connor and Nolan's wins helped lead the Hastings Tigers to a fifth-place team finish and earn a team score of 95 points; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Connor and Nolan Laux on their state wrestling championships.

2. That a copy of this resolution be sent to Connor Laux, Nolan Laux, and their coach Brian Laux.

Laid over.

ANNOUNCEMENT

The Chair announced the birthday of Senator Bolz.

MOTION(S) - Return LB52 to Select File

Senator Crawford moved to return LB52 to Select File for the following specific amendment:

FA17

Strike the enacting clause.

Senator Crawford withdrew her motion to return.

Senator Chambers moved to return LB52 to Select File for the following specific amendment:

FA18

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 52.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.15, Revised Statutes Cumulative Supplement, 2014; to exempt sanitary drainage districts from sales and use taxes; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Friesen | Hughes | Mello | Seiler |
| Bloomfield | Garrett | Johnson | Morfeld | Smith |
| Bolz | Gloor | Kintner | Murante | Sinner |
| Brasch | Groene | Kolowski | Nordquist | Sullivan |
| Campbell | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Chambers | Hadley | Krist | Riepe | Williams |
| Coash | Hansen | Kuehn | Scheer | |
| Crawford | Harr, B. | Larson | Schilz | |
| Davis | Hilkemann | Lindstrom | Schnoor | |
| Ebke | Howard | McCollister | Schumacher | |

Voting in the negative, 0.

Excused and not voting, 3:

Cook Craighead McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB87 to Select File

Senator Chambers moved to return LB87 to Select File for the following specific amendment:

FA19

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 87.

A BILL FOR AN ACT relating to the Nebraska Children's Commission; to amend sections 43-4202 and 43-4207, Revised Statutes Cumulative Supplement, 2014; to change membership on the commission; to change and eliminate reporting requirements; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schumacher |
| Bloomfield | Friesen | Hughes | Mello | Seiler |
| Bolz | Garrett | Johnson | Morfeld | Smith |
| Brasch | Gloor | Kintner | Murante | Sinner |
| Campbell | Groene | Kolowski | Nordquist | Sullivan |
| Chambers | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Coash | Hadley | Krist | Riepe | Williams |
| Craighead | Hansen | Kuehn | Scheer | |
| Crawford | Harr, B. | Larson | Schilz | |
| Davis | Hilkemann | Lindstrom | Schnoor | |

Voting in the negative, 0.

Excused and not voting, 2:

Cook McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION(S) - Return LB90 to Select File

Senator Chambers moved to return LB90 to Select File for the following specific amendment:

FA20

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

Senator Johnson moved to return LB90 to Select File for the following specific amendment:

FA25

Strike the enacting clause.

Senator Johnson withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 90.

A BILL FOR AN ACT relating to the Nebraska Regulation of Health Professions Act; to amend sections 71-6207.02 and 71-6223.02, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions regarding initiation of a directed review; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

| | |
|------|-------|
| Cook | McCoy |
|------|-------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB94 to Select File

Senator Chambers moved to return LB94 to Select File for the following specific amendment:

FA21

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 94.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-165.01, Reissue Revised Statutes of Nebraska; to provide for issuance of a printed certificate of title to a nonresident as prescribed; to eliminate obsolete provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Ebke | Hughes | Mello | Seiler |
| Bloomfield | Friesen | Johnson | Morfeld | Smith |
| Bolz | Garrett | Kintner | Murante | Sinner |
| Brasch | Gloor | Kolowski | Nordquist | Sullivan |
| Campbell | Groene | Kolterman | Pansing Brooks | Watermeier |
| Chambers | Haar, K. | Krist | Riepe | Williams |
| Coash | Hadley | Kuehn | Scheer | |
| Craighead | Hansen | Larson | Schilz | |
| Crawford | Harr, B. | Lindstrom | Schnoor | |
| Davis | Hilkemann | McCollister | Schumacher | |

Voting in the negative, 0.

Excused and not voting, 3:

Cook Howard McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION(S) - Return LB107 to Select File

Senator Chambers moved to return LB107 to Select File for the following specific amendment:

FA22

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

Senator Krist moved to return LB107 to Select File for the following specific amendment:

FA26

Strike the enacting clause.

Senator Krist withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 107.

A BILL FOR AN ACT relating to nurses; to amend sections 38-206, 38-2302, 38-2310, 38-2322, and 38-2323, Reissue Revised Statutes of Nebraska, and sections 38-2301 and 38-2315, Revised Statutes Cumulative Supplement, 2014; to eliminate requirements for integrated practice agreements for nurse practitioners; to provide for transition-to-practice agreements; to change provisions relating to credentialing and regulation; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 2:

Cook McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 116.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-735.06, Reissue Revised Statutes of Nebraska, and section 31-735, Revised Statutes Cumulative Supplement, 2014; to change election procedures and membership for certain boards of trustees as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Cook McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 142. With Emergency Clause.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-1220 and 37-1273, Reissue Revised Statutes of Nebraska, and sections 37-201, 37-1214, 37-1215, and 37-1219, Revised Statutes Cumulative Supplement, 2014; to create the Aquatic Invasive Species Program; to

provide funding; to create a fee and stamp; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

| | | | | |
|-----------|-----------|-------------|----------------|------------|
| Baker | Friesen | Hughes | Mello | Seiler |
| Bolz | Garrett | Johnson | Morfeld | Smith |
| Brasch | Gloor | Kintner | Murante | Sinner |
| Campbell | Groene | Kolowski | Nordquist | Sullivan |
| Chambers | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Coash | Hadley | Krist | Riepe | Williams |
| Craighead | Hansen | Kuehn | Scheer | |
| Crawford | Harr, B. | Larson | Schilz | |
| Davis | Hilkemann | Lindstrom | Schnoor | |
| Ebke | Howard | McCollister | Schumacher | |

Voting in the negative, 1:

Bloomfield

Excused and not voting, 2:

Cook McCoy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 142A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 142, One Hundred Fourth Legislature, First Session, 2015; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

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

Voting in the negative, 1:

Bloomfield

Excused and not voting, 2:

Cook McCoy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 194.

A BILL FOR AN ACT relating to the Supreme Court; to create the Supreme Court Attorney Services Cash Fund; and to provide for the use of the fund.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Cook McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 241.

A BILL FOR AN ACT relating to cemeteries; to amend sections 15-241, 16-243, 17-941, and 17-945, Reissue Revised Statutes of Nebraska; to change provisions relating to conveyances of cemetery lots; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Cook McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 252.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1106, Reissue Revised Statutes of Nebraska, and section 8-1108.02, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to registration by coordination and federal covered securities; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schumacher |
| Bloomfield | Friesen | Hughes | Mello | Seiler |
| Bolz | Garrett | Johnson | Morfeld | Smith |
| Brasch | Gloor | Kintner | Murante | Sinner |
| Campbell | Groene | Kolowski | Nordquist | Sullivan |
| Chambers | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Coash | Hadley | Krist | Riepe | Williams |
| Craighead | Hansen | Kuehn | Scheer | |
| Crawford | Harr, B. | Larson | Schilz | |
| Davis | Hilkemann | Lindstrom | Schnoor | |

Voting in the negative, 0.

Excused and not voting, 2:

Cook McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 260. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to authorize the Property Tax Administrator to correct errors as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Seiler |
| Bloomfield | Friesen | Hughes | Mello | Smith |
| Bolz | Garrett | Johnson | Morfeld | Sinner |
| Brasch | Gloor | Kintner | Murante | Sullivan |
| Campbell | Groene | Kolowski | Nordquist | Watermeier |
| Chambers | Haar, K. | Kolterman | Pansing Brooks | Williams |
| Coash | Hadley | Krist | Riepe | |
| Craighead | Hansen | Kuehn | Schilz | |
| Crawford | Harr, B. | Larson | Schnoor | |
| Davis | Hilkemann | Lindstrom | Schumacher | |

Voting in the negative, 0.

Present and not voting, 1:

Scheer

Excused and not voting, 2:

Cook McCoy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB261 with 46 ayes, 1 nay, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 261. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-519, 13-520, 77-115, 77-376, and 77-1248, Reissue Revised Statutes of Nebraska, and sections 23-2306, 69-2708, 77-1342, 77-2604, 77-2604.01, 77-27,235, 77-2904, and 77-3442, Revised Statutes Cumulative Supplement, 2014; to eliminate obsolete provisions relating to transferring the assessment function to counties; to change provisions relating to the sharing of tax information; to change provisions relating to the valuation of flight equipment of air carriers; to disallow interest on refunds relating to certain tax credits; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 77-1340.05 and 77-1340.06, Reissue Revised Statutes of Nebraska, and section 77-1340.04, Revised Statutes Cumulative Supplement, 2014; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Cook McCoy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB266 with 45 ayes, 1 nay, 1 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 266.

A BILL FOR AN ACT relating to municipalities; to amend sections 14-102, 14-103, 15-211, 15-268, 16-207, 16-240, 17-123, 17-123.01, 17-207, and 17-555, Reissue Revised Statutes of Nebraska, and sections 16-230 and 17-563, Revised Statutes Cumulative Supplement, 2014; to change provisions regarding jurisdiction for municipalities to enforce ordinances; to change nuisance ordinance provisions as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Cook McCoy

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 269.

A BILL FOR AN ACT relating to the Abstracters Act; to amend section 76-550, Revised Statutes Cumulative Supplement, 2014; to change and eliminate provisions relating to a roster of all registered abstracters; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schumacher |
| Bloomfield | Friesen | Hughes | Mello | Seiler |
| Bolz | Garrett | Johnson | Morfeld | Smith |
| Brasch | Gloor | Kintner | Murante | Sinner |
| Campbell | Groene | Kolowski | Nordquist | Sullivan |
| Chambers | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Coash | Hadley | Krist | Riepe | Williams |
| Craighead | Hansen | Kuehn | Scheer | |
| Crawford | Harr, B. | Larson | Schilz | |
| Davis | Hilkemann | Lindstrom | Schnoor | |

Voting in the negative, 0.

Excused and not voting, 2:

| | |
|------|-------|
| Cook | McCoy |
|------|-------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB271 with 42 ayes, 1 nay, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 271.

A BILL FOR AN ACT relating to labor; to amend sections 48-602, 48-603, 48-603.01, 48-605, 48-625, 48-648, 48-648.01, 48-654, 48-660.01, and 48-669, Reissue Revised Statutes of Nebraska, and section 48-663.01,

Revised Statutes Cumulative Supplement, 2014; to change and eliminate provisions of the Employment Security Law; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Ebke | Hughes | Mello | Seiler |
| Bloomfield | Friesen | Johnson | Morfeld | Smith |
| Bolz | Garrett | Kintner | Murante | Sinner |
| Brasch | Groene | Kolowski | Nordquist | Sullivan |
| Campbell | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Chambers | Hadley | Krist | Riepe | Williams |
| Coash | Hansen | Kuehn | Scheer | |
| Craighead | Harr, B. | Larson | Schilz | |
| Crawford | Hilkemann | Lindstrom | Schnoor | |
| Davis | Howard | McCollister | Schumacher | |

Voting in the negative, 0.

Present and not voting, 1:

Gloor

Excused and not voting, 2:

Cook McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 286. With Emergency Clause.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-1,140, 8-355, and 21-17,115, Revised Statutes Cumulative Supplement, 2014; to revise powers of state-chartered banks, building and loan associations, and credit unions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schumacher |
| Bloomfield | Friesen | Hughes | Mello | Seiler |
| Bolz | Garrett | Johnson | Morfeld | Smith |
| Brasch | Gloor | Kintner | Murante | Sinner |
| Campbell | Groene | Kolowski | Nordquist | Sullivan |
| Chambers | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Coash | Hadley | Krist | Riepe | Williams |
| Craighead | Hansen | Kuehn | Scheer | |
| Crawford | Harr, B. | Larson | Schilz | |
| Davis | Hilkemann | Lindstrom | Schnoor | |

Voting in the negative, 0.

Excused and not voting, 2:

Cook McCoy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 301.

A BILL FOR AN ACT relating to courts; to amend sections 24-107, 24-209, 24-212, 85-176, and 85-177, Reissue Revised Statutes of Nebraska; to change provisions relating to format and distribution of court opinions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schumacher |
| Bloomfield | Friesen | Hughes | Mello | Seiler |
| Bolz | Garrett | Johnson | Morfeld | Smith |
| Brasch | Gloor | Kintner | Murante | Sinner |
| Campbell | Groene | Kolowski | Nordquist | Sullivan |
| Chambers | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Coash | Hadley | Krist | Riepe | Williams |
| Craighead | Hansen | Kuehn | Scheer | |
| Crawford | Harr, B. | Larson | Schilz | |
| Davis | Hilkemann | Lindstrom | Schnoor | |

Voting in the negative, 0.

Excused and not voting, 2:

Cook McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 305. With Emergency Clause.

A BILL FOR AN ACT relating to veterans aid; to amend section 80-403, Reissue Revised Statutes of Nebraska; to allow the veterans aid fund to be used for transportation costs for veterans; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schumacher |
| Bloomfield | Friesen | Hughes | Mello | Seiler |
| Bolz | Garrett | Johnson | Morfeld | Smith |
| Brasch | Gloor | Kintner | Murante | Sinner |
| Campbell | Groene | Kolowski | Nordquist | Sullivan |
| Chambers | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Coash | Hadley | Krist | Riepe | Williams |
| Craighead | Hansen | Kuehn | Scheer | |
| Crawford | Harr, B. | Larson | Schilz | |
| Davis | Hilkemann | Lindstrom | Schnoor | |

Voting in the negative, 0.

Excused and not voting, 2:

Cook McCoy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 312.

A BILL FOR AN ACT relating to highways and bridges; to amend sections 39-1348, 39-1349, 39-1350, 39-1351, 39-1352, 39-1353, and 81-1701, Reissue Revised Statutes of Nebraska; to change provisions relating to the letting of construction contracts; to provide an exemption from the Nebraska Consultants' Competitive Negotiation Act; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Cook McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 314.

A BILL FOR AN ACT relating to county courts; to amend section 24-517, Revised Statutes Cumulative Supplement, 2014; to state matters subject to the jurisdiction of county courts; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Cook McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 52, 87, 90, 94, 107, 116, 142, 142A, 194, 241, 252, 260, 261, 266, 269, 271, 286, 301, 305, 312, and 314.

NOTICE OF COMMITTEE HEARING(S)
Nebraska Retirement Systems

Room 1525

Wednesday, March 25, 2015 12:00 p.m.

Presentation of Annual Reports

(Signed) Jeremy Nordquist, Chairperson

Business and Labor

Room 2102

Monday, March 16, 2015 1:30 p.m.

Steven Bley - Boiler Safety Code Advisory Board
Robert Kirkpatrick - Boiler Safety Code Advisory Board
Thomas E. Phipps - Boiler Safety Code Advisory Board

(Signed) Burke Harr, Chairperson

AMENDMENT(S) - Print in Journal

Senator Morfeld filed the following amendment to LB439:
AM441

- 1 1. Strike the original sections, and all amendments thereto, and
- 2 insert the following new sections:
- 3 Section 1. Section 53-180.05, Revised Statutes Cumulative
- 4 Supplement, 2014, is amended to read:
- 5 53-180.05 (1) Except as provided in subsection (2) of this section,
- 6 any person who violates section 53-180 shall be guilty of a Class I
- 7 misdemeanor.
- 8 (2) Any person who knowingly and intentionally violates section
- 9 53-180 shall be guilty of a Class IIIA felony and serve a mandatory
- 10 minimum of at least thirty days' imprisonment as part of any sentence he
- 11 or she receives if serious bodily injury or death to any person resulted
- 12 and was proximately caused by a minor's (a) consumption of the alcoholic
- 13 liquor provided or (b) impaired condition which, in whole or in part, can

14 be attributed to the alcoholic liquor provided.
15 (3) Any person who violates any of the provisions of section
16 53-180.01 or 53-180.03 shall be guilty of a Class III misdemeanor.
17 (4)(a) Except as otherwise provided in subdivision (b) of this
18 subsection, any ~~Any~~ person older than eighteen years of age and under the
19 age of twenty-one years violating section 53-180.02 is guilty of a Class
20 III misdemeanor.
21 (b) Subdivision (a) of this subsection shall not apply if the
22 person:
23 (i) Requested emergency medical assistance in response to the
24 possible alcohol overdose of himself or herself or another person as soon
25 as the emergency situation is apparent after such violation of section
26 53-180.02;
27 (ii) Was the first person to make a request for medical assistance
1 under subdivision (b)(i) of this subsection as soon as the emergency
2 situation is apparent after such violation of section 53-180.02; and
3 (iii) If the person requested emergency medical assistance for the
4 possible alcohol overdose of another person, such person:
5 (A) Remained on the scene until the medical assistance arrived; and
6 (B) Cooperated with medical assistance and law enforcement
7 personnel.
8 (c) A person shall not initiate or maintain an action against a
9 peace officer or the employing state agency or political subdivision
10 based on the officer's compliance or failure to comply with subdivision
11 (b) of this subsection.
12 (5) Any person eighteen years of age or younger violating section
13 53-180.02 is guilty of a misdemeanor as provided in section 53-181 and
14 shall be punished as provided in such section.
15 (6) Any person who knowingly manufactures, creates, or alters any
16 form of identification for the purpose of sale or delivery of such form
17 of identification to a person under the age of twenty-one years shall be
18 guilty of a Class I misdemeanor. For purposes of this subsection, form of
19 identification means any card, paper, or legal document that may be used
20 to establish the age of the person named thereon for the purpose of
21 purchasing alcoholic liquor.
22 (7) When a minor is arrested for a violation of sections 53-180 to
23 53-180.02 or subsection (6) of this section, the law enforcement agency
24 employing the arresting peace officer shall make a reasonable attempt to
25 notify such minor's parent or guardian of the arrest.
26 Sec. 2. Section 53-181, Reissue Revised Statutes of Nebraska, is
27 amended to read:
28 53-181 (1) Except as otherwise provided in subsection (3) of this
29 section, the ~~The~~ penalty for violation of section 53-180.02 by a person
30 eighteen years of age or younger shall be as follows:
31 (a) ~~4~~ If the person convicted or adjudicated of violating such
1 section has one or more licenses or permits issued under the Motor
2 Vehicle Operator's License Act:
3 (i) ~~a~~ For the first offense, such person is guilty of a Class III
4 misdemeanor and the court may, as a part of the judgment of conviction or

5 adjudication, impound any such licenses or permits for thirty days and
6 require such person to attend an alcohol education class;

7 (ii b) For a second offense, such person is guilty of a Class III
8 misdemeanor and the court, as a part of the judgment of conviction or
9 adjudication, may (A i) impound any such licenses or permits for ninety
10 days and (B ii) require such person to complete no fewer than twenty and
11 no more than forty hours of community service and to attend an alcohol
12 education class; and

13 (iii e) For a third or subsequent offense, such person is guilty of
14 a Class III misdemeanor and the court, as a part of the judgment of
15 conviction or adjudication, may (A i) impound any such licenses or
16 permits for twelve months and (B ii) require such person to complete no
17 fewer than sixty hours of community service, to attend an alcohol
18 education class, and to submit to an alcohol assessment by a licensed
19 alcohol and drug counselor; and

20 (b 2) If the person convicted or adjudicated of violating such
21 section does not have a permit or license issued under the Motor Vehicle
22 Operator's License Act:

23 (i a) For the first offense, such person is guilty of a Class III
24 misdemeanor and the court, as part of the judgment of conviction or
25 adjudication, may (A i) prohibit such person from obtaining any permit or
26 any license pursuant to the act for which such person would otherwise be
27 eligible until thirty days after the date of such order and (B ii)
28 require such person to attend an alcohol education class;

29 (ii b) For a second offense, such person is guilty of a Class III
30 misdemeanor and the court, as part of the judgment of conviction or
31 adjudication, may (A i) prohibit such person from obtaining any permit or
1 any license pursuant to the act for which such person would otherwise be
2 eligible until ninety days after the date of such order and (B ii)
3 require such person to complete no fewer than twenty hours and no more
4 than forty hours of community service and to attend an alcohol education
5 class; and

6 (iii e) For a third or subsequent offense, such person is guilty of
7 a Class III misdemeanor and the court, as part of the judgment of
8 conviction or adjudication, may (A i) prohibit such person from obtaining
9 any permit or any license pursuant to the act for which such person would
10 otherwise be eligible until twelve months after the date of such order
11 and (B ii) require such person to complete no fewer than sixty hours of
12 community service, to attend an alcohol education class, and to submit to
13 an alcohol assessment by a licensed alcohol and drug counselor.

14 (2) A copy of an abstract of the court's conviction or adjudication
15 shall be transmitted to the Director of Motor Vehicles pursuant to
16 sections 60-497.01 to 60-497.04.

17 (3) Subsection (1) of this section shall not apply if the person:

18 (a) Requested emergency medical assistance in response to the
19 possible alcohol overdose of himself or herself or another person as soon
20 as the emergency situation is apparent after such violation of section
21 53-180.02;

22 (b) Was the first person to make a request for medical assistance

23 under subdivision (a) of this subsection as soon as the emergency
 24 situation is apparent after such violation of section 53-180.02; and
 25 (c) If the person requested emergency medical assistance for the
 26 possible alcohol overdose of another person, such person:
 27 (i) Remained on the scene until the medical assistance arrived; and
 28 (ii) Cooperated with medical assistance and law enforcement
 29 personnel.
 30 (4) A person shall not initiate or maintain an action against a
 31 peace officer or the employing state agency or political subdivision
 1 based on the officer's compliance or failure to comply with subsection
 2 (3) of this section.
 3 Sec. 3. Original section 53-181, Reissue Revised Statutes of
 4 Nebraska, and section 53-180.05, Revised Statutes Cumulative Supplement,
 5 2014, are repealed.

Senator Schumacher filed the following amendment to LB279:
 AM263

- 1 1. On page 9, line 31; page 12, line 1; page 14, line 6; page 16,
- 2 line 9; and page 19, lines 10 and 11, strike "2016" and insert "2017".
- 3 2. On page 31, line 7, strike "2016" and insert "2017".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 88. Introduced by Kolowski, 31.

WHEREAS, Skutt Catholic High School in Omaha won the 2015 Class B State Wrestling Championship; and

WHEREAS, the Skutt Catholic Skyhawks showed outstanding determination, teamwork, and skill during the competition and earned a team score of 119 points; and

WHEREAS, the Skutt Catholic Skyhawks have won the State Wrestling Championship 17 times in the last 18 years; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Skutt Catholic High School wrestling team for winning the 2015 Class B State Wrestling Championship.
2. That a copy of this resolution be sent to the Skutt Catholic High School wrestling team and Head Coach Brad Hildebrandt.

Laid over.

LEGISLATIVE RESOLUTION 89. Introduced by Kolowski, 31.

WHEREAS, Millard South High School won the 2015 Class A State Wrestling Championship; and

WHEREAS, the Millard South Patriots showed outstanding determination, teamwork, and skill during the competition and earned a team score of 172.5 points; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Millard South High School wrestling team for winning the 2015 Class A State Wrestling Championship.

2. That a copy of this resolution be sent to the Millard South High School wrestling team and Head Coach Doug Denson.

Laid over.

COMMITTEE REPORT(S)

Business and Labor

LEGISLATIVE BILL 599. Placed on General File with amendment.

AM526

1 1. Insert the following new section:

2 Sec. 2. This act becomes operative on January 1, 2016.

3 2. On page 2, strike beginning with "seven" in line 25 through

4 "cents" in line 26 and insert "at least eight dollars".

5 3. Renumber the remaining section accordingly.

LEGISLATIVE BILL 627. Placed on General File with amendment.

AM232 is available in the Bill Room.

(Signed) Burke Harr, Chairperson

MOTION(S) - Confirmation Report(s)

Senator Seiler moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 570:

Nebraska Commission on Law Enforcement and Criminal Justice

Darrell E. Fisher, Director

Voting in the affirmative, 40:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Howard | Larson | Schnoor |
| Bloomfield | Ebke | Hughes | McCollister | Schumacher |
| Bolz | Friesen | Johnson | Mello | Seiler |
| Brasch | Garrett | Kintner | Murante | Smith |
| Campbell | Gloor | Kolowski | Nordquist | Stinner |
| Chambers | Groene | Kolterman | Pansing Brooks | Sullivan |
| Craighead | Haar, K. | Krist | Riepe | Watermeier |
| Crawford | Hadley | Kuehn | Schilz | Williams |

Voting in the negative, 0.

Present and not voting, 6:

| | | |
|--------|-----------|-----------|
| Coash | Harr, B. | Lindstrom |
| Hansen | Hilkemann | Scheer |

Excused and not voting, 3:

| | | |
|------|-------|---------|
| Cook | McCoy | Morfeld |
|------|-------|---------|

The appointment was confirmed with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Senator Seiler moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 570:

Department of Correctional Services
Scott R. Frakes, Director

Voting in the affirmative, 41:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Seiler |
| Bloomfield | Friesen | Hughes | Mello | Smith |
| Bolz | Garrett | Johnson | Murante | Stinner |
| Brasch | Gloor | Kintner | Nordquist | Watermeier |
| Campbell | Groene | Kolowski | Pansing Brooks | Williams |
| Chambers | Haar, K. | Kolterman | Riepe | |
| Craighead | Hadley | Krist | Schilz | |
| Crawford | Hansen | Kuehn | Schnoor | |
| Davis | Hilkemann | Larson | Schumacher | |

Voting in the negative, 0.

Present and not voting, 5:

| | | | | |
|-------|----------|-----------|--------|----------|
| Coash | Harr, B. | Lindstrom | Scheer | Sullivan |
|-------|----------|-----------|--------|----------|

Excused and not voting, 3:

| | | |
|------|-------|---------|
| Cook | McCoy | Morfeld |
|------|-------|---------|

The appointment was confirmed with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 32. Read. Considered.

Committee AM331, found on page 571, was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

LR32, as amended, was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 33. Read. Considered.

Committee AM310, found on page 572, was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LR33, as amended, was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 34. Read. Considered.

Committee AM290, found on page 508, was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LR34, as amended, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 146. Title read. Considered.

Committee AM142, found on page 449, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 39. Indefinitely postponed.

(Signed) Jim Smith, Chairperson

AMENDMENT(S) - Print in Journal

Senator Brasch filed the following amendment to LB179:
AM550

1 1. On page 3, lines 10, 11, and 28, strike the new matter; and in
2 line 29 strike "renew a registration" and insert "At the time of

3 registration renewal".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 90. Introduced by Johnson, 23.

WHEREAS, the Wahoo High School dance team won the Pom division at the 2015 Class C-1 State Cheer and Dance Championships; and

WHEREAS, team members are Rochelle Olson, Janae Pearson, Lauren Kastanek, Emily Pestal, Morgan Novak, Claire Johnston, Carleigh Olson, and Maddie Talbert; and

WHEREAS, the team displayed outstanding determination, perseverance, and skill in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Wahoo High School dance team on winning the Pom division at the 2015 C-1 State Cheer and Dance Championships.

2. That a copy of this resolution be sent to the Wahoo High School dance team.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 27, 2015, at 11:40 a.m. were the following: LBs 52, 87, 90, 94, 107, 116, 142e, 142Ae, 194, 241, 252, 260e, 261e, 266, 269, 271, 286e, 301, 305e, 312, and 314.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Coash, Davis, Larson - LB599

Davis, Kolterman, Krist, McCollister - LB268

Groene - LB329

Bloomfield - LB599

VISITORS

Visitors to the Chamber were Kamryn Sannicks from Lincoln North Star High School; 6 high school students and teacher from Seward; Commander Jason Geddes, Commanding Officer of the USS Nebraska; Burkett Johanns from Lincoln; and 80 fourth-grade students, teachers, and sponsors from Ashland-Greenwood.

ADJOURNMENT

At 11:52 a.m., on a motion by Senator Larson, the Legislature adjourned until 10:00 a.m., Monday, March 2, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SIXTH DAY - MARCH 2, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 2, 2015

PRAYER

The prayer was offered by Pastor Rick Wheatley, New Life Baptist Church, Bellevue.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Larson who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fifth day was approved.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 91. Introduced by Bolz, 29.

WHEREAS, National Professional Social Work Month is observed in the month of March; and

WHEREAS, the primary mission of social work is to enhance human well-being and help meet the basic needs of all people, especially the most vulnerable; and

WHEREAS, social work is the profession of hope, fueled by resiliency and advocacy. Social workers make a difference because they help millions of struggling people every day; and

WHEREAS, in the United States, there are more than 600,000 highly trained professional social workers who have helped clients find their strength, resiliency, and self-advocacy to navigate life's challenges; and

WHEREAS, resilience and determination alone cannot overcome all crises, but weaving those strengths with targeted advocacy can change people's lives; and

WHEREAS, the social work profession has a distinguished history of not only providing social safety nets to the most vulnerable people, but also challenging the systems that impede social mobility.

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

1. That the Legislature recognizes March 2015 as Professional Social Work Month in Nebraska.
2. That a copy of this resolution be sent to the National Association of Social Workers, Nebraska Chapter.

Laid over.

LEGISLATIVE RESOLUTION 92. Introduced by Seiler, 33.

WHEREAS, Lincoln Elementary School in Hastings was selected as a National Model Professional Learning Community School by All Things PLC; and

WHEREAS, Lincoln Elementary School is only the second elementary school in Nebraska to receive this national distinction; and

WHEREAS, with this honor, the students, teachers, and staff of Lincoln Elementary School have been recognized for their exceptional academic performance and extraordinary effectiveness; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the students, teachers, and staff of Lincoln Elementary School for gaining prestigious recognition as a National Model Professional Learning Community School.
2. That a copy of this resolution be sent to Principal Montessa Munoz at Lincoln Elementary School.

Laid over.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, and 72 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, and 72.

GENERAL FILE

LEGISLATIVE BILL 10. Senator Chambers withdrew his motion, MO37, found on page 634 and considered on pages 635 and 639, to recommit to the Government, Military and Veterans Affairs Committee.

Senator Chambers offered his amendment, AM366, found on page 514.

SPEAKER HADLEY PRESIDING

Senator McCoy offered the following motion:

MO38

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator McCoy moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

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

Voting in the affirmative, 33:

| | | | | |
|------------|-----------|-----------|-------------|------------|
| Baker | Friesen | Johnson | McCollister | Schnoor |
| Bloomfield | Garrett | Kintner | McCoy | Seiler |
| Brasch | Gloor | Kolterman | Murante | Smith |
| Coash | Groene | Krist | Riepe | Stinner |
| Craighead | Hadley | Kuehn | Scheer | Watermeier |
| Davis | Hilkemann | Larson | Schilz | Williams |
| Ebke | Hughes | Lindstrom | | |

Voting in the negative, 16:

| | | | | |
|----------|----------|----------|-----------|----------------|
| Bolz | Crawford | Harr, B. | Mello | Pansing Brooks |
| Campbell | Haar, K. | Howard | Morfeld | Schumacher |
| Chambers | Hansen | Kolowski | Nordquist | Sullivan |
| Cook | | | | |

Not voting, 0.

The McCoy motion to invoke cloture prevailed with 33 ayes, 16 nays, and 0 not voting.

The Chambers amendment, AM366, lost with 17 ayes, 31 nays, and 1 present and not and not voting.

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

Voting in the affirmative, 31:

| | | | | |
|------------|-----------|-----------|-------------|------------|
| Baker | Garrett | Johnson | McCollister | Schnoor |
| Bloomfield | Gloor | Kintner | McCoy | Seiler |
| Brasch | Groene | Kolterman | Murante | Smith |
| Coash | Hadley | Kuehn | Riepe | Stinner |
| Craighead | Hilkemann | Larson | Scheer | Watermeier |
| Davis | Hughes | Lindstrom | Schilz | Williams |
| Friesen | | | | |

Voting in the negative, 17:

| | | | | |
|----------|----------|----------|---------|----------------|
| Bolz | Crawford | Harr, B. | Krist | Nordquist |
| Campbell | Ebke | Howard | Mello | Pansing Brooks |
| Chambers | Haar, K. | Kolowski | Morfeld | Sullivan |
| Cook | Hansen | | | |

Present and not voting, 1:

Schumacher

Advanced to Enrollment and Review Initial with 31 ayes, 17 nays, and 1 present and not voting.

The Chair declared the call raised.

PRESIDENT FOLEY PRESIDING

COMMITTEE REPORT(S)

Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR32.

(Signed) Matt Hansen, Chairperson

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 32. Introduced by Krist, 10.

WHEREAS, the One Hundredth Legislature, Second Session, 2008, adopted Legislative Resolution 283 to establish the Developmental Disabilities Special Investigative Committee of the Legislature. The committee was then reauthorized by the One Hundred First Legislature, First Session, 2009, in Legislative Resolution 11, by the One Hundred Second Legislature, First Session, 2011, in Legislative Resolution 47, by the One Hundred Second Legislature, Second Session, 2012, in Legislative Resolution 365, and by the One Hundred Third Legislature, First Session, 2013, in Legislative Resolution 20. The committee was authorized to study the quality of care and related staffing issues at the Beatrice State

Developmental Center, investigate the placement and quality of care statewide for the developmentally disabled in Nebraska, and determine how and why such services to the developmentally disabled were permitted to decline to the level documented in the United States Department of Justice report.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the Developmental Disabilities Special Investigative Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the Executive Board. The Executive Board shall appoint the chairperson and vice-chairperson of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The Executive Board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as is deemed necessary by the committee.

2. That the Developmental Disabilities Special Investigative Committee shall provide oversight to ensure that the terms of the United States Department of Justice Consent Decree and the recommendations from the Report of the Developmental Disabilities Special Investigative Committee dated December 15, 2008, are implemented in a timely fashion.

3. That the Developmental Disabilities Special Investigative Committee is hereby authorized to continue to study the quality of care and related staffing issues at the Beatrice State Developmental Center and other such facilities, including options and funding for services for residents.

4. That the Developmental Disabilities Special Investigative Committee is hereby authorized to continue investigation of the placement and quality of care statewide for the developmentally disabled in Nebraska, including a determination of whether adequate staffing, funding, and capacity exist for persons to receive community-based services, a review of staffing practices at community-based care facilities, and an analysis of the relationship of those practices to the quality of care provided to the developmentally disabled.

5. That the Developmental Disabilities Special Investigative Committee shall review the processes of how the Division of Developmental Disabilities of the Department of Health and Human Services determines eligibility for services for individuals who are in need of services, as well as the processes utilized by the division to determine when individuals who have received services are no longer eligible for such services.

6. That the Developmental Disabilities Special Investigative Committee shall brief the Health and Human Services Committee of the Legislature by December 15, 2015, and December 15, 2016, and issue a report with its findings and recommendations to the Legislature as circumstances warrant.

7. That the Developmental Disabilities Special Investigative Committee is hereby authorized to continue its work until the beginning of the One Hundred Fifth Legislature, First Session.

The following resolution was correctly enrolled: LR33.

(Signed) Matt Hansen, Chairperson

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 33. Introduced by Krist, 10.

WHEREAS, in 2008, the Department of Health and Human Services (DHHS) began to develop the ACCESSNebraska system. ACCESSNebraska is a system that is intended to efficiently determine public assistance eligibility and provide service delivery. Since the implementation of this system, the Legislature has conducted several hearings on bills and resolutions related to ACCESSNebraska. In these hearings, the realities and problems faced by clients navigating the ACCESSNebraska system were revealed, including long call wait times, lost documentation, erroneous public assistance decisions, and a general difficulty for clients to get the assistance they needed in a timely manner; and

WHEREAS, the One Hundred Third Legislature, Second Session, adopted Legislative Resolution 400, which created the ACCESSNebraska Special Investigative Committee of the Legislature to study the ACCESSNebraska system; and

WHEREAS, on December 15, 2014, the committee issued a report and recommendations related to ACCESSNebraska. The committee found the ACCESSNebraska system has been and continues to be plagued with problems. The committee also found ACCESSNebraska front-line workers have not been given the proper tools to complete daunting workloads; and

WHEREAS, the committee recommended among other things that the ACCESSNebraska Special Investigative Committee be continued to provide ongoing oversight for the ACCESSNebraska system.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the ACCESSNebraska Special Investigative Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the Executive Board. The Executive Board shall appoint the chairperson and vice-chairperson of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The Executive Board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative

committee and is hereby authorized to hold hearings and issue subpoenas as is deemed necessary by the committee.

2. That the ACCESSNebraska Special Investigative Committee of the Legislature is hereby authorized to study the adequacy of staffing and training of DHHS employees working within the ACCESSNebraska system, including the number of employees for local offices, the number of employees for call centers and document imaging centers, the type and amount of training received, the education levels and years of experience of employees, client access to employees, and the need for and availability of dedicated caseworkers for clients. The scope of the committee's investigation shall include, but not be limited to, the adequacy of technology used within the ACCESSNebraska system, including telephone systems, computer software, case management, information technology, and use of and access to data bases to allow for data matching. The committee shall also investigate the effectiveness of processes and structures used by the ACCESSNebraska system, including system design, management structure, and system goals. The committee shall also investigate the need for new or additional data collection to determine system effectiveness. The committee shall analyze the experiences of clients and their family members and examine customer service experience, access to benefits, and responses to changing family needs. The committee shall utilize existing studies and reports and legislation developed to address the current conditions. The committee shall not be limited to such studies, reports, or legislation.

3. That the ACCESSNebraska Special Investigative Committee shall brief the Health and Human Services Committee of the Legislature by December 15, 2015, and issue a report with its findings and recommendations to the Legislature as circumstances warrant.

4. That the ACCESSNebraska Special Investigative Committee is hereby authorized to continue its work until the beginning of the One Hundred Fourth Legislature, Second Session.

The following resolution was correctly enrolled: LR34.

(Signed) Matt Hansen, Chairperson

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 34. Introduced by Krist, 10; Bolz, 29; Chambers, 11; Mello, 5; Schumacher, 22; Seiler, 33.

WHEREAS, the Department of Correctional Services Special Investigative Committee of the Legislature was created in LR424, One Hundred Third Legislature, Second Session; and

WHEREAS, the committee, having completed its work and issued its report on December 15, 2014, discovered additional problems within the Department of Correctional Services during the course of its LR424 study; and

WHEREAS, the Legislature believes that further study and oversight of the department is necessary in order to prevent additional mistakes and to correct inadequate department procedures and policies.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and reappoint the Department of Correctional Services Special Investigative Committee of the Legislature. The committee shall consist of up to eleven members of the Legislature appointed by the Executive Board. The Executive Board shall appoint the chairperson and vice-chairperson of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The Executive Board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as deemed necessary by the committee.

2. That the Department of Correctional Services Special Investigative Committee of the Legislature is hereby authorized to study the following with respect to the Department of Correctional Services:

- (a) The adequacy of programs designed to rehabilitate inmates;
- (b) The funding history of programs designed to rehabilitate inmates;
- (c) The availability of mental health care and the policies and procedures in place to ensure that inmates receive appropriate mental health care or confinement through the civil commitment process;
- (d) The policies relating to the solitary confinement, segregation, or other isolation of inmates;
- (e) The transition of inmates from incarceration to the community at large;
- (f) The administration of good time laws; and
- (g) Any evaluation or study made of the department's policies and practices, whether or not any recommendations were adopted as a result of the evaluation or study, and the reasons if any recommendations were not adopted.

3. That the Department of Correctional Services Special Investigative Committee shall brief the Judiciary Committee of the Legislature by December 15, 2015, and December 15, 2016, and issue a report with its findings and recommendations to the Legislature as circumstances warrant.

4. That the Department of Correctional Services Special Investigative Committee is hereby authorized to continue its work until the beginning of the One Hundred Fifth Legislature, First Session.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 32, 33, and 34.

NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

Tuesday, March 17, 2015 1:30 p.m.

Dennis Baack - Nebraska Educational Telecommunications Commission
Marilyn Hadley - Nebraska Educational Telecommunications Commission
Darlene Starman - Nebraska Educational Telecommunications Commission

(Signed) Kate Sullivan, Chairperson

GENERAL FILE**LEGISLATIVE RESOLUTION 10CA.** Read. Considered.

Senator McCoy offered his motion, MO1, found on page 138, to indefinitely postpone.

Senator McCoy moved for a call of the house. The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

The McCoy motion to indefinitely postpone prevailed with 27 ayes, 16 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

AMENDMENT(S) - Print in Journal

Senator Cook filed the following amendment to LB10:

AM333

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

2 sections:

3 Section 1. At a special election to be held in conjunction with the
4 statewide primary election in May 2016, the following proposed amendment
5 to the Constitution of Nebraska shall be submitted to the electors of the
6 State of Nebraska for approval or rejection:

7 To add a new section 6 to Article XVII:

8 XVII-6 For purposes of selecting presidential and vice presidential

9 candidates, one presidential elector shall be chosen from each

10 congressional district, and two presidential electors shall be chosen at

11 large.

12 Sec. 2. The proposed amendment shall be submitted to the electors
13 in the manner prescribed by the Constitution of Nebraska, Article XVI,
14 section 1, with the following ballot language:

15 A constitutional amendment to require that one presidential elector
16 be chosen from each congressional district and two presidential electors
17 be chosen at large.

18 For
19 Against.

COMMITTEE REPORT(S)
Transportation and Telecommunications

LEGISLATIVE BILL 53. Placed on General File.

LEGISLATIVE BILL 311. Placed on General File with amendment.
AM386

1 1. On page 2, line 10, strike "(1)"; in line 11 strike "(a)" and
2 insert "(1)"; in line 14 strike "(b)" and insert "(2)"; in line 17 strike
3 paragraphing and "(2)"; and in line 23 strike "motor".
4 2. On page 21, lines 4 and 5, strike the new matter; and in lines 5
5 through 12 reinstate the stricken matter.

(Signed) Jim Smith, Chairperson

ANNOUNCEMENT(S)

Senator Chambers designates LB268 as his priority bill.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Davis, Kolterman - LB81
Riepe - LB599
Davis - LB329

VISITORS

Visitors to the Chamber were Laura Wise from Omaha; and Jen Westwood, a student from Doane College.

The Doctor of the Day was Dr. Karina Chiari from Omaha.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator Kintner, the Legislature adjourned until 9:00 a.m., Tuesday, March 3, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SEVENTH DAY - MARCH 3, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****THIRTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 3, 2015

PRAYER

The prayer was offered by Pastor Bob Walz, Lincoln Berean Church, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators B. Harr, Larson, and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-sixth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 146. Placed on Select File with amendment.
ER42

1 1. On page 4, line 3, strike "Services" and insert "Forces"; and in
2 line 4 strike "Reserved" and insert "Reserve".

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 367. Placed on General File.

LEGISLATIVE BILL 400. Placed on General File.

LEGISLATIVE BILL 640. Placed on General File.

LEGISLATIVE BILL 291. Placed on General File with amendment.
AM553

1 1. Insert the following new section:

2 Sec. 9. Since an emergency exists, this act takes effect when passed
3 and approved according to law.

(Signed) John Murante, Chairperson

Judiciary

LEGISLATIVE BILL 113. Placed on General File with amendment.
AM508

1 1. On page 2, line 22; and page 3, line 22, strike "less" and insert
2 "more".
3 2. On page 3, line 13; and page 4, line 15, strike "and".
4 3. On page 3, line 14; and page 4, line 16, after "illness" insert
5 "; and
6 (i) Medical, surgical, or hospital services covered under the
7 Nebraska Workers' Compensation Act".

LEGISLATIVE BILL 137. Placed on General File with amendment.
AM511

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 28-1212.02, Revised Statutes Cumulative
4 Supplement, 2014, is amended to read:
5 28-1212.02 Any person who unlawfully and knowingly or recklessly
6 intentionally discharges a firearm at or in the general direction of any
7 an inhabited dwelling house, occupied building, occupied motor vehicle,
8 occupied aircraft, inhabited motor home as defined in section 71-4603, or
9 inhabited camper unit as defined in section 60-1801, is shall be guilty
10 of a Class I misdemeanor ~~II~~ felony.
11 Sec. 2. Section 28-1212.04, Revised Statutes Cumulative Supplement,
12 2014, is amended to read:
13 28-1212.04 Any person, ~~within the territorial boundaries of any city~~
14 ~~of the first class or county containing a city of the metropolitan class~~
15 ~~or primary class, who unlawfully and ; knowingly, and intentionally~~ or
16 ~~recklessly discharges a firearm, while in any motor vehicle or in the~~
17 ~~proximity of any motor vehicle that such person has just exited, at or in~~
18 ~~the general direction of any person, occupied or inhabited dwelling,~~
19 ~~building, structure, occupied motor vehicle, occupied aircraft, inhabited~~
20 ~~motor home as defined in section 71-4603, or inhabited camper unit as~~
21 ~~defined in section 60-1801, occupied motor vehicle or aircraft, or any~~
22 ~~other occupied structure, is guilty of a Class II ~~IC~~ felony.~~
23 Sec. 3. Section 28-1335, Revised Statutes Cumulative Supplement,
24 2014, is amended to read:
25 28-1335 Any person who unlawfully and knowingly or recklessly A
26 ~~person commits a Class III misdemeanor if such person~~ discharges any
27 firearm or weapon using any form of compressed gas as a propellant from
1 any public highway, road, or bridge in this state is guilty of a Class
2 III misdemeanor ; unless otherwise allowed by statute. Upon conviction,
3 the mandatory minimum fine shall be one hundred dollars.

4 Sec. 4. Original sections 28-1212.02, 28-1212.04, and 28-1335,
5 Revised Statutes Cumulative Supplement, 2014, are repealed.

(Signed) Les Seiler, Chairperson

AMENDMENT(S) - Print in Journal

Senator Murante filed the following amendment to LB10:
AM633

- 1 1. Insert the following new section:
- 2 Sec. 6. Since an emergency exists, this act takes effect when
- 3 passed and approved according to law.

GENERAL FILE

LEGISLATIVE BILL 431. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present
and not voting, and 3 excused and not voting.

MOTION - Return LB177 to Select File

Senator K. Haar moved to return LB177 to Select File for his specific
amendment, AM434, found on page 630.

The K. Haar motion to return prevailed with 44 ayes, 0 nays, 2 present and
not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 177. The K. Haar specific amendment, AM434,
found on page 630, was adopted with 43 ayes, 0 nays, 3 present and not
voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

LEGISLATIVE BILL 35. ER3, found on page 346, was adopted.

Senator Howard offered the following amendment:
AM265

- 1 1. On page 15, line 29, strike "2017" and all amendments thereto and
- 2 insert "2017".

The Howard amendment was adopted with 35 ayes, 0 nays, 11 present and
not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 279. ER13, found on page 401, was adopted.

Senator Schumacher offered his amendment, AM263, found on page 676.

The Schumacher 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 23. ER25, found on page 485, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 155. ER39, found on page 532, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 439. ER38, found on page 532, was adopted.

Senator Morfeld offered his amendment, AM441, found on page 673.

Senator Morfeld offered the following amendment to his amendment:
FA27

Amend AM441

Page 5, line 1 strike "failure to comply with subsection (3) of this section".

The Morfeld amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

The Morfeld amendment, as amended, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 179. Senator Brasch offered her amendment, AM550, found on page 679.

The Brasch amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Senator Groene offered the following amendment:

AM630

1 1. On page 6, after line 18 insert the following new subsection:
2 "(5) Nothing in this section shall be construed to mean that a
3 registrant shall be denied renewal of a registration by the board based
4 solely on a failure to complete the continuing education requirement
5 under subsection (1) of this section."

The Groene amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 164. ER40, found on page 532, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 207. ER37, found on page 532, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 34. Senator Howard offered the following amendment:

AM372

1 1. On page 4, line 20, strike "2016" and insert "2017".

The Howard amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Senator Kintner offered the following amendment:

FA28

On page 3, strike lines 30-31. On page 4 strike lines 1 through 9.

Senator Bolz 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 moved for a call of the house. The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

Senator Kintner requested a record vote on the amendment

Voting in the affirmative, 11:

| | | | |
|------------|---------|--------|------------|
| Bloomfield | Garrett | Larson | Schumacher |
| Brasch | Groene | McCoy | Smith |
| Ebke | Kintner | Schilz | |

Voting in the negative, 35:

| | | | | |
|-----------|----------|-----------|-------------|----------------|
| Baker | Crawford | Harr, B. | Krist | Pansing Brooks |
| Bolz | Davis | Hilkemann | Kuehn | Riepe |
| Campbell | Friesen | Howard | Lindstrom | Schnoor |
| Chambers | Gloor | Hughes | McCollister | Seiler |
| Coash | Haar, K. | Johnson | Mello | Stinner |
| Cook | Hadley | Kolowski | Morfeld | Sullivan |
| Craighead | Hansen | Kolterman | Nordquist | Williams |

Present and not voting, 2:

Scheer Watermeier

Excused and not voting, 1:

Murante

The Kintner amendment lost with 11 ayes, 35 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 46. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 129. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 37. ER41, found on page 574, was adopted.

Senator Krist offered his amendment, AM470, found on page 605.

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

Senator Krist requested a roll call vote on the amendment.

Voting in the affirmative, 46:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Ebke | Howard | McCoy | Seiler |
| Bloomfield | Friesen | Hughes | Mello | Smith |
| Bolz | Garrett | Johnson | Morfeld | Stinner |
| Brasch | Gloor | Kintner | Nordquist | Sullivan |
| Campbell | Groene | Kolowski | Pansing Brooks | Watermeier |
| Chambers | Haar, K. | Kolterman | Riepe | Williams |
| Coash | Hadley | Krist | Scheer | |
| Craighead | Hansen | Kuehn | Schilz | |
| Crawford | Harr, B. | Larson | Schnoor | |
| Davis | Hilkemann | McCollister | Schumacher | |

Voting in the negative, 0.

Present and not voting, 2:

Cook Lindstrom

Excused and not voting, 1:

Murante

The Krist amendment was adopted with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 245. Title read. Considered.

Committee AM197, found on page 451, was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 13. Placed on General File with amendment.

AM466

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

2 Section 1. Section 43-2404.02, Revised Statutes Cumulative

3 Supplement, 2014, is amended to read:

4 43-2404.02 (1) There is created a separate and distinct budgetary

5 program within the commission to be known as the Community-based Juvenile

6 Services Aid Program. Funding acquired from participation in the federal

7 act, state General Funds, and funding acquired from other sources which
8 may be used for purposes consistent with the Juvenile Services Act and
9 the federal act shall be used to aid in the establishment and provision
10 of community-based services for juveniles who come in contact with the
11 juvenile justice system.

12 (2)(a) Ten percent of the annual General Fund appropriation to the
13 Community-based Juvenile Services Aid Program, excluding administrative
14 budget funds, shall be set aside for the development of a common data set
15 and evaluation of the effectiveness of the Community-based Juvenile
16 Services Aid Program. The intent in creating this common data set is to
17 allow for evaluation of the use of the funds and the effectiveness of the
18 programs or outcomes in the Community-based Juvenile Services Aid
19 Program.

20 (b) The common data set shall be developed and maintained by the
21 commission and shall serve as a primary data collection site for any
22 intervention funded with Community-based Juvenile Services Aid designed
23 to serve juveniles and deter involvement in the formal juvenile justice
24 system. The commission shall work with agencies and programs to enhance
25 existing data sets. To ensure that the data set permits evaluation of
26 recidivism and other measures, the commission shall work with the Office
27 of Probation Administration, juvenile diversion programs, law
1 enforcement, the courts, and others to compile data that demonstrates
2 whether a youth has moved deeper into the juvenile justice system. The
3 University of Nebraska at Omaha, Juvenile Justice Institute, shall assist
4 with the development of common definitions, variables, and training
5 required for data collection and reporting into the common data set by
6 juvenile justice programs. The common data set maintained by the
7 commission shall be provided to the University of Nebraska at Omaha,
8 Juvenile Justice Institute, to assess the effectiveness of the Community-
9 based Juvenile Services Aid Program.

10 (c) Providing the commission access to records and information for,
11 as well as the commission granting access to records and information
12 from, the common data set is not a violation of confidentiality
13 provisions under any law, rule, or regulation if done in good faith for
14 purposes of evaluation. Records and documents, regardless of physical
15 form, that are obtained or produced or presented to the commission for
16 the common data set are not public records.

17 (d) The ten percent of the annual General Fund appropriation to the
18 Community-based Juvenile Services Aid Program, excluding administrative
19 budget funds, shall be appropriated as follows: In the year 2016, seven
20 percent shall go to the commission for development of the common data set
21 and three percent shall go to the University of Nebraska at Omaha,
22 Juvenile Justice Institute, for evaluation. In the year 2017, six percent
23 shall go to the commission for development and maintenance of the common
24 data set and four percent shall go to the University of Nebraska at
25 Omaha, Juvenile Justice Institute, for evaluation. Every year thereafter,
26 beginning in the year 2018, five percent shall go to the commission for
27 development and maintenance of the common data set and five percent shall
28 go to the University of Nebraska at Omaha, Juvenile Justice Institute,

29 for evaluation.

30 (e 2) The remaining funds in the annual General Fund appropriation
31 to the Community-based Juvenile Services Aid Program shall be apportioned
1 as aid in accordance with a formula established in rules and regulations
2 adopted and promulgated by the commission. The formula shall be based on
3 the total number of residents per county and federally recognized or
4 state-recognized Indian tribe who are twelve years of age through
5 eighteen years of age and other relevant factors as determined by the
6 commission. The commission may require a local match of up to forty
7 percent from the county, multiple counties, federally recognized or
8 state-recognized Indian tribe or tribes, or any combination of the three
9 which is receiving aid under such program. Any local expenditures for
10 community-based programs for juveniles may be applied toward such match
11 requirement.

12 (3)(a) In distributing funds provided under the Community-based
13 Juvenile Services Aid Program, aid recipients shall prioritize programs
14 and services that will divert juveniles from the juvenile justice system,
15 reduce the population of juveniles in juvenile detention and secure
16 confinement, and assist in transitioning juveniles from out-of-home
17 placements.

18 (b) Funds received under the Community-based Juvenile Services Aid
19 Program shall be used exclusively to assist the aid recipient in the
20 implementation and operation of programs or the provision of services
21 identified in the aid recipient's comprehensive juvenile services plan,
22 including programs for local planning and service coordination;
23 screening, assessment, and evaluation; diversion; alternatives to
24 detention; family support services; treatment services; truancy
25 prevention and intervention programs; pilot projects approved by the
26 commission; payment of transportation costs to and from placements,
27 evaluations, or services; personnel when the personnel are aligned with
28 evidence-based treatment principles, programs, or practices; contracting
29 with other state agencies or private organizations that provide evidence-
30 based treatment or programs; preexisting programs that are aligned with
31 evidence-based practices or best practices; and other services that will
1 positively impact juveniles and families in the juvenile justice system.

2 (c) Funds received under the Community-based Juvenile Services Aid
3 Program shall not be used for the following: Construction of secure
4 detention facilities, secure youth treatment facilities, or secure youth
5 confinement facilities; capital construction or the lease or acquisition
6 of facilities; programs, services, treatments, evaluations, or other
7 preadjudication services that are not based on or grounded in evidence-
8 based practices, principles, and research, except that the commission may
9 approve pilot projects that authorize the use of such aid; or office
10 equipment, office supplies, or office space.

11 (d) Any aid not distributed to counties under this subsection shall
12 be retained by the commission to be distributed on a competitive basis
13 under the Community-based Juvenile Services Aid Program for a county,
14 multiple counties, federally recognized or state-recognized Indian tribe
15 or tribes, or any combination of the three demonstrating additional need

16 in the funding areas identified in this subsection.

17 (e) If a county, multiple counties, or a federally recognized or
18 state-recognized Indian tribe or tribes is denied aid under this section
19 or receives no aid under this section, the entity may request an appeal
20 pursuant to the appeal process in rules and regulations adopted and
21 promulgated by the commission. The commission shall establish appeal and
22 hearing procedures by December 15, 2014. The commission shall make appeal
23 and hearing procedures available on its web site.

24 (4)(a) Any recipient of aid under the Community-based Juvenile
25 Services Aid Program shall electronically file an annual report as
26 required by rules and regulations adopted and promulgated by the
27 commission. Any program funded through Community-based Juvenile Services
28 Aid that served juveniles shall report data on the individual youth
29 served. Any program that is not directly serving youth shall include
30 program-level data. In either case, data collected shall include, but not
31 be limited to, the following: The ~~The report shall include, but not be~~
1 ~~limited to,~~ the type of juvenile service, how the service met the goals
2 of the comprehensive juvenile services plan, demographic information on
3 the ~~total number of juveniles served, program outcomes success rates, the~~
4 ~~total number of juveniles served, and the number of juveniles who~~
5 ~~completed the program or intervention sent to secure juvenile detention~~
6 ~~or residential treatment and secure confinement, and a listing of the~~
7 ~~expenditures for detention, residential treatment, and nonresidential~~
8 ~~treatment.~~

9 (b) Any recipient of aid under the Community-based Juvenile Services
10 Aid Program shall be assisted by the University of Nebraska at Omaha,
11 Juvenile Justice Institute, in reporting in the common data set, as set
12 forth in the rules and regulations adopted and promulgated by the
13 commission. Community-based aid utilization and evaluation data shall be
14 stored and maintained by the commission.

15 (c) Evaluation of the use of funds and the evidence of the
16 effectiveness of the programs shall be completed by the University of
17 Nebraska at Omaha, Juvenile Justice Institute, specifically:

18 (i) The varying rates of recidivism, as defined by rules and
19 regulations adopted and promulgated by the commission, and other measures
20 for juveniles participating in community-based programs; and

21 (ii) Whether juveniles are sent to staff secure or secure juvenile
22 detention after participating in a program funded by the Community-based
23 Juvenile Services Aid Program.

24 (5) The commission shall report annually to the Governor and the
25 Legislature on the distribution and use of funds for aid appropriated
26 under the Community-based Juvenile Services Aid Program. The report shall
27 include, but not be limited to, an aggregate report of the use of the
28 Community-based Juvenile Services Aid Program funds, including the types
29 of juvenile services and programs that were funded, demographic
30 information on the total number of juveniles served, program success
31 rates, the total number of juveniles sent to secure juvenile detention or
1 residential treatment and secure confinement, and a listing of the
2 expenditures of all counties and federally recognized or state-recognized

3 Indian tribes for detention, residential treatment, and secure
 4 confinement. The report submitted to the Legislature shall be submitted
 5 electronically.

6 (6) The commission shall adopt and promulgate rules and regulations
 7 for the Community-based Juvenile Services Aid Program in consultation
 8 with the Director of the Community-based Juvenile Services Aid Program,
 9 the Director of Juvenile Diversion Programs, the Office of Probation
 10 Administration, the Nebraska Association of County Officials, and the
 11 University of Nebraska at Omaha, Juvenile Justice Institute. The rules
 12 and regulations shall include, but not be limited to:

13 (a) The required elements of a comprehensive juvenile services plan
 14 and planning process;

15 (b) The Community-based Juvenile Services Aid Program formula,
 16 review process, match requirements, and fund distribution. The
 17 distribution process shall ensure a conflict of interest policy;

18 (c) A distribution process for funds retained under subsection (3)
 19 of this section;

20 (d) A plan for evaluating the effectiveness of plans and programs
 21 receiving funding;

22 (e) A reporting process for aid recipients; ~~and~~

23 (f) A reporting process for the commission to the Governor and
 24 Legislature. The report shall be made electronically to the Governor and
 25 the Legislature; ~~and~~ -

26 (g) Requirements regarding the use of the common data set.

LEGISLATIVE BILL 15. Placed on General File with amendment.
 AM514

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

3 Section 1. Section 43-272, Reissue Revised Statutes of Nebraska, is
 4 amended to read:

5 43-272 (1) When any juvenile shall be brought without counsel before
 6 a juvenile court, the court shall advise such juvenile and his or her
 7 parent or guardian of their right to retain counsel and shall inquire of
 8 such juvenile and his or her parent or guardian as to whether they desire
 9 to retain counsel. The court shall inform such juvenile and his or her
 10 parent or guardian of such juvenile's right to counsel at county expense
 11 if none of them is able to afford counsel. If the juvenile or his or her
 12 parent or guardian desires to have counsel appointed for such juvenile,
 13 or the parent or guardian of such juvenile cannot be located, and the
 14 court ascertains that none of such persons are able to afford an
 15 attorney, the court shall forthwith appoint an attorney to represent such
 16 juvenile for all proceedings before the juvenile court, except that if an
 17 attorney is appointed to represent such juvenile and the court later
 18 determines that a parent of such juvenile is able to afford an attorney,
 19 the court shall order such parent or juvenile to pay for services of the
 20 attorney to be collected in the same manner as provided by section
 21 43-290. If the parent willfully refuses to pay any such sum, the court
 22 may commit him or her for contempt, and execution may issue at the

23 request of the appointed attorney or the county attorney or by the court
24 without a request.

25 (2) The court, on its own motion or upon application of a party to
26 the proceedings, shall appoint a guardian ad litem for the juvenile: (a)

27 If the juvenile has no parent or guardian of his or her person or if the
1 parent or guardian of the juvenile cannot be located or cannot be brought
2 before the court; (b) if the parent or guardian of the juvenile is
3 excused from participation in all or any part of the proceedings; (c) if
4 the parent is a juvenile or an incompetent; (d) if the parent is
5 indifferent to the interests of the juvenile; or (e) in any proceeding
6 pursuant to the provisions of subdivision (3)(a) of section 43-247.

7 A guardian ad litem shall have the duty to protect the interests of
8 the juvenile for whom he or she has been appointed guardian, and shall be
9 deemed a parent of the juvenile as to those proceedings with respect to
10 which his or her guardianship extends.

11 (3) The court shall appoint an attorney as guardian ad litem. A
12 guardian ad litem shall act as his or her own counsel and as counsel for
13 the juvenile, unless there are special reasons in a particular case why
14 the guardian ad litem or the juvenile or both should have separate
15 counsel. In such cases the guardian ad litem shall have the right to
16 counsel, except that the guardian ad litem shall be entitled to appointed
17 counsel without regard to his or her financial ability to retain counsel.
18 Whether such appointed counsel shall be provided at the cost of the
19 county shall be determined as provided in subsection (1) of this section.

20 (4) By July 1, 2015, the Supreme Court shall formally promulgate the
21 Guidelines for Guardians ad Litem for Juveniles in Juvenile Court
22 Proceedings adopted by the Supreme Court on July 18, 2007, into the rules
23 of the Supreme Court.

24 Sec. 2. Section 43-272.01, Revised Statutes Cumulative Supplement,
25 2014, is amended to read:

26 43-272.01 (1) A guardian ad litem as provided for in subsections (2)
27 and (3) of section 43-272 shall be appointed when a child is removed from
28 his or her surroundings pursuant to subdivision (2) or (3) of section
29 43-248, subsection (2) of section 43-250, or section 43-251. If removal
30 has not occurred, a guardian ad litem shall be appointed at the
31 commencement of all cases brought under subdivision (3)(a) or (7) of
1 section 43-247 and section 28-707.

2 (2) In the course of discharging duties as guardian ad litem, the
3 person so appointed shall consider, but not be limited to, the criteria
4 provided in this subsection. The guardian ad litem:

5 (a) Is appointed to stand in lieu of a parent for a protected
6 juvenile who is the subject of a juvenile court petition, shall be
7 present at all hearings before the court in such matter unless expressly
8 excused by the court, and may enter into such stipulations and agreements
9 concerning adjudication and disposition deemed by him or her to be in the
10 juvenile's best interests;

11 (b) Is not appointed to defend the parents or other custodian of the
12 protected juvenile but shall defend the legal and social interests of
13 such juvenile. Social interests shall be defined generally as the usual

14 and reasonable expectations of society for the appropriate parental
15 custody and protection and quality of life for juveniles without regard
16 to the socioeconomic status of the parents or other custodians of the
17 juvenile;

18 (c) May at any time after the filing of the petition move the court
19 of jurisdiction to provide medical or psychological treatment or
20 evaluation as set out in section 43-258. The guardian ad litem shall have
21 access to all reports resulting from any examination ordered under
22 section 43-258, and such reports shall be used for evaluating the status
23 of the protected juvenile;

24 (d) Shall make every reasonable effort to become familiar with the
25 needs of the protected juvenile which (i) shall include consultation with
26 the juvenile in his or her respective placement within two weeks after
27 the appointment and once every ~~three~~ six months thereafter and inquiry of
28 the most current caseworker, foster parent, or other custodian, unless
29 the court approves other forms of consultation, and (ii) may include
30 inquiry of others directly involved with the juvenile or who may have
31 information or knowledge about the circumstances which brought the
1 juvenile court action or related cases and the development of the
2 juvenile, including biological parents, physicians, psychologists,
3 teachers, and clergy members;

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

9 (f) Shall be responsible for making written reports and
10 recommendations to the court at every dispositional, review, or
11 permanency planning hearing regarding the temporary and permanent
12 placement of the protected juvenile, the type and number of contacts with
13 the juvenile, the type and number of contacts with other relevant
14 stakeholders, and any further relevant information on a form prepared by
15 the Supreme Court. A copy of the written reports and recommendations to
16 the court shall also be submitted to the Foster Care Review Office for
17 any juvenile in foster care placement as defined in section 43-1301 and
18 shall submit a written report to the court at every dispositional or
19 review hearing, or in the alternative, the court may provide the guardian
20 ad litem with a checklist that shall be completed and presented to the
21 court at every dispositional or review hearing;

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

24 (h) May file a petition in the juvenile court on behalf of the
25 juvenile, including a supplemental petition as provided in section
26 43-291.

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

30 (4) For purposes of subdivision (2)(d) of this section, the court
31 may order the expense of such consultation, if any, to be paid by the

1 county in which the juvenile court action is brought or the court may,
2 after notice and hearing, assess the cost of such consultation, if any,
3 in whole or in part to the parents of the juvenile. The ability of the
4 parents to pay and the amount of the payment shall be determined by the
5 court by appropriate examination.

6 (5) The guardian ad litem may be compensated on a per-case
7 appointment system or pursuant to a system of multi-case contracts.
8 Regardless of the method of compensation, billing hours and expenses for
9 court-appointed guardian ad litem services shall be submitted to the
10 court for approval and shall be recorded on a written, itemized billing
11 statement signed by the attorney responsible for the case. Billing hours
12 and expenses for guardian ad litem services rendered under a contract for
13 such services shall be submitted to the entity with whom the guardian ad
14 litem contracts in the form and manner prescribed by such entity for
15 approval. Case time for guardian ad litem services shall be scrupulously
16 accounted for by the attorney responsible for the case. Additionally, in
17 the case of a multi-lawyer firm or organization retained for guardian ad
18 litem services, the name of the attorney or attorneys assigned to each
19 guardian ad litem case shall be recorded.

20 (6) For purposes of subdivision (2)(d) of this section and this
21 subsection:

22 (a) Consultation with the juvenile means meeting in person with the
23 juvenile unless prohibited or made impracticable by exceptional
24 circumstances; and
25 (b) Exceptional circumstances includes, but is not limited to,
26 situations in which an unreasonable geographical distance is involved
27 between the location of the guardian ad litem and the juvenile. When such
28 exceptional circumstances exist, the guardian ad litem shall attempt
29 consultation with the juvenile by other reasonable means, including, but
30 not limited to, telephonic or other suitable electronic means, if the
31 juvenile is of sufficient age and capacity to participate in such means
1 of communication and there are no other barriers preventing such
2 communication. When consultation by telephonic or other suitable
3 electronic means is not feasible, the guardian ad litem shall seek
4 direction from the court as to any other acceptable method by which to
5 accomplish consultation with the juvenile.

6 Sec. 3. Original section 43-272, Reissue Revised Statutes of
7 Nebraska, and section 43-272.01, Revised Statutes Cumulative Supplement,
8 2014, are repealed.

9 Sec. 4. Since an emergency exists, this act takes effect when
10 passed and approved according to law.

(Signed) Les Seiler, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 474A. Introduced by Chambers, 11.

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

RESOLUTION(S)

LEGISLATIVE RESOLUTION 93. Introduced by Larson, 40.

WHEREAS, the North Bend High School boys bowling team won the 2015 Nebraska High School Bowling Federation Class C Boys State Championship; and

WHEREAS, team members Anthony Dodge, Brandon Dodge, Trenton Johnson, Colton Mitties, and Clayton Mussigmann displayed remarkable teamwork, sportsmanship, and skill; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the North Bend High School boys bowling team on winning the 2015 Nebraska High School Bowling Federation Class C Boys State Championship.

2. That a copy of this resolution be sent to the North Bend High School boys bowling team and their coaches.

Laid over.

LEGISLATIVE RESOLUTION 94. Introduced by Larson, 40.

WHEREAS, the Fremont High School boys bowling team won the 2015 Nebraska High School Bowling Federation Class A Boys State Championship; and

WHEREAS, team members Zach Karr, Alec Karr, Tyler Synovec, Tyler Push, and Charlie Rex displayed remarkable teamwork, sportsmanship, and skill; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Fremont High School boys bowling team for winning the 2015 Nebraska High School Bowling Federation Class A Boys State Championship.

2. That a copy of this resolution be sent to the Fremont High School boys bowling team and their coaches.

Laid over.

LEGISLATIVE RESOLUTION 95. Introduced by Larson, 40.

WHEREAS, O'Neill High School won the 2015 Class C State Wrestling Championship; and

WHEREAS, the O'Neill Eagles wrestling team scored 107 points to win the state championship; and

WHEREAS, this is the O'Neill Eagles first state championship in wrestling; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the O'Neill High School wrestling team on winning the 2015 Class C State Wrestling Championship.

2. That a copy of this resolution be sent to the O'Neill High School wrestling team and their coaches, Bryan Corkle, Curtis Childers, and Tyler Cole.

Laid over.

LEGISLATIVE RESOLUTION 96. Introduced by Larson, 40.

WHEREAS, Blake Walters, a senior at O'Neill High School, won the 2015 Class C State Wrestling Championship in the 152-pound division; and

WHEREAS, Blake's win helped lead the O'Neill Eagles to a first-place team finish; and

WHEREAS, Blake has medaled four times at the State Wrestling Championship and is a two-time state champion; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Blake Walters on his state wrestling championship.

2. That a copy of this resolution be sent to Blake Walters.

Laid over.

LEGISLATIVE RESOLUTION 97. Introduced by Larson, 40.

WHEREAS, David Fox, a senior at O'Neill High School, won the 2015 Class C State Wrestling Championship in the 170-pound division; and

WHEREAS, David's win helped lead the O'Neill Eagles to a first-place team finish; and

WHEREAS, David is a two-time state champion in wrestling and finished this season with an undefeated record of 39-0; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates David Fox on his state wrestling championship.
2. That a copy of this resolution be sent to David Fox.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 304. Title read. Considered.

Committee AM286, found on page 457, was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 366. Title read. Considered.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 98. Introduced by Schilz, 47.

WHEREAS, Derek Robb, a freshman at Sidney High School, won the 2015 Class B State Wrestling Championship in the 138-pound division; and

WHEREAS, Derek finished this season with an undefeated record of 45-0; and

WHEREAS, Derek displayed outstanding determination, perseverance, and skill in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Derek Robb on his state wrestling championship.
2. That a copy of this resolution be sent to Derek Robb.

Laid over.

LEGISLATIVE RESOLUTION 99. Introduced by Schilz, 47.

WHEREAS, Brody Cleveland, a senior at Ogallala High School, won the 2015 Class B State Wrestling Championship in the 195-pound division; and

WHEREAS, Brody finished this season with an undefeated record of 33-0; and

WHEREAS, Brody displayed outstanding determination, perseverance, and skill in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Brody Cleveland on his state wrestling championship.

2. That a copy of this resolution be sent to Brody Cleveland.

Laid over.

ANNOUNCEMENT(S)

The Legislative Performance Audit Committee designates LB538 as its priority bill.

AMENDMENT(S) - Print in Journal

Senator Krist filed the following amendment to LB504:
AM634

(Amendments to Standing Committee amendments, AM291)

- 1 1. On page 2, line 27, after "report" insert ", substance abuse
- 2 evaluation,".
- 3 2. On page 3, line 9, strike "or" and show as stricken; in line 11
- 4 after "Act" insert ", or (d) a substance abuse therapist licensed or
- 5 certified in this state to conduct substance abuse evaluations and
- 6 treatment"; in line 12, after "report" insert ", evaluation,"; strike
- 7 beginning with "Upon" in line 15 through the period in line 21 and insert
- 8 "Beginning July 1, 2016, the court shall permit inspection of the
- 9 presentence report or parts of the report, substance abuse evaluation, or
- 10 psychiatric examination, as determined by the court, by the attorney of
- 11 the offender and counsel for the prosecution. Such inspection shall be by
- 12 electronic access only, unless the court determines such access is not
- 13 available to the attorney of the offender or counsel for the prosecution.
- 14 The State Court Administrator shall determine and develop the means of
- 15 electronic access to such presentence report, evaluations, and
- 16 examinations,"; and in line 29 after "investigation" insert ", substance
- 17 abuse evaluation,".
- 18 3. On page 4, line 5, after "examinations" insert ", substance abuse
- 19 evaluations,".

Senator Bloomfield filed the following amendment to LB242:
AM356

1 1. On page 2, line 18, strike "twenty-four" and insert "twenty".

Senator Kintner filed the following amendment to LB10:
AM611

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

3 Section 1. Section 32-710, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

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

22 Sec. 2. Section 32-713, Revised Statutes Cumulative Supplement,
23 2014, is amended to read:

24 32-713 (1) The certificates of appointment for presidential electors
25 shall be served by the Governor on each person appointed. The Governor
26 shall notify the presidential electors to be at the State Capitol at noon
27 on the first Monday after the second Wednesday in December after
1 appointment and report to the Governor at his or her office in the
2 capitol as being in attendance. The Governor shall serve the certificates
3 of appointment by registered or certified mail. In submitting this
4 state's certificate of ascertainment as required by 3 U.S.C. 6, the
5 Governor shall certify this state's presidential electors and state in
6 the certificate that:

7 (a) The presidential electors will serve as presidential electors
8 unless a vacancy occurs in the office of presidential elector before the
9 end of the meeting at which the presidential electors cast their votes,
10 in which case a substitute presidential elector will fill the vacancy;
11 and

12 (b) If a substitute presidential elector is appointed to fill a
13 vacancy, the Governor will submit an amended certificate of ascertainment
14 stating the names on the final list of this state's presidential
15 electors.

16 (2) The presidential electors shall convene at 2 p.m. of such Monday
 17 at the Governor's office in the capitol. Each presidential elector shall
 18 execute the following pledge: As a presidential elector duly selected (or
 19 appointed) for this position, I agree to serve and to mark my ballots for
 20 President and Vice President for the presidential and vice-presidential
 21 candidates ~~as provided in section 32-714 who received the highest number~~
 22 ~~of votes in the state if I am an at-large presidential elector or the~~
 23 ~~highest number of votes in my congressional district if I am a~~
 24 ~~congressional district presidential elector.~~

25 Sec. 3. Section 32-714, Revised Statutes Cumulative Supplement,
 26 2014, is amended to read:

27 32-714 (1) The Governor shall provide each presidential elector with
 28 a list of all the presidential electors. If any presidential elector is
 29 absent or if there is a deficiency in the proper number of presidential
 30 electors, those present shall elect from the citizens of the state so
 31 many persons as will supply the deficiency and immediately issue a
 1 certificate of election, signed by those present or a majority of them,
 2 to the person or persons so chosen. In case of failure to elect as
 3 required in this subsection by 3 p.m. of such day or in case of a vacancy
 4 created under subsection (4) of this section, the Governor shall fill the
 5 vacancies by appointment. Each appointee shall execute the pledge in
 6 section 32-713. After all vacancies are filled, the presidential electors
 7 shall proceed with the election of a President of the United States and a
 8 Vice President of the United States and certify their votes in conformity
 9 with the Constitution and laws of the United States.

10 (2)(a) The Secretary of State shall provide each presidential
 11 elector with a presidential and vice-presidential ballot. Except as
 12 otherwise provided in subdivision (b) of this subsection, each ~~Each at-~~
 13 ~~large~~ presidential elector shall mark his or her ballot for the
 14 presidential and vice-presidential candidates who received the highest
 15 number of votes in the state and consistent with his or her pledge. ~~Each~~
 16 ~~congressional district presidential elector shall mark his or her ballot~~
 17 ~~for the presidential and vice-presidential candidates who received the~~
 18 ~~highest number of votes in his or her congressional district and~~
 19 ~~consistent with his or her pledge.~~

20 (b) If the Secretary of State determines that fifteen states have
 21 adopted a method of selection of some or all of its presidential electors
 22 based on the results of a popular vote in the congressional districts of
 23 the state, then beginning January 1 following the determination, (i) one
 24 presidential elector shall be chosen from each congressional district and
 25 two presidential electors shall be chosen at large, (ii) each at-large
 26 presidential elector shall mark his or her ballot for the presidential
 27 and vice-presidential candidates who received the highest number of votes
 28 in the state and consistent with his or her pledge and each congressional
 29 district presidential elector shall mark his or her ballot for the
 30 presidential and vice-presidential candidates who received the highest
 31 number of votes in his or her congressional district and consistent with
 1 his or her pledge, and (iii) receipt by the presidential electors of a
 2 party or a group of petitioners of the highest number of votes statewide

3 shall constitute election of the two at-large presidential electors of
4 that party or group of petitioners and receipt by the presidential
5 electors of a party or a group of petitioners of the highest number of
6 votes in a congressional district shall constitute election of the
7 congressional district presidential elector of that party or group of
8 petitioners.

9 (3) Each presidential elector shall present the completed ballot to
10 the Secretary of State. The Secretary of State shall examine each ballot
11 and accept as cast each ballot marked by a presidential elector
12 consistent with his or her pledge. The Secretary of State shall not
13 accept and shall not count the ballot if the presidential elector has not
14 marked the ballot or has marked the ballot in violation of his or her
15 pledge.

16 (4) A presidential elector who refuses to present a ballot, who
17 attempts to present an unmarked ballot, or who attempts to present a
18 ballot marked in violation of his or her pledge vacates the office of
19 presidential elector.

20 Sec. 4. Section 32-1038, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 32-1038 (1) The board of state canvassers shall authorize the
23 Secretary of State to open the abstracts of votes from the various
24 counties and prepare an abstract stating the number of ballots cast for
25 each office, the names of all the persons voted for, for what office they
26 respectively received the votes, and the number of votes each received.
27 The abstract shall be signed by the members of the board and shall have
28 the seal of the state affixed by the Secretary of State. The canvass of
29 the votes for candidates for President and Vice President of the United
30 States and the return thereof shall be a canvass and return of the votes
31 cast for the presidential electors of the same party or group of
1 petitioners respectively, and the certificate of such election made by
2 the Governor shall be in accord with such return. Receipt by the
3 presidential electors of a party or a group of petitioners of the highest
4 number of votes statewide shall constitute election of the ~~two at large~~
5 presidential electors of that party or group of petitioners ~~except as~~
6 ~~otherwise provided in section 32-714. Receipt by the presidential~~
7 ~~electors of a party or a group of petitioners of the highest number of~~
8 ~~votes in a congressional district shall constitute election of the~~
9 ~~congressional district presidential elector of that party or group of~~
10 ~~petitioners.~~

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

19 Sec. 5. Original section 32-1038, Reissue Revised Statutes of
20 Nebraska, and sections 32-710, 32-713, and 32-714, Revised Statutes

21 Cumulative Supplement, 2014, are repealed.

ANNOUNCEMENT(S)

The General Affairs Committee designates LB330 as its priority bill.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Cook - LB472
Kuehn - LB599

VISITORS

Visitors to the Chamber were 9 students from Doane College Leadership Studies, Crete.

The Doctor of the Day was Dr. Lakeisha Cox from Omaha.

ADJOURNMENT

At 12:00 p.m., on a motion by Senator Ebke, the Legislature adjourned until 9:00 a.m., Wednesday, March 4, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-EIGHTH DAY - MARCH 4, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****THIRTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 4, 2015

PRAYER

The prayer was offered by Senator Kintner.

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 Murante who was excused; and Senators Davis, Hadley, Hansen, Kolowski, Schilz, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 361. Placed on General File.

(Signed) Mike Gloor, Chairperson

Agriculture

LEGISLATIVE BILL 85. Placed on General File.

(Signed) Jerry Johnson, Chairperson

Urban Affairs

LEGISLATIVE BILL 540. Placed on General File.

(Signed) Sue Crawford, Chairperson

Revenue

LEGISLATIVE BILL 156. Placed on General File with amendment.
AM645

1 1. On page 2, lines 11 and 13, strike "five" and insert "four".

LEGISLATIVE BILL 200. Placed on General File with amendment.
AM646

1 1. On page 2, line 11, after the period insert "This section
2 terminates three years after the effective date of this act.".

LEGISLATIVE BILL 249. Placed on General File with amendment.
AM622

1 1. On page 2, line 12, after "horses" insert "for breeding stock".

LEGISLATIVE BILL 408. Placed on General File with amendment.
AM586

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 77-1744, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 77-1744 The county treasurer shall not be entitled to credit on the
6 ~~his~~ final settlement for delinquent personal property tax until he or she
7 has filed with the clerk an affidavit that he or she has fully complied
8 with the provisions of sections 77-1715 to 77-1725.01 ~~77-1726~~ relating to
9 the giving of notice and issuing of distress warrants and been unable to
10 collect the tax due thereon by reason of a want of personal property of
11 the owner thereof; and that to the best of his or her knowledge and
12 belief no personal property of any such owner is in the county.
13 Sec. 2. Original section 77-1744, Reissue Revised Statutes of
14 Nebraska, is repealed.
15 Sec. 3. The following section is outright repealed: Section
16 77-1726, Reissue Revised Statutes of Nebraska.

(Signed) Mike Gloor, Chairperson

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

Room 1507

Wednesday, March 11, 2015 1:30 p.m.

LB576

Wednesday, March 11, 2015 1:30 p.m.

LR73

(Signed) John Murante, Chairperson

COMMITTEE REPORT(S)
Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Laura A. Scholl - Board of Emergency Medical Services

Aye: 7 Baker, Campbell, Cook, Crawford, Howard, Kolterman, Riepe. Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

John A. E. Craig - Nebraska Rural Health Advisory Commission

Aye: 7 Baker, Campbell, Cook, Crawford, Howard, Kolterman, Riepe. Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Teresa Konda - State Board of Health

Aye: 7 Baker, Campbell, Cook, Crawford, Howard, Kolterman, Riepe. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

GENERAL FILE

LEGISLATIVE BILL 366. Senator Coash offered the following amendment:

AM657

1 1. On page 2, line 5, strike "seventy-five" and insert "sixty".

The Coash amendment was adopted with 36 ayes, 5 nays, 4 present and not voting, and 4 excused and not voting.

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

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

Voting in the affirmative, 29:

| | | | | |
|----------|----------|-----------|-------------|----------------|
| Baker | Crawford | Hadley | Kolowski | Nordquist |
| Bolz | Davis | Hansen | Krist | Pansing Brooks |
| Campbell | Friesen | Harr, B. | Kuehn | Seiler |
| Chambers | Garrett | Hilkemann | McCollister | Stinner |
| Coash | Gloor | Howard | Mello | Sullivan |
| Cook | Haar, K. | Hughes | Morfeld | |

Voting in the negative, 12:

| | | | |
|-----------|---------|-----------|----------|
| Brasch | Groene | Larson | Riepe |
| Craighead | Johnson | Lindstrom | Smith |
| Ebke | Kintner | McCoy | Williams |

Present and not voting, 5:

| | | | | |
|------------|-----------|--------|---------|------------|
| Bloomfield | Kolterman | Scheer | Schnoor | Schumacher |
|------------|-----------|--------|---------|------------|

Excused and not voting, 3:

| | | |
|---------|--------|------------|
| Murante | Schilz | Watermeier |
|---------|--------|------------|

Advanced to Enrollment and Review Initial with 29 ayes, 12 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 366A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 9 nays, 7 present and not voting, and 3 excused and not voting.

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 378. Placed on General File with amendment.
AM379

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

2 Section 1. Section 16-697.02, Reissue Revised Statutes of Nebraska,

3 is amended to read:

4 16-697.02 (1) The mayor and city council of any first-class city

5 shall have power to borrow money and pledge the property and credit of

6 the city upon its negotiable bonds or otherwise, for the purpose of

7 purchasing and improving land for parks, recreational facilities, and

8 public grounds, authority therefor having first been obtained by a

9 majority vote of the qualified electors of the city voting on such
 10 question at any general city election of such city or at an election
 11 called for that purpose, upon a proposition or propositions submitted in
 12 the manner provided by law for the submission of propositions to aid in
 13 the construction of railroads and other works of internal improvement.
 14 (2) The mayor and city council shall identify the specific type of
 15 security pledge securing any financing or bond issue in the proposition
 16 to borrow money and pledge the property and credit of the city upon its
 17 negotiable bonds or otherwise for the purposes described in subsection
 18 (1) of this section. The proposition with language identifying the
 19 specific type of security pledged to be used shall be placed on the
 20 ballot to be voted on by the qualified electors of the city.
 21 (3) If the mayor and city council decide to issue refunding bonds
 22 under section 10-142 for bonds issued pursuant to this section that
 23 change the specific type of security pledged, authority therefor must
 24 first be obtained by a majority vote of the qualified electors of the
 25 city voting on such refinancing proposition at any general city election
 26 of such city or at an election called for that purpose.

(Signed) Sue Crawford, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 100. Introduced by Stinner, 48.

WHEREAS, Ben Rodriguez, a sophomore at Scottsbluff High School, won the 2015 Class B State Wrestling Championship in the 132-pound division; and

WHEREAS, Ben's win helped lead the Scottsbluff Bearcats to a second-place team finish; and

WHEREAS, this is Ben's first state championship in wrestling; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Ben Rodriguez on his state wrestling championship.

2. That a copy of this resolution be sent to Ben Rodriguez.

Laid over.

LEGISLATIVE RESOLUTION 101. Introduced by Stinner, 48.

WHEREAS, Lia Selvey is a freshman member of the Scottsbluff/Gering Seacats swimming and diving team; and

WHEREAS, Lia won the Special Olympics girls 50 Yard Freestyle with a season-best time at the 2015 State Swimming and Diving Championships; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Lia Selvey on winning the Special Olympics girls 50 Yard Freestyle at the 2015 State Swimming and Diving Championships.
2. That a copy of this resolution be sent to Lia Selvey.

Laid over.

LEGISLATIVE RESOLUTION 102. Introduced by Stinner, 48.

WHEREAS, Keegan Hessler, a senior at Scottsbluff High School, won the 2015 Class B State Wrestling Championship in the 120-pound division; and

WHEREAS, Keegan's win helped lead the Scottsbluff Bearcats to a second-place team finish; and

WHEREAS, Keegan is a two-time state champion in wrestling; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Keegan Hessler on his state wrestling championship.
2. That a copy of this resolution be sent to Keegan Hessler.

Laid over.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 10. Placed on Select File with amendment.

ER44

- 1 1. On page 1, line 1, strike "presidential electors" and insert
- 2 "elections"; and in line 4 after "to" insert "state political party
- 3 conventions, selection of presidential electors, and".

LEGISLATIVE BILL 431. Placed on Select File with amendment.

ER45

- 1 1. On page 2, line 22, strike "rate" and insert "date".

(Signed) Matt Hansen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 504. Title read. Considered.

Committee AM291, found on page 470, was offered.

Senator Krist offered his amendment, AM634, found on page 710, to the committee amendment.

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

The committee amendment, as amended, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 504A. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 128. Title read. Considered.

SPEAKER HADLEY PRESIDING

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

Advanced to Enrollment and Review Initial with 31 ayes, 12 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 103. Introduced by Davis, 43.

WHEREAS, Willy Cogdill, a senior at Chadron High School, won the 2015 Class B State Wrestling Championship in the 182-pound division; and

WHEREAS, Willy displayed outstanding determination, perseverance, and skill in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Willy Cogdill on his state wrestling championship.
2. That a copy of this resolution be sent to Willy Cogdill.

Laid over.

LEGISLATIVE RESOLUTION 104. Introduced by Davis, 43.

WHEREAS, the Valentine High School wrestling team finished second at the 2015 Class C State Wrestling Championships; and

WHEREAS, the Valentine Badgers showed outstanding determination, teamwork, and skill during the competition and earned a team score of 105 points; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Valentine High School wrestling team for finishing second at the 2015 Class C State Wrestling Championships.
2. That a copy of this resolution be sent to the Valentine High School wrestling team.

Laid over.

LEGISLATIVE RESOLUTION 105. Introduced by Campbell, 25.

WHEREAS, My'Kah Knowlin, age 13, a student at Lux Middle School in Lincoln, has achieved national recognition for exemplary volunteer service by being named a Distinguished Finalist for the 2015 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Knowlin earned this honor by giving generously of her time and energy to collect more than 3,000 books and 5,000 toys and donate them to children in need. She also hosted a Christmas party for preschool students in a school where most of the students are eligible for the free and reduced lunch program; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Knowlin who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates My'Kah Knowlin for being named a Distinguished Finalist for the 2015 Prudential Spirit of Community Award.
2. That a copy of this resolution be sent to My'Kah Knowlin.

Laid over.

ANNOUNCEMENT(S)

Senator Lindstrom designates LB469 as his priority bill.

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE BILL 310. Placed on General File.

LEGISLATIVE BILL 328. Placed on General File.

LEGISLATIVE BILL 412. Placed on General File.

LEGISLATIVE BILL 413. Placed on General File with amendment.

AM566

1 1. Insert the following new sections:

2 Sec. 4. The Environmental Infrastructure Sustainability Fund is
3 created. The fund shall be administered by the department. Revenue from
4 the following sources shall be credited to the fund: (1) Application fees
5 collected under section 5 of this act; (2) reimbursements for actual
6 costs necessary to complete environmental infrastructure sustainability
7 evaluations as authorized under section 3 of this act; (3) supplemental
8 environmental projects resulting from enforcement settlements; and (4)
9 gifts, grants, reimbursements, or appropriations from any source intended
10 to be used for purposes of section 3 of this act. The fund shall be used
11 by the department to offset costs related to the completion of
12 environmental infrastructure sustainability evaluations as authorized by
13 section 3 of this act. Any money in the fund available for investment
14 shall be invested by the state investment officer pursuant to the
15 Nebraska Capital Expansion Act and the Nebraska State Funds Investment
16 Act.

17 Sec. 5. Any political subdivision requesting an evaluation
18 authorized under section 3 of this act shall submit a request on a form
19 approved by the department and provide the department with an application
20 fee not to exceed five thousand dollars. If the costs of the department
21 exceed the initial deposit, the department and political subdivision
22 shall enter into an agreement establishing a schedule for the payment of
23 additional costs by the political subdivision. After the completion of
24 the environmental infrastructure sustainability evaluation, any balance
25 of funds paid under this section shall be refunded to the political
26 subdivision.

27 Sec. 6. The council shall adopt and promulgate rules and
1 regulations to establish a tiered application fee schedule to be charged
2 to political subdivisions requesting an environmental infrastructure
3 sustainability evaluation as authorized under section 3 of this act. The

4 rules and regulations shall take into account the population of a
5 political subdivision and any financial hardship that may impact the
6 ability to pay the application fee.

7 2. On page 22, lines 14 and 21, strike "shall" and insert "may".

8 3. On page 23, line 10, strike "section 3" and insert "sections 3 to
9 6".

10 4. Renumber the remaining sections accordingly.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Henry H. (Hod) Kosman - Nebraska Natural Resources Commission

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Ken Schilz, Chairperson

GENERAL FILE

LEGISLATIVE BILL 242. Title read. Considered.

Committee AM357, found on page 493, was offered.

Senator Johnson moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

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

Voting in the affirmative, 19:

| | | | | |
|----------|----------|----------|----------------|------------|
| Baker | Cook | Harr, B. | Kolowski | Schilz |
| Campbell | Davis | Howard | Krist | Schumacher |
| Chambers | Groene | Johnson | Nordquist | Sullivan |
| Coash | Haar, K. | Kintner | Pansing Brooks | |

Voting in the negative, 18:

| | | | | |
|------------|-----------|-------------|---------|------------|
| Bloomfield | Hilkemann | Lindstrom | Scheer | Watermeier |
| Brasch | Hughes | McCollister | Schnoor | Williams |
| Ebke | Kolterman | McCoy | Seiler | |
| Friesen | Kuehn | Riepe | Stinner | |

Present and not voting, 9:

| | | | | |
|----------|---------|--------|--------|-------|
| Bolz | Garrett | Hadley | Larson | Smith |
| Crawford | Gloor | Hansen | Mello | |

Excused and not voting, 3:

Craighead Morfeld Murante

The committee amendment lost with 19 ayes, 18 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 177. Placed on Final Reading Second.

ST14

(Final Reading copy)

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

1. In the Haar amendment, AM434, on page 2, line 13, "district" has been struck and "districts" inserted.

(Signed) Matt Hansen, Chairperson

EXECUTIVE BOARD REPORT

The Executive Board reported the resignation of Senator Sullivan from the Midwestern Higher Education Commission Committee and appointed Senator Kolowski to fill the vacancy.

(Signed) Bob Krist, Chairperson
Executive Board

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Ebke - LB357

VISITORS

Visitors to the Chamber were Senator Schnoor's brother, Brian, and nephew, Owen, from Scribner; and 11 eleventh- and twelfth-grade students from Fairbury.

The Doctor of the Day was Dr. Michelle Sell from Central City.

ADJOURNMENT

At 12:08 p.m., on a motion by Senator Hilkemann, the Legislature adjourned until 9:00 a.m., Thursday, March 5, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-NINTH DAY - MARCH 5, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 5, 2015

PRAYER

The prayer was offered by Pastor Leon Rosenthal, Christ Lutheran Church, Norfolk.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Davis, Kintner, Murante, and Schilz who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-eighth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 23. Placed on Final Reading.

LEGISLATIVE BILL 34. Placed on Final Reading.

LEGISLATIVE BILL 35. Placed on Final Reading.

LEGISLATIVE BILL 155. Placed on Final Reading.

LEGISLATIVE BILL 164. Placed on Final Reading.

LEGISLATIVE BILL 179. Placed on Final Reading.

ST12

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

1. Original section 1 and all amendments thereto have been struck.
2. On page 1, line 2; and page 7, line 22, "81-2104," has been struck.
3. On page 1, the matter beginning with "require" in line 3 through "education" in line 4 has been struck and "change provisions for renewal of registration for apprentices as prescribed; to provide for continuing education as prescribed; to eliminate obsolete provisions" inserted.
4. Sections 2 to 5 have been renumbered as sections 1 to 4, respectively.

LEGISLATIVE BILL 207. Placed on Final Reading.
LEGISLATIVE BILL 279. Placed on Final Reading.

LEGISLATIVE BILL 439. Placed on Final Reading.
ST11

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

1. In lieu of the Morfeld amendment, FA27, in the Morfeld amendment, AM441, on page 5, the matter beginning with "or" in line 1 through "section" in line 2 has been struck.

(Signed) Matt Hansen, Chairperson

MOTION - Print in Journal

Senator Larson filed the following motion to LB242:
MO40
Reconsider the vote taken on AM357.

MESSAGE(S) FROM THE GOVERNOR

March 3, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Arts Council:

Reven Wright, 21 Red Fox Lane, Kearney, NE 68845

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

AMENDMENT(S) - Print in Journal

Senator Garrett filed the following amendment to LB643:
AM680 is available in the Bill Room.

ANNOUNCEMENT(S)

The Business and Labor Committee designates LB627 as its priority bill.

CORRECTED COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 378. Corrected amendment:

AM637

1 1. Strike original section 1 and insert the following new section:
 2 Section 1. Section 16-697.02, Reissue Revised Statutes of Nebraska,
 3 is amended to read:
 4 16-697.02 (1) The mayor and city council of any first-class city
 5 shall have power to borrow money and pledge the property and credit of
 6 the city upon its negotiable bonds or otherwise, for the purpose of
 7 purchasing and improving land for parks, recreational facilities, and
 8 public grounds, authority therefor having first been obtained by a
 9 majority vote of the qualified electors of the city voting on such
 10 question at any general city election of such city or at an election
 11 called for that purpose, upon a proposition or propositions submitted in
 12 the manner provided by law for the submission of propositions to aid in
 13 the construction of railroads and other works of internal improvement.
 14 (2) The mayor and city council shall identify the specific type of
 15 security pledge securing any financing or bond issue in the proposition
 16 to borrow money and pledge the property and credit of the city upon its
 17 negotiable bonds or otherwise for the purposes described in subsection
 18 (1) of this section. The proposition with language identifying the
 19 specific type of security pledged to be used shall be placed on the
 20 ballot to be voted on by the qualified electors of the city.
 21 (3) If the mayor and city council decide to issue refunding bonds
 22 under section 10-142 for bonds issued pursuant to this section that
 23 change the specific type of security pledged from revenue bonds to
 24 general obligation bonds, authority therefor must first be obtained by a
 25 majority vote of the qualified electors of the city voting on such
 26 refinancing proposition at any general city election of such city or at
 27 an election called for that purpose.

(Signed) Sue Crawford, Chairperson

RESOLUTION(S)**LEGISLATIVE RESOLUTION 106.** Introduced by Hughes, 44.

WHEREAS, Hitchcock County Elementary School in Culbertson was named a 2014 Title I Distinguished School by the National Title I Association; and

WHEREAS, the National Title I Association has been selecting examples of superior Title I school programs for national recognition through the National Title I Distinguished Schools program since 1996; and

WHEREAS, Hitchcock County Elementary School was recognized at the 2015 National Title I Conference as a school in "Category 2: Closing the Achievement Gap Between Student Groups"; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Hitchcock County Elementary School in being named a 2014 Title I Distinguished School by the National Title I Association.
2. That a copy of this resolution be sent to Hitchcock County Elementary School.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Smith - LB350

Williams - LB268

VISITOR

The Doctor of the Day was Dr. George Voigtlander from Pawnee City.

ADJOURNMENT

At 9:18 a.m., on a motion by Senator Lindstrom, the Legislature adjourned until 9:00 a.m., Friday, March 6, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

FORTIETH DAY - MARCH 6, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION
FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 6, 2015

PRAYER

The prayer was offered by Pastor John Nelson, Mount Olive Lutheran Church, Norfolk.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Bloomfield and Kuehn who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-ninth day was approved.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 37. Placed on Final Reading.
ST13

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

1. In the Standing Committee amendments, AM140, amendment 2 has been struck.
2. On page 1, line 1, "28-411," has been inserted after "sections".
3. On page 8, the matter beginning with "30" in line 29 through "57" in line 30 has been struck and "31, 35, 40, 43, 45, 46, and 55 to 58" inserted.
4. On page 9, lines 5 and 6, "30, 34, and 39" has been struck and "31, 35, and 40" inserted.
5. On page 30, line 29, "58 to 66" has been struck and "59 to 67" inserted.
6. On page 35, line 18, "69 and 70" has been struck and "70 and 71" inserted; and in line 25 "69" has been struck and "70" inserted.
7. On page 36, line 13 "45" has been struck and "46" inserted; and in line 21 "70" has been struck and "71" inserted.
8. On page 41, line 27, "30" has been struck and "31" inserted.

9. On page 42, line 28, "86" has been struck and "87" inserted.

LEGISLATIVE BILL 46. Placed on Final Reading.

LEGISLATIVE BILL 129. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 245. Placed on Select File with amendment.

ER46

1 1. On page 1, strike beginning with "the" in line 1 through line 4
2 and insert "criminal procedure; to amend sections 29-2103 and 29-4120,
3 Reissue Revised Statutes of Nebraska; to change provisions relating to
4 motions for new trial and DNA testing of biological material; and to
5 repeal the original sections."

LEGISLATIVE BILL 304. Placed on Select File with amendment.

ER47

1 1. In the Standing Committee amendments, AM286:
2 a. On page 1, line 17, strike "and" and insert "and"; and in line
3 18 after "lot" insert an underscored comma;
4 b. On page 5, line 18, after the first comma insert "the"; and in
5 line 27 strike "subdivision" and insert "subsection"; and
6 c. On page 6, strike beginning with the first comma in line 18
7 through "and" in line 19 and insert "to".

LEGISLATIVE BILL 366. Placed on Select File.

LEGISLATIVE BILL 366A. Placed on Select File.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 419. Placed on General File.

LEGISLATIVE BILL 538. Placed on General File.

(Signed) Mike Gloor, Chairperson

COMMITTEE REPORT(S)

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Norris Marshall - Nebraska Game and Parks Commission

Aye: 7 Friesen, Hughes, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 1 Johnson.

(Signed) Ken Schilz, Chairperson

MESSAGE(S) FROM THE GOVERNOR

March 5, 2015

Patrick J. O'Donnell
Clerk of the Nebraska Legislature
2018 State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 52, 87, 90, 94, 107, 116, 142e, 142Ae, 194, 241, 252, 260e, 261e, 266, 269, 271, 286e, 301, 305e, 312, and 314 were received in my office on February 27, 2015.

These bills were signed and delivered to the Secretary of State on March 5, 2015.

Sincerely,
(Signed) Pete Ricketts
Governor

PR/lhk

ANNOUNCEMENT(S)

Senator Krist designates LB15 as his priority bill.

The Urban Affairs Committee designates LB152 and LB324 as its priority bills.

AMENDMENT(S) - Print in Journal

Senator Watermeier filed the following amendment to LB106:
AM698

(Amendments to Standing Committee amendments, AM521)

- 1 1. Strike section 1.
- 2 2. Renumber the remaining sections and correct internal references
- 3 accordingly.

Senator Watermeier filed the following amendment to LB106:
AM643

- 1 1. Strike original section 1.
- 2 2. Renumber the remaining sections and correct internal references
- 3 and the repealer accordingly.

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 5, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
 Clerk of the Legislature

Christensen, Graham
 Burt County Wind, LLC
 Eash, Matthew
 Nebraska School Finance Strategies, Inc.
 Johnson, Kevin
 AstraZeneca Pharmaceuticals (Withdrawn 03/03/2015)
 Jones, Johnny D.
 Little Priest Tribal College
 Kissel/E&S Associates, LLC
 Council of State Governments - Justice Center
 Kaplan Higher Education in NE
 Lancaster County Agricultural Society, Inc.
 Hunzeker, Mark A.
 Rath, Douglas and Kimberly

UNANIMOUS CONSENT - Room Change

Senator B. Harr asked unanimous consent that the Business and Labor Committee conduct its hearing on March 9, 2015, in Room 1510 instead of Room 2102. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 45.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend sections 60-366 and 60-3,104, Revised Statutes Cumulative Supplement, 2014; to change and eliminate provisions regarding film vehicles; to harmonize provisions; to repeal the original sections; and to outright repeal section 60-383, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|-----------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | McCollister | Schilz |
| Bolz | Ebke | Howard | McCoy | Schnoor |
| Brasch | Friesen | Hughes | Mello | Schumacher |
| Campbell | Gloor | Johnson | Morfeld | Seiler |
| Chambers | Groene | Kolowski | Murante | Smith |
| Coash | Haar, K. | Kolterman | Nordquist | Stinner |
| Cook | Hadley | Krist | Pansing Brooks | Sullivan |
| Craighead | Hansen | Larson | Riepe | Watermeier |
| Crawford | Harr, B. | Lindstrom | Scheer | Williams |

Voting in the negative, 0.

Present and not voting, 2:

Garrett Kintner

Excused and not voting, 2:

Bloomfield Kuehn

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 88.

A BILL FOR AN ACT relating to fees; to amend section 33-110, Reissue Revised Statutes of Nebraska; to increase fees for marriage licenses as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

| | | | | |
|-----------|----------|-----------|----------------|------------|
| Baker | Ebke | Hilkemann | Lindstrom | Seiler |
| Bolz | Friesen | Howard | McCollister | Smith |
| Brasch | Garrett | Hughes | Morfeld | Stinner |
| Campbell | Gloor | Johnson | Nordquist | Sullivan |
| Coash | Groene | Kintner | Pansing Brooks | Watermeier |
| Cook | Haar, K. | Kolowski | Scheer | Williams |
| Craighead | Hadley | Kolterman | Schilz | |
| Crawford | Hansen | Krist | Schnoor | |
| Davis | Harr, B. | Larson | Schumacher | |

Voting in the negative, 4:

Chambers McCoy Murante Riepe

Present and not voting, 1:

Mello

Excused and not voting, 2:

Bloomfield Kuehn

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 122.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,356, Reissue Revised Statutes of Nebraska; to change provisions relating to the operation of utility-type vehicles; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|-----------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | Mello | Seiler |
| Bolz | Friesen | Hughes | Morfeld | Smith |
| Brasch | Garrett | Johnson | Murante | Stinner |
| Campbell | Gloor | Kintner | Nordquist | Sullivan |
| Chambers | Groene | Kolowski | Pansing Brooks | Watermeier |
| Coash | Haar, K. | Kolterman | Riepe | Williams |
| Cook | Hadley | Krist | Scheer | |
| Craighead | Hansen | Larson | Schilz | |
| Crawford | Harr, B. | Lindstrom | Schnoor | |
| Davis | Hilkemann | McCoy | Schumacher | |

Voting in the negative, 0.

Present and not voting, 1:

McCollister

Excused and not voting, 2:

Bloomfield Kuehn

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

LEGISLATIVE BILL 160.

A BILL FOR AN ACT relating to financial institutions; to amend section 9-701, Reissue Revised Statutes of Nebraska; to change provisions relating to gift enterprises; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Bloomfield Kuehn

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 167.

A BILL FOR AN ACT relating to the Office of Violence Prevention; to amend section 81-1450, Reissue Revised Statutes of Nebraska; to require the filing of an annual report with the Clerk of the Legislature; to change goals for priority funding; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|-----------|-----------|-------------|----------------|------------|
| Baker | Ebke | Howard | McCoy | Schumacher |
| Bolz | Friesen | Hughes | Mello | Seiler |
| Brasch | Garrett | Johnson | Morfeld | Smith |
| Campbell | Gloor | Kintner | Murante | Sinner |
| Chambers | Groene | Kolowski | Nordquist | Sullivan |
| Coash | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Cook | Hadley | Krist | Riepe | Williams |
| Craighead | Hansen | Larson | Scheer | |
| Crawford | Harr, B. | Lindstrom | Schilz | |
| Davis | Hilkemann | McCollister | Schnoor | |

Voting in the negative, 0.

Excused and not voting, 2:

Bloomfield Kuehn

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 177.

A BILL FOR AN ACT relating to public power districts; to amend section 70-619, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to membership on boards of directors; to define a term; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|-----------|-----------|-------------|----------------|------------|
| Baker | Ebke | Howard | McCoy | Schumacher |
| Bolz | Friesen | Hughes | Mello | Seiler |
| Brasch | Garrett | Johnson | Morfeld | Smith |
| Campbell | Gloor | Kintner | Murante | Sinner |
| Chambers | Groene | Kolowski | Nordquist | Sullivan |
| Coash | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Cook | Hadley | Krist | Riepe | Williams |
| Craighead | Hansen | Larson | Scheer | |
| Crawford | Harr, B. | Lindstrom | Schilz | |
| Davis | Hilkemann | McCollister | Schnoor | |

Voting in the negative, 0.

Excused and not voting, 2:

Bloomfield Kuehn

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB180 with 43 ayes, 1 nay, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 180.

A BILL FOR AN ACT relating to insurance; to amend sections 44-201 and 44-1981, Reissue Revised Statutes of Nebraska; to redefine terms relating to title insurance; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|-----------|----------|-----------|----------------|------------|
| Bolz | Ebke | Hilkemann | Lindstrom | Scheer |
| Brasch | Friesen | Howard | McCollister | Schilz |
| Campbell | Garrett | Hughes | McCoy | Schnoor |
| Chambers | Gloor | Johnson | Mello | Schumacher |
| Coash | Groene | Kintner | Morfeld | Smith |
| Cook | Haar, K. | Kolowski | Murante | Sinner |
| Craighead | Hadley | Kolterman | Nordquist | Sullivan |
| Crawford | Hansen | Krist | Pansing Brooks | Watermeier |
| Davis | Harr, B. | Larson | Riepe | Williams |

Voting in the negative, 0.

Present and not voting, 2:

Baker Seiler

Excused and not voting, 2:

Bloomfield Kuehn

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 181.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,230, Reissue Revised Statutes of Nebraska; to change rotating or flashing light provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Bloomfield Kuehn

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 272.

A BILL FOR AN ACT relating to veterans; to provide for a voluntary veterans preference in private employment; and to define terms.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 2:

Brasch Kolowski

Excused and not voting, 2:

Bloomfield Kuehn

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB298 with 44 ayes, 1 nay, 2 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 298.

A BILL FOR AN ACT relating to insurance; to amend sections 44-416.06 and 44-416.07, Reissue Revised Statutes of Nebraska; to change provisions relating to credit for reinsurance and acceptable forms of security; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|-----------|-----------|-------------|----------------|------------|
| Baker | Ebke | Howard | McCoy | Schumacher |
| Bolz | Friesen | Hughes | Mello | Seiler |
| Brasch | Garrett | Johnson | Morfeld | Smith |
| Campbell | Gloor | Kintner | Murante | Sinner |
| Chambers | Groene | Kolowski | Nordquist | Sullivan |
| Coash | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Cook | Hadley | Krist | Riepe | Williams |
| Craighead | Hansen | Larson | Scheer | |
| Crawford | Harr, B. | Lindstrom | Schilz | |
| Davis | Hilkemann | McCollister | Schnoor | |

Voting in the negative, 0.

Excused and not voting, 2:

Bloomfield Kuehn

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB313 with 42 ayes, 1 nay, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 313.

A BILL FOR AN ACT relating to transportation; to amend sections 60-336.01, 60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01, 60-4,147.02, 75-363, 75-364, 75-366, and 75-393, Revised Statutes Cumulative Supplement, 2014; to adopt and update references to certain federal provisions relating to low-speed vehicles, handicapped or disabled parking permits, the International Registration Plan, operators' licenses, persons handling source documents, hazardous materials, and the unified carrier registration plan and agreement; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|-----------|-----------|-------------|----------------|------------|
| Baker | Ebke | Howard | McCoy | Schumacher |
| Bolz | Friesen | Hughes | Mello | Seiler |
| Brasch | Garrett | Johnson | Morfeld | Smith |
| Campbell | Gloor | Kintner | Murante | Sinner |
| Chambers | Groene | Kolowski | Nordquist | Sullivan |
| Coash | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Cook | Hadley | Krist | Riepe | Williams |
| Craighead | Hansen | Larson | Scheer | |
| Crawford | Harr, B. | Lindstrom | Schilz | |
| Davis | Hilkemann | McCollister | Schnoor | |

Voting in the negative, 0.

Excused and not voting, 2:

Bloomfield Kuehn

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 352.

A BILL FOR AN ACT relating to the Residential Mortgage Licensing Act; to amend sections 45-706 and 45-737, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the issuance of a mortgage banker license and duties of licensees; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|-----------|-----------|-------------|----------------|------------|
| Baker | Ebke | Howard | McCoy | Schumacher |
| Bolz | Friesen | Hughes | Mello | Seiler |
| Brasch | Garrett | Johnson | Morfeld | Smith |
| Campbell | Gloor | Kintner | Murante | Sinner |
| Chambers | Groene | Kolowski | Nordquist | Sullivan |
| Coash | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Cook | Hadley | Krist | Riepe | Williams |
| Craighead | Hansen | Larson | Scheer | |
| Crawford | Harr, B. | Lindstrom | Schilz | |
| Davis | Hilkemann | McCollister | Schnoor | |

Voting in the negative, 0.

Excused and not voting, 2:

Bloomfield Kuehn

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB446 with 46 ayes, 1 nay, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 446.

A BILL FOR AN ACT relating to school employees retirement; to amend sections 79-902, 79-904.01, 79-934, 79-978, and 79-9,100, Reissue Revised Statutes of Nebraska; to redefine compensation; to change provisions relating to calculation of final compensation for purposes of formula annuities; to prohibit refund of certain contributions as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Bloomfield Kuehn

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 45, 88, 122, 160, 167, 177, 180, 181, 272, 298, 313, 352, and 446.

GENERAL FILE

LEGISLATIVE BILL 242. Senator Larson offered his motion, MO40, found on page 728, to reconsider the vote taken on AM357.

SPEAKER HADLEY PRESIDING

Pending.

COMMITTEE REPORT(S)

Health and Human Services

LEGISLATIVE BILL 19. Placed on General File.

LEGISLATIVE BILL 196. Placed on General File.

LEGISLATIVE BILL 335. Placed on General File with amendment.
AM481

- 1 1. Insert the following new sections:
- 2 Sec. 5. The Intergenerational Poverty Task Force terminates on
- 3 December 31, 2016.
- 4 Sec. 6. Since an emergency exists, this act takes effect when
- 5 passed and approved according to law.
- 6 2. On page 4, line 10, strike "November" through "year" and insert
- 7 "December 15, 2015,"; in line 11 after "a" insert "preliminary report and
- 8 on or before December 15, 2016, the task force shall submit a final"; and
- 9 in line 14 after "The" insert "preliminary report and the final".

(Signed) Kathy Campbell, Chairperson

Urban Affairs

LEGISLATIVE BILL 152. Placed on General File with amendment.
AM656

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. (1) The mayor and the council of any city or board of
- 4 trustees of any village, in addition to other powers granted by law, may
- 5 by ordinance provide for direct borrowing from a financial institution
- 6 for the purposes outlined in this section. Loans made under this section
- 7 shall not be restricted to a single year and may be repaid in installment
- 8 payments.
- 9 (2) The mayor and the council of any city or board of trustees of
- 10 any village may borrow directly from a financial institution for the

11 purchase of real or personal property or construction of improvements
 12 upon a certification in the ordinance authorizing the direct borrowing
 13 that:
 14 (a) Financing the purchase of property or construction of
 15 improvements through traditional bond financing would be impractical;
 16 (b) Financing the purchase of property or construction of
 17 improvements through traditional bond financing could not be completed
 18 within the time restraints facing the city or village; or
 19 (c) Financing the purchase of property or construction of
 20 improvements through direct borrowing would generate significant taxpayer
 21 savings over traditional bond financing.
 22 (3) Prior to approving direct borrowing under this section, the
 23 council or board of trustees shall include in any public notice required
 24 for meetings a clear notation that an ordinance authorizing direct
 25 borrowing from a financial institution will appear on the agenda.
 26 (4) The total amount of indebtedness from direct borrowing under
 27 this section shall not exceed:
 1 (a) For a city of the metropolitan class, city of the primary class,
 2 city of the first class, or city of the second class, ten percent of the
 3 municipal budget of the city; and
 4 (b) For any village, twenty percent of the municipal budget of the
 5 village.
 6 (5) Prior to approving direct borrowing under this section, a
 7 municipality shall consider, to the extent possible, proposals from
 8 multiple financial institutions.
 9 (6) For purposes of this section, financial institution means a
 10 state-chartered or federally-chartered bank, savings bank, building and
 11 loan association, or savings and loan association.
 12 Sec. 2. The Revisor of Statutes shall assign section 1 of this act
 13 to Chapter 18.

LEGISLATIVE BILL 324. Placed on General File with amendment.
 AM662 is available in the Bill Room.

(Signed) Sue Crawford, Chairperson

Judiciary

LEGISLATIVE BILL 25. Placed on General File with amendment.
 AM605

1 1. On page 8, after line 19 insert the following new subsection:
 2 "(5) Upon termination of jurisdiction pursuant to this section, the
 3 juvenile court shall initiate proceedings pursuant to section 43-2,108.04
 4 to seal the young adult's records."

LEGISLATIVE BILL 188. Placed on General File with amendment.
 AM374

1 1. On page 3, line 24; and page 5, line 26, after "into" insert "or
 2 onto".

3 2. On page 3, line 31; and page 6, line 2, strike "subject to arrest
 4 or".
 5 3. On page 4, lines 2 and 3; and page 6, lines 4 and 5, strike "Is
 6 engaged in any illegal activity which would itself give rise to an
 7 arrest" and insert "Has engaged in conduct chargeable as, or amounting
 8 to, a felony while in or on, or prior to entry into or onto, the fleeing
 9 vehicle".

(Signed) Les Seiler, Chairperson

Agriculture

LEGISLATIVE BILL 175. Placed on General File with amendment.
 AM492

1 1. Insert the following new section:
 2 Sec. 6. Section 77-27,187.01, Reissue Revised Statutes of Nebraska,
 3 is amended to read:
 4 77-27,187.01 For purposes of the Nebraska Advantage Rural
 5 Development Act, unless the context otherwise requires:
 6 (1) Any term has the same meaning as used in the Nebraska Revenue
 7 Act of 1967;
 8 (2) Equivalent employees means the number of employees computed by
 9 dividing the total hours paid in a year to employees by the product of
 10 forty times the number of weeks in a year;
 11 (3) Livestock means all animals, including cattle, horses, sheep,
 12 goats, hogs, dairy animals, chickens, turkeys, and other species of game
 13 birds and animals raised and produced subject to permit and regulation by
 14 the Game and Parks Commission or the Department of Agriculture;
 15 (4) Livestock modernization or expansion means the construction,
 16 improvement, or acquisition of buildings, facilities, or equipment for
 17 livestock housing, confinement, feeding, production, and waste
 18 management. Livestock modernization or expansion does not include any
 19 improvements made to correct a violation of the Environmental Protection
 20 Act, the Integrated Solid Waste Management Act, the Livestock Waste
 21 Management Act, a rule or regulation adopted and promulgated pursuant to
 22 such acts, or any order of the Department of Environmental Quality
 23 undertaken within five years after a complaint issued from the Director
 24 of Environmental Quality under section 81-1507;
 25 (5) Livestock production means the active use, management, and
 26 operation of real and personal property (a) for the commercial production
 27 of livestock, (b) for the commercial breeding, training, showing, or
 1 racing of horses, or for the use of horses in a recreational or tourism
 2 enterprise, and (c) for the commercial production of dairy and eggs. The
 3 activity will be considered commercial if the gross income derived from
 4 an activity for two or more of the taxable years in the period of seven
 5 consecutive taxable years which ends with the taxable year exceeds the
 6 deductions attributable to such activity or, if the operation has been in
 7 existence for less than seven years, if the activity is engaged in for
 8 the purpose of generating a profit;

9 (6) Qualified employee leasing company means a company which places
 10 all employees of a client-lessee on its payroll and leases such employees
 11 to the client-lessee on an ongoing basis for a fee and, by written
 12 agreement between the employee leasing company and a client-lessee,
 13 grants to the client-lessee input into the hiring and firing of the
 14 employees leased to the client-lessee;

15 (7) Related taxpayers includes any corporations that are part of a
 16 unitary business under the Nebraska Revenue Act of 1967 but are not part
 17 of the same corporate taxpayer, any business entities that are not
 18 corporations but which would be a part of the unitary business if they
 19 were corporations, and any business entities if at least fifty percent of
 20 such entities are owned by the same persons or related taxpayers and
 21 family members as defined in the ownership attribution rules of the
 22 Internal Revenue Code of 1986, as amended;

23 (8) Taxpayer means a corporate taxpayer or other person subject to
 24 either an income tax imposed by the Nebraska Revenue Act of 1967 or a
 25 franchise tax under Chapter 77, article 38, or a partnership, limited
 26 liability company, subchapter S corporation, cooperative, including a
 27 cooperative exempt under section 521 of the Internal Revenue Code of
 28 1986, as amended, limited cooperative association, or joint venture that
 29 is or would otherwise be a member of the same unitary group if
 30 incorporated, which is, or whose partners, members, or owners
 31 representing an ownership interest of at least ninety percent of the
 1 control of such entity are, subject to or exempt from such taxes, and any
 2 other partnership, limited liability company, subchapter S corporation,
 3 cooperative, including a cooperative exempt under section 521 of the
 4 Internal Revenue Code of 1986, as amended, limited cooperative
 5 association, or joint venture when the partners, members, or owners
 6 representing an ownership interest of at least ninety percent of the
 7 control of such entity are subject to or exempt from such taxes; and
 8 (9) Year means the taxable year of the taxpayer.

9 2. On page 5, strike beginning with the underscored comma in line 1
 10 through the underscored comma in line 2.

11 3. Renumber the remaining sections and correct the repealer
 12 accordingly.

(Signed) Jerry Johnson, Chairperson

Appropriations

LEGISLATIVE BILL 33. Placed on General File with amendment.
 AM525

1 1. On page 2, strike lines 20 through 22; in line 23 strike "(f)"
 2 and insert "(e)"; and in line 25 strike "(g)" and insert "(f)".

(Signed) Heath Mello, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 400A. Introduced by Smith, 14.

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

COMMITTEE REPORT(S)

Education

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Brian Gong - Technical Advisory Committee for Statewide Assessment

Aye: 8 Baker, Cook, Groene, Kolowski, Morfeld, Pansing Brooks, Schnoor, Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kate Sullivan, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 6, 2015, at 9:57 a.m. were the following: LBs 45, 88, 122, 160, 167, 177, 180, 181, 272, 298, 313, 352, and 446.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

ANNOUNCEMENT(S)

The Legislative Performance Audit Committee designates LB598 as its priority bill.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Wright, Reven - Nebraska Arts Council - General Affairs

(Signed) Bob Krist, Chairperson
Executive Board

MOTION - Print in Journal

Senator McCoy filed the following motion to LB268:
 MO41
 Indefinitely postpone.

GENERAL FILE

LEGISLATIVE BILL 242. Senator Larson renewed his motion, MO40, found on page 728 and considered in this day's Journal, to reconsider the vote taken on AM357.

Senator Larson moved for a call of the house. The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

Senator Larson requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 12:

| | | | |
|----------|---------|--------|------------|
| Brasch | Ebke | Groene | Murante |
| Chambers | Garrett | Hansen | Schilz |
| Coash | Gloor | Larson | Schumacher |

Voting in the negative, 26:

| | | | | |
|----------|-----------|----------------|---------|------------|
| Baker | Hadley | Krist | Riepe | Watermeier |
| Campbell | Hilkemann | Lindstrom | Scheer | Williams |
| Cook | Hughes | McCollister | Schnoor | |
| Crawford | Johnson | McCoy | Seiler | |
| Friesen | Kolowski | Morfeld | Smith | |
| Haar, K. | Kolterman | Pansing Brooks | Stinner | |

Present and not voting, 5:

| | | | | |
|------|-------|----------|--------|-----------|
| Bolz | Davis | Harr, B. | Howard | Nordquist |
|------|-------|----------|--------|-----------|

Excused and not voting, 6:

| | | |
|------------|---------|----------|
| Bloomfield | Kintner | Mello |
| Craighead | Kuehn | Sullivan |

The Larson motion to reconsider failed with 12 ayes, 26 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Larson offered the following amendment:
 AM699

1 1. Strike section 5.

2 2. Renumber the remaining section accordingly.

Senator Larson moved for a call of the house. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Senator Larson requested a roll call vote on the amendment.

Voting in the affirmative, 1:

Groene

Voting in the negative, 30:

| | | | | |
|-----------|-----------|-----------|----------------|----------|
| Baker | Friesen | Howard | Lindstrom | Scheer |
| Campbell | Gloor | Hughes | McCollister | Schnoor |
| Chambers | Haar, K. | Johnson | McCoy | Seiler |
| Cook | Hadley | Kolowski | Murante | Smith |
| Craighead | Harr, B. | Kolterman | Pansing Brooks | Stinner |
| Crawford | Hilkemann | Krist | Riepe | Williams |

Present and not voting, 9:

| | | | | |
|--------|-------|--------|--------|------------|
| Bolz | Coash | Ebke | Larson | Schumacher |
| Brasch | Davis | Hansen | Schilz | |

Excused and not voting, 9:

| | | | | |
|------------|---------|---------|-----------|------------|
| Bloomfield | Kintner | Mello | Nordquist | Watermeier |
| Garrett | Kuehn | Morfeld | Sullivan | |

The Larson amendment lost with 1 aye, 30 nays, 9 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Larson offered the following motion:

MO42

Reconsider the vote taken on AM699.

The Larson motion to reconsider failed with 0 ayes, 24 nays, 14 present and not voting, and 11 excused and not voting.

Pending.

MOTION - Print in Journal

Senator Larson filed the following motion to LB242:

MO44

Bracket until May 31, 2015.

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 106. Placed on General File with amendment. AM521 is available in the Bill Room.

LEGISLATIVE BILL 132. Placed on General File with amendment. AM582

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

3 Section 1. Section 13-2507, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 13-2507 (1) Subject to subsection (4) of this section, a joint

6 public agency shall have only those powers of taxation as one or more of
7 the participating public agencies has and only as specifically provided
8 in the agreement proposing creation of the joint public agency, except
9 that a joint public agency shall not levy a local option sales tax.

10 Participating public agencies may agree to allow the joint public agency
11 to levy a property tax rate not to exceed a limit as provided in the
12 agreement if the agreement also limits the levy authority of the
13 overlapping participating public agencies collectively to the same
14 amount. The levy authority of a joint public agency shall be allocated by
15 the city or county as provided in section 77-3443, and the agreement may
16 require allocation of levy authority by the city or county.

17 (2) If one or more of the participating public agencies is a
18 municipality, the agreement may allow any occupation or wheel tax to be
19 extended over the area encompassed by the joint public agency at a rate
20 uniform to that of the city or village for the purpose of providing
21 revenue to finance the services to be provided by the joint public
22 agency. The tax shall not be extended until the procedures governing
23 enactment by the municipality are followed by the joint public agency,
24 including any requirement for a public vote.

25 (3) If the agreement calls for the allocation of property tax levy
26 authority to the joint public agency, the amount of the allocation to the
27 joint public agency and from each participating public agency shall be
1 reported to the Property Tax Administrator.

2 (4)(a) Prior to the issuance of bonds and the pledge of property tax
3 levy authority allocated to a joint public agency to pay the principal of
4 and interest on bonds to be issued by the joint public agency, the joint
5 public agency shall hold an election to present the question of issuing
6 such bonds and levying such tax to the registered voters of the
7 participating public agency which allocated such property tax levy
8 authority. Such election shall be held at a special election called for
9 such purpose or an election held in conjunction with a statewide or local
10 primary or general election.

11 (b) If a ballot question is required to be submitted to the
12 registered voters of more than one participating public agency pursuant
13 to subdivision (a) of this subsection and if the participating public

14 agencies have overlapping jurisdiction of any geographic area, the
 15 registered voters residing in the geographic area subject to overlapping
 16 jurisdiction shall only be entitled to one vote on the ballot question.
 17 Sec. 2. Original section 13-2507, Reissue Revised Statutes of
 18 Nebraska, is repealed.

LEGISLATIVE BILL 479. Placed on General File with amendment.
 AM485

1 1. On page 2, line 5, after "forces" insert "of the United States of
 2 America".

LEGISLATIVE BILL 577. Placed on General File with amendment.
 AM189

1 1. On page 2, strike beginning with "The" in line 21 through line 26
 2 and insert "Peddlers, hawkers, or solicitors operating for commercial
 3 purposes. If a county adopts an ordinance under this subdivision, the
 4 ordinance shall provide for registration of any such peddler, hawker, or
 5 solicitor without any fee and allow the operation or conduct of any
 6 registered peddler, hawker, or solicitor in all areas of the county where
 7 the county has jurisdiction and where a city or village has not otherwise
 8 regulated such operation or conduct.".

LEGISLATIVE BILL 308. Indefinitely postponed.

(Signed) John Murante, Chairperson

NOTICE OF COMMITTEE HEARING(S)
 Appropriations

Room 1524

Monday, March 16, 2015 1:30 p.m.

LB82 (cancel)

(Signed) Heath Mello, Chairperson

AMENDMENT(S) - Print in Journal

Senator Morfeld filed the following amendment to LB439:
 AM684

(Amendments to Final Reading copy)

1 1. On page 2, strike lines 28 and 29 and insert the following new
 2 subdivision:
 3 "(iii) When emergency medical assistance was requested for the
 4 possible alcohol overdose of another person:".
 5 2. On page 3, line 4, strike "or failure to comply".
 6 3. On page 5, strike lines 19 and 20 and insert the following new
 7 subdivision:

8 "(c) When emergency medical assistance was requested for the
 9 possible alcohol overdose of another person."; and in line 26 after
 10 "compliance" insert "with subsection (3) of this section".

Senator Baker filed the following amendment to LB283:
 AM631

1 1. On page 2, line 24, strike "the certificate of", show as
 2 stricken, and insert "a copy of the proclamation as provided in section
 3 81-829.50 from"; strike beginning with "that" in line 27 through
 4 "purposes" in line 28 and show as stricken; and in line 29 strike
 5 "certificate" and insert "proclamation".

Senator Larson filed the following amendment to LB242:
 AM701

1 1. Insert the following new section:
 2 Section 1. Section 2-3753, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 2-3753 The commission shall have the following powers and duties:
 5 (1) To adopt and devise a dry bean program consisting of research,
 6 education, advertising, publicity, and promotion to increase total
 7 consumption of dry beans on a state, national, and international basis;
 8 (2) To prepare and approve a budget consistent with limited receipts
 9 and the scope of the dry bean program;
 10 (3) To adopt and promulgate reasonable rules and regulations
 11 necessary to carry out the dry bean program;
 12 (4) To procure and evaluate data and information necessary for the
 13 proper administration and operation of the dry bean program;
 14 (5) To employ personnel and contract for services which are
 15 necessary for the proper operation of the dry bean program;
 16 (6) To establish a means whereby the grower and processor of dry
 17 beans has the opportunity at least annually to offer his or her ideas and
 18 suggestions relative to commission policy for the coming year;
 19 (7) To authorize the expenditure of funds and contracting of
 20 expenditures to conduct proper activities of the program;
 21 (8) To bond such persons as may be necessary in order to insure
 22 adequate protection of funds;
 23 (9) To keep minutes of its meetings and other books and records
 24 which will clearly reflect all of the acts and transactions of the
 25 commission and to keep such records open to examination by any grower or
 26 processor participant during normal business hours;
 27 (10) To prohibit any funds collected by the commission from being
 1 expended directly or indirectly to promote or oppose any candidate for
 2 public office or to influence state legislation. The board shall not
 3 expend more than fifteen ~~twenty-five~~ percent of its annual budget to
 4 influence federal legislation;
 5 (11) To establish an administrative office at such place in the
 6 state as may be suitable for the proper discharge of the functions of the
 7 commission; and
 8 (12) To adopt and promulgate rules and regulations to carry out the

9 Dry Bean Resources Act.

10 2. Renumber the remaining sections and correct the repealer

11 accordingly.

Senator Larson filed the following amendment to LB242:

AM702

1 1. Insert the following new section:

2 Section 1. Section 2-3753, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 2-3753 The commission shall have the following powers and duties:

5 (1) To adopt and devise a dry bean program consisting of research,

6 education, advertising, publicity, and promotion to increase total

7 consumption of dry beans on a state, national, and international basis;

8 (2) To prepare and approve a budget consistent with limited receipts

9 and the scope of the dry bean program;

10 (3) To adopt and promulgate reasonable rules and regulations

11 necessary to carry out the dry bean program;

12 (4) To procure and evaluate data and information necessary for the

13 proper administration and operation of the dry bean program;

14 (5) To employ personnel and contract for services which are

15 necessary for the proper operation of the dry bean program;

16 (6) To establish a means whereby the grower and processor of dry

17 beans has the opportunity at least annually to offer his or her ideas and

18 suggestions relative to commission policy for the coming year;

19 (7) To authorize the expenditure of funds and contracting of

20 expenditures to conduct proper activities of the program;

21 (8) To bond such persons as may be necessary in order to insure

22 adequate protection of funds;

23 (9) To keep minutes of its meetings and other books and records

24 which will clearly reflect all of the acts and transactions of the

25 commission and to keep such records open to examination by any grower or

26 processor participant during normal business hours;

27 (10) To prohibit any funds collected by the commission from being

1 expended directly or indirectly to promote or oppose any candidate for

2 public office or to influence state legislation. The board shall not

3 expend any more than twenty-five percent of its annual budget to

4 influence federal legislation;

5 (11) To establish an administrative office at such place in the

6 state as may be suitable for the proper discharge of the functions of the

7 commission; and

8 (12) To adopt and promulgate rules and regulations to carry out the

9 Dry Bean Resources Act.

10 2. Renumber the remaining sections and correct the repealer

11 accordingly.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Campbell, Lindstrom - LB268

VISITORS

Visitors to the Chamber were 45 fourth-grade students from Paddock Lane Elementary, Beatrice; 17 members of Leadership Columbus; Heather, Jacob, Emily, and Madison Lytle from Steinauer; Senator Schnoor's wife, Nickie, from Scribner, and nephews, Jake and Shawn, from Scribner; and 46 fourth-grade students from Westside Elementary, Norfolk.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Brasch, the Legislature adjourned until 10:00 a.m., Monday, March 9, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIRST DAY - MARCH 9, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 9, 2015

PRAYER

The prayer was offered by Pastor Steve Lund, Christ the Servant Lutheran Church, Norfolk.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senator Baker who was excused; and Senator Schilz who was excused until he arrives.

SENATOR SULLIVAN PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the fortieth day was approved.

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 67. Placed on General File.

LEGISLATIVE BILL 234. Placed on General File.

LEGISLATIVE BILL 145. Indefinitely postponed.

LEGISLATIVE BILL 213. Indefinitely postponed.

(Signed) Jim Scheer, Chairperson

Agriculture

LEGISLATIVE BILL 544. Placed on General File with amendment.
AM697

1 1. On page 5, lines 27 through 31, strike the new matter and

2 reinstate the stricken matter.

3 2. On page 6, line 1, reinstate the stricken matter and after the

4 reinstated "supplying" insert ". Sale does not mean the donation,
 5 exchange, or other transfer of seeds to or from a seed library or among
 6 members of, or participants in, a seed library"; and strike lines 5
 7 through 8 and insert the following new subdivision:
 8 "(30) Seed library means a nonprofit, governmental, or cooperative
 9 organization, association, or activity for the purpose of facilitating
 10 the donation, exchange, preservation, and dissemination of seeds of open
 11 pollinated, public domain plant varieties by or among its members or
 12 members of the public when the use, exchange, transfer, or possession of
 13 seeds acquired by or from the seed library is free of any charge or
 14 consideration."
 15 3. On page 10, strike beginning with "encourage" in line 27 through
 16 the first "or" in line 29.

(Signed) Jerry Johnson, Chairperson

Health and Human Services

LEGISLATIVE BILL 81. Placed on General File.

LEGISLATIVE BILL 89. Placed on General File.

LEGISLATIVE BILL 441. Placed on General File.

LEGISLATIVE BILL 199. Placed on General File with amendment.

AM513

1 1. On page 2, line 4, strike "public".

LEGISLATIVE BILL 296. Placed on General File with amendment.

AM447

1 1. Insert the following new sections:

2 Sec. 3. This act becomes operative on July 1, 2015.

3 Sec. 5. Since an emergency exists, this act takes effect when

4 passed and approved according to law.

5 2. Renumber the remaining section accordingly.

(Signed) Kathy Campbell, Chairperson

ANNOUNCEMENT(S)

Senator Seiler designates LB173 as his priority bill.

Senator Craighead designates LB253 as her priority bill.

Senator Gloor designates LB80 as his priority bill.

Senator Johnson designates LB183 as his priority bill.

MESSAGE(S) FROM THE GOVERNOR

March 6, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Environmental Trust Board:

Robert F. Krohn, 1427 South 85 Street, Omaha, NE 68124
Rodney R. Christen, 71850 617 Avenue, Steinauer, NE 68441

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

March 9, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is appointed as the Director of the Department of Environmental Quality:

James Reed Macy, 1200 N Street, Suite 400, Lincoln, NE 68508

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

March 9, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is appointed as the Director of the Division of Medicaid and Long Term Care at the Department of Health and Human Services:

Calder Lynch, 301 Centennial Mall South, Lincoln, NE 68509

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

AMENDMENT(S) - Print in Journal

Senator McCoy filed the following amendment to LB268:
AM720

1. Strike original section 1.
2. Renumber the remaining sections accordingly.

Senator McCoy filed the following amendment to LB268:
AM721

1. Strike original section 3.
2. Renumber the remaining sections and correct the repealer
- 3 accordingly.

Senator McCoy filed the following amendment to LB268:
AM722

1. Strike original section 4.
2. Renumber the remaining sections and correct the repealer
- 3 accordingly.

Senator McCoy filed the following amendment to LB268:
AM723

1. Strike original section 5.
2. Renumber the remaining sections and correct the repealer
- 3 accordingly.

RESOLUTION(S)**LEGISLATIVE RESOLUTION 107.** Introduced by Bolz, 29.

WHEREAS, the observance of March as Developmental Disabilities Awareness Month is designed to increase the public's awareness and understanding of people who have developmental disabilities so that these citizens have increased access to employment, education, housing, and social opportunities; and

WHEREAS, the most effective way to increase this awareness and understanding is through everyone's active participation in community activities and the openness to learn and acknowledge each individual's contributions; and

WHEREAS, individuals with developmental disabilities, their families, friends, neighbors, and coworkers encourage everyone to focus on the abilities of all people; and

WHEREAS, service providers partner with the State of Nebraska to provide vocational, residential, and other services to over 4,500 people with developmental disabilities; and

WHEREAS, opportunities for citizens with developmental disabilities to function as independently and productively as possible must be fostered in our community.

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

1. That the Legislature proclaims March 2015 as Developmental Disabilities Awareness Month in Nebraska.
2. That the Legislature recognizes our communities are stronger when everyone participates in supporting opportunities for individuals with developmental disabilities.
3. The Legislature encourages all citizens to support opportunities for individuals with developmental disabilities in our community that include full access to employment, education, housing, and social opportunities.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Kolowski filed the following amendment to LB281:

AM706

- 1 1. On page 2, line 30, after "obligation" insert "to the custodial
- 2 parent".
- 3 2. On page 3, line 3, strike "State of Nebraska" and insert
- 4 "Department of Health and Human Services"; in lines 12 and 16 strike
- 5 "(5)" and insert "(4)"; and in lines 18 and 19 strike "two" through
- 6 "arrears" and insert "a portion of the arrears not less than the
- 7 equivalent of the amount contributed".

ANNOUNCEMENT

The Chair announced the birthday of Senator Hadley.

SELECT FILE

LEGISLATIVE BILL 146. ER42, found on page 693, was adopted.

Senator Larson offered the following motion:

MO45

Bracket until March 10, 2015.

SPEAKER HADLEY PRESIDING

Senator Larson withdrew his motion to bracket.

Senator Larson offered the following motion:

MO46

Recommit to the Health and Human Services Committee.

Senator Larson withdrew his motion to recommit to committee.

Senator Larson offered the following motion:

MO47

Pass over.

Senator Larson withdrew his motion to pass over.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 10. ER44, found on page 720, was adopted.

Senator Chambers offered his amendment, AM528, found on page 639.

Pending.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, and 90 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, and 90.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 504. Placed on Select File with amendment.

ER48

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 29-2261, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 29-2261 (1) Unless it is impractical to do so, when an offender has
6 been convicted of a felony other than murder in the first degree, the
7 court shall not impose sentence without first ordering a presentence
8 investigation of the offender and according due consideration to a
9 written report of such investigation. When an offender has been convicted
10 of murder in the first degree and (a) a jury renders a verdict finding
11 the existence of one or more aggravating circumstances as provided in
12 section 29-2520 or (b)(i) the information contains a notice of
13 aggravation as provided in section 29-1603 and (ii) the offender waives
14 his or her right to a jury determination of the alleged aggravating
15 circumstances, the court shall not commence the sentencing determination
16 proceeding as provided in section 29-2521 without first ordering a
17 presentence investigation of the offender and according due consideration
18 to a written report of such investigation.

19 (2) A court may order a presentence investigation in any case,
20 except in cases in which an offender has been convicted of a Class IIIA
21 misdemeanor, a Class IV misdemeanor, a Class V misdemeanor, a traffic
22 infraction, or any corresponding city or village ordinance.

23 (3) The presentence investigation and report shall include, when
24 available, an analysis of the circumstances attending the commission of
25 the crime, the offender's history of delinquency or criminality, physical
26 and mental condition, family situation and background, economic status,
27 education, occupation, and personal habits, and any other matters that
1 the probation officer deems relevant or the court directs to be included.

2 All local and state police agencies and Department of Correctional
3 Services adult correctional facilities shall furnish to the probation
4 officer copies of such criminal records, in any such case referred to the
5 probation officer by the court of proper jurisdiction, as the probation
6 officer shall require without cost to the court or the probation officer.

7 Such investigation shall also include:

8 (a) Any written statements submitted to the county attorney by a
9 victim; and

10 (b) Any written statements submitted to the probation officer by a
11 victim.

12 (4) If there are no written statements submitted to the probation
13 officer, he or she shall certify to the court that:

14 (a) He or she has attempted to contact the victim; and

15 (b) If he or she has contacted the victim, such officer offered to
16 accept the written statements of the victim or to reduce such victim's
17 oral statements to writing.

18 For purposes of subsections (3) and (4) of this section, the term
19 victim shall be as defined in section 29-119.

20 (5) Before imposing sentence, the court may order the offender to
21 submit to psychiatric observation and examination for a period of not
22 exceeding sixty days or such longer period as the court determines to be
23 necessary for that purpose. The offender may be remanded for this purpose
24 to any available clinic or mental hospital, or the court may appoint a
25 qualified psychiatrist to make the examination. The report of the
26 examination shall be submitted to the court.

27 (6) Any presentence report, substance abuse evaluation, or
28 psychiatric examination shall be privileged and shall not be disclosed
29 directly or indirectly to anyone other than a judge, probation officers
30 to whom an offender's file is duly transferred, the probation
31 administrator or his or her designee, or others entitled by law to
1 receive such information, including personnel and mental health
2 professionals for the Nebraska State Patrol specifically assigned to sex
3 offender registration and community notification for the sole purpose of
4 using such report or examination for assessing risk and for community
5 notification of registered sex offenders. For purposes of this
6 subsection, mental health professional means (a) a practicing physician
7 licensed to practice medicine in this state under the Medicine and
8 Surgery Practice Act, (b) a practicing psychologist licensed to engage in
9 the practice of psychology in this state as provided in section 38-3111,
10 ~~or~~ (c) a practicing mental health professional licensed or certified in
11 this state as provided in the Mental Health Practice Act, or (d) a
12 substance abuse therapist licensed or certified in this state to conduct
13 substance abuse evaluations and treatment.

14 (7) The court may permit inspection of the report, evaluation, or
15 examination of parts thereof by the offender or his or her attorney, or
16 other person having a proper interest therein, whenever the court finds
17 it is in the best interest of a particular offender. Beginning July 1,
18 2016, the court shall permit inspection of the presentence report or
19 parts of the report, substance abuse evaluation, or psychiatric
20 examination, as determined by the court, by the attorney of the offender
21 and counsel for the prosecution. Such inspection shall be by electronic
22 access only unless the court determines such access is not available to
23 the attorney of the offender or counsel for the prosecution. The State
24 Court Administrator shall determine and develop the means of electronic
25 access to such presentence report, evaluations, and examinations. Upon
26 application by counsel for the prosecution or the defendant, the court
27 may order that addresses, telephone numbers, and other contact
28 information for victims or witnesses named in the report or examination
29 be redacted upon a showing by a preponderance of the evidence that such
30 redaction is warranted in the interests of public safety. The court may
31 allow fair opportunity for an offender to provide additional information
1 for the court's consideration.

2 (8) If an offender is sentenced to imprisonment, a copy of the
3 report of any presentence investigation, substance abuse evaluation, or
4 psychiatric examination shall be transmitted immediately to the

5 Department of Correctional Services. Upon request, the Board of Parole or
6 the Office of Parole Administration may receive a copy of the report from
7 the department.

8 ~~(9 &)~~ Notwithstanding ~~subsections subsection~~ subsection (6) and (7) of this
9 section, the Supreme Court or an agent of the Supreme Court acting under
10 the direction and supervision of the Chief Justice shall have access to
11 psychiatric examinations, substance abuse evaluations, and presentence
12 investigations and reports for research purposes. The Supreme Court and
13 its agent shall treat such information as confidential, and nothing
14 identifying any individual shall be released.

15 Sec. 2. Original section 29-2261, Revised Statutes Cumulative
16 Supplement, 2014, is repealed.

17 2. On page 1, line 3, after the semicolon insert "to provide for
18 access to substance abuse evaluations;".

LEGISLATIVE BILL 504A. Placed on Select File.

LEGISLATIVE BILL 128. Placed on Select File.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 31. Placed on General File with amendment.

AM359

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

3 Section 1. Section 60-6,279, Reissue Revised Statutes of Nebraska,
4 is amended to read:

5 60-6,279 (1) A person shall not operate a motorcycle or moped on
6 any highway in this state unless such person is wearing eye protection.

7 (2) Except as otherwise provided in subsection (3) of this section,

8 a ~~A~~ person shall not operate or be a passenger on a motorcycle or moped
9 on any highway in this state unless such person is wearing a protective
10 helmet of the type and design manufactured for use by operators of such
11 vehicles and unless such helmet is secured properly on his or her head
12 with a chin strap while the vehicle is in motion. All such protective
13 helmets shall be designed to reduce injuries to the user resulting from
14 head impacts and shall be designed to protect the user by remaining on
15 the user's head, deflecting blows, resisting penetration, and spreading
16 the force of impact. Each such helmet shall consist of lining, padding,
17 and chin strap and shall meet or exceed the standards established in the
18 United States Department of Transportation's Federal Motor Vehicle Safety
19 Standard No. 218, 49 C.F.R. 571.218, for motorcycle helmets.

20 (3) A person who is at least twenty-one years of age is exempt from
21 subsection (2) of this section.

22 (4) For purposes of this section, eye protection means glasses that
23 cover the orbital region of a person's face, a protective face shield
24 attached to a protective helmet, goggles, or a windshield on the

25 motorcycle or moped that protects the operator's and passenger's
 26 horizontal line of vision in all operating positions.
 27 Sec. 2. Original section 60-6,279, Reissue Revised Statutes of
 1 Nebraska, is repealed.

LEGISLATIVE BILL 317. Placed on General File with amendment.
 AM483

1 1. Insert the following new sections:
 2 Section 1. This act becomes operative on July 1, 2015.
 3 Sec. 3. Since an emergency exists, this act takes effect when
 4 passed and approved according to law.
 5 2. Renumber the remaining section accordingly.

LEGISLATIVE BILL 641. Placed on General File with amendment.
 AM719

1 1. On page 2, line 6, strike "or a person operating a bicycle".

LEGISLATIVE BILL 644. Indefinitely postponed.

(Signed) Jim Smith, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 108. Introduced by Scheer, 19; Baker, 30; Bloomfield, 17; Bolz, 29; Brasch, 16; Campbell, 25; Chambers, 11; Coash, 27; Cook, 13; Craighead, 6; Crawford, 45; Davis, 43; Ebke, 32; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Haar, K., 21; Hadley, 37; Hansen, 26; Harr, B., 8; Hilkemann, 4; Howard, 9; Hughes, 44; Johnson, 23; Kintner, 2; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; McCollister, 20; McCoy, 39; Mello, 5; Morfeld, 46; Murante, 49; Nordquist, 7; Pansing Brooks, 28; Riepe, 12; Schilz, 47; Schnoor, 15; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Watermeier, 1; Williams, 36.

WHEREAS, John Ryan McDonald has been inducted into Omicron Delta Kappa, a national leadership honor society; and

WHEREAS, membership in Omicron Delta Kappa is granted to those who demonstrate leadership achievements in one of five phases of campus life including athletics; campus or community service, social and religious activities and campus government; creative and performing arts; journalism, speech, and mass media; and scholarship; and

WHEREAS, John Ryan is a student at the University of Nebraska-Lincoln and works as a page at the Legislature; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates John Ryan McDonald on being inducted into Omicron Delta Kappa.
2. That a copy of this resolution be sent to John Ryan McDonald.

Laid over.

ANNOUNCEMENT(S)

Senator Mello designates LB419 as his priority bill.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Christen, Rodney R. - Nebraska Environmental Trust Board - Natural Resources
Krohn, Robert F. - Nebraska Environmental Trust Board - Natural Resources
Lynch, Calder, Director - Division of Medicaid and Long Term Care-
Department of Health and Human Services - Health and Human Services
Macy, James Reed, Director - Department of Environmental Quality -
Natural Resources

(Signed) Bob Krist, Chairperson
Executive Board

EXECUTIVE BOARD REPORT

Senator Krist, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committees:

Developmental Disabilities Special Investigative Committee (LR32)

Senator Baker (Vice-chairperson)
Senator Bolz
Senator Coash (Chairperson)
Senator Davis
Senator Harr, Burke
Senator Hilkemann
Senator Johnson

ACCESSNebraska Special Investigative Committee of the Legislature (LR33)

Senator Craighead
Senator Crawford
Senator Hansen
Senator Howard (Chairperson)
Senator McCollister (Vice-chairperson)
Senator Riepe
Senator Stinner

Department of Correctional Services Special Investigative Committee of the
Legislature (LR34)

Senator Bolz
 Senator Chambers
 Senator Coash
 Senator Ebke
 Senator Krist
 Senator Mello
 Senator Morfeld
 Senator Pansing Brooks (Vice-chairperson)
 Senator Schumacher
 Senator Seiler (Chairperson)
 Senator Williams

(Signed) Bob Krist, Chairperson
 Legislative Council, Executive Board

AMENDMENT(S) - Print in Journal

Senator Campbell filed the following amendment to LB196:
 AM696

- 1 1. On page 7, strike beginning with "In" in line 23 through
- 2 "canceled" in line 25, show as stricken, and insert "Any practice or
- 3 payment obligation incurred by the student loan recipient under the
- 4 student loan program is canceled in the event of the student loan
- 5 recipient's total and permanent disability or death".
- 6 2. On page 8, line 27, strike "and" and show as stricken.
- 7 3. On page 9, line 5, after "recipient" insert "; and
- 8 (4) Any practice or payment obligation incurred by the loan
- 9 repayment recipient under the loan repayment program is canceled in the
- 10 event of the loan repayment recipient's total and permanent disability or
- 11 death"; and in line 20 strike "and".
- 12 4. On page 10, line 3, after "awards" insert "; and
- 13 (4) Any practice or payment obligation incurred by the medical
- 14 resident incentive recipient under the medical resident incentive program
- 15 is canceled in the event of the medical resident incentive recipient's
- 16 total and permanent disability or death".

Senator Garrett filed the following amendment to LB635:
 AM749

- 1 1. On page 4, after line 7, insert the following new subsection:
- 2 "(6) Subsections (1) through (4) of this section shall not apply to
- 3 a permitholder who is also a peace officer".

NOTICE OF COMMITTEE HEARING(S)

Appropriations

Room 1524

Tuesday, March 17, 2015 1:30 p.m.

LB82

(Signed) Heath Mello, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Pansing Brooks - LB268

Kolterman - LB235

Garrett - LB294

Howard - LB358

VISITORS

Visitors to the Chamber were 60 fourth-grade students and teachers from West Park Elementary, Columbus; 19 twelfth-grade students and teacher from Mead; and 20 kindergarten- through fifth-grade students and teachers with the Lincoln Parks and Recreation Department.

The Doctor of the Day was Dr. Kristi Kohl from Grant.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Riepe, the Legislature adjourned until 9:00 a.m., Tuesday, March 10, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SECOND DAY - MARCH 10, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 10, 2015

PRAYER

The prayer was offered by Pastor Lewis Miller, Beemer Mennonite Church, Beemer.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Coash, Cook, Kuehn, Murante, and Schilz who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-first day was approved.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 146. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 223. Placed on General File with amendment.
AM681

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 44-8604, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 44-8604 (1) A residential contractor shall not promise to rebate
6 any portion of an insurance deductible as an inducement to the sale of
7 goods or services. A promise to rebate any portion of an insurance
8 deductible includes granting any allowance or offering any discount

9 against the fees to be charged or paying an insured or a person directly
10 or indirectly associated with the residential real estate any form of
11 compensation, except for any item of nominal value.
12 (2) A residential contractor shall not represent, negotiate on
13 behalf of, or offer or advertise to represent or negotiate on behalf of
14 an owner or possessor of residential real estate in any insurance claim,
15 or take an assignment of any such claim, relating to the repair or
16 replacement of roof systems or relating to the performance of any other
17 exterior repair, replacement, or reconstruction work on the residential
18 real estate.
19 Sec. 2. Original section 44-8604, Revised Statutes Cumulative
20 Supplement, 2014, is repealed.

LEGISLATIVE BILL 226. Placed on General File with amendment.
AM585 is available in the Bill Room.

LEGISLATIVE BILL 457. Placed on General File with amendment.
AM694

1 1. Insert the following new section:
2 Sec. 6. Since an emergency exists, this act takes effect when passed
3 and approved according to law.
4 2. On page 3, strike beginning with the comma in line 20 through
5 "Fund" in line 21 and insert ". Upon such date, the State Treasurer shall
6 transfer fifty percent of the money in the fund to the Site and Building
7 Development Fund and fifty percent of the money in the fund to the
8 Affordable Housing Trust Fund".

LEGISLATIVE BILL 632. Placed on General File with amendment.
AM695

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Nothing in the insurance laws of this state prohibits an
4 employer or association from entering into a contract, agreement, or
5 arrangement with an agent or broker that provides for or results in a fee
6 being paid by the employer or association to the agent or broker for the
7 sale of a health benefit plan. Such fee shall not exceed ten percent of
8 the total anticipated premium to be paid by the employer or association.
9 Such fee may be collected from the employer or association by the insurer
10 and directly passed through to the agent or broker and shall not be
11 considered a part of the premium paid by the employer or association for
12 the health benefit plan. A contract, agreement, or arrangement entered
13 into under this section shall specify its term, which shall not extend
14 past December 31, 2018, and the amount of the fee to be paid. The insurer
15 shall retain a copy of the contract, agreement, or arrangement pursuant
16 to the Insurers Examination Act.
17 Sec. 2. The Revisor of Statutes shall assign section 1 of this act
18 to Chapter 44, article 3.

(Signed) Jim Scheer, Chairperson

Revenue

LEGISLATIVE BILL 216. Placed on General File.

LEGISLATIVE BILL 217. Placed on General File.

LEGISLATIVE BILL 218. Placed on General File.

LEGISLATIVE BILL 325. Placed on General File.

LEGISLATIVE BILL 428. Placed on General File with amendment.

AM733

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

2 sections:

3 Section 1. Section 60-3,185, Reissue Revised Statutes of Nebraska,

4 is amended to read:

5 60-3,185 A motor vehicle tax is imposed on motor vehicles registered

6 for operation upon the highways of this state, except:

7 (1) Motor vehicles exempt from the registration fee in section

8 60-3,160;

9 (2) One motor vehicle owned and used for his or her personal

10 transportation by a disabled or blind veteran of the United States Armed

11 Forces as defined in section 77-202.23 whose disability or blindness is

12 recognized by the United States Department of Veterans Affairs and who

13 was discharged or otherwise separated with a characterization of

14 honorable if an application for the exemption has been approved under

15 subsection (1) of section 60-3,189;

16 (3) Motor vehicles owned by Indians as defined in 25 U.S.C. 479;

17 (4) Motor vehicles owned by a member of the United States Armed

18 Forces serving in this state in compliance with military or naval orders

19 if such person is a resident of a state other than Nebraska;

20 (5) Motor vehicles owned by the state and its governmental

21 subdivisions and exempt as provided in subdivision (1)(a) or (b) of

22 section 77-202;

23 (6) Motor vehicles owned and used exclusively by an organization or

24 society qualified for a tax exemption provided in subdivision (1)(c) or

25 (d) of section 77-202 if an application for the exemption provided in

26 this subdivision has been approved under subsection (2) of section

27 60-3,189; ~~and~~

1 (7) Trucks, trailers, or combinations thereof registered under

2 section 60-3,198; ~~and~~ -

3 (8) One motor vehicle owned and used for his or her personal

4 transportation by a veteran of the United States Armed Forces who was

5 discharged or otherwise separated with a characterization of honorable or

6 general (under honorable conditions) and who is classified by the United

7 States Department of Veterans Affairs as one hundred percent service-

8 connected disabled if an application for the exemption has been approved

9 under subsection (3) of section 60-3,189.

10 Sec. 2. Section 60-3,189, Revised Statutes Cumulative Supplement,

11 2014, is amended to read:

12 60-3,189 (1) A veteran of the United States Armed Forces who

13 qualifies for an exemption from the motor vehicle tax under subdivision

14 (2) of section 60-3,185 shall apply for the exemption to the county
15 treasurer not more than fifteen days before and not later than thirty
16 days after the registration date for the motor vehicle. A renewal
17 application shall be made annually not sooner than the first day of the
18 last month of the registration period or later than the last day of the
19 registration period. The county treasurer shall approve or deny the
20 application and notify the applicant of his or her decision within twenty
21 days after the filing of the application. An applicant may appeal the
22 denial of an application to the county board of equalization within
23 twenty days after the date the notice was mailed.

24 (2) An organization which qualifies for an exemption from the motor
25 vehicle tax under subdivision (6) of section 60-3,185 shall apply for the
26 exemption to the county treasurer not more than fifteen days before and
27 not later than thirty days after the registration date for the motor
28 vehicle. For a newly acquired motor vehicle, an application for exemption
29 must be made within thirty days after the purchase date. A renewal
30 application shall be made annually not sooner than the first day of the
31 last month of the registration period or later than the last day of the
1 registration period. The county treasurer shall examine the application
2 and recommend either exempt or nonexempt status to the county board of
3 equalization within twenty days after receipt of the application. The
4 county board of equalization, after a hearing on ten days' notice to the
5 applicant and after considering the recommendation of the county
6 treasurer and any other information it may obtain, shall approve or deny
7 the exemption on the basis of law and of rules and regulations adopted
8 and promulgated by the Tax Commissioner within thirty days after the
9 hearing. The county board of equalization shall mail or deliver its final
10 decision to the applicant and the county treasurer within seven days
11 after the date of decision. The decision of the county board of
12 equalization may be appealed to the Tax Equalization and Review
13 Commission in accordance with the Tax Equalization and Review Commission
14 Act within thirty days after the final decision.

15 (3)(a) A veteran of the United States Armed Forces who qualifies for
16 an exemption from the motor vehicle tax under subdivision (8) of section
17 60-3,185 shall apply for the exemption to the county treasurer not more
18 than fifteen days before and not later than thirty days after the
19 registration date for the motor vehicle. A renewal application shall be
20 made annually not sooner than the first day of the last month of the
21 registration period or later than the last day of the registration
22 period. Any such application or renewal application shall include such
23 documentation as required by the county treasurer to verify that the
24 applicant qualifies for such exemption. The county treasurer shall
25 approve or deny the application and notify the applicant of his or her
26 decision within twenty days after the filing of the application. An
27 applicant may appeal the denial of an application to the county board of
28 equalization within twenty days after the date the notice was mailed.
29 (b) The failure of an applicant to apply for an exemption or the
30 renewal of an exemption within the time periods specified in subdivision
31 (3)(a) of this section shall not preclude such applicant from receiving

1 the exemption or renewal if he or she is otherwise qualified.
2 (c) The county treasurer shall, on or before December 31 of each
3 year, certify to the Tax Commissioner the total motor vehicle tax revenue
4 that will be lost during that year because of the exemption allowed under
5 subdivision (8) of section 60-3,185. The Tax Commissioner shall, on or
6 before January 15 next following such certification, notify the Director
7 of Administrative Services of the amount so certified to be reimbursed by
8 the state. Reimbursement of the funds lost shall be made to each county
9 according to the certification and shall be distributed on the last
10 business day of January. The State Treasurer shall, on the business day
11 preceding the last business day of January, notify the Director of
12 Administrative Services of the amount of funds available in the General
13 Fund for payment purposes. The Director of Administrative Services shall,
14 on the last business day of January, draw warrants against funds
15 appropriated. The county treasurer shall allocate and distribute the
16 amount received pursuant to this subdivision in the same manner as the
17 proceeds from motor vehicle taxes are allocated and distributed pursuant
18 to section 60-3,186.
19 Sec. 3. Original section 60-3,185, Reissue Revised Statutes of
20 Nebraska, and section 60-3,189, Revised Statutes Cumulative Supplement,
21 2014, are repealed.

LEGISLATIVE BILL 510. Placed on General File with amendment.
AM732

1 1. On page 2, strike lines 13 and 14 and insert the following new
2 subdivision:
3 "(a) The payment of tuition at a Nebraska public institution of
4 postsecondary education or the payment of the costs associated with a
5 high school equivalency program for eligible employees;".

(Signed) Mike Gloor, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 47. Placed on General File with amendment.
AM635 is available in the Bill Room.

(Signed) Jim Smith, Chairperson

Banking, Commerce and Insurance

The Banking, Commerce and Insurance Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Brenda L. Hicks-Sorensen, Director - Department of Economic Development

Aye: 8 Campbell, Craighead, Gloor, Howard, Lindstrom, Scheer, Schumacher, Williams. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Jim Scheer, Chairperson

ANNOUNCEMENT(S)

Senator Hadley designates LB498 as his priority bill.

CONFLICT OF INTEREST STATEMENT(S)

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

ATTORNEY GENERAL'S OPINIONOpinion 15-004

SUBJECT: Interpretation of LB 70 as Amended – Imposition of an Additional Occupation Tax Under the Mechanical Amusement Device Tax Act for Certain Devices.

REQUESTED BY: Senator Jim Smith
Nebraska Legislature

WRITTEN BY: Doug Peterson, Attorney General
L. Jay Bartel, Assistant Attorney General

The Mechanical Amusement Device Tax Act, Neb. Rev. Stat. §§ 77-3001 to 77-3011 (2009) [the “MAD Tax Act”], imposes an occupation tax on the business of operating mechanical amusement devices within the State of Nebraska. The tax is due and payable on January of each year on each machine or device in operation on that date, or before the time the machine or device is placed in operation for machines or devices put into operation after January 1. Neb. Rev. Stat. § 77-3004(2) (2009). Currently, the occupation tax is thirty-five dollars for each machine or device in operation

on January 1, and twenty-five dollars for machines or devices placed in operation after July 1 of the tax year. Neb. Rev. Stat. § 77-3004(4) (2009). “Mechanical amusement device” is defined to include “any machine which, upon insertion of a coin, currency, credit card, or substitute into the machine, operates or may be operated or used for a game, contest, or amusement of any description” Neb. Rev. Stat. § 77-3001(2) (2009). “[D]evices that are mechanically constructed in a manner that would render their operation illegal under the laws of the State of Nebraska...” are excluded from the definition of “mechanical amusement device.” *Id.*

LB 70, as originally introduced, authorized a city or village to levy an additional occupation tax on the business of operating mechanical amusement devices awarding a monetary prize or anything redeemable for a monetary prize within the boundaries of the city or village, or, for devices operated outside a city or village, authorized a county to levy an additional occupation tax. LB 70, § 2(1). The amount of the additional occupation tax was ten percent of gross revenue derived from operation of the devices. LB 70, § 2(2). The committee amendment to LB 70 (AM118) eliminated the local tax authorized in the original bill, and instead provided that the additional tax of ten percent of gross revenue derived from operation of machines or devices subject to the tax was to be collected by the Tax Commissioner concurrently with the state sales tax. AM 118, § 2(3). The amendment further limited application of the additional occupation tax, providing that it was to be levied

upon the business of operating a mechanical amusement device that:

- (a) Accepts currency, coins, tokens, or other value in exchange for play;
- (b) Awards a monetary prize or anything redeemable for a monetary prize;
- (c) Is played by a player using a touch screen, computer mouse, touch pad, light pen, laser, or device of similar function by which the player competes against software running the device; and
- (d) Has not been adjudicated by a court of competent jurisdiction within the State of Nebraska to not constitute a gambling device as defined in subdivision (5) of section 28-1101. Any such adjudication shall be by way of a final order in which the Tax Commissioner has been made a party to the action and written notice shall have been provided to the Attorney General at the commencement of the action. AM 118, § 2(1).

AM 118 also limited the circumstances under which an operator subject to the additional occupation tax could demonstrate a mechanical amusement device was not subject to the tax, providing:

If an operator believes that a mechanical amusement device is not subject to [the additional occupation tax imposed] under subsection (1) of this section, the burden is on the operator to prove to the Tax Commissioner that such device does not have one or more of the characteristics required for taxability under subsection (1) of this section. Such proof may be made by, among other things, a showing that the software running the game remains constant with the nature of a game that had its software at issue in a judicial case, not overturned by appeal, in which the State of Nebraska was party, the issue was litigated, and the final order found that the particular game is more controlled by the player than not, and thus is predominately a game of skill. AM 118, § 2(2).

AM 118 also provided that the additional occupation tax “shall not apply to any device not within the definition of a gambling device as defined in subdivision (5) of section 28-1101 or to any device that is specifically authorized by law.” AM118, § 2(5). AM 118 was adopted and has been placed on Select File with ER 27.

You have asked for our opinion on two questions regarding the interpretation of LB 70 as amended. In addition, you have requested our view on potential legal ramifications of the bill on the prosecution of cases involving potentially illegal gambling devices. Your questions, and our responses, are set out below.

- 1. Section 2(1)(d) limits application of the tax to those devices that have “not been adjudicated...to not constitute a gambling device...” First, how do you interpret this provision? Second, does this provision exempt from the new tax those devices which were adjudicated in *American Amusements Co. v. Nebraska Department of Revenue*, 282 908, 807 N.W.2d 492 (2011)? I am concerned that the language appears to exempt the devices at issue in that case in their entirety even though the court only found that certain games on the devices were legal. Is that correct?**

Section 2(1)(d) imposes the additional occupation tax on any mechanical amusement device that “[h]as not been adjudicated by a court of competent jurisdiction within the State of Nebraska to not constitute a gambling device as defined in subdivision (5) of section 28-1101.” This subsection further provides: “Any such adjudication shall be by way of final order in which the Tax Commissioner has been made a party to the action and written notice shall have been provided to the Attorney General at the commencement of the action.”

“Statutory language is to be given its plain and ordinary meaning in the absence of anything indicating to the contrary.” *PSB Credit Services, Inc. v. Rich*, 251 Neb. 474, 477, 558 N.W.2d 295, 297 (1997). The plain language

of § 2(1)(d) provides that a mechanical amusement device subject to the additional occupation tax is one that meets the criteria in subsections (a) through (c) (accepts currency, coins, tokens, or other value in exchange for play, awards a monetary prize or anything redeemable for a monetary prize, and is played by a player using a touch screen, computer mouse, touch pad, light pen, or device of similar function by which the player competes against software running the device), and has not been adjudicated by a Nebraska court to not constitute a gambling device as defined in § 28-1101(5). Further, that adjudication must be by a final order in a case where the Tax Commissioner has been a party and the Attorney General received written notice when the action was commenced.

The only device that would currently be excluded under § 2(1)(d) is the Bankshot game at issue in *American Amusement Co. v. Nebraska Dep't of Revenue*, 282 Neb. 908, 807 N.W.2d 492 (2011) [*"American Amusements"*]. *American Amusements* involved whether a video game called "Bankshot" was an unlawful game of chance and thus an illegal gambling device. The game could be played in various modes (Spin, Slow, and Fast), and included certain bonus and jackpot prizes. The Nebraska Supreme Court affirmed the district court's finding that the Bankshot game, when played in the Spin mode, was not a game of chance, as, in this version, the game "was more controlled by the player than not, and thus [was] predominately a game of skill." 282 Neb. at 925, 807 N.W.2d at 504. The district court found that the outcome of the Bankshot game, when played in the Slow mode, was determined predominately by chance, and thus was illegal gambling. *Id.* at 914, 807 N.W.2d 497. The district court found neither party carried its burden to prove the nature of the game in Fast Mode, and thus made no decision on whether the game was gambling in this mode. *Id.* In addition, the district court determined that Bankshot's pool bonus and jackpot were not gambling in the Spin mode, but were gambling in the Slow mode, and that both the Fast Break Bonus and the Speed Break bonus were gambling. *Id.* No cross-appeal was taken from the district court's findings "that (1) the Speed Break and Fast Break bonus games of Bankshot [were] games of chance; [and] (2) Bankshot when played in the Slow mode [was] a game of chance..." *Id.* at 916, 807 N.W.2d at 498. Further, the Fast Mode of play was eliminated following the district court decision and was not at issue before the Supreme Court. *Id.* Thus, the only question presented to the Supreme Court was "whether the district court properly found that Bankshot [was] not a game of chance when played in Spin mode." *Id.* at 916, 807 N.W.2d at 498-99.

The Bankshot device would not fall within the parameters established in § 2(1)(d), as it was adjudicated by a final order of the Supreme Court to not be a game of chance, and thus not an illegal gambling device under § 2-1101(5). Also, the Tax Commissioner was a party in *American Amusements*, and the Attorney General obviously had written notice of the case at its commencement, as the Attorney General was also made a party to that litigation. While the Bankshot game adjudicated in *American Amusements* would be a device satisfying the criteria for exclusion from the

tax set forth in § 2(1)(d), only the version of the game in Spin mode was held not to constitute a game of chance and thus not an illegal gambling device.

“If possible, a statute should be construed in such a way as to negative any constitutional infirmity.” *Prendergast v. Nelson*, 199 Neb. 97, 111, 256 N.W.2d 657, 667 (1977). Construing § 2(1)(d) to remove from taxation those versions of the Bankshot game that were found to constitute a game of chance must be avoided, as it would attempt to authorize illegal conduct. Such an interpretation cannot be adopted if a permissible construction can be made which does not produce such a result. Section 2(1)(d) thus must be interpreted to exclude from taxation only the Bankshot game in the Spin mode, as that is the only version of the game that has been adjudicated by final court order not to constitute a game of chance or illegal gambling device. Accordingly, we do not interpret this provision to exempt from taxation the other versions of the Bankshot game that were either found to be impermissible games of chance (the Slow Mode and the Speed Break and Fast Break Bonus), or were not the subject of a final adjudication as to whether the game was predominately chance or skill (the Fast mode).

2. **When subsection (d) is read together with Section 2(2), does it exempt from the new tax not only those devices adjudicated in *American Amusements*, but all present or future devices which are programmed with software of the “same” nature as those devices? Is there any existing statutory or case law which would inform or direct the Tax Commissioner as to what constitutes software that remains constant with “the nature” of software previously adjudicated by a court?**

Subsection 2(2) provides the operator of a mechanical amusement device must pay the additional occupation tax unless the operator can prove the device is not subject to the tax because it does not have one or more of the characteristics making it taxable under subsection (1). This “proof may be made by, among other things, a showing that the software running the game remains constant with the nature of a game that had its software at issue in a judicial case, not overturned by appeal, in which the State of Nebraska was a party, the issue was litigated, and the final order found that the particular game is controlled more by the player than not, and thus is predominately a game of skill.” § 2(2).

Construed with § 2(1)(d), this subsection would exempt the Bankshot game in Spin mode and any version of the game using software which runs “constant” with that version of the game. We have no way of knowing if other devices could be programmed with software of the same “nature” within the meaning of § 2(2). No further definition or explanation of the terms used in § 2(2) is provided, nor are we aware of any statute or case law which would aid in construing the proof requirement articulated in this subsection. If called on to interpret this provision, the Tax Commissioner

would have to determine if the software running a device an operator believes falls under this subsection is “constant with the nature of a game” in which the software was found not to constitute a game of chance, which presently includes only the Bankshot game in Spin mode. Also, it is unclear if other games could use software of the same “nature” as Bankshot, as the Bankshot software may well be proprietary and not available to other game manufacturers or distributors.

3. Finally, are there any legal ramifications with regard to the state’s ability to litigate future cases involving gaming devices by adopting the language in LB 70? Simply put, would LB 70 impede the Legislature’s ability to regulate gaming in the state?

We understand your final question as asking if imposition of the additional occupation tax imposed under LB 70, as amended, would sanction or legalize devices or machines which are subject to the tax, even if those devices or machines may constitute games of chance or illegal gambling devices under § 28-1101(5), but their legality has not been judicially determined. For several reasons, the bill does not, and cannot, have that effect.

The definition of mechanical amusement device in the MAD Tax Act specifically excludes “devices which are mechanically constructed in a manner that would render their operation illegal under the laws of the State of Nebraska.” Neb. Rev. Stat. § 77-3001(2) (2009). The mere presence of a decal signifying payment of the occupation tax required under the MAD Tax Act does not legitimize machines or devices that are otherwise unlawful gambling devices, and such machines or devices are subject to forfeiture. *See State v. Two IGT Video Poker Games*, 237 Neb. 145, 147, 465 N.W.2d 453, 456 (1991) (Noting machines seized and ordered forfeited as illegal gambling devices “had affixed to them mechanical amusement device stickers from the Nebraska Department of Revenue.”). Just as affixing a MAD Tax decal to an illegal gambling device does not make the device legal, assessment and payment of the additional occupation tax imposed by LB 70 as amended would not be determinative of the legality or illegality of any machine or device upon which the tax is assessed and paid. Indeed, a tax is imposed on marijuana and other controlled substances possessed by dealers under the Marijuana and Controlled Substances Tax Act, Neb. Rev. Stat. §§ 77-4302 to 77-4316 (2009). The imposition of a tax on dealers possessing marijuana and other controlled substances, and subjecting dealers who fail to pay the tax and affix the required stamps on all marijuana and controlled substances to penalties for noncompliance, does not legalize possession of these drugs by dealers, who would still be subject to prosecution for violation of criminal statutes related to illegal drug possession.

Unlike the tax imposed on marijuana and other controlled substances under §§ 77-3402 to 77-4316, however, which can apply only to drugs that

are illegal and subject to criminal sanction, the additional occupation tax imposed under LB 70 as amended applies to any device that falls within the criteria in § 2(1)(a)-(d), even though the device may or may not constitute a game of chance or be an illegal gambling device. The Committee Records on LB 70 indicate a concern that machines that “may well be unlawful...” have been placed in operation subsequent to the decision in *American Amusements*. Committee Records on LB 70, 104th Leg., 1st Sess. 1 (Jan. 23, 2014). The Introducer’s Statement of Intent further states that, with respect to imposition of the additional occupation tax, the intent is to “place the burden of proof on the operator to establish the lawfulness of the game and entitlement to exemption from the tax.” *Id.*, Introducer’s Statement at 1.

Section 2(5) of the bill provides: “The occupation tax imposed in this section shall not apply to any device not within the definition of a gambling device as defined in subdivision (5) of section 28-1101 or to any device that is specifically authorized by law.” Thus, under this subsection, the tax is not to be imposed on any device that is not unlawful under § 28-1101(5). Other than the limited exclusion in § 2(1)(d) for devices that meet the requirements of subsections (a) through (c) and have been “finally adjudicated” to not constitute an illegal gambling device (which is limited to a single device), or devices using software that “remains constant with the nature of a game” judicially determined not to be a game of chance (again limited to a single game or device), there is no mechanism in the bill for an operator to seek exemption from the additional occupation tax by establishing a particular machine or device is not illegal under § 28-1101(5).

“Because exaction of a tax constitutes a deprivation of property, the State must provide procedural safeguards against unlawful exactions in order to satisfy the demands of the Due Process Clause.” *McKesson Corp. v. Division of Alcoholic Beverages and Tobacco*, 496 U.S. 18, 36 (1990) [*McKesson*]. “A state has flexibility to provide [a] remedy before the disputed taxes are paid (predeprivation), after they are paid (postdeprivation), or both.” *Reich v. Collins*, 513 U.S. 106, 108 (1994). If taxpayers are not provided “with a meaningful opportunity to withhold payment and to obtain a predeprivation determination of the tax assessment’s validity...”, taxpayers can be required “to raise their objections in a postdeprivation refund action.” *McKesson*, 496 U.S. at 38. “To satisfy the requirements of the Due Process Clause...”, the refund action “must provide taxpayers with, not only a fair opportunity to challenge the accuracy and legal validity of their tax obligation, but also a ‘clear and certain remedy,’..., for any erroneous or unlawful tax collection to ensure the opportunity to contest the tax is a meaningful one.” *Id.* at 38-39 (citation omitted).

Apart from proving to the Tax Commissioner that a machine or device does not satisfy one or more of the criteria in § 2(1)(a) to (d), including demonstrating the game software is constant with the nature of a game adjudicated to be lawful under § 2(2), LB 70 as amended provides no mechanism for an operator to seek a determination by the Tax

Commissioner that a machine or device is not a gambling device as defined in § 28-1101(5) and thus not subject to the additional occupation tax. While such a pre-deprivation remedy is not constitutionally required if an adequate post-deprivation remedy exists, the bill could be amended to permit an operator of a machine or device to make a showing to the Tax Commissioner that a device is legal and thus should be exempt from imposition of the additional tax. If the Tax Commissioner found that showing to be insufficient, the operator could be provided an opportunity for an administrative hearing to present evidence that a machine or device is lawful and not subject to the additional occupation tax, after which the Tax Commissioner would enter a final decision either approving or denying the exemption. If denied, the Tax Commissioner's final decision would be appealable under the Administrative Procedure Act ["APA"] as a final decision in a contested case. *See* Neb. Rev. Stat. § 84-901(3) and 84-917 (2014).¹

If no pre-deprivation remedy is provided, a person paying the additional tax must be afforded a post-deprivation procedure to contest imposition of the tax. Neither LB 70 as amended nor the MAD Tax Act currently contain a specific refund process. The Legislature has, however, established a procedure for taxpayers to seek refunds of taxes collected by the Tax Commissioner where no specific refund provision has been enacted. Neb. Rev. Stat. §§ 77-1777 to 77-1782 (2009). Under this procedure, a taxpayer can file a written claim for refund with the Tax Commissioner, and request a hearing before the Tax Commissioner prior to action on the refund claim. Neb. Rev. Stat. §§ 77-1779 and 77-1780 (2009). If the claim is denied, the taxpayer can appeal the denial pursuant to the APA. Neb. Rev. Stat. § 77-1781 (2009). While this remedy presumably would be available, it may be advisable to amend LB 70 to adopt a specific refund remedy.

¹ Rather than imposition of an additional tax on devices of the type LB 70 intends to reach, an alternative would be to require that, prior to an operator being issued a decal or sticker to permit use of the device as a mechanical amusement device, the operator be required to make a showing of the legality of the game to the Tax Commissioner. The administrative process could provide for a hearing in the event the Tax Commissioner initially disapproves an application for permission to use the device, and a final decision subject to appeal if the application is denied. A process of this nature would require a showing a device is a lawful mechanical amusement device prior to issuance of the required MAD Tax decal or sticker. The purpose and focus of this process is regulation, rather than additional taxation.

Very truly yours,
 DOUG PETERSON
 Attorney General
 (Signed) L. Jay Bartel
 Assistant Attorney General

pc Patrick J. O'Donnell
 Clerk of the Nebraska Legislature
 07-920-29

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 91 and 92 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 91 and 92.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 109. Introduced by Gloor, 35.

WHEREAS, the Nebraska Library Association has named Cathy Blanchard of Omaha, Audi Blann of La Vista, Judy Briggs of Grand Island, Pat Hunsche of Blair, and Haylee Wawrzynkiewicz of Papillion as outstanding library volunteers; and

WHEREAS, this award is given to outstanding individuals who have shown a strong desire to give back to their communities and who have given generously of their time through many years of volunteer library service; and

WHEREAS, these individuals will be recognized at the Nebraska Library Association's Advocacy Day; and

WHEREAS, the Nebraska Library Association supports and promotes all libraries, library media centers, and library services in the state. Its foremost concerns are the professional development of its members, library advocacy, and open access to information for all citizens.

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

1. That the Legislature congratulates Cathy Blanchard, Audi Blann, Judy Briggs, Pat Hunsche, and Haylee Wawrzynkiewicz on being named outstanding library volunteers by the Nebraska Library Association.

2. That a copy of this resolution be sent to Cathy Blanchard, Audi Blann, Judy Briggs, Pat Hunsche, and Haylee Wawrzynkiewicz and to the Nebraska Library Association.

Laid over.

ANNOUNCEMENT

The Chair announced the birthday of Senator K. Haar.

VISITORS

Visitors to the Chamber were members of Girl Scouts Spirit of Nebraska from across the state; and 4 members of UNL Delta Tau Delta Fraternity.

The Doctor of the Day was Dr. Kristi Kohl from Grant.

ADJOURNMENT

At 9:13 a.m., on a motion by Senator McCollister, the Legislature adjourned until 9:00 a.m., Wednesday, March 11, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-THIRD DAY - MARCH 11, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
 Wednesday, March 11, 2015

PRAYER

The prayer was offered by Pastor Jon Solberger, Immanuel Lutheran Church, Louisville.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Craighead, Davis, and Kolowski who were excused; and Senators B. Harr and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-second day was approved.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 424. Placed on General File.

LEGISLATIVE BILL 356. Placed on General File with amendment.
 AM803

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 77-1333, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 77-1333 (1) For purposes of this section, rent-restricted housing
- 6 project means a project consisting of five or more houses or residential
- 7 units that has received an allocation of federal low-income housing tax
- 8 credits under section 42 of the Internal Revenue Code from the Nebraska
- 9 Investment Finance Authority or its successor agency and, for the year of
- 10 assessment, is a project as defined in section 58-219.
- 11 (2) The Legislature finds that:
- 12 (a) The provision of safe, decent, and affordable housing to all

13 residents of the State of Nebraska is a matter of public concern and
14 represents a legitimate and compelling state need, affecting the general
15 welfare of all residents;
16 (b) Rent-restricted housing projects effectively provide safe,
17 decent, and affordable housing for residents of Nebraska;
18 (c) Such projects are restricted by federal law as to the rents paid
19 by the tenants thereof;
20 (d) Of all the professionally accepted mass appraisal methodologies,
21 which include the sales comparison approach, the income approach, and the
22 cost approach, the utilization of the income-approach methodology results
23 in the most accurate determination of the actual value of such projects;
24 and
25 (e) This section is intended to (i) further the provision of safe,
26 decent, and affordable housing to all residents of Nebraska and (ii)
27 comply with Article VIII, section 1, of the Constitution of Nebraska,
1 which empowers the Legislature to prescribe standards and methods for the
2 determination of value of real property at uniform and proportionate
3 values.
4 (3) Except as otherwise provided in this section, the ~~The~~ county
5 assessor shall ~~utilize~~ ~~perform~~ an income-approach calculation to
6 determine the actual value of a ~~for all~~ rent-restricted housing project
7 projects constructed to allow an allocation of low income housing tax
8 credits under section 42 of the Internal Revenue Code and approved by the
9 Nebraska Investment Finance Authority when ~~determining~~ considering the
10 assessed valuation to place on the property for each assessment year. The
11 income-approach calculation shall be consistent with this section and any
12 rules and regulations adopted and promulgated by the Tax Commissioner and
13 shall comply with professionally accepted mass appraisal techniques.
14 (4) The Rent-Restricted Housing Projects Valuation Committee is
15 created. For administrative purposes only, the committee shall be within
16 the Department of Revenue. The committee's purpose shall be to develop a
17 market-derived capitalization rate to be used by county assessors in
18 determining the assessed valuation for rent-restricted housing projects.
19 The committee shall consist of the following four persons:
20 (a) A representative of county assessors appointed by the Tax
21 Commissioner. Such representative shall be skilled in the valuation of
22 property and shall hold a certificate issued under section 77-422;
23 (b) A representative of the low-income housing industry appointed by
24 the Tax Commissioner. The appointment shall be based on a recommendation
25 made by the Nebraska Commission on Housing and Homelessness;
26 (c) The Property Tax Administrator or a designee of the Property Tax
27 Administrator who holds a certificate issued under section 77-422. Such
28 person shall serve as the chairperson of the committee; and
29 (d) An appraiser from the private sector appointed by the Tax
30 Commissioner. Such appraiser must hold either a valid credential as a
31 certified general real property appraiser under the Real Property
1 Appraiser Act or an MAI designation from the Appraisal Institute.
2 (5) The owner of a rent-restricted housing project shall file a
3 statement with the Rent-Restricted Housing Projects Valuation Committee

4 and the county assessor on or before October 1 of each year that details
5 income and expense data for the prior year, a description of any land-use
6 restrictions, a description of the terms of any mortgage loans, including
7 loan amount, interest rate, and amortization period, and such other
8 information as the committee or the county assessor may require for
9 purposes of this section.

10 (6) The Rent-Restricted Housing Projects Valuation Committee shall
11 meet annually in November to examine the information on rent-restricted
12 housing projects that was provided pursuant to subsection (5) of this
13 section. The Department of Revenue shall electronically publish notice of
14 such meeting no less than thirty days in advance. The committee shall
15 also solicit information on the sale of any such rent-restricted housing
16 projects and information on the yields generated to investors in rent-
17 restricted housing projects. The committee shall, after reviewing all
18 such information, calculate a market-derived capitalization rate on an
19 annual basis using the band-of-investment technique or other generally
20 accepted technique used to derive capitalization rates depending upon the
21 data available. The capitalization rate shall be a composite rate
22 weighted by the proportions of total property investment represented by
23 equity and debt, with equity weighted at eighty percent and debt weighted
24 at twenty percent unless a substantially different market capital
25 structure can be verified to the county assessor. The yield for equity
26 shall be calculated using the data on investor returns gathered by the
27 committee. The yield for debt shall be calculated using the data provided
28 to the committee pursuant to subsection (5) of this section. If the
29 committee determines that a particular county or group of counties
30 requires a different capitalization rate than that calculated for the
31 rest of the state pursuant to this subsection, then the committee may
1 calculate an additional capitalization rate that will apply only to such
2 county or group of counties.

3 (7) After the Rent-Restricted Housing Projects Valuation Committee
4 has calculated the capitalization rate or rates under subsection (6) of
5 this section, the committee shall provide such rate or rates and the
6 information reviewed by the committee in calculating such rate or rates
7 in an annual report. Such report shall be forwarded by the Property Tax
8 Administrator to each county assessor in Nebraska no later than December
9 1 of each year for his or her use in determining the valuation of rent-
10 restricted housing projects. The Department of Revenue shall publish the
11 annual report electronically but may charge a fee for paper copies. The
12 Tax Commissioner shall set the fee based on the reasonable cost of
13 producing the report.

14 (8) Except as provided in subsections (9) through (11) of this
15 section, each county assessor shall use the capitalization rate or rates
16 contained in the report received under subsection (7) of this section and
17 the income and expense data filed by owners of rent-restricted housing
18 projects under subsection (5) of this section in the county assessor's
19 income-approach calculation. Any low-income housing tax credits
20 authorized under section 42 of the Internal Revenue Code that were
21 granted to owners of the project shall not be considered income for

22 purposes of the calculation.

23 (9) If the income and expense data required to be filed for a rent-
24 restricted housing project under subsection (5) of this section is not
25 filed in a timely manner, the county assessor may use any method for
26 determining actual value for such rent-restricted housing project that is
27 consistent with professionally accepted mass appraisal methods described
28 in section 77-112 but may be considered in determining the capitalization
29 rate to be used when capitalizing the income stream. The county assessor,
30 in determining the actual value of any specific property, may consider
31 other methods of determining value that are consistent with
1 professionally accepted mass appraisal methods described in section
2 77-112.

3 (10) If a county assessor, based on the facts and circumstances,
4 believes that the income-approach calculation does not result in a
5 valuation of a rent-restricted housing project at actual value, then the
6 county assessor shall present such facts and circumstances to the county
7 board of equalization. If the county board of equalization, based on such
8 facts and circumstances, concurs with the county assessor, then the
9 county board of equalization shall petition the Tax Equalization and
10 Review Commission to consider the county assessor's utilization of
11 another professionally accepted mass appraisal technique that, based on
12 the facts and circumstances presented by a county board of equalization,
13 would result in a substantially different determination of actual value
14 of the rent-restricted housing project. Petitions must be filed within
15 thirty days after the property's valuation date. The burden of proof is
16 on the petitioning county board of equalization to show that failure to
17 make a determination that a different methodology should be used would
18 result in a value that is not equitable and in accordance with the law.
19 At the hearing, the commission may receive testimony from any interested
20 person. After a hearing, the commission shall, within the powers granted
21 in section 77-5007, enter its order based on evidence presented to it at
22 such hearing.

23 (11) If the Tax Commissioner, based on the facts and circumstances,
24 believes that the applicable capitalization rate set by the Rent-
25 Restricted Housing Projects Valuation Committee to value a rent-
26 restricted housing project does not result in a valuation at actual value
27 for such rent-restricted housing project, then the Tax Commissioner shall
28 petition the Tax Equalization and Review Commission to consider an
29 adjustment to the capitalization rate of such rent-restricted housing
30 project. Petitions must be filed within thirty days after the property's
31 valuation date. The burden of proof is on the Tax Commissioner to show
1 that failure to make an adjustment to the capitalization rate employed
2 would result in a value that is not equal to the rent-restricted housing
3 project's actual value. At the hearing, the commission may receive
4 testimony from any interested person. After a hearing, the commission
5 shall, within the powers granted in section 77-5007, enter its order
6 based on evidence presented to it at such hearing.

7 (2) The owner of a rent restricted housing project shall file a
8 statement with the county assessor on or before October 1 of each year

9 ~~that details income and expense data for the prior year, a description of~~
 10 ~~any land use restrictions, and such other information as the county~~
 11 ~~assessor may require.~~

12 Sec. 2. Section 77-5007, Revised Statutes Cumulative Supplement,
 13 2014, is amended to read:

14 77-5007 The commission has the power and duty to hear and determine
 15 appeals of:

- 16 (1) Decisions of any county board of equalization equalizing the
 - 17 value of individual tracts, lots, or parcels of real property so that all
 - 18 real property is assessed uniformly and proportionately;
 - 19 (2) Decisions of any county board of equalization granting or
 - 20 denying tax-exempt status for real or personal property or an exemption
 - 21 from motor vehicle taxes and fees;
 - 22 (3) Decisions of the Tax Commissioner determining the taxable
 - 23 property of a railroad company, car company, public service entity, or
 - 24 air carrier within the state;
 - 25 (4) Decisions of the Tax Commissioner determining adjusted valuation
 - 26 pursuant to section 79-1016;
 - 27 (5) Decisions of any county board of equalization on the valuation
 - 28 of personal property or any penalties imposed under sections 77-1233.04
 - 29 and 77-1233.06;
 - 30 (6) Decisions of any county board of equalization on claims that a
 - 31 levy is or is not for an unlawful or unnecessary purpose or in excess of
 - 1 the requirements of the county;
 - 2 (7) Decisions of any county board of equalization granting or
 - 3 rejecting an application for a homestead exemption;
 - 4 (8) Decisions of the Department of Motor Vehicles determining the
 - 5 taxable value of motor vehicles pursuant to section 60-3,188;
 - 6 (9) Decisions of the Tax Commissioner made under section 77-1330;
 - 7 (10) Any other decision of any county board of equalization;
 - 8 (11) Any other decision of the Tax Commissioner regarding property
 - 9 valuation, exemption, or taxation;
 - 10 (12) Decisions of the Tax Commissioner pursuant to section 77-3520;
 - 11 (13) Final decisions of a county board of equalization appealed by
 - 12 the Tax Commissioner or Property Tax Administrator pursuant to section
 - 13 77-701;
 - 14 (14) Determinations of the Rent-Restricted Housing Projects
 - 15 Valuation Committee regarding the capitalization rate to be used to value
 - 16 rent-restricted housing projects pursuant to section 77-1333 or the
 - 17 requirement under such section that an income-approach calculation be
 - 18 used by county assessors to value rent-restricted housing projects;
 - 19 ~~(15 14)~~ The requirement under section 77-1314 that the income
 - 20 approach, including the use of a discounted cash-flow analysis, be used
 - 21 by county assessors; and
 - 22 ~~(16 15)~~ Any other decision, determination, action, or order from
 - 23 which an appeal to the commission is authorized.
 - 24 The commission has the power and duty to hear and grant or deny
 - 25 relief on petitions.
- 26 Sec. 3. Original section 77-1333, Reissue Revised Statutes of

27 Nebraska, and section 77-5007, Revised Statutes Cumulative Supplement, 28 2014, are repealed.

(Signed) Mike Gloor, Chairperson

ANNOUNCEMENT(S)

Senator Watermeier designates LB106 as his priority bill.

Senator Scheer designates LB294 as his priority bill.

The Banking, Commerce and Insurance Committee designates LB139 and LB348 as its priority bills.

Senator Groene designates LB367 as his priority bill.

Senator Campbell designates LB89 as her priority bill.

The Natural Resources Committee designates LB141 as its priority bill.

The Nebraska Retirement Systems Committee designates LB468 and LB448 as its priority bills.

Senator Garrett designates LB643 as his priority bill.

Senator Stinner designates LB561 as his priority bill.

The Business and Labor Committee designates LB480 as its priority bill.

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB539:
AM653

(Amendments to Standing Committee amendments, AM487)

- 1 1. On page 23, line 28, after the first comma insert "any community
- 2 redevelopment authority or limited community redevelopment authority
- 3 established under the Community Development Law,".

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, and 105 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, and 105.

ANNOUNCEMENT

The Chair announced the birthday of Senator Seiler.

GENERAL FILE

LEGISLATIVE BILL 242. Senator Larson withdrew his motion, MO44, found on page 751, to bracket until May 31, 2015.

Senator Larson offered the following motion:

MO48

Unanimous consent to bracket until May 31, 2015.

Senator Stinner objected.

Senator Stinner offered the following amendment:

AM748

1 1. Insert the following new section:

2 Section 1. Section 2-3753, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 2-3753 The commission shall have the following powers and duties:

5 (1) To adopt and devise a dry bean program consisting of research,
6 education, advertising, publicity, and promotion to increase total
7 consumption of dry beans on a state, national, and international basis;

8 (2) To prepare and approve a budget consistent with limited receipts
9 and the scope of the dry bean program;

10 (3) To adopt and promulgate reasonable rules and regulations
11 necessary to carry out the dry bean program;

12 (4) To procure and evaluate data and information necessary for the
13 proper administration and operation of the dry bean program;

14 (5) To employ personnel and contract for services which are
15 necessary for the proper operation of the dry bean program;

16 (6) To establish a means whereby the grower and processor of dry
17 beans has the opportunity at least annually to offer his or her ideas and
18 suggestions relative to commission policy for the coming year;

19 (7) To authorize the expenditure of funds and contracting of
20 expenditures to conduct proper activities of the program;

21 (8) To bond such persons as may be necessary in order to insure
22 adequate protection of funds;

23 (9) To keep minutes of its meetings and other books and records
24 which will clearly reflect all of the acts and transactions of the

25 commission and to keep such records open to examination by any grower or
26 processor participant during normal business hours;

27 (10) To prohibit any funds collected by the commission from being
1 expended directly or indirectly to promote or oppose any candidate for

2 public office or to influence state legislation. The board shall not
3 expend more than ~~fifteen~~ ~~twenty-five~~ percent of its annual budget to

4 influence federal legislation. The purpose of such expenditures for
5 federal lobbying activity shall be limited to activity supporting the

6 underlying objectives of the dry bean program relating to market
7 development, education, and research;
8 (11) To establish an administrative office at such place in the
9 state as may be suitable for the proper discharge of the functions of the
10 commission; and
11 (12) To adopt and promulgate rules and regulations to carry out the
12 Dry Bean Resources Act.
13 2. Renumber the remaining sections and correct the repealer
14 accordingly.

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

The Stinner amendment was adopted with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Larson offered the following motion:

MO49

Reconsider the vote taken on AM748.

Senator Larson asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Pending.

ANNOUNCEMENT(S)

The Executive Board designates LR7CA as its priority resolution.

Senator McCoy designates LB649 as his priority bill.

The Health and Human Services Committee designates LB472 and LB320 as its priority bills.

Senator Smith designates LB357 as his priority bill.

Senator Kolterman designates LB232 as his priority bill.

Senator Pansing Brooks designates LB586 as her priority bill.

The Natural Resources Committee designates LB413 as its priority bill.

The Judiciary Committee designates LB482 and LB265 as its priority bills.

Senator B. Harr designates LB414 as his priority bill.

MESSAGE(S) FROM THE GOVERNOR

March 6, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the State Board of Health:

Douglas Vander Broek, DC, 6511 Shenandoah Drive, Lincoln, NE 68510
Kevin C. Low, DDS, 599 Dana Avenue, Chappell, NE 69129

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

RESOLUTION(S)

LEGISLATIVE RESOLUTION 110. Introduced by McCollister, 20.

WHEREAS, the Omaha Westside High School girls' basketball team won the 2015 Class A Girls' State Basketball Championship by defeating Norfolk High School by a score of 53-40; and

WHEREAS, this is the Westside Warriors second state title in girls' basketball and their first state title since 1999; and

WHEREAS, three Westside Warriors were named Class A scoring leaders and two were named to the Class A All-tournament team; and

WHEREAS, the Westside Warriors brought great pride to their school, community, friends, and family as they demonstrated discipline, efficiency, and tenacity throughout the 2014-15 basketball season.

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

1. That the Legislature congratulates the Omaha Westside High School girls' basketball team for winning the 2015 Class A Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Omaha Westside High School girls' basketball team.

Laid over.

COMMITTEE REPORT(S)
Education

LEGISLATIVE BILL 489. Placed on General File.

LEGISLATIVE BILL 382. Placed on General File with amendment.
AM728

1 1. On page 2, line 16, strike "[\$XX]" and insert "four hundred
2 thousand dollars".

(Signed) Kate Sullivan, Chairperson

GENERAL FILE

LEGISLATIVE BILL 242. Senator Larson asked unanimous consent to withdraw his amendment, AM701, found on page 754, and replace it with his substitute amendment, AM794. No objections. So ordered.

AM794

1 1. Insert the following new section:
2 Section 1. Section 2-3753, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 2-3753 The commission shall have the following powers and duties:
5 (1) To adopt and devise a dry bean program consisting of research,
6 education, advertising, publicity, and promotion to increase total
7 consumption of dry beans on a state, national, and international basis;
8 (2) To prepare and approve a budget consistent with limited receipts
9 and the scope of the dry bean program;
10 (3) To adopt and promulgate reasonable rules and regulations
11 necessary to carry out the dry bean program;
12 (4) To procure and evaluate data and information necessary for the
13 proper administration and operation of the dry bean program;
14 (5) To employ personnel and contract for services which are
15 necessary for the proper operation of the dry bean program;
16 (6) To establish a means whereby the grower and processor of dry
17 beans has the opportunity at least annually to offer his or her ideas and
18 suggestions relative to commission policy for the coming year;
19 (7) To authorize the expenditure of funds and contracting of
20 expenditures to conduct proper activities of the program;
21 (8) To bond such persons as may be necessary in order to insure
22 adequate protection of funds;
23 (9) To keep minutes of its meetings and other books and records
24 which will clearly reflect all of the acts and transactions of the
25 commission and to keep such records open to examination by any grower or
26 processor participant during normal business hours;
27 (10) To prohibit any funds collected by the commission from being
1 expended directly or indirectly to promote or oppose any candidate for
2 public office or to influence state legislation. The board shall not

3 expend more than one hundred ~~twenty-five~~ percent of its annual budget to
 4 influence federal legislation;
 5 (11) To establish an administrative office at such place in the
 6 state as may be suitable for the proper discharge of the functions of the
 7 commission; and
 8 (12) To adopt and promulgate rules and regulations to carry out the
 9 Dry Bean Resources Act.
 10 2. Renumber the remaining sections and correct the repealer
 11 accordingly.

SENATOR KRIST PRESIDING

The Larson amendment lost with 0 ayes, 21 nays, 24 present and not voting,
 and 4 excused and not voting.

Senator Larson offered the following motion:

MO50

Reconsider the vote taken on AM794.

The Larson motion to reconsider failed with 0 ayes, 21 nays, 23 present and
 not voting, and 5 excused and not voting.

Senator Larson asked unanimous consent to withdraw his amendment,
 AM702, found on page 755, and replace it with his substitute amendment,
 AM793. No objections. So ordered.

AM793

1 1. Insert the following new section:

2 Section 1. Section 2-3753, Reissue Revised Statutes of Nebraska, is
 3 amended to read:

4 2-3753 The commission shall have the following powers and duties:

5 (1) To adopt and devise a dry bean program consisting of research,
 6 education, advertising, publicity, and promotion to increase total
 7 consumption of dry beans on a state, national, and international basis;
 8 (2) To prepare and approve a budget consistent with limited receipts
 9 and the scope of the dry bean program;

10 (3) To adopt and promulgate reasonable rules and regulations
 11 necessary to carry out the dry bean program;

12 (4) To procure and evaluate data and information necessary for the
 13 proper administration and operation of the dry bean program;

14 (5) To employ personnel and contract for services which are
 15 necessary for the proper operation of the dry bean program;

16 (6) To establish a means whereby the grower and processor of dry
 17 beans has the opportunity at least annually to offer his or her ideas and
 18 suggestions relative to commission policy for the coming year;

19 (7) To authorize the expenditure of funds and contracting of
 20 expenditures to conduct proper activities of the program;

21 (8) To bond such persons as may be necessary in order to insure
 22 adequate protection of funds;

23 (9) To keep minutes of its meetings and other books and records

24 which will clearly reflect all of the acts and transactions of the
 25 commission and to keep such records open to examination by any grower or
 26 processor participant during normal business hours;
 27 (10) To prohibit any funds collected by the commission from being
 1 expended directly or indirectly to promote or oppose any candidate for
 2 public office or to influence state legislation. The board shall not
 3 expend more than ~~fifty~~ ~~twenty-five~~ percent of its annual budget to
 4 influence federal legislation;
 5 (11) To establish an administrative office at such place in the
 6 state as may be suitable for the proper discharge of the functions of the
 7 commission; and
 8 (12) To adopt and promulgate rules and regulations to carry out the
 9 Dry Bean Resources Act.
 10 2. Renumber the remaining sections and correct the repealer
 11 accordingly.

Senator Larson withdrew his amendment.

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

Senator Larson requested a record vote on the advancement of the bill.

Voting in the affirmative, 38:

| | | | | |
|----------|-----------|-------------|----------------|------------|
| Baker | Ebke | Hughes | McCoy | Schnoor |
| Bolz | Friesen | Johnson | Mello | Schumacher |
| Brasch | Gloor | Kintner | Morfeld | Seiler |
| Campbell | Haar, K. | Kolterman | Murante | Smith |
| Chambers | Hadley | Krist | Pansing Brooks | Stinner |
| Coash | Harr, B. | Kuehn | Riepe | Williams |
| Cook | Hilkemann | Lindstrom | Scheer | |
| Crawford | Howard | McCollister | Schilz | |

Voting in the negative, 1:

Larson

Present and not voting, 5:

| | | | | |
|------------|---------|--------|--------|------------|
| Bloomfield | Garrett | Groene | Hansen | Watermeier |
|------------|---------|--------|--------|------------|

Excused and not voting, 5:

| | | | | |
|-----------|-------|----------|-----------|----------|
| Craighead | Davis | Kolowski | Nordquist | Sullivan |
|-----------|-------|----------|-----------|----------|

Advanced to Enrollment and Review Initial with 38 ayes, 1 nay, 5 present
 and not voting, and 5 excused and not voting.

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 245. ER46, found on page 732, was adopted.

Senator B. Harr offered the following amendment:

FA29

Strike Section 1.

Pending.

COMMITTEE REPORT(S)

Health and Human Services

LEGISLATIVE BILL 240. Placed on General File.

LEGISLATIVE BILL 28. Placed on General File with amendment.

AM708

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

2 sections:

3 Section 1. Sections 1 to 5 of this act shall be known and may be

4 cited as the Radon Resistant New Construction Act.

5 Sec. 2. The Legislature finds that:

6 (1) Radon is a radioactive element that is part of the radioactive

7 decay chain of naturally occurring uranium in soil;

8 (2) Radon is the leading cause of lung cancer among nonsmokers and

9 the number one risk in homes according to the Harvard School of Public

10 Health, Harvard Center for Risk Analysis;

11 (3) The World Health Organization Handbook on Indoor Radon includes

12 key messages which state:

13 (a) "There is no known threshold concentration below which radon

14 exposure presents no risk."; and

15 (b) "The majority of radon-induced lung cancers are caused by low

16 and moderate radon concentrations rather than by high radon

17 concentrations, because in general less people are exposed to high indoor

18 radon concentrations.";

19 (4) The Surgeon General of the United States urged Americans to test

20 their homes to find out how much radon they might be breathing;

21 (5) The United States Environmental Protection Agency estimates that

22 more than twenty thousand Americans die of radon-related lung cancer each

23 year; and

24 (6) The United States Environmental Protection Agency has identified

25 radon levels in Nebraska as the third highest in the United States

26 because of the high concentration of uranium in the soil.

27 Sec. 3. For purposes of the Radon Resistant New Construction Act:

1 (1) Active radon mitigation system means a family of radon

2 mitigation systems involving mechanically driven soil depressurization,

3 including subslab depressurization, drain tile depressurization, block

4 wall depressurization, and submembrane depressurization. Active radon
5 mitigation system is also known as active soil depressurization;
6 (2) Building code means an ordinance, resolution, or law that
7 establishes standards applicable to new construction;
8 (3) Building contractor means any individual, corporation,
9 partnership, limited liability company, or other business entity that
10 engages in new construction;
11 (4) Department means the Department of Health and Human Services;
12 (5) New construction means any original construction of a single-
13 family home or a multifamily dwelling, including apartments, group homes,
14 condominiums, and townhouses, or any original construction of a building
15 used for commercial, industrial, educational, or medical purposes. New
16 construction does not include additions to existing structures or
17 remodeling of existing structures;
18 (6) Passive new construction pipe means a pipe installed in new
19 construction that relies solely on the convective flow of air upward for
20 soil gas depressurization and may consist of multiple pipes routed
21 through conditioned space from below the foundation to above the roof;
22 and
23 (7) Radon mitigation specialist means an individual who is licensed
24 by the department as a radon mitigation specialist in accordance with the
25 Radiation Control Act.
26 Sec. 4. (1) The Radon Resistant New Construction Task Force is
27 created. The task force shall consist of the chief medical officer of the
28 Division of Public Health of the Department of Health and Human Services
29 as designated in section 81-3115 or his or her designee, who shall serve
30 as the chairperson of the task force, and the following additional
31 members to be appointed by the Governor:
1 (a) Three representatives of home builders' associations in
2 Nebraska, each from a different congressional district;
3 (b) A representative of a home inspectors' association in Nebraska;
4 (c) Two representatives of commercial construction associations, one
5 of whom must have experience related to large-scale projects and one of
6 whom must have experience related to medium-scale to small-scale
7 projects;
8 (d) A representative of a Nebraska realtors' organization;
9 (e) A representative of a respiratory disease organization;
10 (f) A representative of a cancer research and prevention
11 organization;
12 (g) A representative of the League of Nebraska Municipalities;
13 (h) Three community public health representatives, each from a
14 different congressional district;
15 (i) A professional engineer as defined in section 81-3422;
16 (j) An architect as defined in section 81-3404; and
17 (k) A representative with expertise in residential or commercial
18 building codes.
19 (2) The task force shall meet at the call of the chairperson. The
20 appointed members of the task force shall serve without compensation but
21 shall be reimbursed for their actual and necessary expenses as provided

22 in sections 81-1174 to 81-1177. The department shall provide staff and
 23 support for the operation of the task force.
 24 (3) The task force shall develop minimum standards for radon
 25 resistant new construction and shall recommend such minimum standards to
 26 the Governor and to the Health and Human Services Committee of the
 27 Legislature. In developing such minimum standards, the task force shall:
 28 (a) Design the minimum standards so that they may be enforced by a
 29 county, city, or village as part of its local building code;
 30 (b) Consider Appendix F of the International Residential Code for
 31 One- and Two-Family Dwellings, 2012 edition, published by the
 1 International Code Council; and
 2 (c) Consider including the following provisions in such minimum
 3 standards:
 4 (i) A requirement that the installation of an active radon
 5 mitigation system only be performed by a building contractor or his or
 6 her subcontractors or by a radon mitigation specialist;
 7 (ii) A requirement that the installation of radon resistant new
 8 construction only be performed by a building contractor or his or her
 9 subcontractors or by a radon mitigation specialist; and
 10 (iii) A requirement that only a building contractor or his or her
 11 subcontractors or a radon mitigation specialist be allowed to install a
 12 radon vent fan or upgrade a passive new construction pipe to an active
 13 radon mitigation system.
 14 (4) The task force shall provide its recommendations by December 15,
 15 2015. The task force and this section terminate on January 1, 2016.
 16 Sec. 5. It is the intent of the Legislature that the recommendations
 17 provided by the Radon Resistant New Construction Task Force under section
 18 4 of this act be used by the Legislature during the 2016 legislative
 19 session to establish, in statute, minimum standards for radon resistant
 20 new construction.

LEGISLATIVE BILL 243. Placed on General File with amendment.
 AM787

1 1. On page 3, line 8, strike "evidence-based"; in line 20 strike
 2 "each service area" and insert "at least two service areas"; in lines 20
 3 and 21 strike "one or more"; and in line 21 strike "in each service
 4 area".
 5 2. On page 4, lines 16 and 17, strike "three million" and insert
 6 "one million five hundred thousand"; in line 22 strike "and"; and in line
 7 26 after "outcomes" insert "; and (3) provide contract monitoring,
 8 oversight of the pilot project and pay evaluation costs".

LEGISLATIVE BILL 287. Placed on General File with amendment.
 AM730

1 1. On page 4, lines 16 and 17, strike "American Sign Language" and
 2 insert "effective".

LEGISLATIVE BILL 320. Placed on General File with amendment.

AM418

- 1 1. On page 5, lines 7 and 8, strike "within" through the comma.
- 2 2. On page 7, line 26, strike "on" through "month" and insert "in
- 3 accordance with section 81-2403".

LEGISLATIVE BILL 405. Placed on General File with amendment.

AM649

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 68-1107, Revised Statutes Cumulative Supplement,
- 4 2014, is amended to read:
- 5 68-1107 (1) The Aging Nebraskans Task Force is created. The purposes
- 6 ~~purpose~~ of the task force are (a) is to develop and facilitate
- 7 implementation of a statewide strategic plan for addressing the needs of
- 8 the aging population in the state and (b) to develop a state plan
- 9 regarding persons with Alzheimer's or related disorders as provided in
- 10 section 4 of this act. The task force shall provide a forum for
- 11 collaboration among state, local, community, public, and private
- 12 stakeholders in long-term care programs.
- 13 (2)(a) The executive committee of the task force shall include as
- 14 voting members the chairperson of the Health and Human Services Committee
- 15 of the Legislature, a member of the Appropriations Committee of the
- 16 Legislature appointed by the Executive Board of the Legislative Council,
- 17 a member of the Health and Human Services Committee of the Legislature
- 18 appointed by the Executive Board of the Legislative Council, a member of
- 19 the Legislature's Planning Committee appointed by the Executive Board of
- 20 the Legislative Council, and an at-large member appointed by the
- 21 Executive Board of the Legislative Council. The voting members of the
- 22 executive committee shall choose a chairperson and vice-chairperson from
- 23 among the voting members.
- 24 (b) The chief executive officer of the Department of Health and
- 25 Human Services or his or her designee and the Chief Justice of the
- 26 Supreme Court or his or her designee shall be nonvoting, ex officio
- 27 members of the executive committee of the task force.
- 1 (c) The remaining four members of the task force shall be nonvoting
- 2 members appointed by the executive committee of the task force through an
- 3 application and selection process, representing stakeholders in the long-
- 4 term care system and may include a representative of the Division of
- 5 Medicaid and Long-Term Care Advisory Committee on Aging, representatives
- 6 of health care providers, elder law attorneys, representatives of the
- 7 long-term care ombudsman program, health care economists, geriatric
- 8 specialists, family caregivers of seniors in at-home care, providers of
- 9 services to the elderly, seniors currently or previously in institutional
- 10 care, and aging advocacy organizations.
- 11 (3) The executive committee of the task force shall advise the task
- 12 force regarding the interaction among the three branches of government
- 13 related to long-term care programs and services. The members of the
- 14 executive committee shall each represent his or her own branch of

15 government, and no member of the executive committee shall participate in
16 actions that could be deemed to be the exercise of the duties and
17 prerogatives of another branch of government or that improperly delegate
18 the powers and duties of any branch of government to another branch of
19 government.

20 (4) The task force shall work with administrators of area agencies
21 on aging, nursing home and assisted-living residence providers,
22 hospitals, rehabilitation centers, managed care companies, senior citizen
23 centers, community stakeholders, advocates for elder services and
24 programs, the Center for Public Affairs Research of the College of Public
25 Affairs and Community Service at the University of Nebraska at Omaha, and
26 seniors statewide to establish effective community collaboration for
27 informed decisionmaking that supports the provisions of effective and
28 efficient long-term care services.

29 (5) The task force shall create a statewide strategic plan for long-
30 term care services in Nebraska which shall consider, but not be limited
31 to:

1 (a) Promotion of independent living through provision of long-term
2 care services and support that enable an individual to live in the
3 setting of his or her choice;

4 (b) Provision of leadership to support sound fiscal management of
5 long-term care budgets so that Nebraska will be able to meet the
6 increasing demand for long-term care services as a growing portion of the
7 state's population reaches the age of eighty years;

8 (c) Expedited creation of workforce development and training
9 programs specific to the needs of and in response to Nebraska's growing
10 aging population;

11 (d) The identification of gaps in the service delivery system that
12 contribute to the inefficient and ineffective delivery of services; and

13 (e) Development of a process for evaluating the quality of
14 residential and home and community-based long-term care services and
15 support.

16 Sec. 2. Section 68-1108, Revised Statutes Cumulative Supplement,
17 2014, is amended to read:

18 68-1108 (1) On or before December 15, 2014, the Aging Nebraskans
19 Task Force shall present electronically to the Legislature a report of
20 recommendations for the statewide strategic plan described in section
21 68-1107. The Department of Health and Human Services shall also annually
22 report electronically to the Legislature the percentage growth of
23 medicaid spending for people over sixty-five years of age for no fewer
24 than five years following acceptance of the application to the State
25 Balancing Incentive Payments Program pursuant to section 81-3138.

26 (2) The task force shall develop a state plan as provided in section
27 4 of this act and electronically deliver the state plan to the Governor
28 and the Legislature on or before December 15, 2016. The task force shall
29 make a presentation of the state plan to the Health and Human Services
30 Committee of the Legislature on or before December 15, 2016.

31 Sec. 3. Section 68-1109, Revised Statutes Cumulative Supplement,
1 2014, is amended to read:

2 68-1109 The Aging Nebraskans Task Force terminates on January 1,
3 2017 June 30, 2016, unless extended by the Legislature.

4 Sec. 4. (1) The Aging Nebraskans Task Force shall develop a state
5 plan regarding persons with Alzheimer's and related disorders. The task
6 force shall work with the chief executive officer of the Department of
7 Health and Human Services, the Public Guardian, the area agencies on
8 aging, organizations advocating for patients and caregivers for patients
9 with Alzheimer's or related disorders, the law enforcement community,
10 patients with Alzheimer's or related disorders, caregivers for patients
11 with Alzheimer's or related disorders, client advocacy organizations,
12 health care provider advocacy organizations, private health care
13 providers, and community-based health professionals.

14 (2) The task force shall:

15 (a) Assess the current and future impact of Alzheimer's and related
16 disorders on residents of the state;

17 (b) Determine the existing services and resources in the state that
18 address the needs of individuals with Alzheimer's and related disorders
19 and their families and caregivers; and

20 (c) Develop recommendations to respond to escalating needs for the
21 services and resources described in subdivision (b) of this subsection.

22 (3) In fulfilling the duties described in subsection (1) of this
23 section, the task force shall examine:

24 (a) Trends and needs in the state relating to populations with
25 Alzheimer's or related disorders, including (i) the state's role in the
26 provision of long-term care, (ii) family caregiver support, (iii) the
27 provision of early-stage diagnoses, assistance, support, and medical
28 services, (iv) younger onset of Alzheimer's or related disorders, (v)
29 ethnic populations at higher risk, and (vi) risk reduction;

30 (b) Existing services, resources, and capacity available to
31 individuals with Alzheimer's or related disorders, including:

1 (i) The type, cost, availability, and adequacy of services,
2 including, (A) home and community-based resources, (B) respite care, (C)
3 residential long-term care, and (D) geriatric-psychiatric units for
4 individuals with associated behavioral disorders;

5 (ii) Dementia-specific training requirements for individuals who are
6 employed to provide care to individuals with Alzheimer's or related
7 disorders;

8 (iii) Quality of care measures for services delivered across the
9 continuum of care;

10 (iv) The capacity of public safety and law enforcement to respond to
11 individuals with Alzheimer's or related disorders; and

12 (v) State support to institutions of higher learning for research on
13 Alzheimer's or related disorders;

14 (c) The need for state policy or action in order to provide clear,
15 coordinated services and support to individuals with Alzheimer's or
16 related disorders and their families and caregivers; and

17 (d) Strategies to identify gaps in services.

18 Sec. 5. Original sections 68-1107, 68-1108, and 68-1109, Revised
19 Statutes Cumulative Supplement, 2014, are repealed.

20 Sec. 6. Since an emergency exists, this act takes effect when
21 passed and approved according to law.

LEGISLATIVE BILL 472. Placed on General File with amendment.
AM676

1 1. Strike original section 5 and insert the following new section:

2 Sec. 5. (1) The Medicaid Redesign Task Force is created.

3 (2) The task force shall consist of eleven voting members,
4 including:

5 (a) The Governor or his or her designee;

6 (b) The chief executive officer of the Department of Health and
7 Human Services;

8 (c) The Director of Medicaid and Long-Term Care of the Division of
9 Medicaid and Long-Term Care of the department;

10 (d) The Director of Public Health of the Division of Public Health
11 of the department;

12 (e) The Director of Behavioral Health of the Division of Behavioral
13 Health of the department;

14 (f) The Director of Insurance; and

15 (g) Five persons, appointed by the Governor, with expertise in
16 health care delivery, health insurance, health care workforce, health
17 education, and health care consumer advocacy who shall each serve a term
18 of three years and may be reappointed.

19 (3) The chairperson of the Appropriations Committee of the
20 Legislature, the chairperson of the Banking, Commerce and Insurance
21 Committee of the Legislature, the chairperson of the Health and Human
22 Services Committee of the Legislature, the chairperson of the Executive
23 Board of the Legislative Council, and a member of the Health and Human
24 Services Committee of the Legislature appointed by the chairperson of the
25 committee shall be ex officio nonvoting members of the task force.

LEGISLATIVE BILL 500. Placed on General File with amendment.
AM650

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

3 Section 1. Section 68-901, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 68-901 Sections 68-901 to 68-974 and section 2 of this act shall be
6 known and may be cited as the Medical Assistance Act.

7 Sec. 2. (1) On or before July 1, 2015, the department shall submit
8 an application to the Centers for Medicare and Medicaid Services of the
9 United States Department of Health and Human Services, amending the
10 medicaid state plan to provide for utilization of money to allow for
11 payments for multisystemic therapy and functional family therapy for
12 youth who are eligible for the medical assistance program and CHIP
13 pursuant to the federal Children's Health Insurance Program
14 Reauthorization Act of 2009, Public Law 111-3, as such act existed on
15 January 1, 2015.

16 (2) For purposes of this section, CHIP means the Children's Health

17 Insurance Program established pursuant to 42 U.S.C. 1397aa et seq., as
 18 such section existed on January 1, 2015.
 19 Sec. 3. Original section 68-901, Revised Statutes Cumulative
 20 Supplement, 2014, is repealed.
 21 Sec. 4. Since an emergency exists, this act takes effect when
 22 passed and approved according to law.

LEGISLATIVE BILL 607. Placed on General File with amendment.
 AM782

1 1. Strike original sections 6 and 11 and insert the following new
 2 section:
 3 Sec. 10. Any individual violating section 3 of this act is subject
 4 to a civil penalty of one hundred dollars for each violation, up to a
 5 maximum of one thousand dollars. Any civil penalty assessed and unpaid
 6 shall constitute a debt to the State of Nebraska which may be collected
 7 in the manner of a lien foreclosure or sued for and recovered in a proper
 8 form of action in the name of the state in the district court of the
 9 county in which the violator resides or owns property. The state may also
 10 collect in such action attorney's fees and costs incurred in the
 11 collection of the civil penalty. Any collected civil penalty shall be
 12 remitted to the State Treasurer to be disposed of in accordance with
 13 Article VII, section 5, of the Constitution of Nebraska.
 14 2. On page 2, strike beginning with "eighteen" in line 5 through the
 15 first "and" in line 6 and insert "who is"; in lines 20, 22, and 25 after
 16 "consumer" insert "or, in the case of a home care consumer who is a minor
 17 child, his or her parent or guardian,"; and in line 26 strike "that the
 18 consumer".
 19 3. On page 3, lines 2 and 3, strike "he or she" and insert "the
 20 consumer or, in the case of a home care consumer who is a minor child,
 21 his or her parent or guardian,"; in line 4 after "consumer" insert "or,
 22 in the case of a home care consumer who is a minor child, his or her
 23 parent or guardian,"; in line 5 after "Act" insert "in the format
 24 accessible to the consumer or, in the case of a minor child, the
 25 consumer's parent or guardian, which format may include paper,
 26 electronic, audio, large print, or Braille"; in line 8 strike "13" and
 27 insert "9"; in lines 9, 14, and 25 after "consumer" insert "or, in the
 1 case of a home care consumer who is a minor child, his or her parent or
 2 guardian,"; in lines 15 and 26 strike "his or her" and insert "the home
 3 care consumer's"; and in line 17 after the second comma insert "the
 4 protection and advocacy system in Nebraska designated under 42 U.S.C.
 5 15041 to 15045, as such sections existed on January 1, 2015.".
 6 4. On page 4, lines 1, 5, 6, 10, 11, and 16 after "consumer insert"
 7 "or, in the case of a home care consumer who is a minor child, his or her
 8 parent or guardian,"; in lines 17, 18, and 21 strike "his or her and"
 9 insert "the home care consumer's"; and in line 23 after "consumer" insert
 10 "who is a minor child shall be represented by his or her parent or
 11 guardian. Such parent or guardian shall act on behalf of the minor child
 12 in securing the minor child's rights under the Home Care Consumer Bill of
 13 Rights Act. A home care consumer who is not a minor child".

14 5. Renumber the remaining sections and correct internal references
15 accordingly.

(Signed) Kathy Campbell, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 541. Placed on General File.

LEGISLATIVE BILL 105. Placed on General File with amendment.
AM415

1 1. Strike original section 1.
2 2. On page 2, line 21, after "23-1821" insert "or when a grand jury
3 is called pursuant to subsection (4) of section 29-1401"; in line 22
4 strike "an examination, a test", show as stricken, and insert
5 "examinations, tests"; in line 25 strike "The" and insert "All"; and in
6 line 26 strike "examination, test, or" and insert "examinations, tests,
7 and".
8 3. Renumber the remaining sections and correct the repealer
9 accordingly.

LEGISLATIVE BILL 465. Placed on General File with amendment.
AM802

1 1. Insert the following new sections:
2 Sec. 17. Sections 64-101 to 64-119 and 64-211 to 64-215 and the
3 Uniform Recognition of Acknowledgments Act govern an electronic notary
4 public unless the provisions of such sections and act are in conflict
5 with the Electronic Notary Public Act in which case the Electronic Notary
6 Public Act controls.
7 Sec. 18. This act becomes operative on July 1, 2016.
8 2. On page 2, line 1, strike "16" and insert "17"; after line 17
9 insert the following new subsection:
10 "(6) Electronic notary solution provider means a provider of any
11 electronic notary seals or electronic signatures;"; in line 18 strike
12 "(6)" and insert "(7)"; and in line 21 strike "(7)" and insert "(8)".
13 3. On page 3, after line 6, insert the following new subsection:
14 "(2) The registration shall specify the technology the notary public
15 intends to use to perform an electronic notarial act. Such technology
16 shall be provided by an electronic notary solution provider approved by
17 the Secretary of State."; in line 7 strike "(2)" and insert "(3)"; in
18 line 9 strike "(3)" and insert "(4)"; in line 20 strike "fifty dollars";
19 and in line 21 after the period insert "The Secretary of State shall
20 establish the fee by rule and regulation in an amount sufficient to cover
21 the costs of administering the Electronic Notary Public Act, but the fee
22 shall not exceed one hundred dollars.".
23 4. On page 5, line 3, after "resigned" insert ", canceled,"; and in
24 line 9 after "revoked" insert ", canceled,".
25 5. On page 6, line 21, after the period insert "Such rules and
26 regulations shall include procedures for the approval of electronic

27 notary solution providers by the Secretary of State."

(Signed) John Murante, Chairperson

Revenue

LEGISLATIVE BILL 259. Placed on General File with amendment.
AM824 is available in the Bill Room.

LEGISLATIVE BILL 322. Placed on General File with amendment.
AM809

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

3 Section 1. Section 77-2715.07, Revised Statutes Cumulative
4 Supplement, 2014, is amended to read:

5 77-2715.07 (1) There shall be allowed to qualified resident
6 individuals as a nonrefundable credit against the income tax imposed by
7 the Nebraska Revenue Act of 1967:

8 (a) A credit equal to the federal credit allowed under section 22 of
9 the Internal Revenue Code; and

10 (b) A credit for taxes paid to another state as provided in section
11 77-2730.

12 (2) There shall be allowed to qualified resident individuals against
13 the income tax imposed by the Nebraska Revenue Act of 1967:

14 (a) For returns filed reporting federal adjusted gross incomes of
15 greater than ~~fifty-two thousand~~ ~~twenty-nine~~ thousand dollars, a nonrefundable
16 credit equal to ~~thirty~~ ~~twenty-five~~ percent of the federal credit allowed
17 under section 21 of the Internal Revenue Code of 1986, as amended, except
18 that for taxable years beginning or deemed to begin on or after January
19 1, 2016, such nonrefundable credit shall be allowed only if the
20 individual would have received the federal credit allowed under section
21 21 of the code after adding back in any carryforward of a net operating
22 loss that was deducted pursuant to such section in determining
23 eligibility for the federal credit;

24 (b) For returns filed reporting federal adjusted gross income of
25 ~~fifty-two thousand~~ ~~twenty-nine~~ thousand dollars or less, a refundable credit equal
26 to a percentage of the federal credit allowable under section 21 of the
27 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 ~~thirty-two thousand~~ ~~twenty-two~~ thousand dollars, and the percentage shall be
4 reduced by ~~three and one-half~~ ~~ten~~ percent for each one thousand dollars,
5 or fraction thereof, by which the reported federal adjusted gross income
6 exceeds ~~thirty-two thousand~~ ~~twenty-two~~ thousand dollars, except that for taxable
7 years beginning or deemed to begin on or after January 1, 2016, such
8 refundable credit shall be allowed only if the individual would have
9 received the federal credit allowed under section 21 of the code after
10 adding back in any carryforward of a net operating loss that was deducted
11 pursuant to such section in determining eligibility for the federal

12 credit;

13 (c) A refundable credit as provided in section 77-5209.01 for
14 individuals who qualify for an income tax credit as a qualified beginning
15 farmer or livestock producer under the Beginning Farmer Tax Credit Act
16 for all taxable years beginning or deemed to begin on or after January 1,
17 2006, under the Internal Revenue Code of 1986, as amended;

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

22 (e) A refundable credit equal to ten percent of the federal credit
23 allowed under section 32 of the Internal Revenue Code of 1986, as
24 amended.

25 (3) There shall be allowed to all individuals as a nonrefundable
26 credit against the income tax imposed by the Nebraska Revenue Act of
27 1967:

28 (a) A credit for personal exemptions allowed under section
29 77-2716.01;

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

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

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

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

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

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

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

19 (c) A refundable credit for individuals who qualify for an income
20 tax credit as an owner of agricultural assets under the Beginning Farmer
21 Tax Credit Act for all taxable years beginning or deemed to begin on or
22 after January 1, 2009, under the Internal Revenue Code of 1986, as
23 amended. The credit allowed for each partner, shareholder, member, or
24 beneficiary of a partnership, corporation, limited liability company, or
25 estate or trust qualifying for an income tax credit as an owner of
26 agricultural assets under the Beginning Farmer Tax Credit Act shall be
27 equal to the partner's, shareholder's, member's, or beneficiary's portion
28 of the amount of tax credit distributed pursuant to subsection (4) of
29 section 77-5211.

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

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

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

22 Sec. 2. This act becomes operative for all taxable years beginning
 23 or deemed to begin on or after January 1, 2016, under the Internal
 24 Revenue Code of 1986, as amended.

25 Sec. 3. Original section 77-2715.07, Revised Statutes Cumulative
 26 Supplement, 2014, is repealed.

(Signed) Mike Gloor, Chairperson

ANNOUNCEMENT(S)

Senator K. Haar designates LB407 as his priority bill.

Senator Kintner designates LB481 as his priority bill.

Senator Morfeld designates LB264 as his priority bill.

The State-Tribal Relations Committee designates LB566 as its priority bill.

The Revenue Committee designates LB259 and LB356 as its priority bills.

AMENDMENT(S) - Print in Journal

Senator Krist filed the following amendment to LB504:
 AM710

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

3 Section 1. Section 29-2261, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 29-2261 (1) Unless it is impractical to do so, when an offender has
6 been convicted of a felony other than murder in the first degree, the
7 court shall not impose sentence without first ordering a presentence
8 investigation of the offender and according due consideration to a
9 written report of such investigation. When an offender has been convicted
10 of murder in the first degree and (a) a jury renders a verdict finding
11 the existence of one or more aggravating circumstances as provided in
12 section 29-2520 or (b)(i) the information contains a notice of
13 aggravation as provided in section 29-1603 and (ii) the offender waives
14 his or her right to a jury determination of the alleged aggravating
15 circumstances, the court shall not commence the sentencing determination
16 proceeding as provided in section 29-2521 without first ordering a
17 presentence investigation of the offender and according due consideration
18 to a written report of such investigation.

19 (2) A court may order a presentence investigation in any case,
20 except in cases in which an offender has been convicted of a Class IIIA
21 misdemeanor, a Class IV misdemeanor, a Class V misdemeanor, a traffic
22 infraction, or any corresponding city or village ordinance.

23 (3) The presentence investigation and report shall include, when
24 available, an analysis of the circumstances attending the commission of
25 the crime, the offender's history of delinquency or criminality, physical
26 and mental condition, family situation and background, economic status,
27 education, occupation, and personal habits, and any other matters that
1 the probation officer deems relevant or the court directs to be included.

2 All local and state police agencies and Department of Correctional
3 Services adult correctional facilities shall furnish to the probation
4 officer copies of such criminal records, in any such case referred to the
5 probation officer by the court of proper jurisdiction, as the probation
6 officer shall require without cost to the court or the probation officer.

7 Such investigation shall also include:

8 (a) Any written statements submitted to the county attorney by a
9 victim; and

10 (b) Any written statements submitted to the probation officer by a
11 victim.

12 (4) If there are no written statements submitted to the probation
13 officer, he or she shall certify to the court that:

14 (a) He or she has attempted to contact the victim; and

15 (b) If he or she has contacted the victim, such officer offered to
16 accept the written statements of the victim or to reduce such victim's
17 oral statements to writing.

18 For purposes of subsections (3) and (4) of this section, the term
19 victim shall be as defined in section 29-119.

20 (5) Before imposing sentence, the court may order the offender to
21 submit to psychiatric observation and examination for a period of not
22 exceeding sixty days or such longer period as the court determines to be
23 necessary for that purpose. The offender may be remanded for this purpose
24 to any available clinic or mental hospital, or the court may appoint a

25 qualified psychiatrist to make the examination. The report of the
26 examination shall be submitted to the court.

27 (6) Any presentence report, substance abuse evaluation, or
28 psychiatric examination shall be privileged and shall not be disclosed
29 directly or indirectly to anyone other than a judge, probation officers
30 to whom an offender's file is duly transferred, the probation
31 administrator or his or her designee, alcohol and drug counselors, mental
1 health practitioners, psychiatrists, and psychologists licensed or
2 certified under the Uniform Credentialing Act to conduct substance abuse
3 evaluations and treatment, or others entitled by law to receive such
4 information, including personnel and mental health professionals for the
5 Nebraska State Patrol specifically assigned to sex offender registration
6 and community notification for the sole purpose of using such report,
7 evaluation, or examination for assessing risk and for community
8 notification of registered sex offenders. For purposes of this
9 subsection, mental health professional means (a) a practicing physician
10 licensed to practice medicine in this state under the Medicine and
11 Surgery Practice Act, (b) a practicing psychologist licensed to engage in
12 the practice of psychology in this state as provided in section 38-3111,
13 or (c) a practicing mental health professional licensed or certified in
14 this state as provided in the Mental Health Practice Act.

15 (7) The court shall permit inspection of the presentence report,
16 substance abuse evaluation, or psychiatric examination or parts of the
17 report, evaluation, or examination, as determined by the court, by the
18 prosecuting attorney and defense counsel. Beginning July 1, 2016, such
19 inspection shall be by electronic access only unless the court determines
20 such access is not available to the prosecuting attorney or defense
21 counsel. The State Court Administrator shall determine and develop the
22 means of electronic access to such presentence reports, evaluations, and
23 examinations. Upon application by the prosecuting attorney or defense
24 counsel, the court may order that addresses, telephone numbers, and other
25 contact information for victims or witnesses named in the report,
26 evaluation, or examination be redacted upon a showing by a preponderance
27 of the evidence that such redaction is warranted in the interests of
28 public safety. The court may permit inspection of the presentence report,
29 substance abuse evaluation, or psychiatric examination or examination of
30 parts of the report, evaluation, or examination thereof by any the
31 offender or his or her attorney, or other person having a proper interest
1 therein, whenever the court finds it is in the best interest of a
2 particular offender. The court may allow fair opportunity for an offender
3 to provide additional information for the court's consideration.

4 (8 ~~7~~) If an offender is sentenced to imprisonment, a copy of the
5 report of any presentence investigation, substance abuse evaluation, or
6 psychiatric examination shall be transmitted immediately to the
7 Department of Correctional Services. Upon request, the Board of Parole or
8 the Office of Parole Administration may receive a copy of the report from
9 the department.

10 (9 ~~8~~) Notwithstanding subsections ~~subsection~~ (6) and (7) of this
11 section, the Supreme Court or an agent of the Supreme Court acting under

12 the direction and supervision of the Chief Justice shall have access to
 13 psychiatric examinations, substance abuse evaluations, and presentence
 14 investigations and reports for research purposes. The Supreme Court and
 15 its agent shall treat such information as confidential, and nothing
 16 identifying any individual shall be released.
 17 Sec. 2. Original section 29-2261, Revised Statutes Cumulative
 18 Supplement, 2014, is repealed.

Senator Pansing Brooks filed the following amendment to LB366A:
 AM718

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. There is hereby appropriated (1) \$40,000 from the
 4 General Fund for FY2015-16 and (2) \$48,000 from the General Fund for
 5 FY2016-17 to the Department of Health and Human Services, for Program
 6 347, to aid in carrying out the provisions of Legislative Bill 366, One
 7 Hundred Fourth Legislature, First 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 (1) \$347,687 from the General
 12 Fund and \$390,776 from federal funds for FY2015-16 and (2) \$421,802 from
 13 the General Fund and \$464,124 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 366, 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) \$6,377 from the General
 21 Fund for FY2015-16 and (2) \$7,736 from the General Fund for FY2016-17 to
 22 the Department of Health and Human Services, for Program 421, to aid in
 23 carrying out the provisions of Legislative Bill 366, One Hundred Fourth
 24 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
 27 section.
 1 Sec. 4. There is hereby appropriated (1) \$11,160 from the General
 2 Fund for FY2015-16 and (2) \$13,538 from the General Fund for FY2016-17 to
 3 the Department of Health and Human Services, for Program 424, to aid in
 4 carrying out the provisions of Legislative Bill 366, One Hundred Fourth
 5 Legislature, First Session, 2015.
 6 No expenditures for permanent and temporary salaries and per diems
 7 for state employees shall be made from funds appropriated in this
 8 section.

Senator Bloomfield filed the following amendment to LB431:
 AM703

1 1. On page 2, strike beginning with "The" on line 16 through the
 2 period in line 23.

Senator Scheer filed the following amendment to LB53:

AM762

- 1 1. On page 3, line 4, strike "nonrefundable" and insert "annual
- 2 nonrefundable registration".

Senator Hadley filed the following amendment to LB497:

AM807

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 42-365, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 42-365 (1) When dissolution of a marriage is decreed, the court may
- 6 order payment of such alimony by one party to the other and division of
- 7 property as may be reasonable, having regard for the circumstances of the
- 8 parties, duration of the marriage, a history of the contributions to the
- 9 marriage by each party, including contributions to the care and education
- 10 of the children, and interruption of personal careers or educational
- 11 opportunities, and the ability of the supported party to engage in
- 12 gainful employment without interfering with the interests of any minor
- 13 children in the custody of such party. Reasonable security for payment
- 14 may be required by the court. A proceeding to modify or revoke an order
- 15 for alimony for good cause shall be commenced by filing a complaint to
- 16 modify. Service of process and other procedure shall comply with the
- 17 requirements for a dissolution action. Amounts accrued prior to the date
- 18 of filing of the complaint to modify may not be modified or revoked. A
- 19 decree may not be modified to award alimony if alimony was not allowed in
- 20 the original decree dissolving a marriage. A decree may not be modified
- 21 to award additional alimony if the entire amount of alimony allowed in
- 22 the original decree had accrued before the date of filing of the
- 23 complaint to modify. Except as otherwise agreed by the parties in writing
- 24 or by order of the court, alimony orders shall terminate upon the death
- 25 of either party or the remarriage of the recipient.
- 26 (2) In any action for divorce, annulment, or legal separation, the
- 27 court shall divide the marital property of the parties equitably. The
- 1 court shall presume that an equal division is an equitable distribution
- 2 of the property and shall distribute the marital property equally unless
- 3 the court specifically finds in the decree that such a division is
- 4 inequitable and sets forth the reasons. In the event the court finds that
- 5 an equal division of the marital estate is inequitable, the court shall
- 6 specifically state its basis for the finding in the decree and shall take
- 7 into consideration the following in determining the distribution of the
- 8 marital estate:
- 9 (a) The length of the marriage;
- 10 (b) Any antenuptial or prenuptial agreement of the parties. The
- 11 court shall have no authority, except as otherwise provided, to amend or
- 12 rescind any such agreement;
- 13 (c) The age, health, occupation, amount and source of income,

14 vocational skills, employability, and liabilities of each spouse;
 15 (d) Contributions of each spouse to the marriage, including
 16 contributions to the care and education of the children and the care and
 17 management of the home;
 18 (e) The expectation of pension or retirement rights acquired prior
 19 to or during the marriage;
 20 (f) The amount and duration of any spousal support awarded to either
 21 party or a property division in lieu of such support; and
 22 (g) The tax consequences to each party.
 23 (3) While the criteria for reaching ~~an equitable~~ a reasonable
 24 division of property and a reasonable award of alimony may overlap, the
 25 two serve different purposes and are to be considered separately. The
 26 purpose of a property division is to distribute the marital assets
 27 equitably between the parties. The purpose of alimony is to provide for
 28 the continued maintenance or support of one party by the other when the
 29 relative economic circumstances and the other criteria enumerated in this
 30 section make it appropriate.
 31 Sec. 2. Original section 42-365, Reissue Revised Statutes of
 1 Nebraska, is repealed.

Senator Larson filed the following amendments to LB242:

AM765

1 1. On page 3, strike beginning with the underscored period in line
 2 10 through "to" in line 11 and insert "and filed electronically with".

AM758

1 1. On page 2, line 26, strike "an annual", show as stricken, and
 2 insert "a quarterly" and after "1" insert ", April 1, July 1, and October
 3 1".
 4 2. On page 3, line 9, strike "The", show as stricken, and insert
 5 "Each"; and in line 11 strike "such" and insert "each".

AM757

1 1. On page 2, line 18, strike "twenty-four" and insert "twenty".

AM756

1 1. On page 2, line 13, strike "fifteen" and insert "ten".

AM755

1 1. On page 2, lines 4, 9, 19, and 22, strike all occurrences of
 2 "fee", show as stricken, and insert "tax"; in line 7 strike "fees", show
 3 as stricken, and insert "taxes"; in lines 12 and 16 strike "fee" and
 4 insert "tax"; and in line 14 strike "fees" and insert "taxes".

AM764

1 1. On page 3, line 10, after "available" insert "in electronic
 2 format".

AM763

1 1. Insert the following new section:
 2 Section 1. Section 2-3753, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 2-3753 The commission shall have the following powers and duties:
 5 (1) To adopt and devise a dry bean program consisting of research,
 6 education, advertising, publicity, and promotion to increase total
 7 consumption of dry beans on a state, national, and international basis;
 8 (2) To prepare and approve a budget consistent with limited receipts
 9 and the scope of the dry bean program;
 10 (3) To adopt and promulgate reasonable rules and regulations
 11 necessary to carry out the dry bean program;
 12 (4) To procure and evaluate data and information necessary for the
 13 proper administration and operation of the dry bean program;
 14 (5) To employ personnel and contract for services which are
 15 necessary for the proper operation of the dry bean program;
 16 (6) To establish a means whereby the grower and processor of dry
 17 beans has the opportunity at least annually to offer his or her ideas and
 18 suggestions relative to commission policy for the coming year;
 19 (7) To authorize the expenditure of funds and contracting of
 20 expenditures to conduct proper activities of the program;
 21 (8) To bond such persons as may be necessary in order to insure
 22 adequate protection of funds;
 23 (9) To keep minutes of its meetings and other books and records
 24 which will clearly reflect all of the acts and transactions of the
 25 commission and to keep such records open to examination by any grower or
 26 processor participant during normal business hours;
 27 (10) To prohibit any funds collected by the commission from being
 1 expended directly or indirectly to promote or oppose any candidate for
 2 public office or to influence state legislation. The board shall not
 3 expend more than ~~twenty~~ twenty-five percent of its annual budget to
 4 influence federal legislation;
 5 (11) To establish an administrative office at such place in the
 6 state as may be suitable for the proper discharge of the functions of the
 7 commission; and
 8 (12) To adopt and promulgate rules and regulations to carry out the
 9 Dry Bean Resources Act.
 10 2. Renumber the remaining sections and correct the repealer
 11 accordingly.

AM761

1 1. Strike section 6.

AM760

1 1. On page 3, line 12, after the first underscored comma insert
 2 "Chairperson of the Agriculture Committee of the Legislature".

AM759

1 1. On page 2, line 26, strike "thirty", show as stricken, and insert
 2 "fifteen".

Senator Larson filed the following amendment to LB619:

AM103

1 1. Strike section 9.

Senator B. Harr filed the following amendment to LB245:

AM827

1 1. Insert the following new sections:

2 Section 1. For purposes of a motion for new trial:

3 (1) Newly discovered evidence means evidence discovered following

4 the conclusion of the trial which was not available prior to or during

5 the trial and that is of such a nature that, if it had been offered and

6 admitted at trial, it is probable that it would have produced a

7 substantially different result; and

8 (2) Newly discovered evidence does not include (a) evidence that was

9 discovered as a result of delayed or belated diligence, (b) the testimony

10 or statement of a codefendant or accomplice who did not testify at the

11 trial and who subsequently came forward to offer testimony exculpating

12 the defendant, or (c) any testimony or statement of any witness, prior to

13 or during trial, who subsequently changed such testimony or statement.

14 Sec. 2. Section 29-2102, Reissue Revised Statutes of Nebraska, is

15 amended to read:

16 29-2102 (1) A motion for new trial must set forth all material facts

17 constituting the grounds for relief. A motion for new trial must make a

18 prima facie showing that the facts alleged in the motion materially

19 affect the defendant's substantial rights and that he or she is entitled

20 to a hearing on the merits. Conclusions of law are insufficient to

21 support a motion for new trial.

22 (2) The grounds set forth in subdivisions (2), (3), and (6) of

23 section 29-2101 shall be supported by affidavits showing the truth of

24 such grounds, and the grounds may be controverted by affidavits. The

25 ground set forth in subdivision (5) of section 29-2101 shall be supported

26 by evidence of the truth of the ground in the form of affidavits,

27 depositions, or oral testimony.

1 (3) Upon initial review of a motion for new trial and supporting

2 documents, a court shall determine whether the motion and documents set

3 forth facts which, if true, would materially affect the defendant's

4 substantial rights. If the motion and supporting documents fail to set

5 forth sufficient facts, the court shall, on its own motion, dismiss the

6 motion for new trial without a hearing. If the motion for new trial and

7 supporting documents set forth facts which, if true, would materially

8 affect the defendant's substantial rights, the court shall cause notice

9 of the motion to be served on the prosecuting attorney, grant a hearing

10 on the motion, and determine the issues and make findings of fact and

11 conclusions of law with respect thereto.

12 Sec. 4. Section 29-4123, Reissue Revised Statutes of Nebraska, is

13 amended to read:

14 29-4123 (1) The results of the final DNA or other forensic testing

15 ordered under subsection (5) of section 29-4120 shall be disclosed to the
16 county attorney, to the person filing the motion, and to the person's
17 attorney.

18 (2) Upon receipt of the results of such testing, any party may
19 request a hearing before the court when such results exonerate or
20 exculpate the person. Following such hearing, the court may, on its own
21 motion or upon the motion of any party, vacate and set aside the judgment
22 and release the person from custody based upon final testing results
23 exonerating or exculpating the person.

24 (3) If the court does not grant the relief contained in subsection
25 (2) of this section, any party may file a motion for a new trial under
26 sections 29-2101 to 29-2103 and section 1 of this act.

27 2. In the Standing Committee amendments, AM197, on page 1, line 19,
28 after the period insert "A defendant is limited to one motion for new
29 trial based on the grounds set forth in subdivision (5) of section
30 29-2101.".

31 3. Renumber the remaining sections and correct the repealer
1 accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 111. Introduced by Watermeier, 1.

WHEREAS, the Falls City Sacred Heart School girls' basketball team won the 2015 Class D-2 Girls' State Basketball Championship by defeating four-time defending champion Wynot High School by a score of 44-39; and

WHEREAS, the Sacred Heart Irish girls' basketball team also won state championships in 1998, 1999, and 2000; and

WHEREAS, Head Coach Luke Santo guided the team to an outstanding 28-2 season; and

WHEREAS, throughout the year the Sacred Heart Irish girls' basketball team has demonstrated that hard work, dedication, and discipline produces remarkable results; and

WHEREAS, the members of the Sacred Heart Irish girls' basketball team are positive role models for young athletes in the community and throughout the region; and

WHEREAS, such a team achievement is made possible not only by the players' performance and the coaches' guidance, but through the support of teachers, administrators, parents, and the community.

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

1. That the Legislature congratulates the Falls City Sacred Heart School girls' basketball team on winning the 2015 Class D-2 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Falls City Sacred Heart School girls' basketball team.

Laid over.

LEGISLATIVE RESOLUTION 112. Introduced by Friesen, 34.

WHEREAS, Taylor Brandl, a member of Troop 28 from Aurora, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Taylor 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, Taylor created a Mars rover and marscape exhibit for the Edgerton Explorit Center and Plainsman Museum in Aurora; and

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

WHEREAS, Taylor, 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 Taylor Brandl on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Taylor Brandl.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Coash - LB516

VISITORS

Visitors to the Chamber were 4 twelfth-grade students from Duchesne Academy, Omaha; 134 fourth-grade students and teachers from Crete; 8 high school students and teacher from Arcadia Public School; 25 members of Youth Leadership Kearney; 12 twelfth-grade students and teachers from Southwest Public School, Bartley; and 30 members from Leadership Kearney.

The Doctor of the Day was Dr. Christopher Jensen from Omaha.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator Williams, the Legislature adjourned until 9:00 a.m., Thursday, March 12, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FOURTH DAY - MARCH 12, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 12, 2015

PRAYER

The prayer was offered by Sharla Behan, The Church of Jesus Christ of Latter Day Saints, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Campbell, Craighead, Davis, Kolowski, and McCoy who were excused; and Senators Garrett, Kintner, Larson, and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-third day was approved.

ANNOUNCEMENT(S)

Senator Howard designates LB199 as her priority bill.

The Education Committee designates LB519 and LB525 as its priority bills.

Senator Cook designates LB81 as her priority bill.

Senator Sullivan designates LB528 as her priority bill.

Senator Brasch designates LB350 as her priority bill.

Senator Davis designates LB85 as his priority bill.

Senator Friesen designates LB610 as his priority bill.

Senator Schnoor designates LB329 as his priority bill.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 113. Introduced by Bolz, 29.

WHEREAS, Valerie Sturdy has retired after serving the citizens of Nebraska in the field of nursing for more than 40 years; and

WHEREAS, thousands of mothers were assisted, and thousands of healthy babies were born, with the help of Valerie's skill and professional care.

WHEREAS, nurses like Valerie uphold the values of compassion and respect for the inherent dignity, worth, and uniqueness of every individual; and

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

1. That the Legislature congratulates Valerie Sturdy on her retirement and recognizes her successful nursing career.

2. That a copy of this resolution be sent to Valerie Sturdy.

Laid over.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 11, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Girthoffer, Garner R.
Baird Holm LLP
Gossman, Abigail
AstraZeneca Pharmaceuticals
Szkatulski, Anne
Opternative Inc.

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

MOTION(S) - Confirmation Report(s)

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 724:

Nebraska Natural Resources Commission
Henry H. (Hod) Kosman

Voting in the affirmative, 32:

| | | | | |
|------------|-----------|-------------|------------|------------|
| Baker | Groene | Johnson | Riepe | Stinner |
| Bloomfield | Haar, K. | Krist | Scheer | Sullivan |
| Brasch | Hadley | Kuehn | Schilz | Watermeier |
| Cook | Harr, B. | McCollister | Schnoor | Williams |
| Crawford | Hilkemann | Mello | Schumacher | |
| Friesen | Howard | Morfeld | Seiler | |
| Gloor | Hughes | Nordquist | Smith | |

Voting in the negative, 0.

Present and not voting, 8:

| | | | |
|----------|-------|-----------|----------------|
| Bolz | Coash | Hansen | Lindstrom |
| Chambers | Ebke | Kolterman | Pansing Brooks |

Excused and not voting, 9:

| | | | | |
|-----------|---------|----------|--------|---------|
| Campbell | Davis | Kintner | Larson | Murante |
| Craighead | Garrett | Kolowski | McCoy | |

The appointment was confirmed with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 732:

Nebraska Game and Parks Commission
Norris Marshall

Voting in the affirmative, 31:

| | | | | |
|------------|-----------|-------------|------------|------------|
| Baker | Gloor | Hughes | Nordquist | Sullivan |
| Bloomfield | Groene | Johnson | Riepe | Watermeier |
| Chambers | Haar, K. | Kolterman | Scheer | Williams |
| Cook | Hadley | Krist | Schilz | |
| Crawford | Hansen | Kuehn | Schumacher | |
| Ebke | Hilkemann | McCollister | Smith | |
| Friesen | Howard | Mello | Stinner | |

Voting in the negative, 0.

Present and not voting, 10:

| | | | | |
|--------|---------|-----------|----------------|---------|
| Bolz | Coash | Harr, B. | Morfeld | Schnoor |
| Brasch | Garrett | Lindstrom | Pansing Brooks | Seiler |

Excused and not voting, 8:

| | | | |
|-----------|---------|----------|---------|
| Campbell | Davis | Kolowski | McCoy |
| Craighead | Kintner | Larson | Murante |

The appointment was confirmed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 749:

Technical Advisory Committee for Statewide Assessment
Brian Gong

Voting in the affirmative, 30:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Friesen | Hilkemann | Larson | Schilz |
| Bloomfield | Garrett | Howard | Lindstrom | Schnoor |
| Chambers | Groene | Johnson | McCullister | Schumacher |
| Cook | Haar, K. | Kintner | Mello | Seiler |
| Crawford | Hadley | Kolterman | Pansing Brooks | Smith |
| Ebke | Hansen | Kuehn | Riepe | Sullivan |

Voting in the negative, 0.

Present and not voting, 13:

| | | | | |
|--------|----------|-----------|------------|----------|
| Bolz | Gloor | Krist | Scheer | Williams |
| Brasch | Harr, B. | Morfeld | Stinner | |
| Coash | Hughes | Nordquist | Watermeier | |

Excused and not voting, 6:

| | | |
|-----------|----------|---------|
| Campbell | Davis | McCoy |
| Craighead | Kolowski | Murante |

The appointment was confirmed with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Senator Scheer moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment(s) found on page 776:

Department of Economic Development
Brenda L. Hicks-Sorensen, Director

Voting in the affirmative, 39:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Friesen | Howard | McCollister | Schumacher |
| Bloomfield | Garrett | Johnson | Mello | Seiler |
| Bolz | Gloor | Kintner | Nordquist | Smith |
| Brasch | Haar, K. | Kolterman | Pansing Brooks | Stinner |
| Chambers | Hadley | Krist | Riepe | Sullivan |
| Cook | Hansen | Kuehn | Scheer | Watermeier |
| Crawford | Harr, B. | Larson | Schilz | Williams |
| Ebke | Hilkemann | Lindstrom | Schnoor | |

Voting in the negative, 0.

Present and not voting, 4:

| | | | |
|-------|--------|--------|---------|
| Coash | Groene | Hughes | Morfeld |
|-------|--------|--------|---------|

Excused and not voting, 6:

| | | |
|-----------|----------|---------|
| Campbell | Davis | McCoy |
| Craighead | Kolowski | Murante |

The appointment was confirmed with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB23 with 39 ayes, 1 nay, 3 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 23.

A BILL FOR AN ACT relating to engineers and architects; to amend sections 81-3401, 81-3402, 81-3403, 81-3404, 81-3405.01, 81-3407, 81-3408, 81-3409, 81-3411, 81-3412, 81-3414, 81-3415, 81-3416, 81-3418, 81-3420, 81-3421, 81-3422, 81-3422.01, 81-3423, 81-3425, 81-3427, 81-3428, 81-3429, 81-3430, 81-3432, 81-3432.01, 81-3433, 81-3434, 81-3435, 81-3436, 81-3437, 81-3438, 81-3441, 81-3442, 81-3443, 81-3444,

81-3446, 81-3448, 81-3449, 81-3450, 81-3451, 81-3453, and 81-3454, Reissue Revised Statutes of Nebraska; to change and eliminate provisions of the Engineers and Architects Regulation Act; to eliminate certain defined terms and provisions on examinations; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-3406, 81-3410, 81-3413, 81-3417, 81-3419, 81-3424, and 81-3452, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Friesen | Howard | McCollister | Schumacher |
| Bloomfield | Garrett | Hughes | Mello | Seiler |
| Bolz | Gloor | Johnson | Morfeld | Smith |
| Brasch | Groene | Kintner | Nordquist | Stinner |
| Chambers | Haar, K. | Kolterman | Pansing Brooks | Sullivan |
| Coash | Hadley | Krist | Riepe | Watermeier |
| Cook | Hansen | Kuehn | Scheer | Williams |
| Crawford | Harr, B. | Larson | Schilz | |
| Ebke | Hilkemann | Lindstrom | Schnoor | |

Voting in the negative, 0.

Excused and not voting, 6:

| | | |
|-----------|----------|---------|
| Campbell | Davis | McCoy |
| Craighead | Kolowski | Murante |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB34 with 36 ayes, 1 nay, 6 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 34.

A BILL FOR AN ACT relating to real estate; to amend section 76-2,120, Revised Statutes Cumulative Supplement, 2014; to adopt the Carbon Monoxide Safety Act; to require information relating to compliance with the act on disclosure statements for sales of real estate; to provide a duty for the State Real Estate Commission; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

| | | | | |
|----------|-----------|-------------|----------------|------------|
| Baker | Garrett | Hughes | Mello | Schumacher |
| Bolz | Gloor | Johnson | Morfeld | Seiler |
| Brasch | Groene | Kolterman | Nordquist | Smith |
| Chambers | Haar, K. | Krist | Pansing Brooks | Stinner |
| Coash | Hadley | Kuehn | Riepe | Sullivan |
| Cook | Harr, B. | Larson | Scheer | Watermeier |
| Crawford | Hilkemann | Lindstrom | Schilz | Williams |
| Friesen | Howard | McCollister | Schnoor | |

Voting in the negative, 2:

Ebke Kintner

Present and not voting, 2:

Bloomfield Hansen

Excused and not voting, 6:

| | | |
|-----------|----------|---------|
| Campbell | Davis | McCoy |
| Craighead | Kolowski | Murante |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB35 with 37 ayes, 1 nay, 5 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 35.

A BILL FOR AN ACT relating to corporations; to amend sections 21-402, 21-403, 21-404, 21-405, 21-407, 21-408, 21-409, 21-410, 21-412, 21-414, and 70-1903, Revised Statutes Cumulative Supplement, 2014; to change Business Corporation Act references in the Nebraska Benefit Corporation Act and the Rural Community-Based Energy Development Act; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

| | | | | |
|----------|-----------|-------|----------|-------|
| Campbell | Craighead | Davis | Kolowski | McCoy |
|----------|-----------|-------|----------|-------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB37 with 40 ayes, 1 nay, 3 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 37.

A BILL FOR AN ACT relating to drugs; to amend sections 28-411, 28-425, 38-2810, 38-2811, 38-2819, 38-2831, 38-2833, 38-2837, 38-2843, 38-2866, 38-2884, 38-2887, 38-2890, 38-2892, 38-2895, 38-2899, 71-436, 71-2401, 71-2402, 71-2404, 71-2405, 71-2426, 71-2427, 71-2440, 71-2441, 71-2501, 71-2502, 71-2505, 71-2506, 71-2507, 71-2509, 71-2510, 71-2512, 71-5401.01, 71-5401.02, 71-5402, 71-5403, 71-5404, 71-5405, 71-5406, 71-5407, 71-5409, 71-7436, and 71-7444, Reissue Revised Statutes of Nebraska, and sections 38-2801, 38-2802, 38-2850, 38-2867, 38-2869, 38-2870, 71-401, 71-403, 71-448, 71-2421, 71-2453, and 71-7447, Revised Statutes Cumulative Supplement, 2014; to adopt the Prescription Drug Safety Act; to transfer, provide, change, and eliminate provisions relating to poisons, medicinal substances, prescription drugs and devices, the practice of pharmacy, and the licensure of pharmacies; to name the Poison Control Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 28-1438, 38-2848, 71-2403, and 71-2511, Reissue Revised Statutes of Nebraska, and section 28-1437, Revised Statutes Cumulative Supplement, 2014.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

| | | | | |
|------------|-----------|-----------|-------------|------------|
| Baker | Friesen | Howard | McCollister | Schumacher |
| Bloomfield | Garrett | Hughes | Mello | Seiler |
| Bolz | Gloor | Johnson | Morfeld | Smith |
| Brasch | Groene | Kintner | Murante | Stinner |
| Chambers | Haar, K. | Kolterman | Nordquist | Sullivan |
| Coash | Hadley | Krist | Riepe | Watermeier |
| Cook | Hansen | Kuehn | Scheer | Williams |
| Crawford | Harr, B. | Larson | Schilz | |
| Ebke | Hilkemann | Lindstrom | Schnoor | |

Voting in the negative, 0.

Present and not voting, 1:

Pansing Brooks

Excused and not voting, 5:

| | | | | |
|----------|-----------|-------|----------|-------|
| Campbell | Craighead | Davis | Kolowski | McCoy |
|----------|-----------|-------|----------|-------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 46.

A BILL FOR AN ACT relating to the Statewide Trauma System Act; to amend sections 71-8201, 71-8203, 71-8204, 71-8206, 71-8212, 71-8217, 71-8229, 71-8230, 71-8240, 71-8244, 71-8245, and 71-8248, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to rehabilitation centers and trauma centers; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

| | | | | |
|----------|-----------|-------|----------|-------|
| Campbell | Craighead | Davis | Kolowski | McCoy |
|----------|-----------|-------|----------|-------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 129.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-131, Revised Statutes Cumulative Supplement, 2014; to require criminal background checks for certain applicants for a license to practice as a nurse; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Friesen | Howard | Mello | Schumacher |
| Bloomfield | Garrett | Hughes | Morfeld | Seiler |
| Bolz | Gloor | Johnson | Murante | Smith |
| Brasch | Groene | Kintner | Nordquist | Stinner |
| Chambers | Haar, K. | Kolterman | Pansing Brooks | Sullivan |
| Coash | Hadley | Krist | Riepe | Watermeier |
| Cook | Hansen | Kuehn | Scheer | Williams |
| Crawford | Harr, B. | Lindstrom | Schilz | |
| Ebke | Hilkemann | McCollister | Schnoor | |

Voting in the negative, 0.

Present and not voting, 1:

Larson

Excused and not voting, 5:

Campbell Craighead Davis Kolowski McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 146.

A BILL FOR AN ACT relating to the Cremation of Human Remains Act; to amend sections 71-1355, 71-1382, and 80-104, Reissue Revised Statutes of Nebraska, and section 71-1356, Revised Statutes Cumulative Supplement, 2014; to define and redefine terms; to provide for disposition of certain unclaimed cremated remains in a veteran cemetery as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Campbell Craighead Davis Kolowski McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 155. With Emergency Clause.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-116, 8-128, and 8-153, Reissue Revised Statutes of Nebraska, and section 8-1402, Revised Statutes Cumulative Supplement, 2014; to change amounts of and notice requirements for capital stock requirements; to change provisions relating to the clearing and settlement of checks; to change provisions relating to the cost of disclosure of confidential records; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure

having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

| | | | | |
|----------|-----------|-------|----------|-------|
| Campbell | Craighead | Davis | Kolowski | McCoy |
|----------|-----------|-------|----------|-------|

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 164.

A BILL FOR AN ACT relating to natural resources districts; to amend sections 13-503 and 13-504, Revised Statutes Cumulative Supplement, 2014; to provide for biennial budgeting; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Campbell Craighead Davis Kolowski McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 179.

A BILL FOR AN ACT relating to the State Electrical Act; to amend sections 81-2113, 81-2117.01, and 81-2118, Reissue Revised Statutes of Nebraska; to change provisions for renewal of registration for apprentices as prescribed; to provide for continuing education as prescribed; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Campbell Craighead Davis Kolowski McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 207.

A BILL FOR AN ACT relating to the Nebraska Chemigation Act; to amend sections 46-1139, 46-1140, 46-1141, 46-1142, and 46-1143, Reissue Revised Statutes of Nebraska; to change provisions relating to civil penalties; to provide for recovery of costs in certain actions as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

| | | | | |
|----------|-----------|-------|----------|-------|
| Campbell | Craighead | Davis | Kolowski | McCoy |
|----------|-----------|-------|----------|-------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB279 with 38 ayes, 1 nay, 5 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 279. With Emergency Clause.

A BILL FOR AN ACT relating to business entities; to amend sections 21-152, 21-1905, 21-19,139, 21-19,159, 21-2005, 21-20,160, 21-20,180.01, and 21-2995, Reissue Revised Statutes of Nebraska, and sections 21-192, 21-205, 21-2,195, 21-2,219, 21-323.01, 21-325.01, and 21-414, Revised Statutes Cumulative Supplement, 2014; to change provisions and fees relating to reinstatement; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 21-2005, 21-20,160, and 21-20,180.01, Reissue Revised Statues of Nebraska, as amended by this legislative bill; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

| | | | | |
|------------|----------|-------------|----------------|------------|
| Baker | Friesen | Hughes | Mello | Schumacher |
| Bloomfield | Garrett | Johnson | Morfeld | Seiler |
| Bolz | Gloor | Kintner | Murante | Smith |
| Brasch | Groene | Kolterman | Nordquist | Sinner |
| Chambers | Haar, K. | Krist | Pansing Brooks | Sullivan |
| Coash | Hadley | Kuehn | Riepe | Watermeier |
| Cook | Hansen | Larson | Scheer | Williams |
| Crawford | Harr, B. | Lindstrom | Schilz | |
| Ebke | Howard | McCollister | Schnoor | |

Voting in the negative, 0.

Present and not voting, 1:

Hilkemann

Excused and not voting, 5:

Campbell Craighead Davis Kolowski McCoy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB439 to Select File

Senator Morfeld moved to return LB439 to Select File for his specific amendment, AM684, found on page 753.

The Morfeld motion to return prevailed with 43 ayes, 0 nays, 1 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 439. The Morfeld specific amendment, AM684, found on page 753, was adopted with 39 ayes, 1 nay, 4 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 23, 34, 35, 37, 46, 129, 146, 155, 164, 179, 207, and 279.

ANNOUNCEMENT(S)

The Appropriations Committee designates LB33 and LB449 as its priority bills.

Senator Hansen designates LB494 as his priority bill.

Senator Crawford designates LB390 as her priority bill.

The Agriculture Committee designates LB360 and LB175 as its priority bills.

Senator Schumacher designates LB72 as his priority bill.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Low, Kevin C. - State Board of Health - Health and Human Services
Vander Broek, Douglas - State Board of Health - Health and Human Services

(Signed) Bob Krist, Chairperson
Executive Board

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 195. Placed on General File with amendment.

AM499

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

2 sections:

3 Section 1. Section 25-1010, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 25-1010 (1) When an affidavit is filed in a civil action containing
6 the necessary allegations of an affidavit of attachment and in addition
7 allegations that the affiant has good reason to and does believe that any
8 person, partnership, limited liability company, or corporation to be
9 named ~~and within the county where the action is brought~~ has property of
10 and is indebted to the defendant, describing such property ~~the same~~, in
11 his or her possession that cannot be levied upon by attachment, a judge
12 of any district court or county court may direct the clerk to issue a
13 summons and order requiring such person, partnership, limited liability
14 company, or corporation as garnishee to answer written interrogatories,
15 to be furnished by the plaintiff and attached to such summons and order,
16 respecting the matters set forth in section 25-1026. All answers must be
17 given in writing but do not need to be verified or given under oath. All
18 answers so given will be deemed to be true and subject to all of the
19 penalties of perjury in the event of willful falsification.

20 (2) The summons and order referred to in subsection (1) of this
21 section shall be returnable within five days from the date of the
22 issuance thereof and shall require the garnishee to answer within ten
23 days from the date of service upon him or her. The order shall inform the
24 garnishee (a) of the penalties that may be imposed in the event of
25 willful falsification, (b) that he or she is obligated to hold the
26 property of every description and the credits of the defendant in his or
27 her possession or under his or her control at the time of the service of
1 the order and the interrogatories until further direction from the court,
2 (c) of his or her ability to obtain discharge from liability to the
3 defendant under section 25-1027, and (d) of the ability of the court to
4 enter judgment against him or her upon failure to answer the
5 interrogatories as provided in section 25-1028. If the answers to the
6 interrogatories identify property of the defendant in the possession of
7 the garnishee, the clerk shall mail to the last-known address of the
8 defendant copies of the garnishment summons and answers to
9 interrogatories within five days after the return of the answers to the
10 interrogatories.

11 (3) Prior to final judgment in an action, no order of garnishment
12 shall issue for wages due from an employer to an employee.

13 (4)(a) In any case involving service of a garnishment summons on a
14 financial institution where deposits are received within this state, the
15 financial institution shall (i) if its main-chartered office is located
16 in this state, designate its main-chartered office for the service of
17 summons or (ii) if its main-chartered office is located in another state,
18 designate any one of its offices or branches or its agent for service of
19 process in this state for service of summons. The designation of a main-
20 chartered office or an office or branch or the agent for service of
21 process under this subdivision shall be made by filing a notice of
22 designation with the Department of Banking and Finance, shall contain the
23 physical address of the main-chartered office or the office or branch or
24 the agent for service of process designated, and shall be effective upon
25 placement on the department web site. The department shall post the list
26 of such designated main-chartered offices and offices or branches or
27 agents for service of process on its web site for access by the public. A
28 financial institution may modify or revoke a designation made under this
29 subdivision by filing the modification or revocation with the department.
30 The modification or revocation shall be effective when the department's
31 web site has been updated to reflect the modification or revocation,
1 except that the judgment creditor may rely upon the designation that was
2 modified or revoked during the thirty-day period following the effective
3 date of the modification or revocation if the summons is timely served
4 upon the financial institution. The department shall update its web site
5 to reflect a filing by a financial institution pursuant to this
6 subdivision or a modification or revocation filed by a financial
7 institution pursuant to this subdivision within ten business days
8 following the filing by the financial institution. The department web
9 site shall reflect the date its online records for each financial
10 institution have most recently been updated.

11 (b) If a financial institution where deposits are received has
12 designated its main-chartered office or one of its offices or branches or
13 its agent for service of process for the service of summons, service made
14 on the main-chartered office or the office or branch or the agent for
15 service of process so designated shall be valid and effective as to any
16 property or credits of the defendant in the possession or control of the
17 main-chartered office of the financial institution in this state and any
18 of the financial institution offices or branches located within this
19 state. If service of summons is not made on the main-chartered office or
20 the office or branch or the agent for service of process designated by
21 the financial institution, but instead is made at another office or
22 branch of the financial institution located in Nebraska, the financial
23 institution, in its discretion, and without violating any obligation to
24 its customer, may elect to treat the service of summons as valid and
25 effective as to any property or credits of the defendant in the
26 possession or control of the main-chartered office of the financial
27 institution in this state and any of the financial institution offices or
28 branches located within this state. In the absence of such an election,
29 the financial institution shall file a statement with the interrogatories
30 that the summons was not served at the financial institution's designated
31 location for receiving service of summons and, therefore, was not
1 processed, and shall provide the address at which the financial
2 institution is to receive service of summons.

3 (c) For purposes of this subsection, financial institution means a
4 bank, savings bank, building and loan association, savings and loan
5 association, or credit union whether chartered by the United States, the
6 Department of Banking and Finance, or a foreign state agency.

7 (d) The notice of designation, modification, or revocation shall be
8 made by a financial institution on forms prescribed by the department.

9 (e) The Department of Banking and Finance, any employee of the
10 department, or any person acting on behalf of the department shall be
11 immune from civil and criminal liability for any acts or omissions which
12 occur as a result of the requirements of this subsection.

13 Sec. 2. Section 25-1056, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 25-1056 (1) In all cases when a judgment has been entered by any
16 court of record and the judgment creditor or his or her agent or attorney
17 has filed an affidavit setting forth the amount due on the judgment,
18 interest, and costs in the office of the clerk of the court where the
19 judgment has been entered and that he or she has good reason to and does
20 believe that any person, partnership, limited liability company, or
21 corporation, naming him, her, or it, has property of and is indebted to
22 the judgment debtor, the clerk shall issue a summons which shall set
23 forth the amount due on the judgment, interest, and costs as shown in the
24 affidavit and require such person, partnership, limited liability
25 company, or corporation, as garnishee, to answer written interrogatories
26 to be furnished by the plaintiff and to be attached to such summons
27 respecting the matters set forth in section 25-1026. The summons shall be
28 returnable within ten days from the date of its issuance and shall

29 require the garnishee to answer within ten days from the date of service
30 upon him or her. Except when wages are involved, the garnishee shall hold
31 the property of every description and the credits of the defendant in his
1 or her possession or under his or her control at the time of the service
2 of the summons and interrogatories until the further order of the court.
3 If the only property in the possession or under the control of the
4 garnishee at the time of the service of the summons and interrogatories
5 is credits of the defendant and the amount of such credits is not in
6 dispute by the garnishee, then such garnishee shall only hold the credits
7 of the defendant in his or her possession or under his or her control at
8 the time of the service of the summons and interrogatories to the extent
9 of the amount of the judgment, interest, and costs set forth in the
10 summons until further order of the court. When wages are involved, the
11 garnishee shall pay to the employee all disposable earnings exempted from
12 garnishment by statute, and any disposable earnings remaining after such
13 payment shall be retained by the garnishee until further order of the
14 court. Thereafter, the service of the summons and interrogatories and all
15 further proceedings shall be in all respects the same as is provided for
16 in sections 25-1011 and 25-1026 to 25-1031.01 unless inconsistent with
17 this section.

18 (2) If it appears from the answer of the garnishee that the judgment
19 debtor was an employee of the garnishee, that the garnishee otherwise
20 owed earnings to the judgment debtor when the garnishment order was
21 served, or that earnings would be owed within sixty days thereafter and
22 there is not a successful written objection to the order or the answer of
23 the garnishee filed, on application by the judgment creditor, the court
24 shall order that the nonexempt earnings, if any, withheld by the
25 garnishee after service of the order be transferred to the court for
26 delivery to the judgment creditor who is entitled to such earnings.
27 Except for garnishments in support of a person, the payments may be made
28 payable to the judgment creditor or assignee and shall be forwarded to
29 the issuing court to record the judgment payment prior to the court
30 delivering the payment to the judgment creditor or assignee. The court
31 shall, upon application of the judgment creditor, further order that the
1 garnishment is a continuing lien against the nonexempt earnings of the
2 judgment debtor. An order of continuing lien on nonexempt earnings
3 entered pursuant to this section shall require the garnishee to continue
4 to withhold the nonexempt earnings of the judgment debtor for as long as
5 the continuing lien remains in effect.
6 Beginning with the pay period during which the writ was served and
7 while the continuing lien remains in effect, the garnishee shall deliver
8 the nonexempt earnings to the court from which the garnishment was issued
9 for each pay period or on a monthly basis if the garnishee so desires and
10 shall deliver to the judgment debtor his or her exempt earnings for each
11 pay period.

12 (3) A continuing lien ordered pursuant to this section shall be
13 invalid and shall have no force and effect upon the occurrence of any of
14 the following:

15 (a) The underlying judgment is satisfied in full or vacated or

16 expires;

17 (b) The judgment debtor leaves the garnishee's employ for more than
18 sixty days;

19 (c) The judgment creditor releases the garnishment;

20 (d) The proceedings are stayed by a court of competent jurisdiction,
21 including the United States Bankruptcy Court;

22 (e) The judgment debtor has not earned any nonexempt earnings for at
23 least sixty days;

24 (f) The court orders that the garnishment be quashed; or

25 (g) Ninety days have expired since service of the writ. The judgment
26 creditor may extend the lien for a second ninety-day period by filing
27 with the court a notice of extension during the fifteen days immediately
28 prior to the expiration of the initial lien, and the continuing lien in
29 favor of the initial judgment creditor shall continue for a second
30 ninety-day period.

31 (4)(a) To determine priority, garnishments and liens shall rank
1 according to time of service.

2 (b) Garnishments, liens, and wage assignments which are not for the
3 support of a person shall be inferior to wage assignments for the support
4 of a person. Garnishments which are not for the support of a person and
5 liens shall be inferior to garnishments for the support of a person.

6 (5) Only one order of continuing lien against earnings due the
7 judgment debtor shall be in effect at one time. If an employee's wages
8 are already being garnished pursuant to a continuing lien at the time of
9 service of a garnishment upon an employer, the answer to garnishment
10 interrogatories shall include such information along with the date of
11 termination of such continuing lien and the title of the case from which
12 such garnishment is issued. Except as provided in subsection (4) of this
13 section, a continuing lien obtained pursuant to this section shall have
14 priority over any subsequent garnishment or wage assignment.

15 (6)(a) In any case involving service of a garnishment summons on a
16 financial institution where deposits are received within this state, the
17 financial institution shall (i) if its main-chartered office is located
18 in this state, designate its main-chartered office for the service of
19 summons or (ii) if its main-chartered office is located in another state,
20 designate any one of its offices or branches or its agent for service of
21 process in this state for service of summons. The designation of a main-
22 chartered office or an office or branch or the agent for service of
23 process under this subdivision shall be made by filing a notice of
24 designation with the Department of Banking and Finance, shall contain the
25 physical address of the main-chartered office or the office or branch or
26 the agent for service of process designated, and shall be effective upon
27 placement on the department web site. The department shall post the list
28 of such designated main-chartered offices and offices or branches or
29 agents for service of process on its web site for access by the public. A
30 financial institution may modify or revoke a designation made under this
31 subdivision by filing the modification or revocation with the department.
1 The modification or revocation shall be effective when the department's
2 web site has been updated to reflect the modification or revocation.

3 except that the judgment creditor may rely upon the designation that was
4 modified or revoked during the thirty-day period following the effective
5 date of the modification or revocation if the summons is timely served
6 upon the financial institution. The department shall update its web site
7 to reflect a filing by a financial institution pursuant to this
8 subdivision or a modification or revocation filed by a financial
9 institution pursuant to this subdivision within ten business days
10 following the filing by the financial institution. The department web
11 site shall reflect the date its online records for each financial
12 institution have most recently been updated.

13 (b) If a financial institution where deposits are received has
14 designated its main-chartered office or one of its offices or branches or
15 its agent for service of process for the service of summons, service made
16 on the main-chartered office or the office or branch or the agent for
17 service of process so designated shall be valid and effective as to any
18 property or credits of the defendant in the possession or control of the
19 main-chartered office of the financial institution in this state and any
20 of the financial institution offices or branches located within this
21 state. If service of summons is not made on the main-chartered office or
22 the office or branch or the agent for service of process designated by
23 the financial institution, but instead is made at another office or
24 branch of the financial institution located in Nebraska, the financial
25 institution, in its discretion, and without violating any obligation to
26 its customer, may elect to treat the service of summons as valid and
27 effective as to any property or credits of the defendant in the
28 possession or control of the main-chartered office of the financial
29 institution in this state and any of the financial institution offices or
30 branches located within this state. In the absence of such an election,
31 the financial institution shall file a statement with the interrogatories
1 that the summons was not served at the financial institution's designated
2 location for receiving service of summons and, therefore, was not
3 processed, and shall provide the address at which the financial
4 institution is to receive service of summons.

5 (c) For purposes of this subsection, financial institution means a
6 bank, savings bank, building and loan association, savings and loan
7 association, or credit union whether chartered by the United States, the
8 Department of Banking and Finance, or a foreign state agency.

9 (d) The notice of designation, modification, or revocation shall be
10 made by a financial institution on forms prescribed by the department.

11 (e) The Department of Banking and Finance, any employee of the
12 department, or any person acting on behalf of the department shall be
13 immune from civil and criminal liability for any acts or omissions which
14 occur as a result of the requirements of this subsection.

15 Sec. 3. This act becomes operative on January 1, 2016.

16 Sec. 4. Original sections 25-1010 and 25-1056, Reissue Revised
17 Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 292. Placed on General File with amendment.

AM619

1 1. On page 5, strike lines 14 through 18 and insert "a mandatory
2 expungement hearing within sixty days after the subject receives the
3 notification required under section 28-713.01 unless the subject and the
4 subject's attorney of record, parent, guardian, or guardian ad litem sign
5 and return a waiver form as provided under section 28-713.01 within
6 thirty days after receipt. The department shall not, as guardian, sign a
7 waiver form for any subject in its custody. If such subject remains on
8 the central registry of child protection cases, the department shall
9 conduct a second mandatory expungement hearing within sixty days after
10 the subject's nineteenth birthday unless the subject signs and returns a
11 waiver form as provided under section 28-713.01 within thirty days after
12 receipt.".

LEGISLATIVE BILL 347. Placed on General File with amendment.

AM598

1 1. Insert the following new sections:

2 Section 1. Section 29-1926, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 29-1926 (1)(a) Upon request of the prosecuting or defense attorney
5 and upon a showing of compelling need, the court shall order the taking
6 of a videotape deposition of a child victim of or child witness to any
7 offense punishable as a felony. The deposition ordinarily shall be in
8 lieu of courtroom or in camera testimony by the child. If the court
9 orders a videotape deposition, the court shall:

10 (i) Designate the time and place for taking the deposition. The
11 deposition may be conducted in the courtroom, the judge's chambers, or
12 any other location suitable for videotaping;

13 (ii) Assure adequate time for the defense attorney to complete
14 discovery before taking the deposition; and

15 (iii) Preside over the taking of the videotape deposition in the
16 same manner as if the child were called as a witness for the prosecution
17 during the course of the trial.

18 (b) Unless otherwise required by the court, the deposition shall be
19 conducted in the presence of the prosecuting attorney, the defense
20 attorney, the defendant, and any other person deemed necessary by the
21 court, including the parent or guardian of the child victim or child
22 witness or a counselor or other person with whom the child is familiar.
23 Such parent, guardian, counselor, or other person shall be allowed to sit
24 with or near the child unless the court determines that such person would
25 be disruptive to the child's testimony.

26 (c) At any time subsequent to the taking of the original videotape
27 deposition and upon sufficient cause shown, the court shall order the
1 taking of additional videotape depositions to be admitted at the time of
2 the trial.

3 (d) If the child testifies at trial in person rather than by
4 videotape deposition, the taking of the child's testimony may, upon
5 request of the prosecuting attorney and upon a showing of compelling

6 need, be conducted in camera.

7 (e) Unless otherwise required by the court, the child shall testify
8 in the presence of the prosecuting attorney, the defense attorney, the
9 defendant, and any other person deemed necessary by the court, including
10 the parent or guardian of the child victim or child witness or a
11 counselor or other person with whom the child is familiar. Such parent,
12 guardian, counselor, or other person shall be allowed to sit with or near
13 the child unless the court determines that such person would be
14 disruptive to the child's testimony. Unless waived by the defendant, all
15 persons in the room shall be visible on camera except the camera
16 operator.

17 (f) If deemed necessary to preserve the constitutionality of the
18 child's testimony, the court may direct that during the testimony the
19 child shall at all times be in a position to see the defendant live or on
20 camera.

21 (g) For purposes of this section, child shall mean a person eleven
22 years of age or younger at the time the motion to take the deposition is
23 made or at the time of the taking of in camera testimony at trial.

24 (h) Nothing in this section shall restrict the court from conducting
25 the pretrial deposition or in camera proceedings in any manner deemed
26 likely to facilitate and preserve a child's testimony to the fullest
27 extent possible, consistent with the right to confrontation guaranteed in
28 the Sixth Amendment of the Constitution of the United States and Article
29 I, section 11, of the Nebraska Constitution. In deciding whether there is
30 a compelling need that child testimony accommodation is required by
31 pretrial videotape deposition, in camera live testimony, in camera
1 videotape testimony, or any other accommodation, the court shall make
2 particularized findings on the record of:

3 (i) The nature of the offense;

4 (ii) The significance of the child's testimony to the case;

5 (iii) The likelihood of obtaining the child's testimony without
6 modification of trial procedure or with a different modification
7 involving less substantial digression from trial procedure than the
8 modification under consideration;

9 (iv) The child's age;

10 (v) The child's psychological maturity and understanding; and

11 (vi) The nature, degree, and duration of potential injury to the
12 child from testifying.

13 (i) The court may order an independent examination by a psychologist
14 or psychiatrist if the defense attorney requests the opportunity to rebut
15 the showing of compelling need produced by the prosecuting attorney. Such
16 examination shall be conducted in the child's county of residence.

17 (j) After a finding of compelling need by the court, neither party
18 may call the child witness to testify as a live witness at the trial
19 before the jury unless that party demonstrates that the compelling need
20 no longer exists.

21 (k) Nothing in this section shall limit the right of access of the
22 media or the public to open court.

23 (l) Nothing in this section shall preclude discovery by the

24 defendant as set forth in section 29-1912.

25 (m) The Supreme Court may adopt and promulgate rules of procedure to
26 administer this section, which rules shall not be in conflict with laws
27 governing such matters.

28 (2)(a) No custodian of a videotape of a child victim or child
29 witness alleging, explaining, denying, or describing an act of sexual
30 assault pursuant to section 28-319, 28-319.01, or 28-320.01 or child
31 abuse pursuant to section 28-707 as part of an investigation or
1 evaluation of the abuse or assault shall release or use a videotape or
2 copies of a videotape or consent, by commission or omission, to the
3 release or use of a videotape or copies of a videotape to or by any other
4 party without a court order, notwithstanding the fact that the child
5 victim or child witness has consented to the release or use of the
6 videotape or that the release or use is authorized under law, except as
7 provided in section 28-730 or pursuant to an investigation under the
8 Office of Inspector General of Nebraska Child Welfare Act. Any custodian
9 may release or consent to the release or use of a videotape or copies of
10 a videotape to law enforcement agencies or agencies authorized to
11 prosecute such abuse or assault cases on behalf of the state.

12 (b) The court order may govern the purposes for which the videotape
13 may be used, the reproduction of the videotape, the release of the
14 videotape to other persons, the retention and return of copies of the
15 videotape, and any other requirements reasonably necessary for the
16 protection of the privacy and best interests of the child victim or child
17 witness.

18 (c) Pursuant to section 29-1912, the defendant described in the
19 videotape may petition the district court in the county where the alleged
20 offense took place or where the custodian of the videotape resides for an
21 order releasing to the defendant a copy of the videotape.

22 (d) Any person who releases or uses a videotape except as provided
23 in this section shall be guilty of a Class I misdemeanor.

24 Sec. 2. Section 43-2,108, Revised Statutes Cumulative Supplement,
25 2014, is amended to read:

26 43-2,108 (1) The juvenile court judge shall keep a minute book in
27 which he or she shall enter minutes of all proceedings of the court in
28 each case, including appearances, findings, orders, decrees, and
29 judgments, and any evidence which he or she feels it is necessary and
30 proper to record. Juvenile court legal records shall be deposited in
31 files and shall include the petition, summons, notice, certificates or
1 receipts of mailing, minutes of the court, findings, orders, decrees,
2 judgments, and motions.

3 (2) Except as provided in subsections (3), ~~and (4)~~, and (5) of this
4 section, the medical, psychological, psychiatric, and social welfare
5 reports and the records of juvenile probation officers as they relate to
6 individual proceedings in the juvenile court shall not be open to
7 inspection, without order of the court. Such records shall be made
8 available to a district court of this state or the District Court of the
9 United States on the order of a judge thereof for the confidential use of
10 such judge or his or her probation officer as to matters pending before

11 such court but shall not be made available to parties or their counsel;
12 and such district court records shall be made available to a county court
13 or separate juvenile court upon request of the county judge or separate
14 juvenile judge for the confidential use of such judge and his or her
15 probation officer as to matters pending before such court, but shall not
16 be made available by such judge to the parties or their counsel.

17 (3) As used in this ~~section subsection~~, confidential record
18 information ~~means shall mean~~ all docket records, other than the
19 pleadings, orders, decrees, and judgments; case files and records;
20 reports and records of probation officers; and information supplied to
21 the court of jurisdiction in such cases by any individual or any public
22 or private institution, agency, facility, or clinic, which is compiled
23 by, produced by, and in the possession of any court. In all cases under
24 subdivision (3)(a) of section 43-247, access to all confidential record
25 information in such cases shall be granted only as follows: (a) The court
26 of jurisdiction may, subject to applicable federal and state regulations,
27 disseminate such confidential record information to any individual, or
28 public or private agency, institution, facility, or clinic which is
29 providing services directly to the juvenile and such juvenile's parents
30 or guardian and his or her immediate family who are the subject of such
31 record information; (b) the court of jurisdiction may disseminate such
1 confidential record information, with the consent of persons who are
2 subjects of such information, or by order of such court after showing of
3 good cause, to any law enforcement agency upon such agency's specific
4 request for such agency's exclusive use in the investigation of any
5 protective service case or investigation of allegations under subdivision
6 (3)(a) of section 43-247, regarding the juvenile or such juvenile's
7 immediate family, who are the subject of such investigation; and (c) the
8 court of jurisdiction may disseminate such confidential record
9 information to any court, which has jurisdiction of the juvenile who is
10 the subject of such information upon such court's request.

11 (4) The court shall provide copies of predispositional reports and
12 evaluations of the juvenile to the juvenile's attorney and the county
13 attorney or city attorney prior to any hearing in which the report or
14 evaluation will be relied upon.

15 (5) In all cases under sections 43-246.01 and 43-247 the court or
16 the probation officer shall disseminate confidential record information
17 to (a) the office of Inspector General of Nebraska Child Welfare upon
18 request for the exclusive use in an investigation pursuant to the Office
19 of Inspector General of Nebraska Child Welfare Act and (b) the Foster
20 Care Review Office pursuant to the Foster Care Review Act. Nothing in
21 this subsection shall prevent the notification of death or serious injury
22 of a juvenile to the Inspector General of Nebraska Child Welfare pursuant
23 to section 43-4318 as soon as reasonably possible after the Office of
24 Probation Administration learns of such death or serious injury.

25 ~~(6 5)~~ Nothing in subsections ~~subsection~~ (3) and (5) of this section
26 shall be construed to restrict the dissemination of confidential record
27 information between any individual or public or private agency,
28 institute, facility, or clinic, except any such confidential record

29 information disseminated by the court of jurisdiction pursuant to this
30 section shall be for the exclusive and private use of those to whom it
31 was released and shall not be disseminated further without order of such
1 court.

2 (7)(a) ~~(6)(a)~~ Any records concerning a juvenile court petition filed
3 pursuant to subdivision (3)(c) of section 43-247 shall remain
4 confidential except as may be provided otherwise by law. Such records
5 shall be accessible to (i) the juvenile except as provided in subdivision
6 (b) of this subsection, (ii) the juvenile's counsel, (iii) the juvenile's
7 parent or guardian, and (iv) persons authorized by an order of a judge or
8 court.

9 (b) Upon application by the county attorney or by the director of
10 the facility where the juvenile is placed and upon a showing of good
11 cause therefor, a judge of the juvenile court having jurisdiction over
12 the juvenile or of the county where the facility is located may order
13 that the records shall not be made available to the juvenile if, in the
14 judgment of the court, the availability of such records to the juvenile
15 will adversely affect the juvenile's mental state and the treatment
16 thereof.

17 Sec. 3. Section 43-3001, Revised Statutes Cumulative Supplement,
18 2014, is amended to read:

19 43-3001 (1) Notwithstanding any other provision of law regarding the
20 confidentiality of records and when not prohibited by the federal Privacy
21 Act of 1974, as amended, juvenile court records and any other pertinent
22 information that may be in the possession of school districts, school
23 personnel, county attorneys, the Attorney General, law enforcement
24 agencies, child advocacy centers, state probation personnel, state parole
25 personnel, youth detention facilities, medical personnel, treatment or
26 placement programs, the Department of Health and Human Services, the
27 Department of Correctional Services, the Foster Care Review Office, local
28 foster care review boards, child abuse and neglect investigation teams,
29 child abuse and neglect treatment teams, or other multidisciplinary teams
30 for abuse, neglect, or delinquency concerning a child who is in the
31 custody of the state may be shared with individuals and agencies who have
1 been identified in a court order authorized by this section.

2 (2) In any judicial proceeding concerning a child who is currently,
3 or who may become at the conclusion of the proceeding, a ward of the
4 court or state or under the supervision of the court, an order may be
5 issued which identifies individuals and agencies who shall be allowed to
6 receive otherwise confidential information concerning the child for
7 legitimate and official purposes. The individuals and agencies who may be
8 identified in the court order are the child's attorney or guardian ad
9 litem, the parents' attorney, foster parents, appropriate school
10 personnel, county attorneys, the Attorney General, authorized court
11 personnel, law enforcement agencies, state probation personnel, state
12 parole personnel, youth detention facilities, medical personnel, court
13 appointed special advocate volunteers, treatment or placement programs,
14 the Department of Health and Human Services, the Office of Juvenile
15 Services, the Department of Correctional Services, the Foster Care Review

16 Office, local foster care review boards, the office of Inspector General
 17 of Nebraska Child Welfare, child abuse and neglect investigation teams,
 18 child abuse and neglect treatment teams, other multidisciplinary teams
 19 for abuse, neglect, or delinquency, and other individuals and agencies
 20 for which the court specifically finds, in writing, that it would be in
 21 the best interest of the juvenile to receive such information. Unless the
 22 order otherwise states, the order shall be effective until the child
 23 leaves the custody of the state or supervision of the court or until a
 24 new order is issued.

25 (3) All information acquired by an individual or agency pursuant to
 26 this section shall be confidential and shall not be disclosed except to
 27 other persons who have a legitimate and official interest in the
 28 information and are identified in the court order issued pursuant to this
 29 section with respect to the child in question. A person who receives such
 30 information or who cooperates in good faith with other individuals and
 31 agencies identified in the appropriate court order by providing
 1 information or records about a child shall be immune from any civil or
 2 criminal liability. The provisions of this section granting immunity from
 3 liability shall not be extended to any person alleged to have committed
 4 an act of child abuse or neglect.

5 (4) In any proceeding under this section relating to a child of
 6 school age, certified copies of school records relating to attendance and
 7 academic progress of such child are admissible in evidence.

8 (5) Except as provided in subsection (4) of this section, any person
 9 who publicly discloses information received pursuant to this section
 10 shall be guilty of a Class III misdemeanor.

11 2. Renumber the remaining sections and correct internal references
 12 and the repealer accordingly.

LEGISLATIVE BILL 482. Placed on General File with amendment.
 AM691

1 1. Strike original section 3 and insert the following new section:

2 Sec. 3. (1) Restraints shall not be used on a juvenile during a
 3 juvenile court proceeding and shall be removed prior to the juvenile's
 4 appearance before the juvenile court, unless the juvenile court makes a
 5 finding of probable cause that:

6 (a) The use of restraints is necessary:

7 (i) To prevent physical harm to the juvenile or another person;

8 (ii) Because the juvenile:

9 (A) Has a history of disruptive courtroom behavior that has placed
 10 others in potentially harmful situations; or

11 (B) Presents a substantial risk of inflicting physical harm on
 12 himself or herself or others as evidenced by recent behavior; or

13 (iii) Because the juvenile presents a substantial risk of flight
 14 from the courtroom; and

15 (b) There is no less restrictive alternative to restraints that will
 16 prevent flight or physical harm to the juvenile or another person,
 17 including, but not limited to, the presence of court personnel, law
 18 enforcement officers, or bailiffs.

19 (2) The court shall provide the juvenile's attorney an opportunity
 20 to be heard before the court orders the use of restraints. If restraints
 21 are ordered, the court shall make written findings of fact in support of
 22 the order.
 23 (3) For purposes of this section, restraints includes, but is not
 24 limited to, handcuffs, chains, irons, straitjackets, and electronic
 25 restraint devices.

(Signed) Les Seiler, Chairperson

Revenue

LEGISLATIVE BILL 559. Placed on General File.

LEGISLATIVE BILL 610. Placed on General File.

(Signed) Mike Gloor, Chairperson

PRESIDENT FOLEY PRESIDING

SELECT FILE

LEGISLATIVE BILL 245. Senator B. Harr withdrew his amendments, FA29 and AM827, found on pages 799 and 817.

Senator B. Harr offered the following amendment:
 AM843

1 1. Insert the following new section:
 2 Section 1. Section 29-2102, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 29-2102 (1) The grounds set forth in subdivisions (2), (3), and (6)
 5 of section 29-2101 shall be supported by affidavits showing the truth of
 6 such grounds, and the grounds may be controverted by affidavits. The
 7 ground set forth in subdivision (5) of section 29-2101 shall be supported
 8 by evidence of the truth of the ground in the form of affidavits,
 9 depositions, or oral testimony.
 10 (2) If the motion for new trial and supporting documents fail to set
 11 forth sufficient facts, the court may, on its own motion, dismiss the
 12 motion without a hearing. If the motion for new trial and supporting
 13 documents set forth facts which, if true, would materially affect the
 14 substantial rights of the defendant, the court shall cause notice of the
 15 motion to be served on the prosecuting attorney, grant a hearing on the
 16 motion, and determine the issues and make findings of fact and
 17 conclusions of law with respect thereto.
 18 (3) In considering a motion for new trial based on the grounds set
 19 forth in subdivision (5) of section 29-2101, if the court finds that
 20 there is evidence materially affecting the substantial rights of the
 21 defendant which he or she could not with reasonable diligence have
 22 discovered and produced at trial, the court may, on its own motion or
 23 upon the motion of any party, vacate and set aside the judgment and

24 release the person from custody or grant a new trial as appropriate.
25 2. Renumber the remaining sections and correct the repealer
26 accordingly.

The B. Harr amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 304. ER47, found on page 732, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 366. Senator Groene offered the following amendment:

AM844

1 1. On page 2, line 6, after the period insert the following new
2 paragraph:
3 "It is the intent of the Legislature that, beginning in fiscal year
4 2015-16, any increase over the previous fiscal year in payments pursuant
5 to the Medical Assistance Act or assistance to the aged, blind, and
6 disabled pursuant to section 68-1006 on behalf of persons residing in
7 alternate living arrangements be reduced by the amount of the increase in
8 the personal needs allowance adopted pursuant to this legislative bill."

Senator Gloor requested a ruling of the Chair on whether the Groene amendment is germane to the bill.

The Chair ruled the Groene amendment is germane to the bill.

Senator Groene withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 366A. Senator Pansing Brooks offered her amendment, AM718, found on page 813.

The Pansing Brooks amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 504. ER48, found on page 763, was adopted.

Senator Krist offered his amendment, AM710, found on page 810.

The Krist amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 504A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 128. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 431. ER45, found on page 720, was adopted.

Senator Bloomfield offered his amendment, AM703, found on page 813.

The Bloomfield amendment lost with 5 ayes, 14 nays, 23 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 627. Title read. Considered.

SPEAKER HADLEY PRESIDING

Committee AM232, found on page 677, was offered.

Pending.

ANNOUNCEMENT(S)

Senator Coash designates LB292 as his priority bill.

Senator Hughes designates LB323 as his priority bill.

The Government, Military and Veterans Affairs Committee designates LB575 and LB132 as its priority bills.

Senator Kolowski designates LB343 as his priority bill.

Senator Kuehn designates LB599 as his priority bill.

Senator Riepe designates LB285 as his priority bill.

The Transportation and Telecommunications Committee designates LB641 and LB629 as its priority bills.

Senator Hilkemann designates LB156 as his priority bill.

Senator Murante designates LB226 as his priority bill.

Senator Ebke designates LB67 as her priority bill.

The General Affairs Committee designates LB619 as its priority bill.

Senator Larson designates LB113 as his priority bill.

Senator Williams designates LB559 as his priority bill.

Senator Nordquist designates LB423 as his priority bill.

Senator Schilz designates LB176 as his priority bill.

Senator McCollister designates LB623 as his priority bill.

Senator Bolz designates LB243 as her priority bill.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 12, 2015, at 10:13 a.m. were the following: LBs 23, 34, 35, 37, 46, 129, 146, 155e, 164, 179, 207, and 279e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 649. Placed on General File with amendment.

AM821

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

2 sections:

3 Section 1. Section 84-712.01, Reissue Revised Statutes of Nebraska,

4 is amended to read:

5 84-712.01 (1) Except when any other statute expressly provides that

6 particular information or records shall not be made public, public

7 records shall include all records and documents, regardless of physical

8 form, of or belonging to this state, any county, city, village, political

9 subdivision, or tax-supported district in this state, or any agency,

10 branch, department, board, bureau, commission, council, subunit, or

11 committee of any of the foregoing. Data which is a public record in its

12 original form shall remain a public record when maintained in computer

13 files. Each vote cast by a public official for a leadership position in

14 the body in which he or she serves shall be recorded and preserved as a
 15 public record, except that a procedure may be used to permit the vote to
 16 be cast secretly so long as the person for whom the public official voted
 17 is recorded after the tally for purposes of this section.

18 (2) When a custodian of a public record of a county provides to a
 19 member of the public, upon request, a copy of the public record by
 20 transmitting it from a modem to an outside modem, a reasonable fee may be
 21 charged for such specialized service. Such fee may include a reasonable
 22 amount representing a portion of the amortization of the cost of computer
 23 equipment, including software, necessarily added in order to provide such
 24 specialized service. This subsection shall not be construed to require a
 25 governmental entity to acquire computer capability to generate public
 26 records in a new or different form when that new form would require
 27 additional computer equipment or software not already possessed by the
 1 governmental entity.

2 (3) Sections 84-712 to 84-712.03 shall be liberally construed
 3 whenever any state, county, or political subdivision fiscal records,
 4 audit, warrant, voucher, invoice, purchase order, requisition, payroll,
 5 check, receipt, or other record of receipt, cash, or expenditure
 6 involving public funds is involved in order that the citizens of this
 7 state shall have the full right to know of and have full access to
 8 information on the public finances of the government and the public
 9 bodies and entities created to serve them.

10 Sec. 2. Original section 84-712.01, Reissue Revised Statutes of
 11 Nebraska, is repealed.

(Signed) John Murante, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 242. Placed on Select File with amendment.
 ER49

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:
 3 Section 1. Section 2-3753, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 2-3753 The commission shall have the following powers and duties:
 6 (1) To adopt and devise a dry bean program consisting of research,
 7 education, advertising, publicity, and promotion to increase total
 8 consumption of dry beans on a state, national, and international basis;
 9 (2) To prepare and approve a budget consistent with limited receipts
 10 and the scope of the dry bean program;
 11 (3) To adopt and promulgate reasonable rules and regulations
 12 necessary to carry out the dry bean program;
 13 (4) To procure and evaluate data and information necessary for the
 14 proper administration and operation of the dry bean program;
 15 (5) To employ personnel and contract for services which are
 16 necessary for the proper operation of the dry bean program;

17 (6) To establish a means whereby the grower and processor of dry
18 beans has the opportunity at least annually to offer his or her ideas and
19 suggestions relative to commission policy for the coming year;
20 (7) To authorize the expenditure of funds and contracting of
21 expenditures to conduct proper activities of the program;
22 (8) To bond such persons as may be necessary in order to insure
23 adequate protection of funds;
24 (9) To keep minutes of its meetings and other books and records
25 which will clearly reflect all of the acts and transactions of the
26 commission and to keep such records open to examination by any grower or
27 processor participant during normal business hours;
1 (10) To prohibit any funds collected by the commission from being
2 expended directly or indirectly to promote or oppose any candidate for
3 public office or to influence state legislation. ~~The commission board~~
4 shall not expend more than ~~fifteen~~ ~~twenty-five~~ percent of its annual
5 budget to influence federal legislation. The purpose of such expenditures
6 for federal lobbying activity shall be limited to activity supporting the
7 underlying objectives of the dry bean program relating to market
8 development, education, and research;
9 (11) To establish an administrative office at such place in the
10 state as may be suitable for the proper discharge of the functions of the
11 commission; and
12 (12) To adopt and promulgate rules and regulations to carry out the
13 Dry Bean Resources Act.
14 Sec. 2. Section 2-3755, Reissue Revised Statutes of Nebraska, is
15 amended to read:
16 2-3755 (1) Beginning August 1, 1987, there shall be paid to the
17 commission a fee of six cents per hundredweight upon all dry beans grown
18 in the state during 1987 and thereafter and sold through commercial
19 channels. Beginning January 1, 1989, ~~until July 31, 2015~~, the commission
20 may, whenever it determines that the fees provided by this section are
21 yielding more or less than is required to carry out the intent and
22 purposes of the Dry Bean Resources Act, reduce or increase such fee for
23 such period as it shall deem justifiable, but not less than one year and
24 not to exceed ten cents per hundredweight.
25 (2) Beginning August 1, 2015, the fee imposed by this section shall
26 be fifteen cents per hundredweight. Beginning January 1, 2017, the
27 commission may, whenever it determines that the fees provided by this
28 section are yielding more or less than is required to carry out the
29 intent and purposes of the act, reduce or increase such fee for such
30 period as it shall deem justifiable, but not less than one year and not
31 to exceed twenty-four cents per hundredweight.
1 (3) Two-thirds of the fee levied under this section shall be paid by
2 the grower at the time of sale or delivery and shall be collected by the
3 first purchaser. The first purchaser shall pay the remaining one-third of
4 the fee. No dry beans shall be subject to the fee more than once.
5 Sec. 3. Section 2-3762, Reissue Revised Statutes of Nebraska, is
6 amended to read:
7 2-3762 (1) The commission shall prepare and make available ~~make and~~

8 ~~publish~~ an annual report at least thirty days prior to January 1 of each
9 year which shall set forth in detail the income received from the dry
10 bean assessment for the previous year and shall include:
11 (a ~~4~~) The expenditure of all funds by the commission during the
12 previous year for the administration of the Dry Bean Resources Act;
13 (b ~~2~~) The action taken by the commission on all contracts requiring
14 the expenditure of funds by the commission;
15 (c) A description (~~3~~) ~~Copies~~ of all such contracts;
16 (d ~~4~~) Detailed explanation of all programs relating to the
17 discovery, promotion, and development of bean products and industries for
18 the utilization of dry beans, the direct expense associated with each
19 program, and copies of such programs if in writing; and
20 (e ~~5~~) The name and address of each member of the commission and a
21 copy of all rules and regulations adopted and promulgated by the
22 commission.
23 (2) The report and a copy of all contracts requiring expenditure of
24 funds by the commission shall be available to the public upon request.
25 Notice of availability of such report shall be provided to the Director
26 of Agriculture, the Clerk of the Legislature, and ~~and a summary of such~~
27 ~~report shall be sent to each grower and first purchaser subject to the~~
28 checkoff.
29 Sec. 4. Section 2-3763, Reissue Revised Statutes of Nebraska, is
30 amended to read:
31 2-3763 The State Treasurer shall establish in the treasury of the
1 State of Nebraska a fund to be known as the Dry Bean Development,
2 Utilization, Promotion, and Education Fund, to which fund shall be
3 credited funds collected by the commission pursuant to the Dry Bean
4 Resources Act, including license fees, royalties, or any repayments
5 relating to the fund. The fund shall be expended for the administration
6 of such act. Any money in the fund available for investment shall be
7 invested by the state investment officer pursuant to the Nebraska Capital
8 Expansion Act and the Nebraska State Funds Investment Act.
9 Sec. 5. Original sections 2-3753, 2-3755, 2-3762, and 2-3763,
10 Reissue Revised Statutes of Nebraska, are repealed.
11 Sec. 6. The following section is outright repealed: Section 2-3760,
12 Reissue Revised Statutes of Nebraska.
13 Sec. 7. Since an emergency exists, this act takes effect when
14 passed and approved according to law.
15 2. On page 1, line 2, after "sections" insert "2-3753,"; and strike
16 beginning with "fees" in line 3 through line 4 and insert "expenditures
17 for lobbying activities, fees, annual reporting requirements,".

(Signed) Matt Hansen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 627. Committee AM232, found on page 677 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

ANNOUNCEMENT(S)

The Executive Board designates LB56 as its priority bill.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Watermeier - LB294
Friesen - LB610

VISITORS

Visitors to the Chamber were Bill Henry from Papillion; A'keem Enriquez from Lincoln and Ken Kujath of the City/Impact Mentoring Program, Lincoln; Dante, Clyde, and Michele Flowers from Columbus; 62 fourth-grade students from Rockbrook Elementary, Omaha; and members of the Nebraska City and Nemaha County Leadership class from Nebraska City and Auburn.

The Doctor of the Day was Dr. Susan Evans from Omaha.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Smith, the Legislature adjourned until 10:00 a.m., Monday, March 16, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIFTH DAY - MARCH 16, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

FORTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 16, 2015

PRAYER

The prayer was offered by Senator Watermeier.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Sullivan presiding.

The roll was called and all members were present except Senators Garrett, Johnson, and Seiler who were excused; and Senators Coash, Cook, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fourth day was approved.

ANNOUNCEMENT(S)

Speaker Hadley designates LBs 47, 196, 200, 231, 240, 315, 317, 325, 347, 361, 382, 415, 452, 457, 458, 500, 539, 540, 547, 577, 581, 591, 605, 607, and 642 as Speaker priority bills.

MESSAGE(S) FROM THE GOVERNOR

March 12, 2015

Patrick J. O'Donnell
Clerk of the Nebraska Legislature
2018 State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 45, 88, 122, 160, 167, 177, 180, 181, 272, 298, 313, 352, and 446 were received in my office on March 6, 2015.

These bills were signed and delivered to the Secretary of State on March 12, 2015.

Sincerely,
(Signed) Pete Ricketts
Governor

PR/lhk

CORRECTED COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 320. Corrected amendment.

AM767

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

3 Section 1. Sections 1 to 9 of this act shall be known and may be
4 cited as the Aging and Disability Resource Center Demonstration Project
5 Act.

6 Sec. 2. The Legislature finds that:

7 (1) The state should anticipate and prepare for significant growth
8 in the number of older Nebraskans and the future needs of individuals
9 with disabilities, both of which will require costly long-term care
10 services;

11 (2) The state should improve access to existing services and support
12 for individuals with disabilities;

13 (3) The state should provide a streamlined approach to identify the
14 needs of older Nebraskans and individuals with disabilities through
15 uniform assessments and a single point of contact;

16 (4) Nebraskans would benefit from statewide public information
17 campaigns to educate older Nebraskans, individuals with disabilities, and
18 their caregivers on the availability of services and support; and

19 (5) It is in the interest of Nebraskans that the state engage in
20 demonstration projects to determine the effectiveness of aging and
21 disability resource centers in enhancing the efficiency and effectiveness
22 of delivery of long-term care services and support to persons who require
23 those services.

24 Sec. 3. A collaboration of organizations that serve aging persons
25 and persons with disabilities, including, but not limited to, area
26 agencies on aging, centers for independent living, and the University
27 Center for Excellence in Developmental Disability Education, Research and
1 Service, shall establish three aging and disability resource center
2 demonstration projects which shall:

3 (1) Provide information which properly utilizes and presents all
4 available public and private long-term care resources to ensure that
5 Nebraskans are receiving the appropriate information necessary to support
6 their needs;

7 (2) Facilitate access to options counseling to help arrange services
8 that will support community living;

9 (3) Comprise a visible and accessible support system for Nebraskans

10 who may benefit from the services offered; and
11 (4) Develop information that will support establishment of a system
12 of standards, certification, and funding in order to implement and
13 operate aging and disability resource centers efficiently and
14 responsibly.
15 Sec. 4. The purpose of the Aging and Disability Resource Center
16 Demonstration Project Act is to evaluate the feasibility of establishing
17 aging and disability resource centers which will provide information
18 about long-term care services and support available in the home and
19 community to older Nebraskans or individuals with disabilities, family
20 caregivers, and people who inquire about or request assistance on behalf
21 of members of these groups and to assist eligible individuals to access
22 the most appropriate public and private resources to meet the
23 individual's long-term care needs.
24 Sec. 5. For purposes of the Aging and Disability Resource Center
25 Demonstration Project Act:
26 (1) Aging and disability resource center means a community-based
27 entity established to provide the services described in section 6 of this
28 act;
29 (2) Area agency on aging has the meaning found in section 81-2208;
30 (3) Center for independent living has the definition found in 29
31 U.S.C. 796a(2), as such section existed on January 1, 2015;
1 (4) Department means State Unit on Aging of the Long-Term Care
2 Services Section of the Division of Medicaid and Long-Term Care of the
3 Department of Health and Human Services or any successor agency
4 designated by the state to fulfill the responsibilities of section 305(a)
5 (1) of the federal Older Americans Act of 1965, 42 U.S.C 3025(a)(1), as
6 such section existed on January 1, 2015;
7 (5) Eligible individual means a person who has lost, never acquired,
8 or has one or more conditions that impact the ability to perform basic
9 activities of daily living that are necessary to live independently;
10 (6) Options counseling means a service that assists eligible
11 individuals in need of long-term care and their representatives to make
12 informed choices about the services and settings that best meet their
13 long-term care needs, using uniform assessments and encouraging
14 the widest possible use of community-based options to allow eligible
15 individuals to live as independently as possible in the setting of their
16 choice;
17 (7) Representative means an individual designated as a legal
18 guardian, designated by a power of attorney or a health care power of
19 attorney, or chosen by law, by a court, or by an individual seeking
20 services, but use of the term representative shall not be construed to
21 disqualify an individual who retains all legal and personal autonomy;
22 (8) Uniform assessment means a single standardized tool used to
23 assess a defined population at a specific time; and
24 (9) University Center for Excellence in Developmental Disability
25 Education, Research and Service means the federally designated University
26 Center for Excellence in Developmental Disability Education, Research and
27 Service of the Munroe-Meyer Institute at the University of Nebraska

28 Medical Center.

29 Sec. 6. The State of Nebraska shall establish three demonstration
30 projects to evaluate the feasibility of establishing aging and disability
31 resource centers as a means of promoting appropriate, effective, and
1 efficient use of long-term care resources. The demonstration projects
2 shall operate through June 30, 2018. Each aging and disability resource
3 center demonstration project shall provide one or more of the following
4 services:

5 (1) Comprehensive information on the full range of available public
6 and private long-term care programs, options, financing, service
7 providers, and resources within a community, including information on the
8 availability of integrated long-term care;

9 (2) Assistance in accessing and applying for public benefits
10 programs;

11 (3) Personal counseling to assist individuals in assessing their
12 existing or anticipated long-term care needs using uniform assessments
13 and developing and implementing a plan for long-term care designed to
14 meet their specific needs and circumstances;

15 (4) A convenient point of entry to the range of publicly supported
16 long-term care programs for eligible individuals;

17 (5) A process for identifying unmet service needs in communities and
18 developing recommendations to respond to those unmet needs;

19 (6) Facilitation of person-centered transition support to assure
20 that an eligible individual is able to find the services and support that
21 are most appropriate to his or her need;

22 (7) Mobility management to promote the appropriate use of public
23 transportation services by persons who do not own or are unable to
24 operate an automobile; and

25 (8) A home care provider registry that will provide persons who need
26 home care with the names of home care providers and information about
27 their rights and responsibilities as home care consumers.

28 Sec. 7. Aging and disability resource center project grants shall
29 be awarded by the department. The department shall adopt criteria for
30 evaluating proposals to operate an aging and disability resource center
31 demonstration project and release a request for proposal within thirty
1 days after the effective date of this act.

2 Sec. 8. (1) Within sixty days after the release date of a request
3 for proposals, each area agency on aging, after consultation with the
4 collaborating organizations described in section 3 of this act and with
5 other organizations including, but not limited to, organizations
6 providing advocacy, protection, and safety for aging persons and persons
7 with disabilities, may submit to the department a proposal to establish
8 an aging and disability resource center demonstration project to provide
9 individuals residing in its planning-and-service area with information
10 about long-term care services and support and to facilitate access to
11 options counseling to assist eligible individuals and their
12 representatives in identifying the most appropriate services to meet
13 their needs. The proposal shall specify how organizations currently
14 servicing eligible individuals will be engaged in the process of delivery

15 of services through the aging and disability resource center. The
16 proposal shall be developed in consultation with eligible individuals and
17 their representatives. The proposal shall indicate how resources will be
18 utilized by the collaborating organizations to fulfill the
19 responsibilities of an aging and disability resource center demonstration
20 project.
21 (2) Two or more area agencies on aging may develop a joint proposal
22 to establish an aging and disability resource center demonstration
23 project to serve all or a portion of their planning and services areas. A
24 joint proposal shall provide information on how the services described in
25 section 6 of this act will be provided in all counties to be served by
26 the aging and disability resource center demonstration project described
27 in the joint proposal.
28 (3) Within ninety days after receipt of a proposal developed
29 pursuant to subsection (1) or (2) of this section, the department shall
30 select three proposals for funding. The department shall enter into a
31 contract with an independent institution having experience in evaluating
1 aging and disability programs for an evaluation of the aging and
2 disability resource center demonstration projects. A preliminary report
3 of the findings of the evaluation shall be presented to the Clerk of the
4 Legislature prior to December 1, 2016. A final evaluation report will be
5 completed by September 30, 2018.
6 Sec. 9. The department shall reimburse each area agency on aging
7 operating an aging and disability resource center demonstration project
8 on a schedule agreed to by the department and the area agency on aging.
9 Such reimbursement shall be made from (1) state funds appropriated by the
10 Legislature, (2) federal funds allocated to the department for the
11 purpose of establishing and operating aging and disability resource
12 centers, and (3) other funds as available.

(Signed) Kathy Campbell, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 538A. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 538, One Hundred Fourth Legislature, First Session, 2015.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 114. Introduced by Craighead, 6.

WHEREAS, the Omaha Creighton Prep High School powerlifting team won the 2015 State Powerlifting Championship; and

WHEREAS, the win gives the Omaha Creighton Prep High School powerlifting team its sixth consecutive state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Omaha Creighton Prep High School powerlifting team on winning the 2015 State Powerlifting Championship.

2. That a copy of this resolution be sent to the Omaha Creighton Prep High School powerlifting team and Coach Dan Barton.

Laid over.

MOTION(S) - Confirmation Report(s)

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 717:

Board of Emergency Medical Services
Laura A. Scholl

Voting in the affirmative, 35:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Davis | Howard | Lindstrom | Riepe |
| Bloomfield | Ebke | Hughes | McCollister | Scheer |
| Bolz | Friesen | Kintner | McCoy | Schnoor |
| Brasch | Gloor | Kolowski | Mello | Schumacher |
| Campbell | Groene | Kolterman | Morfeld | Stinner |
| Chambers | Hansen | Kuehn | Murante | Watermeier |
| Crawford | Hilkemann | Larson | Pansing Brooks | Williams |

Voting in the negative, 0.

Present and not voting, 8:

| | | | |
|-----------|----------|-----------|----------|
| Craighead | Hadley | Krist | Smith |
| Haar, K. | Harr, B. | Nordquist | Sullivan |

Excused and not voting, 6:

| | | |
|-------|---------|--------|
| Coash | Garrett | Schilz |
| Cook | Johnson | Seiler |

The appointment was confirmed with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 717:

State Board of Health
Teresa Konda

Voting in the affirmative, 35:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | McCollister | Schnoor |
| Bloomfield | Ebke | Howard | Mello | Schumacher |
| Bolz | Friesen | Kintner | Morfeld | Smith |
| Brasch | Gloor | Kolowski | Murante | Stinner |
| Campbell | Groene | Kolterman | Pansing Brooks | Sullivan |
| Chambers | Haar, K. | Larson | Riepe | Watermeier |
| Crawford | Hansen | Lindstrom | Scheer | Williams |

Voting in the negative, 0.

Present and not voting, 8:

| | | | |
|-----------|----------|-------|-----------|
| Craighead | Harr, B. | Krist | McCoy |
| Hadley | Hughes | Kuehn | Nordquist |

Excused and not voting, 6:

| | | |
|-------|---------|--------|
| Coash | Garrett | Schilz |
| Cook | Johnson | Seiler |

The appointment was confirmed with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 717:

Nebraska Rural Health Advisory Commission
John A. E. Craig

Voting in the affirmative, 33:

| | | | | |
|----------|-----------|-------------|----------------|------------|
| Baker | Ebke | Kintner | Mello | Smith |
| Bolz | Friesen | Kolowski | Murante | Stinner |
| Brasch | Gloor | Kolterman | Pansing Brooks | Sullivan |
| Campbell | Haar, K. | Larson | Riepe | Watermeier |
| Chambers | Hansen | Lindstrom | Scheer | Williams |
| Crawford | Hilkemann | McCollister | Schnoor | |
| Davis | Howard | McCoy | Schumacher | |

Voting in the negative, 0.

Present and not voting, 10:

| | | | | |
|------------|--------|----------|-------|-----------|
| Bloomfield | Groene | Harr, B. | Krist | Morfeld |
| Craighead | Hadley | Hughes | Kuehn | Nordquist |

Excused and not voting, 6:

| | | |
|-------|---------|--------|
| Coash | Garrett | Schilz |
| Cook | Johnson | Seiler |

The appointment was confirmed with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

ANNOUNCEMENT

The Chair announced the birthday of Senator Kolterman.

SELECT FILE

LEGISLATIVE BILL 10. Senator Chambers renewed his amendment, AM528, found on page 639 and considered on page 762.

Senator Chambers offered the following amendment to his amendment:

FA30

Amend AM528

In line 23 after "same" insert "proportional".

SPEAKER HADLEY PRESIDING

Pending.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 106, 107, and 108 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 106, 107, and 108.

SELECT FILE

LEGISLATIVE BILL 10. The Chambers amendment, FA30, found in this day's Journal, to his amendment, AM528, was renewed.

SENATOR KRIST PRESIDING

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

The Chambers amendment lost with 15 ayes, 18 nays, 7 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to his amendment:

FA31

Amend AM528

In line 25 after "is" insert "the".

Pending.

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE BILL 141. Placed on General File.

(Signed) Ken Schilz, Chairperson

Executive Board

LEGISLATIVE BILL 56. Placed on General File with amendment.

AM845

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Notwithstanding sections 72-811 to 72-818 or any other
4 provision of law, the Director of Administrative Services shall cause a
5 survey of the property which comprises the Norfolk Regional Center to be
6 done and, in consultation with the Department of Health and Human
7 Services, shall determine what portion is not needed for state purposes.
8 Pursuant to such survey and determination, the Director of Administrative
9 Services shall submit a report to the Legislature and the Governor and
10 request authorization to give the Northeast Community College Area the
11 right of first refusal to purchase the portion of property not needed for
12 state purposes at its fair market value for the purpose of development of
13 the Northeast Community College Technology Park. The report submitted to
14 the Legislature shall be submitted electronically. Approval of the
15 Governor and the Legislature or, if the Legislature is not in session,
16 the Executive Board of the Legislative Council shall be required to give
17 such right of first refusal to the Northeast Community College Area.
18 Sec. 2. Since an emergency exists, this act takes effect when
19 passed and approved according to law.

LEGISLATIVE RESOLUTION 7CA. Placed on General File with amendment.

AM822

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

3 Section 1. At the general election in November 2016 the following
 4 proposed amendment to the Constitution of Nebraska shall be submitted to
 5 the electors of the State of Nebraska for approval or rejection:

6 To amend Article III, section 12:

7 III-12 (~~4~~) No person shall be eligible to serve as a member of the
 8 Legislature for four years next after the expiration of ~~three~~ two
 9 consecutive terms regardless of the district represented.

10 (~~2~~) ~~Service prior to January 1, 2001, as a member of the Legislature~~
 11 ~~shall not be counted for the purpose of calculating consecutive terms in~~
 12 ~~subsection (1) of this section.~~

13 (~~3~~) ~~For the purpose of this section, service in office for more than~~
 14 ~~one half of a term shall be deemed service for a term.~~

15 Sec. 2. The proposed amendments shall be submitted to the electors
 16 in the manner prescribed by the Constitution of Nebraska, Article XVI,
 17 section 1, with the following ballot language:

18 A constitutional amendment to change the limit on legislative terms
 19 from two consecutive terms to three consecutive terms and to eliminate
 20 obsolete provisions.

21 For

22 Against.

23 A constitutional amendment to eliminate the provision that service
 24 for more than one-half of a legislative term constitutes one term for
 25 purposes of the limit on legislative terms and to eliminate obsolete
 26 provisions.

27 For

1 Against.

(Signed) Bob Krist, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 610A. Introduced by Smith, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 610, One Hundred Fourth Legislature, First Session, 2015.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 115. Introduced by Williams, 36.

WHEREAS, Kendra Staab, age 18, of Broken Bow, has achieved national recognition for exemplary volunteer service by being named a Distinguished Finalist for the 2015 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals,

honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Staab earned this honor by giving generously of her time and energy to construct a frisbee golf course at Melham Park in Broken Bow after securing \$340 in sponsorship dollars to pay for the materials. Ms. Staab plotted a course layout, secured the approval of the city, and built and mounted the baskets; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Staab who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates Kendra Staab for being named a Distinguished Finalist for the 2015 Prudential Spirit of Community Award.
2. That a copy of this resolution be sent to Kendra Staab.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Bloomfield filed the following amendment to LB242:
AM851

(Amendments to E and R amendments, ER49)

- 1 1. On page 2, line 31, strike "twenty-four" and insert "twenty".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Crawford - LB268

Haar, K., Hughes, Morfeld, Pansing Brooks, Schnoor - LB323

Hansen - LB268

Lindstrom - LB591

VISITORS

Visitors to the Chamber were UNL students, Caitlin Summerlin and Sarah O'Neill; Lexus Johnson and Amber Root from Lincoln; and 15 key women educators of Delta Kappa Gamma Society International Rho State from across the state.

The Doctor of the Day was Dr. Brady Fickenscher from Omaha.

ADJOURNMENT

At 11:56 a.m., on a motion by Senator Stinner, the Legislature adjourned until 9:00 a.m., Tuesday, March 17, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SIXTH DAY - MARCH 17, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 17, 2015

PRAYER

The prayer was offered by Pastor Jackie Perry, First Congressional United Church of Christ, Norfolk.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Coash and Mello who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fifth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 128. Placed on Final Reading.

LEGISLATIVE BILL 245. Placed on Final Reading.

ST15

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

1. In the E and R amendments, ER46, on page 1, line 2, "29-2103" has been struck and "29-2102, 29-2103," inserted.

2. Section 2 and all amendments thereto have been struck and the following new section inserted:

Sec. 4. Original sections 29-2102, 29-2103, and 29-4120, Reissue Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 304. Placed on Final Reading.

LEGISLATIVE BILL 366. Placed on Final Reading.

LEGISLATIVE BILL 366A. Placed on Final Reading.

LEGISLATIVE BILL 431. Placed on Final Reading.

LEGISLATIVE BILL 439. Placed on Final Reading Second.

LEGISLATIVE BILL 504. Placed on Final Reading.
LEGISLATIVE BILL 504A. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

MESSAGE(S) FROM THE GOVERNOR

March 12, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Emergency Response Commission:

Sharon Medcalf, 8046 Swallowtail Street, Papillion, NE 68046

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

March 13, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Oil and Gas Conservation Commission:

John Arley Rundel, 416 East C Street, Trenton, NE 69044

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosure

SELECT FILE

LEGISLATIVE BILL 10. Senator Chambers renewed his amendment, FA31, found on page 865.

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

The Chambers amendment lost with 13 ayes, 21 nays, 12 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S) Agriculture

LEGISLATIVE BILL 618. Placed on General File with amendment.
AM792

1 1. Strike original sections 3, 12, and 17 and insert the following
2 new sections:
3 Sec. 3. (1) On or before December 1, 2015, on or before August 1,
4 2020, and on or before August 1 of every fifth year thereafter, the board
5 shall prepare a report that provides (a) a five-year history of planted
6 and harvested wheat acres and the number of bushels of wheat harvested
7 within each district established under section 2-2304 or subsection (2)
8 of this section and (b) appropriate graphic, narrative, or other
9 description and analysis of trends in the (i) geographic distribution of
10 wheat production within the state and (ii) marketing destination and end-
11 use markets, including any geographic distinctions or distinctions due to
12 wheat variety or attributes for Nebraska-grown wheat. The board shall
13 notify the Director of Agriculture and the chairperson of the Agriculture
14 Committee of the Legislature of the completion and availability of the
15 reports prepared pursuant to this subsection.
16 (2)(a) The composition of the board as defined by section 2-2304
17 shall continue until such time as a plan is implemented pursuant to this
18 subsection based on a determination by the board that the districts and
19 at-large membership as defined by section 2-2304 are incompatible with an
20 equitable representation of producers of wheat due to changing geographic
21 distribution of wheat production in the state, changing marketing
22 patterns, or availability of qualified individuals to serve as board
23 members. In order to maintain equitable representation of wheat
24 producers, the board may, from time-to-time as necessary and appropriate,
25 prepare a plan to revise the composition of the board by redefining the

26 boundaries of the districts, by increasing or decreasing the number of
27 members selected by the districts, by increasing or decreasing the number
1 of members selected from the state at-large, or by any combination of
2 such methods. Any plan to revise the composition of the board may
3 reassign members of the board at the time such plan takes effect to
4 assume membership as the representative of a redesignated district within
5 which such member resides or reassign such member as an at-large member.
6 Any plan to revise the composition of the board shall not eliminate the
7 membership of any member of the board at the time such plan takes effect
8 prior to the expiration of the term of such member. Any plan to revise
9 the composition of the board shall not affect any qualification to serve
10 as a member of the board or the procedure for nomination and appointment
11 to the board.

12 (b) Whenever the board proposes a plan to revise the composition of
13 the board as provided in this subsection, the board shall provide notice
14 of the plan along with any graphic or narrative description of such plan
15 and a written explanation of the need to revise the composition of the
16 board to the Director of Agriculture and chairperson of the Agriculture
17 Committee of the Legislature on or before November 1 of the year prior to
18 when such plan would be implemented, and any such plan shall not be
19 implemented until ninety days after adjournment of the next regular
20 session of the Legislature.

21 Sec. 12. (1) On or before December 1, 2015, on or before August 1,
22 2020, and on or before August 1 of every fifth year thereafter, the board
23 shall prepare a report that provides (a) a five-year history of planted
24 and harvested corn acres and the number of bushels of corn harvested
25 within each district established under section 2-3615 or subsection (2)
26 of this section and (b) appropriate graphic, narrative, or other
27 description and analysis of trends in the (i) geographic distribution of
28 corn production within the state and (ii) marketing destination and end-
29 use markets, including any geographic distinctions or distinctions due to
30 corn variety or attributes for Nebraska-grown corn. The board shall
31 notify the Director of Agriculture and the chairperson of the Agriculture
1 Committee of the Legislature of the completion and availability of the
2 reports prepared pursuant to this subsection.

3 (2)(a) The composition of the board as defined by section 2-3615
4 shall continue until such time as a plan is implemented pursuant to this
5 subsection based on a determination by the board that the districts and
6 at-large membership as defined by section 2-3615 are incompatible with an
7 equitable representation of producers of corn due to changing geographic
8 distribution of corn production in the state, changing marketing
9 patterns, or availability of qualified individuals to serve as board
10 members. In order to maintain equitable representation of corn producers,
11 the board may, from time-to-time as necessary and appropriate, prepare a
12 plan to revise the composition of the board by redefining the boundaries
13 of the districts, by increasing or decreasing the number of members
14 selected by the districts, by increasing or decreasing the number of
15 members selected from the state at-large, or by any combination of such
16 methods. Any plan to revise the composition of the board may reassign

17 members of the board at the time such plan takes effect to assume
18 membership as the representative of a redesignated district within which
19 such member resides or reassign such member as an at-large member. Any
20 plan to revise the composition of the board shall not eliminate the
21 membership of any member of the board at the time such plan takes effect
22 prior to the expiration of the term of such member. Any plan to revise
23 the composition of the board shall not affect any qualification to serve
24 as a member of the board or the procedure for nomination and appointment
25 to the board.

26 (b) Whenever the board proposes a plan to revise the composition of
27 the board as provided in this subsection, the board shall provide notice
28 of the plan along with any graphic or narrative description of such plan
29 and a written explanation of the need to revise the composition of the
30 board to the Director of Agriculture and chairperson of the Agriculture
31 Committee of the Legislature on or before November 1 of the year prior to
1 when such plan would be implemented, and any such plan shall not be
2 implemented until ninety days after adjournment of the next regular
3 session of the Legislature.

4 Sec. 17. (1) On or before December 1, 2015, on or before August 1,
5 2020, and on or before August 1 of every fifth year thereafter, the
6 commission shall prepare a report that provides (a) a five-year history
7 of planted and harvested dry bean acres and the number of bushels of dry
8 beans harvested within each district established under section 2-3746 or
9 subsection (2) of this section and (b) appropriate graphic, narrative, or
10 other description and analysis of trends in the (i) geographic
11 distribution of dry bean production within the state and (ii) marketing
12 destination and end-use markets, including any geographic distinctions or
13 distinctions due to dry bean variety or attributes for Nebraska-grown dry
14 beans. The commission shall notify the Director of Agriculture and the
15 chairperson of the Agriculture Committee of the Legislature of the
16 completion and availability of the reports prepared pursuant to this
17 subsection.

18 (2)(a) The composition of the commission as defined by section
19 2-3746 shall continue until such time as a plan is implemented pursuant
20 to this subsection based on a determination by the commission that the
21 districts and at-large membership as defined by section 2-3746 are
22 incompatible with an equitable representation of producers of dry beans
23 due to changing geographic distribution of dry bean production in the
24 state, changing marketing patterns, or availability of qualified
25 individuals to serve as commission members. In order to maintain
26 equitable representation of dry bean producers, the commission may, from
27 time-to-time as necessary and appropriate, prepare a plan to revise the
28 composition of the commission by redefining the boundaries of the
29 districts, by increasing or decreasing the number of members selected by
30 the districts, by increasing or decreasing the number of members selected
31 from the state at-large, or by any combination of such methods. Any plan
1 to revise the composition of the commission may reassign members of the
2 commission at the time such plan takes effect to assume membership as the
3 representative of a redesignated district within which such member

4 resides or reassign such member as an at-large member. Any plan to revise
5 the composition of the commission shall not eliminate the membership of
6 any member of the commission at the time such plan takes effect prior to
7 the expiration of the term of such member. Any plan to revise the
8 composition of the commission shall not affect any qualification to serve
9 as a member of the commission or the procedure for nomination and
10 appointment to the commission.

11 (b) Whenever the commission proposes a plan to revise the
12 composition of the commission as provided in this subsection, the
13 commission shall provide notice of the plan along with any graphic or
14 narrative description of such plan and a written explanation of the need
15 to revise the composition of the commission to the Director of
16 Agriculture and chairperson of the Agriculture Committee of the
17 Legislature on or before November 1 of the year prior to when such plan
18 would be implemented, and any such plan shall not be implemented until
19 ninety days after adjournment of the next regular session of the
20 Legislature.

21 Sec. 18. Section 2-4006, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 2-4006 This section applies until a plan is implemented pursuant to
24 section 2-4007. The member serving district 1 as it existed prior to May
25 18, 2011, shall assume the role of serving district 1 as defined by
26 section 2-4004, and his or her term shall expire on July 1, 2014. The
27 member serving district 3 as it existed prior to May 18, 2011, shall
28 assume the role of serving new district 2 as defined by section 2-4004,
29 and his or her term shall expire on July 1, 2013. The member serving as
30 the at-large member prior to May 18, 2011, shall assume the role of
31 serving district 3 as defined by section 2-4004, and his or her term
1 shall expire on July 1, 2013. The Governor shall appoint a member to
2 serve district 4 as defined by section 2-4004, and the term of such
3 member shall expire on July 1, 2012. The member serving district 2 as it
4 existed prior to May 18, 2011, shall assume the role of serving as the
5 at-large member appointed by the board as defined by section 2-4004, and
6 his or her term shall expire on July 1, 2012. The member serving district
7 4 as it existed prior to May 18, 2011, shall assume the role of serving
8 as an at-large member appointed by the Governor as defined by section
9 2-4004, and the term of such member shall expire on July 1, 2013. The
10 member serving district 5 as it existed prior to May 18, 2011, shall
11 assume the role of serving as an at-large member appointed by the
12 Governor as defined by section 2-4004, and the term of such member shall
13 expire on July 1, 2014.

14 Sec. 19. Section 2-4007, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 2-4007 (1) On or before December 1, 2015, on or before August 1,
17 2020, and on or before August 1 of every fifth year thereafter, the board
18 shall prepare a report that provides (a) a five-year history of planted
19 and harvested grain sorghum acres and the number of bushels of grain
20 sorghum harvested within each district established under section 2-4004,
21 this section as it existed prior to the effective date of this act, or

22 subsection (2) of this section and (b) appropriate graphic, narrative, or
23 other description and analysis of trends in the (i) geographic
24 distribution of grain sorghum production within the state and (ii)
25 marketing destination and end-use markets, including any geographic
26 distinctions or distinctions due to grain sorghum variety or attributes
27 for Nebraska-grown grain sorghum. The board shall notify the Director of
28 Agriculture and the chairperson of the Agriculture Committee of the
29 Legislature of the completion and availability of the reports prepared
30 pursuant to this subsection.

31 (2)(a) The composition of the board as defined by section 2-4004 or
1 as provided by this section prior to the effective date of this act shall
2 continue until such time as a plan is implemented pursuant to this
3 subsection based on a determination by the board that the districts and
4 at-large membership as defined by section 2-4004 or as provided by this
5 section prior to the effective date of this act are incompatible with an
6 equitable representation of producers of grain sorghum due to changing
7 geographic distribution of grain sorghum production in the state,
8 changing marketing patterns, or availability of qualified individuals to
9 serve as board members. In order to maintain equitable representation of
10 grain sorghum producers, the board may, from time-to-time as necessary
11 and appropriate, prepare a plan to revise the composition of the board by
12 redefining the boundaries of the districts, by increasing or decreasing
13 the number of members selected by the districts, by increasing or
14 decreasing the number of members selected from the state at-large, or by
15 any combination of such methods. Any plan to revise the composition of
16 the board may reassign members of the board at the time such plan takes
17 effect to assume membership as the representative of a redesignated
18 district within which such member resides or reassign such member as an
19 at-large member. Any plan to revise the composition of the board shall
20 not eliminate the membership of any member of the board at the time such
21 plan takes effect prior to the expiration of the term of such member. Any
22 plan to revise the composition of the board shall not affect any
23 qualification to serve as a member of the board or the procedure for
24 nomination and appointment to the board.

25 (b) Whenever the board proposes a plan to revise the composition of
26 the board as provided in this subsection, the board shall provide notice
27 of the plan along with any graphic or narrative description of such plan
28 and a written explanation of the need to revise the composition of the
29 board to the Director of Agriculture and chairperson of the Agriculture
30 Committee of the Legislature on or before November 1 of the year prior to
31 when such plan would be implemented, and any such plan shall not be
1 implemented until ninety days after adjournment of the next regular
2 session of the Legislature.

3 The board shall be responsible for the administration of all
4 subsequent appointments and may adopt rules and regulations to carry out
5 such responsibility. The composition of the board as defined by section
6 2-4004 shall continue until such time as the board determines that the
7 districts and at large membership as defined by such section are
8 incompatible with an equitable representation of producers of grain

9 ~~sorghum due to changing geographic distribution of grain sorghum~~
 10 ~~production in the state, changing marketing patterns, or availability of~~
 11 ~~qualified individuals to serve as board members. The board may, from time~~
 12 ~~to time as appropriate, by rule and regulation, redesignate districts and~~
 13 ~~the number of at large members to provide for an equitable representation~~
 14 ~~of producers of grain sorghum, except that the number of appointed~~
 15 ~~members of the board shall be either seven or five and the number of~~
 16 ~~districts shall be no greater than six nor fewer than three.~~
 17 2. Renumber the remaining section and correct the repealer
 18 accordingly.

(Signed) Jerry Johnson, Chairperson

Judiciary

LEGISLATIVE BILL 268. Placed on General File with amendment.
 AM754 is available in the Bill Room.

LEGISLATIVE BILL 459. Placed on General File with amendment.
 AM364

1 1. On page 2, line 25, strike "or police department".

(Signed) Colby Coash, Vice Chairperson

Natural Resources

LEGISLATIVE BILL 469. Placed on General File with amendment.
 AM833

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

2 sections:

3 Section 1. For purposes of sections 1 to 4 of this act:

4 (1) Covered electric generating unit means a fossil fuel-fired

5 electric generating unit existing within the state prior to the effective

6 date of this act that is subject to regulation under the federal emission

7 guidelines;

8 (2) Federal emission guidelines means any final rules, regulations,

9 guidelines, or other requirements that the United States Environmental

10 Protection Agency may adopt for regulating carbon dioxide emissions from

11 covered electric generating units under section 111(d) of the federal

12 Clean Air Act, 42 U.S.C. 7411(d);

13 (3) State means the State of Nebraska; and

14 (4) State plan means any plan to establish and enforce carbon

15 dioxide emission control measures that the Department of Environmental

16 Quality may adopt to implement the obligations of the state under the

17 federal emission guidelines.

18 Sec. 2. The Department of Environmental Quality shall not submit a

19 state plan for regulating carbon dioxide emissions from covered electric

20 generating units to the United States Environmental Protection Agency

21 until the department has provided a copy of the state plan to the State

22 Energy Office. The department shall provide such copy to the State Energy
23 Office prior to the submission deadline for the state plan set by the
24 United States Environmental Protection Agency. If the United States
25 Environmental Protection Agency extends the submission deadline, the
26 department shall provide such copy to the State Energy Office at least
27 one hundred twenty days prior to the extended submission deadline.
1 Nothing in this section shall prevent the department from complying with
2 federally prescribed deadlines.

3 Sec. 3. (1) After receiving the copy of the state plan under
4 section 2 of this act, the State Energy Office shall prepare a report
5 that assesses the effects of the state plan on:
6 (a) The electric power sector, including:
7 (i) The type and amount of electric generating capacity within the
8 state that is likely to retire or switch to another fuel;
9 (ii) The stranded investment in electric generating capacity and
10 other infrastructure;
11 (iii) The amount of investment necessary to offset retirements of
12 electric generating capacity and maintain generation reserve margins;
13 (iv) Potential risks to electric reliability, including resource
14 adequacy risks and transmission constraints; and
15 (v) The amount by which retail electricity prices within the state
16 are forecast to increase or decrease; and
17 (b) Employment within the state, including direct and indirect
18 employment effects and jobs lost within affected sectors of the state's
19 economy.

20 (2) The State Energy Office shall complete the report required under
21 this section within thirty days after receiving the copy of the state
22 plan under section 2 of this act and shall electronically submit to the
23 Legislature a copy of such report.

24 (3) If the Legislature is in session when it receives the report,
25 the Legislature may vote on a nonbinding legislative resolution endorsing
26 or disapproving the state plan based on the findings of the report.

27 Sec. 4. Upon submitting a state plan to the United States
28 Environmental Protection Agency, the Department of Environmental Quality
29 shall electronically submit to the Legislature a copy of the state plan.

30 Sec. 5. Section 81-1601, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 81-1601 (1) There is hereby created an agency of state government to
2 be known as the State Energy Office. The office may be a separate
3 division within an existing executive department.

4 (2) The chief executive officer shall be known as the Director of
5 the State Energy Office and shall be appointed by the Governor with the
6 advice and consent of the Legislature. The director shall administer the
7 affairs of the office and shall serve at the pleasure of the Governor.
8 The director may employ such assistants, professional staff, and other
9 employees as may be deemed necessary to effectively carry out the
10 provisions of sections 81-1601 to 81-1605 and section 8 of this act
11 within such appropriations as the Legislature may provide. The salary of
12 the director shall be fixed by the Governor unless otherwise expressly

13 provided for by law.

14 Sec. 6. Section 81-1602, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 81-1602 The State Energy Office shall have the following duties:

17 (1) To serve as or assist in developing and coordinating a central
18 repository within state government for the collection of data on energy;

19 (2) To undertake a continuing assessment of the trends in the
20 availability, consumption, and development of all forms of energy;

21 (3) To collect and analyze data relating to present and future
22 demands and resources for all sources of energy and to specify energy
23 needs for the state;

24 (4) To recommend to the Governor and the Legislature energy policies
25 and conservation measures for the state and to carry out such measures as
26 are adopted;

27 (5) To provide for public dissemination of appropriate information
28 on energy, energy sources, and energy conservation;

29 (6) To accept, expend, or disburse funds, public or private, made
30 available to it for research studies, demonstration projects, or other
31 activities which are related either to energy conservation and efficiency
1 or development;

2 (7) To study the impact and relationship of state energy policies to
3 national and regional energy policies and engage in such activities as
4 will reasonably insure that the State of Nebraska and its citizens
5 receive an equitable share of energy supplies, including the
6 administration of any federally mandated or state-mandated energy
7 allocation programs;

8 (8) To actively seek the advice of the citizens of Nebraska
9 regarding energy policies and programs;

10 (9) To prepare emergency allocation plans suggesting to the Governor
11 actions to be taken in the event of serious shortages of energy;

12 (10) To design a state program for conservation of energy and energy
13 efficiency;

14 (11) To provide technical assistance to local subdivisions of
15 government; ~~and~~

16 (12) To provide technical assistance to private persons desiring
17 information on energy conservation and efficiency techniques and the use
18 of renewable energy technologies; -

19 (13) To develop a strategic state energy plan pursuant to section 8
20 of this act;

21 (14) To develop and disseminate transparent and objective energy
22 information and analysis while utilizing existing energy planning
23 resources of relevant stakeholder entities;

24 (15) To actively seek to maximize federal and other nonstate funding
25 and support to the state for energy planning; and

26 (16) To monitor energy transmission capacity planning and policy
27 affecting the state and the regulatory approval process for the
28 development of energy infrastructure and make recommendations to the
29 Governor and electronically to the Legislature as necessary to facilitate
30 energy infrastructure planning and development.

31 Sec. 7. Section 81-1603, Reissue Revised Statutes of Nebraska, is
1 amended to read:

2 81-1603 The office shall have the power to do such things as are
3 necessary to carry out sections 81-1601 to 81-1605 and section 8 of this
4 act, including but not limited to the following:

5 (1) To adopt rules and regulations, pursuant to the Administrative
6 Procedure Act, to carry out the purposes of sections 81-1601 to 81-1605
7 and section 8 of this act;

8 (2) To make all contracts pursuant to sections 81-1601 to 81-1605
9 and section 8 of this act and do all things to cooperate with the federal
10 government, and to qualify for, accept, expend, and dispense public or
11 private funds intended for the implementation of sections 81-1601 to
12 81-1605 and section 8 of this act;

13 (3) To contract for services, if such work or services cannot be
14 satisfactorily performed by employees of the agency or by any other part
15 of state government;

16 (4) To enter into such agreements as are necessary to carry out
17 energy research and development with other states;

18 (5) To carry out the duties and responsibilities relating to energy
19 as may be requested or required of the state by the federal government;

20 (6) To cooperate and participate with the approval of the Governor
21 in the activities of organizations of states relating to the
22 availability, conservation, development, and distribution of energy;

23 (7) To engage in such activities as will seek to insure that the
24 State of Nebraska and its citizens receive an equitable share of energy
25 supplies at a fair price; and

26 (8) To form advisory committees of citizens of Nebraska to advise
27 the director of the energy office on programs and policies relating to
28 energy and to assist in implementing such programs. Such committees shall
29 be of a temporary nature and no member shall receive any compensation for
30 serving on any such committee but, with the approval of the Governor,
31 members shall receive reimbursement for actual and necessary expenses as
1 provided in sections 81-1174 to 81-1177 ~~for state employees~~. The minutes
2 of meetings of and actions taken by each committee shall be kept and a
3 record shall be maintained of the name, address, and occupation or
4 vocation of every individual serving on any committee. Such minutes and
5 records shall be maintained in the State Energy Office and shall be
6 available for public inspection during regular office hours.

7 Sec. 8. (1) The Legislature finds that:

8 (a) Comprehensive planning enables the state to address its energy
9 needs, challenges, and opportunities and enhances the state's ability to
10 prioritize energy-related policies, activities, and programs; and

11 (b) Meeting the state's need for clean, affordable, and reliable
12 energy in the future will require a diverse energy portfolio and a
13 strategic approach, requiring engagement of all energy stakeholders in a
14 comprehensive planning process.

15 (2) The State Energy Office shall develop an integrated and
16 comprehensive strategic state energy plan and review such plan
17 periodically as the office deems necessary. The office may organize

18 technical committees of individuals with expertise in energy development
19 for purposes of developing the plan. If the office forms an advisory
20 committee pursuant to subdivision (8) of section 81-1603 for purposes of
21 such plan, the chairperson of the Appropriations Committee of the
22 Legislature, the chairperson of the Natural Resources Committee of the
23 Legislature, and three members of the Legislature selected by the
24 Executive Board of the Legislative Council shall be nonvoting, ex officio
25 members of such advisory committee.

26 (3) The strategic state energy plan shall include short-term and
27 long-term objectives that will ensure a secure, reliable, and resilient
28 energy system for the state's residents and businesses; a cost-
29 competitive energy supply and access to affordable energy; the promotion
30 of sustainable economic growth, job creation, and economic development;
31 and a means for the state's energy policy to adopt to changing
1 circumstances.

2 (4) The strategic state energy plan shall include, but not be
3 limited to:

4 (a) A comprehensive analysis of the state's energy profile,
5 including all energy resources, end-use sectors, and supply and demand
6 projections;

7 (b) An analysis of other state energy plans and regional energy
8 activities which identifies opportunities for streamlining and
9 partnerships;

10 (c) An identification of goals and recommendations related to:

11 (i) The diversification of the state's energy portfolio in a way
12 that balances the lowest practicable environmental cost with maximum
13 economic benefits;

14 (ii) The encouragement of state and local government coordination
15 and public-private partnerships for future economic and investment
16 decisions;

17 (iii) The incorporation of new technologies and opportunities for
18 energy diversification that will maximize Nebraska resources and support
19 local economic development;

20 (iv) The interstate and intrastate promotion and marketing of the
21 state's renewable energy resources;

22 (v) A consistent method of working with and marketing to energy-
23 related businesses and developers;

24 (vi) The advancement of transportation technologies, alternative
25 fuels, and infrastructure;

26 (vii) The development and enhancement of oil, natural gas, and
27 electricity production and distribution;

28 (viii) The development of a communications process between energy
29 utilities and the State Energy Office for responding to and preparing for
30 regulations having a statewide impact; and

31 (ix) The development of a mechanism to measure the plan's progress.

1 Sec. 9. Section 81-1605, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 81-1605 Notwithstanding any provisions of sections 81-1601 to

4 81-1605 and section 8 of this act, the State Energy Office shall not

5 perform any duties or exercise any powers which are delegated to other
6 agencies or subdivisions of state government.

7 Sec. 10. Section 81-1606, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 81-1606 The Director of the State Energy Office shall develop and
10 maintain a program of collection, compilation, and analysis of energy
11 statistics and information. Existing information reporting requests,
12 maintained at the state and federal levels, shall be utilized whenever
13 possible in any data collection required under the provisions of sections
14 81-1601 to 81-1607 and section 8 of this act. A central state repository
15 of energy data shall be developed and coordinated with other governmental
16 data-collection and record-keeping programs. The director shall, on at
17 least an annual basis, with monthly compilations, submit to the Governor
18 and the Clerk of the Legislature a report identifying state energy
19 consumption by fuel type and by use to the extent that such information
20 is available. The report submitted to the Clerk of the Legislature shall
21 be submitted electronically. Nothing in this section shall be construed
22 as permitting or authorizing the revealing of confidential information.
23 For purposes of this section confidential information shall mean any
24 process, formula, pattern, decision, or compilation of information which
25 is used, directly or indirectly, in the business of the producer,
26 refiner, distributor, transporter, or vendor, and which gives such
27 producer, refiner, distributor, transporter, or vendor an advantage or an
28 opportunity to obtain an advantage over competitors who do not know or
29 use it.

30 Sec. 11. Section 81-1607.01, Reissue Revised Statutes of Nebraska,
31 is amended to read:

1 81-1607.01 The State Energy Office Cash Fund is hereby created. The
2 fund shall consist of funds received pursuant to section 57-705. The fund
3 shall be used for the administration of sections 81-1601 to 81-1607 and
4 section 8 of this act, for energy conservation activities, and for
5 providing technical assistance to communities in the area of natural gas
6 other than assistance regarding ownership of regulated utilities, except
7 that transfers may be made from the fund to the General Fund at the
8 direction of the Legislature. Any money in the State Energy Office Cash
9 Fund available for investment shall be invested by the state investment
10 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
11 State Funds Investment Act.

12 Sec. 12. Original sections 81-1601, 81-1602, 81-1603, 81-1605,
13 81-1606, and 81-1607.01, Reissue Revised Statutes of Nebraska, are
14 repealed.

(Signed) Ken Schilz, Chairperson

Business and Labor

LEGISLATIVE BILL 494. Placed on General File with amendment.

AM647

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

2 sections:

3 Section 1. Section 48-1203, Reissue Revised Statutes of Nebraska, as
4 amended by section 1, Initiative Law 2014, No. 425, is amended to read:

5 48-1203 (1) Except as otherwise provided in this section and section
6 48-1203.01, every employer shall pay to each of his or her employees a
7 minimum wage of:

8 (a) Seven dollars and twenty-five cents per hour through December
9 31, 2014;

10 (b) Eight dollars per hour on and after January 1, 2015, through
11 December 31, 2015; and

12 (c) Nine dollars per hour on and after January 1, 2016.

13 (2)(a) For persons compensated by way of gratuities such as
14 waitresses, waiters, hotel bellhops, porters, and shoeshine persons, the
15 employer shall pay cash wages at the minimum rate provided in subdivision
16 (2)(b) of this section of two dollars and thirteen cents per hour, plus
17 all gratuities given to them for services rendered.

18 (b) The minimum cash wage per hour shall be:

19 (i) Two dollars and thirteen cents per hour through July 31, 2015;

20 (ii) Two dollars and thirty-five cents per hour on and after August
21 1, 2015, through December 31, 2015; and

22 (iii) Two dollars and sixty-four cents per hour on and after January
23 1, 2016.

24 (c) The sum of cash wages and gratuities received by each person
25 compensated by way of gratuities shall equal or exceed the minimum wage
26 rate provided in subsection (1) of this section. In determining whether
27 or not the individual is compensated by way of gratuities, the burden of
1 proof shall be upon the employer.

2 (3) Any employer employing student-learners as part of a bona fide
3 vocational training program shall pay such student-learners' wages at a
4 rate of at least seventy-five percent of the minimum wage rate which
5 would otherwise be applicable.

6 Sec. 2. Section 48-1205, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 48-1205 Every employer subject to the Wage and Hour Act provisions
9 of sections 48-1201 to 48-1209 shall keep a summary of the act sections
10 48-1201 to 48-1209, furnished by the Commissioner of Labor without
11 charge, posted in a conspicuous place on or about the premises wherein
12 any person subject to the act provisions of sections 48-1201 to 48-1209
13 is employed. Minimum wage amounts in effect shall also be posted by such
14 employers and shall be furnished by the commissioner without charge.

15 Sec. 3. Original section 48-1205, Reissue Revised Statutes of
16 Nebraska, and section 48-1203, Reissue Revised Statutes of Nebraska, as
17 amended by section 1, Initiative Law 2014, No. 425, are repealed.

18 Sec. 4. Since an emergency exists, this act takes effect when passed
19 and approved according to law.

(Signed) Burke Harr, Chairperson

Health and Human Services

LEGISLATIVE BILL 235. Placed on General File with amendment.
AM751

- 1 1. On page 2, strike lines 24 and 25 and insert:
- 2 "(8) Provider means, a physician, an osteopathic physician, or a
- 3 physician assistant licensed under the Medicine and Surgery Practice Act
- 4 or an optometrist licensed under the Optometry Practice Act;".
- 5 2. On page 3, line 7, after "than" insert "two years for spectacles
- 6 or"; and in line 8 after "year" insert "for contact lenses".
- 7 3. On page 4, line 18, after the period insert "Review of complaints
- 8 and investigations under this section shall be in accordance with the
- 9 Uniform Credentialing Act.".

(Signed) Kathy Campbell, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 116. Introduced by Harr, B., 8; Krist, 10.

WHEREAS, the Omaha Creighton Prep swimming team won the 2015 Boys' State Swimming Championship; and

WHEREAS, the win gives the Omaha Creighton Prep swimming team its ninth consecutive state championship; and

WHEREAS, the Omaha Creighton Prep swimming team scored a state record 475 points; and

WHEREAS, Head Coach Tom Beck, and assistant coaches Harlan Groff, Dr. Larry Raynor, Becki Carter, and Matt Franco did a tremendous job of guiding the team during the season; and

WHEREAS, the Omaha Creighton Prep swimming team includes the following members: Brandon Abboud, Tyler Bowen, Carter Brouillette, Sam Buechler, Clark Carter, Ray Cronin, Irving Delgado, Jon Doyle, Patrick Forbes, Michael Franco, Leo Garofalo, Matt Ginger, Jon Gouger, Jake Hangren, Matthew Heaney, Jake Hedrick, Joe Hennessey, Ben Kellen, Jeff Kilborn, Colin LaFave, Brian Magee, Charles Magee, Baily McFadden, Jalen Nichols, Caleb Piti, Collin Piti, Nick Shotkoski, Michael Simmons, Nate Singh, Nick Soltys, Jacob Sutej, Ryan Tate, Sean Tate, Mark Thayer, Will Tjaden, and James Warren; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Omaha Creighton Prep swimming team on winning the 2015 Boys' State Swimming Championship.
2. That a copy of this resolution be sent to the Omaha Creighton Prep swimming team and their head coach Tom Beck.

Laid over.

LEGISLATIVE RESOLUTION 117. Introduced by Johnson, 23; Baker, 30; Bloomfield, 17; Bolz, 29; Brasch, 16; Campbell, 25; Coash, 27; Cook, 13; Craighead, 6; Crawford, 45; Davis, 43; Ebke, 32; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Haar, K., 21; Hadley, 37; Hansen, 26; Harr, B., 8; Hilkemann, 4; Howard, 9; Hughes, 44; Kintner, 2; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; McCollister, 20; McCoy, 39; Mello, 5; Morfeld, 46; Murante, 49; Nordquist, 7; Pansing Brooks, 28; Riepe, 12; Scheer, 19; Schilz, 47; Schnoor, 15; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Watermeier, 1; Williams, 36.

WHEREAS, Don McCabe, editor of the Nebraska Farmer, is retiring after 37 years with the magazine; and

WHEREAS, Don starting working at the Nebraska Farmer in 1977 as a field editor; and

WHEREAS, through his work at the Nebraska Farmer, Don has traveled to every county and most of the small towns in Nebraska; and

WHEREAS, Don served as the 15th editor of the Nebraska Farmer which began publication in 1859.

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

1. That the Legislature congratulates Don McCabe on his retirement and recognizes his many years of dedicated service covering agriculture and farming at the Nebraska Farmer magazine.

2. That a copy of this resolution be sent to Don McCabe.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Medcalf, Sharon - State Emergency Response Commission - Government, Military and Veterans Affairs

Rundel, John Arley - Nebraska Oil and Gas Conservation Commission - Natural Resources

(Signed) Bob Krist, Chairperson
Executive Board

SELECT FILE

LEGISLATIVE BILL 10. Senator Chambers offered the following motion:

MO52

Reconsider the vote taken on FA31.

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

The Chambers motion to reconsider failed with 18 ayes, 26 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers renewed his amendment, AM528, found on page 639 and considered on pages 762 and 864.

Senator McCoy offered the following motion:

MO51

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator McCoy moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

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

Voting in the affirmative, 31:

| | | | | |
|------------|-----------|-----------|---------|------------|
| Baker | Garrett | Kintner | Murante | Stinner |
| Bloomfield | Gloor | Kolterman | Riepe | Watermeier |
| Brasch | Groene | Krist | Scheer | Williams |
| Coash | Hadley | Kuehn | Schilz | |
| Craighead | Hilkemann | Larson | Schnoor | |
| Davis | Hughes | Lindstrom | Seiler | |
| Friesen | Johnson | McCoy | Smith | |

Voting in the negative, 18:

| | | | | |
|----------|----------|-------------|----------------|------------|
| Bolz | Crawford | Harr, B. | Mello | Schumacher |
| Campbell | Ebke | Howard | Morfeld | Sullivan |
| Chambers | Haar, K. | Kolowski | Nordquist | |
| Cook | Hansen | McCollister | Pansing Brooks | |

Not voting, 0.

The McCoy motion to invoke cloture failed with 31 ayes, 18 nays, and 0 not voting.

The Chair declared the call raised.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 118. Introduced by Brasch, 16.

WHEREAS, Cole Jacobsen, a seventh-grader at Wisner-Pilger Public Schools, has achieved national recognition for exemplary volunteer service by receiving a 2015 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Mr. Jacobsen earned this honor by constructing more than 180 wooden card holders to make it easier for residents of a dozen nursing homes in three counties to play cards with friends and family; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Mr. Jacobsen who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates Cole Jacobsen for receiving a 2015 Prudential Spirit of Community Award.
2. That a copy of this resolution be sent to Cole Jacobsen.

Laid over.

PRESIDENT FOLEY PRESIDING**GENERAL FILE**

LEGISLATIVE BILL 15. Title read. Considered.

Committee AM514, found on page 703, was adopted with 36 ayes, 0 nays, and 13 present and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, and 14 present and not voting.

LEGISLATIVE BILL 139. Title read. Considered.

Committee AM119, found on page 511, was offered.

Senator Schumacher offered the following amendment to the committee amendment:

AM893

(Amendments to Standing Committee amendments, AM119)

- 1 1. On page 1, line 2, strike "section" and insert "sections".
- 2 2. On page 3, after line 9, insert the following new section:

3 Sec. 70. Beginning on the effective date of this act, there shall
4 be a one-year moratorium on enforcement action by the Real Estate
5 Appraisal Board involving mass appraisals conducted under the authority
6 of any county assessor by employees or independent contractors.

The Schumacher amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 139A. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 33. Title read. Considered.

Committee AM525, found on page 748, was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 324. Title read. Considered.

Committee AM662, found on page 746, was offered.

Pending.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR109 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR109.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 627. Placed on Select File with amendment.

ER50

1 1. On page 1, line 5, strike beginning with "and" through

2 "pregnancy" and insert "for an unlawful employment practice related to

3 individuals affected by pregnancy, childbirth, or related medical
 4 conditions; to change provisions related to lawful employment practices;
 5 to provide requirements for reports by the Equal Opportunity Commission".

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 119. Introduced by Hilkemann, 4;
 McCoy, 39.

WHEREAS, the Elkhorn South High School boys' basketball team won
 the 2015 Class B Boys' State Basketball Championship by defeating Sidney
 High School by a score of 60-51; and

WHEREAS, this was the Elkhorn South Storms first state title in boys'
 basketball; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic
 achievements of the youth of our state.

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

1. That the Legislature congratulates the Elkhorn South High School
 boys' basketball team on winning the 2015 Class B Boys' State Basketball
 Championship.

2. That a copy of this resolution be sent to the Elkhorn South High School
 boys' basketball team.

Laid over.

AMENDMENT(S) - Print in Journal

Senator B. Harr filed the following amendment to LB356:
 AM867

(Amendments to Standing Committee amendments, AM803)

1 1. On page 3, line 5; and page 4, lines 17 and 23, strike "income
 2 and expense" and insert "actual income and actual expense".

Senator Stinner filed the following amendment to LB633:
 AM880

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

3 Section 1. (1) The Legislature shall annually appropriate twenty
 4 million dollars of General Funds for aid to incorporated municipalities
 5 to be used for public infrastructure.

6 (2) The appropriation for aid to incorporated municipalities shall
 7 be allocated by the Tax Commissioner to the various incorporated
 8 municipalities. The Tax Commissioner shall determine the amount to be
 9 distributed to the incorporated municipalities and certify such amounts
 10 by voucher to the Director of Administrative Services. Each amount shall

11 be distributed in seven as nearly as possible equal monthly payments on
12 the last business day of each month beginning in December. The State
13 Treasurer shall, on the business day preceding the last business day of
14 each month, notify the Director of Administrative Services of the amount
15 of funds available in the General Fund for payment purposes. The Director
16 of Administrative Services shall, on the last business day of each month,
17 draw warrants against funds appropriated. The Tax Commissioner shall
18 compute the amount due the incorporated municipalities on the ratio of
19 the population of the particular incorporated municipality to the total
20 population of all incorporated municipalities in the state as determined
21 by the most recent federal census figures certified by the Tax
22 Commissioner as provided in section 77-3,119, which amounts shall be
23 placed in the general fund of such municipalities.

24 (3) For purposes of this section, public infrastructure for
25 municipalities means and includes, but is not limited to, any of the
26 following, or any combination thereof:

27 (a) Public highways and bridges and municipal roads, streets,
1 bridges, and sidewalks;

2 (b) Solid waste management facilities;

3 (c) Wastewater, storm water, and water treatment works and systems,
4 water distribution facilities, and water resources projects, including,
5 but not limited to, pumping stations, transmission lines, and mains and
6 their appurtenances;

7 (d) Hazardous waste disposal systems;

8 (e) Resource recovery systems;

9 (f) Airports;

10 (g) Port facilities;

11 (h) Buildings and capital equipment used in the operation of
12 municipal government;

13 (i) Convention and tourism facilities;

14 (j) Redevelopment projects as defined in section 18-2103;

15 (k) Mass transit and other transportation systems, including parking
16 facilities; and

17 (l) Equipment necessary for the provision of municipal services.

18 Sec. 2. (1) The Legislature shall appropriate twenty million
19 dollars of General Funds as aid to counties to be used for public
20 infrastructure.

21 (2)(a) Of the appropriation, each county shall receive an amount
22 determined on the basis of the ratio of the lineal feet of bridges in the
23 county to the total lineal feet of bridges in the state. The
24 determination shall be based upon data provided to the Tax Commissioner
25 by the Department of Roads. Each county's distribution under this section
26 shall be proportionately reduced in order to provide funds for
27 distribution under subdivision (2)(b) of this section.

28 (b) Any county which has no bridges shall receive a distribution
29 equal to eighty-five percent of the smallest county aid distribution
30 under this section.

31 (3) The Tax Commissioner shall determine the amount to be
1 distributed to the various counties under this section and certify such

2 amounts to the Director of Administrative Services on or before July 1 of
3 each year. Each amount shall be distributed in nine as nearly as possible
4 equal monthly payments on the last business day of each month beginning
5 in September.

6 (4) For purposes of this section, public infrastructure for counties
7 means and includes, but is not limited to, any of the following, or any
8 combination thereof:

9 (a) Public roads, highways, and bridges;

10 (b) Jails and correction facilities;

11 (c) Buildings and capital equipment used in the operation of county
12 government; and

13 (d) Equipment necessary for the provision of county services.

14 Sec. 3. Section 13-518, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 13-518 For purposes of sections 13-518 to 13-522:

17 (1) Allowable growth means (a) for governmental units other than
18 community colleges, the percentage increase in taxable valuation in
19 excess of the base limitation established under section 77-3446, if any,
20 due to improvements to real property as a result of new construction,
21 additions to existing buildings, any improvements to real property which
22 increase the value of such property, and any increase in valuation due to
23 annexation and any personal property valuation over the prior year and
24 (b) for community colleges, the percentage increase in excess of the base
25 limitation, if any, in full-time equivalent students from the second year
26 to the first year preceding the year for which the budget is being
27 determined;

28 (2) Capital improvements means (a) acquisition of real property or

29 (b) acquisition, construction, or extension of any improvements on real
30 property;

31 (3) Governing body has the same meaning as in section 13-503;

1 (4) Governmental unit means every political subdivision which has
2 authority to levy a property tax or authority to request levy authority
3 under section 77-3443 except sanitary and improvement districts which
4 have been in existence for five years or less and school districts;

5 (5) Qualified sinking fund means a fund or funds maintained
6 separately from the general fund to pay for acquisition or replacement of
7 tangible personal property with a useful life of five years or more which
8 is to be undertaken in the future but is to be paid for in part or in
9 total in advance using periodic payments into the fund. The term includes
10 sinking funds under subdivision (13) of section 35-508 for firefighting
11 and rescue equipment or apparatus;

12 (6) Restricted funds means (a) property tax, excluding any amounts
13 refunded to taxpayers, (b) payments in lieu of property taxes, (c) local
14 option sales taxes, (d) motor vehicle taxes, (e) state aid, (f) transfers
15 of surpluses from any user fee, permit fee, or regulatory fee if the fee
16 surplus is transferred to fund a service or function not directly related
17 to the fee and the costs of the activity funded from the fee, (g) any
18 funds excluded from restricted funds for the prior year because they were
19 budgeted for capital improvements but which were not spent and are not

20 expected to be spent for capital improvements, (h) the tax provided in
21 sections 77-27,223 to 77-27,227 beginning in the second fiscal year in
22 which the county will receive a full year of receipts, and (i) any excess
23 tax collections returned to the county under section 77-1776. Funds
24 received pursuant to the nameplate capacity tax levied under section
25 77-6203 for the first five years after a wind energy generation facility
26 has been commissioned are nonrestricted funds; and

27 (7) State aid means:

28 (a) For all governmental units, state aid paid pursuant to sections
29 60-3,202 and 77-3523;

30 (b) For municipalities, state aid to municipalities paid pursuant to
31 sections 18-2605, 39-2501 to 39-2520, 60-3,190, and 77-27,139.04 and
1 section 1 of this act and insurance premium tax paid to municipalities;

2 (c) For counties, state aid to counties paid pursuant to sections
3 39-2501 to 39-2520 and 60-3,184 to 60-3,190 and section 2 of this act,
4 insurance premium tax paid to counties, and reimbursements to counties
5 from funds appropriated pursuant to section 29-3933;

6 (d) For community colleges, (i) for fiscal years 2010-11, 2011-12,
7 and 2012-13, state aid to community colleges paid pursuant to section
8 90-517 and (ii) for fiscal year 2013-14 and each fiscal year thereafter,
9 state aid to community colleges paid pursuant to the Community College
10 Aid Act;

11 (e) For educational service units, state aid appropriated under
12 sections 79-1241.01 and 79-1241.03; and

13 (f) For local public health departments as defined in section
14 71-1626, state aid as distributed under section 71-1628.08.

15 Sec. 4. Section 77-3,119, Revised Statutes Cumulative Supplement,
16 2014, is amended to read:

17 77-3,119 (1) The Tax Commissioner shall certify the population of
18 cities and villages to be used for purposes of calculations made pursuant
19 to subdivision (4) of section 18-2603, subdivisions (3)(a) and (b) of
20 section 35-1205, subdivision (1) of section 39-2517, and sections 39-2513
21 and 77-27,139.02 and section 1 of this act. The Tax Commissioner shall
22 transmit copies of such certification to all interested parties upon
23 request.

24 (2) The Tax Commissioner shall certify the population of each city
25 and village based upon the most recent federal census. The Tax
26 Commissioner shall determine the most recent federal census for each city
27 and village by using the most recent federal census figures available
28 from (a) the most recent federal decennial census, (b) the most recent
29 federal census update or recount certified by the United States Bureau of
30 the Census, or (c) the most recent federal census figure of the city or
31 village plus the population of territory annexed as calculated in
1 sections 18-1753 and 18-1754.

2 (3) The Tax Commissioner may adopt and promulgate rules and
3 regulations to carry out this section.

4 Sec. 5. This act becomes operative on July 1, 2015.

5 Sec. 6. Original section 13-518, Reissue Revised Statutes of
6 Nebraska, and section 77-3,119, Revised Statutes Cumulative Supplement,

7 2014, are repealed.

8 Sec. 7. Since an emergency exists, this act takes effect when

9 passed and approved according to law.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Larson - LB591

Friesen, Kuehn, Larson, Scheer, Schilz, Seiler - LB323

VISITORS

Visitors to the Chamber were 22 twelfth-grade students and sponsor from Wilcox-Hildreth; 29 eighth- through twelfth-grade students of the Buffalo County Youth Advisory; 20 fourth-grade students from Immanuel Lutheran School, Columbus; Elsie Holland from Kansas and Eunice Stuart from Fairbury; and 10 fourth-grade students and teachers from St. Paul Lutheran School, Beatrice.

The Doctor of the Day was Dr. Aaron Lanik from Geneva.

ADJOURNMENT

At 12:03 p.m., on a motion by Senator Hansen, the Legislature adjourned until 9:00 a.m., Wednesday, March 18, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SEVENTH DAY - MARCH 18, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****FORTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 18, 2015

PRAYER

The prayer was offered by Reverend Edwin Anderson, Good Shepherd Baptist Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Campbell, Hansen, Howard, Morfeld, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

MESSAGE(S) FROM THE GOVERNOR

March 17, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Climate Assessment Response Committee:

Barbara Cooksley, 81830 Highway 2, Anselmo, NE 68813

Contingent upon your approval, the following individuals are being appointed to the Climate Assessment Response Committee:

Mary Baker, 6026 Cleveland Avenue, Lincoln, NE 68507
 Richard Koelsch, 7946 Dawson Creek Drive, Lincoln, NE 68505

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
 (Signed) Pete Ricketts
 Governor

Enclosures

RESOLUTION(S)

LEGISLATIVE RESOLUTION 120. Introduced by Hughes, 44.

WHEREAS, Coy Aerni, a member of Troop 160, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Coy 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; and

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

WHEREAS, Coy, 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 Coy Aerni on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Coy Aerni.

Laid over.

LEGISLATIVE RESOLUTION 121. Introduced by Hughes, 44.

WHEREAS, Kaden Kammerer, a member of Troop 160, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and

outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Kaden 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; and

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

WHEREAS, Kaden, 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 Kaden Kammerer on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Kaden Kammerer.

Laid over.

AMENDMENT(S) - Print in Journal

Senator McCoy filed the following amendments to LB268:

AM916

(Amendments to Standing Committee amendments, AM754)

1. Strike original section 9.
2. Renumber the remaining sections and correct the repealer
- 3 accordingly.

AM917

(Amendments to Standing Committee amendments, AM754)

1. Strike original section 12.
2. Renumber the remaining sections and correct the repealer
- 3 accordingly.

AM918

(Amendments to Standing Committee amendments, AM754)

1. Strike original section 20.
2. Renumber the remaining sections and correct the repealer
- 3 accordingly.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 110, 111, and 112 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 110, 111, and 112.

GENERAL FILE

LEGISLATIVE BILL 324. Committee AM662, found on page 746 and considered on page 887, was renewed.

Senator McCoy offered the following amendment to the committee amendment:

AM919

(Amendments to Standing Committee amendments, AM662)

- 1 1. On page 1, line 21; page 3, line 8; page 11, line 6; and page 13,
- 2 line 2, after the period insert "Any owner having an interest in the real
- 3 property within the limits of the sanitary and improvement district who
- 4 decides to utilize the solid waste collection services contracted by the
- 5 sanitary and improvement district shall pay for such services separately
- 6 to the district and not through a tax or special assessment levied
- 7 against the owner's real property to pay for such services.".
- 8 2. On page 4, lines 11 and 12, strike the new matter.
- 9 3. On page 9, lines 20 and 21, strike the new matter.

SENATOR KRIST PRESIDING

The McCoy amendment lost with 14 ayes, 20 nays, and 15 present and not voting.

The committee amendment was adopted with 30 ayes, 2 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 3 nays, 15 present and not voting, and 1 excused and not voting.

COMMITTEE REPORT(S)

Business and Labor

LEGISLATIVE BILL 554. Placed on General File with amendment.

AM744

- 1 1. On page 3, after line 27 insert the following new paragraphs:
- 2 "\$95,000.00 for Tort Claim Number 2009-03751, against the State of
- 3 Nebraska, pay to Debra Rhodes on behalf of Estate of David Peterson, c/o
- 4 Cincinnati Insurance Company, P.O. Box 145496, Cincinnati, OH 45250-5496,
- 5 out of the General Fund.

6 \$95,000.00 for Tort Claim Number 2010-04062, against the State of
7 Nebraska, pay to Natasha Lunn on behalf of Estate of Travis Lunn, c/o
8 Cincinnati Insurance Company, P.O. Box 145496, Cincinnati, OH 45250-5496,
9 out of the General Fund."
10 2. On page 4, lines 14 and 17, strike "1,004,509.97" and insert
11 "1,194,509.97".

(Signed) Burke Harr, Chairperson

General Affairs

LEGISLATIVE BILL 619. Placed on General File with amendment.
AM115 is available in the Bill Room.

(Signed) Tyson Larson, Chairperson

Business and Labor

The Business and Labor Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Steven Bley - Boiler Safety Code Advisory Board
Robert Kirkpatrick - Boiler Safety Code Advisory Board
Thomas E. Phipps - Boiler Safety Code Advisory Board

Aye: 6 Bloomfield, Chambers, Crawford, Ebke, Harr, B., McCollister. Nay:
0. Absent: 1 Johnson. Present and not voting: 0.

(Signed) Burke Harr, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 122. Introduced by Ebke, 32.

WHEREAS, the Exeter-Milligan High School boys' basketball team won the 2015 Class D-2 Boys' State Basketball Championship by defeating Bancroft-Rosalie High School in double overtime by a score of 67-62; and

WHEREAS, Exeter-Milligan High School became the second school since 1995 to win both the Class D-2 state football championship and the Class D-2 boys' state basketball championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Exeter-Milligan High School boys' basketball team on winning the 2015 Class D-2 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Exeter-Milligan High School boys' basketball team.

Laid over.

LEGISLATIVE RESOLUTION 123. Introduced by Brasch, 16.

WHEREAS, the Bancroft-Rosalie High School boys' basketball team advanced to the 2015 Class D-2 Boys' State Basketball Tournament; and

WHEREAS, the Bancroft-Rosalie High School boys' basketball team played in the championship game and finished in second place; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Bancroft-Rosalie High School boys' basketball team on finishing second at the 2015 Class D-2 Boys' State Basketball Tournament.

2. That a copy of this resolution be sent to the Bancroft-Rosalie High School boys' basketball team.

Laid over.

LEGISLATIVE RESOLUTION 124. Introduced by Brasch, 16.

WHEREAS, Guardian Angels Central Catholic High School in West Point had an outstanding 2015 season in girls' basketball; and

WHEREAS, the Guardian Angels Central Catholic Bluejays won third place at the 2015 Class C-2 Girls' State Basketball Tournament by defeating Sutton High School 69-28 in the third-place game; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Guardian Angels Central Catholic High School for their outstanding season in girls' basketball and for winning third place at the 2015 Class C-2 Girls' State Basketball Tournament.

2. That a copy of this resolution be sent to the Guardian Angels Central Catholic High School girls' basketball team.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Baker, Mary - Climate Assessment Response Committee - Agriculture
Cooksley, Barbara - Climate Assessment Response Committee - Agriculture
Koelsch, Richard - Climate Assessment Response Committee - Agriculture

(Signed) Bob Krist, Chairperson
Executive Board

GENERAL FILE

LEGISLATIVE BILL 356. Title read. Considered.

Committee AM803, found on page 787, was offered.

Senator B. Harr withdrew his amendment, AM867, found on page 888.

Senator B. Harr offered the following amendment to the committee amendment:

AM930

(Amendments to Standing Committee amendments, AM803)

- 1 1. On page 1, line 10, after "58-219" insert "involving rental
- 2 housing as defined in section 58-220".
- 3 2. On page 3, line 5; and page 4, lines 17 and 23, strike "income
- 4 and expense" and insert "actual income and actual expense".

The B. Harr amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 89. Title read. Considered.

SENATOR GLOOR PRESIDING

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

CONFLICT OF INTEREST STATEMENT(S)

Pursuant to Rule 1, Sec. 19, Senator Craighead has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

AMENDMENT(S) - Print in Journal

Senator Craighead filed the following amendment to LB324:
AM791

(Amendments to Standing Committee amendments, AM662)

- 1 1. Insert the following new section:
- 2 Sec. 7. (1) If the chairperson of a sanitary and improvement
- 3 district board of trustees or the legal counsel or administrator for the
- 4 district receives written notice from a city or village proposing to
- 5 annex territory within the sanitary and improvement district under the
- 6 authority of sections 14-117, 15-104, 16-117, 16-130, 17-405.01, or
- 7 17-407, the district shall not spend assets for a period of ninety days
- 8 after receiving such notice, except for:
- 9 (a) All interest and principal payments on bonds due and payable
- 10 from the construction fund or bond fund of the district;
- 11 (b) All interest and principal payments on construction fund
- 12 warrants due and payable from the construction fund or bond fund of the
- 13 district;
- 14 (c) All interest and principal payments on general fund warrants due
- 15 and payable from the general fund of the district;
- 16 (d) Payment or issuance of warrants for services, work, labor, or
- 17 materials that were ordered or contracted for by the district prior to
- 18 receiving notice of the city or village's proposal to annex the district.
- 19 Such payments or warrants shall be paid from the district's general fund,
- 20 construction fund, bond fund, or service fee fund, so long as such
- 21 payment or warrant shall not cause the district to exceed its total
- 22 budget for the fund from which payment or warrant is to be made;
- 23 (e) Payment or issuance of warrants for any expense incurred by the
- 24 district prior to receiving notice of the city or village's proposal to
- 25 annex the district that is required by the district (i) to satisfy any
- 26 statutory obligation of the district, (ii) to address emergency or
- 1 imminent public safety repairs or replacements to district property, and
- 2 expenses that would be paid by the district in the ordinary course of
- 3 business of the district, and (iii) to address projects for which a
- 4 notice to contractors has been published, the bidding process has begun,
- 5 and contracts are awarded for such project that (A) does not cause the
- 6 district to exceed the district's total general fund budget and is paid
- 7 from the general fund, including, but not limited to, levied tax receipts
- 8 to be received by the district on April 1 and August 1 if the annexation
- 9 is to occur after such dates, (B) does not cause the district to exceed
- 10 the district's total construction fund or bond fund budget and is paid
- 11 from the construction fund or bond fund, and (C) does not cause the
- 12 district to exceed the district's total service fee fund budget and is
- 13 paid from the service fee fund; and
- 14 (f) Payment or issuance of warrants for a commitment or contract
- 15 that will bind the district to pay for any other expense approved in
- 16 writing by the city finance director or other designated person
- 17 responsible for such approvals.

18 (2) If a district plans to commence a construction project or enter
19 into any contracts required to be publicly bid pursuant to section 31-741
20 and for which a notice to contractors has not been published and the
21 bidding process has not begun prior to the district receiving notice of
22 the city or village's proposal to annex the district, the district shall
23 first submit either the plans and specifications for the improvements or
24 the proposed contract to the city or village finance director or other
25 designated person. Within ten business days after the district submits
26 the plans and specifications or the proposed contract, the city or
27 village finance director or other designated person shall either (a)
28 approve or deny such plans and specifications or the proposed contract or
29 (b) direct the department head within the city or village responsible for
30 reviewing plans and specifications or contracts to approve or deny such
31 plans and specifications or the proposed contract within ten business
1 days.

2 2. Renumber the remaining section accordingly.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 382A. Introduced by Cook, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 382, One Hundred Fourth Legislature, First Session, 2015; and to provide for a transfer.

LEGISLATIVE BILL 465A. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 465, One Hundred Fourth Legislature, First Session, 2015.

SENATOR KRIST PRESIDING

GENERAL FILE

LEGISLATIVE BILL 498. Title read. Considered.

Committee AM413, found on page 605, was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, and 17 present and not voting.

LEGISLATIVE BILL 367. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 89A. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 89, One Hundred Fourth Legislature, First Session, 2015; and to declare an emergency.

LEGISLATIVE BILL 137A. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 137, One Hundred Fourth Legislature, First Session, 2015.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 125. Introduced by Bloomfield, 17; Baker, 30; Bolz, 29; Brasch, 16; Campbell, 25; Chambers, 11; Coash, 27; Cook, 13; Craighead, 6; Crawford, 45; Davis, 43; Ebke, 32; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Haar, K., 21; Hadley, 37; Hansen, 26; Harr, B., 8; Hilkemann, 4; Howard, 9; Hughes, 44; Johnson, 23; Kintner, 2; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; McCollister, 20; McCoy, 39; Mello, 5; Morfeld, 46; Murante, 49; Nordquist, 7; Pansing Brooks, 28; Riepe, 12; Scheer, 19; Schilz, 47; Schnoor, 15; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Watermeier, 1; Williams, 36.

WHEREAS, the Winnebago High School boys' basketball team won the 2015 Class C-1 Boys' State Basketball Championship by defeating Scotus Central Catholic High School of Columbus by a score of 66-51; and

WHEREAS, this was the Winnebago Indians first state championship in boys' basketball in 75 years; and

WHEREAS, Coach Jeff Berridge guided the team to an outstanding 27-1 season; and

WHEREAS, throughout the year the Winnebago Indians boys' basketball team has demonstrated that hard work, dedication, and teamwork produces remarkable results; and

WHEREAS, the members of the Winnebago Indians boys' basketball team are positive role models for young athletes in the community and throughout the state; and

WHEREAS, such a team achievement is made possible not only by the players' performance and the coaches' guidance, but also through the support of the entire community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Winnebago High School boys' basketball team on winning the 2015 Class C-1 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Winnebago High School boys' basketball team.

Laid over.

LEGISLATIVE RESOLUTION 126. Introduced by McCoy, 39.

WHEREAS, the Mount Michael Benedictine High School academic decathlon team of Elkhorn won the 2015 Nebraska Academic Decathlon; and

WHEREAS, the Academic Decathlon is a ten-event scholastic competition for teams of high school students. This year's theme was "New Alternatives in Energy: Ingenuity and Innovation"; and

WHEREAS, Coach Dave Cormier did a tremendous job of mentoring and fostering the team; and

WHEREAS, Adam Terasinki, Jared Mikuls, Jon Collins, Jacob Bova, Alex Hotovy, Cade Johnson, Max deMayo, Michael Fischer, Broden Kaps, Jacob Raemakers, Walt Wear, and Andrew Ahn displayed hard work and dedication as they prepared for the competition; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Mount Michael Benedictine High School academic decathlon team on winning the 2015 Nebraska Academic Decathlon.

2. That a copy of this resolution be sent to the Mount Michael Benedictine High School academic decathlon team and Coach Dave Cormier.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

McCollister - LB47

Kolterman, Mello, Nordquist - LB323

McCollister - LB437

Cook - LB405

McCollister - LB623

Cook, Howard, Johnson, Stinner, Watermeier - LB323

VISITORS

Visitors to the Chamber were 13 seventh- through tenth-grade students and sponsor from Wilber-Clatonia; Senator Davis' nephew, Hunter Sieckmeyer, from Lincoln; 6 eighth-grade students and teacher from Norris Leadership Team; 9 middle school students and teacher from Aurora; 20 members of the Nebraska Civic Leadership Program from the UNO Political Science Department; 5 eighth-grade students and teacher from Otte Middle School, Blair; 5 middle school students and teacher from St. Wenceslaus School, Omaha; 40 members for Madison County Day at the Capitol; Senator Craighead's daughter, Staci Craighead, from Kearney; Senator Bloomfield's wife, Dee, from Hoskins and Karen Kruger from Hoskins; and Senator Hilkemann's wife, Julie, from Omaha and Paty Swarez from Omaha.

The Doctor of the Day was Dr. Michael Keralis from Lincoln.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Friesen, the Legislature adjourned until 9:00 a.m., Thursday, March 19, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-EIGHTH DAY - MARCH 19, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****FORTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 19, 2015

PRAYER

The prayer was offered by Pastor Lance Burch, Reality Church, La Vista.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Davis and Nordquist who were excused; and Senators Kolowski, Mello, and Morfeld who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-seventh day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 15. Placed on Select File with amendment.
ER52

1 1. On page 1, strike beginning with "43-272.01" in line 1 through
2 line 4 and insert "43-272, Reissue Revised Statutes of Nebraska, and
3 section 43-272.01, Revised Statutes Cumulative Supplement, 2014; to
4 require the Supreme Court to promulgate guidelines; to provide and change
5 duties for guardians ad litem; to provide for compensation of guardians
6 ad litem; to define terms; to repeal the original sections; and to
7 declare an emergency."

LEGISLATIVE BILL 139. Placed on Select File with amendment.
ER51 is available in the Bill Room.

LEGISLATIVE BILL 139A. Placed on Select File.

LEGISLATIVE BILL 33. Placed on Select File.

LEGISLATIVE BILL 324. Placed on Select File with amendment.

ER53

1 1. In the Standing Committee amendments, AM662:

2 a. On page 16, line 5, after "obligations" insert an underscored
3 comma; in line 11 after "relewy" insert an underscored comma; and in
4 lines 12 and 14 after "releved" insert an underscored comma; and

5 b. On page 17, line 17, after "In" insert "the".

6 2. On page 1, line 2, strike "31-729, and 31-740" and insert

7 "31-727.03, 31-729, 31-740, 31-763, and 31-766"; and in line 4 after the

8 semicolon insert "to provide additional powers for certain sanitary and

9 improvement districts subject to approval as prescribed; to require

10 acknowledgments to be obtained from purchasers of real estate within

11 sanitary and improvement districts as prescribed;".

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 76. Placed on General File.

LEGISLATIVE BILL 542. Placed on General File.

LEGISLATIVE BILL 591. Placed on General File with amendment.

AM627 is available in the Bill Room.

LEGISLATIVE BILL 574. Indefinitely postponed.

(Signed) Mike Gloor, Chairperson

MESSAGE(S) FROM THE GOVERNOR

March 18, 2015

Patrick J. O'Donnell
Clerk of the Nebraska Legislature
2018 State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 23, 34, 35, 37, 46, 129, 146, 155e, 164, 179,
207 and 279e were received in my office on March 12, 2015.

These bills were signed and delivered to the Secretary of State on March
18, 2015.

Sincerely,
(Signed) Pete Ricketts
Governor

PR/lhk

RESOLUTION(S)**LEGISLATIVE RESOLUTION 127.** Introduced by Craighead, 6.

WHEREAS, the Omaha Creighton Prep High School basketball team won the 2015 Class A Boys' State Basketball Championship by defeating Omaha South High School by a score of 46-41; and

WHEREAS, the win gives the Creighton Prep Bluejays basketball team its 12th state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Omaha Creighton Prep High School basketball team on winning the 2015 Class A Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Omaha Creighton Prep High School basketball team.

Laid over.

LEGISLATIVE RESOLUTION 128. Introduced by Craighead, 6.

WHEREAS, Brooke Biby, a sixth grade student at Joslyn Elementary School in Omaha, won the 2015 Midwest Spelling Bee; and

WHEREAS, the win gives Brooke and the Joslyn Jaguars their first Midwest Spelling Bee title; and

WHEREAS, Brooke will represent Nebraska and western Iowa at the Scripps National Spelling Bee in Washington, D.C. in May; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Brooke Biby on winning the 2015 Midwest Spelling Bee.

2. That a copy of this resolution be sent to Brooke Biby, her teachers Jennifer Sinnott and Kristi Eggen, and Principal Betsy Kosch.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 31. Title read. Considered.

Committee AM359, found on page 765, was offered.

Senator Hilkemann offered the following motion:

MO53

Bracket until June 5, 2015.

Senator Gloor moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 11 nays, and 13 not voting.

Senator Hilkemann moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Hilkemann requested a roll call vote on the motion to bracket.

Voting in the affirmative, 21:

| | | | |
|----------|-----------|-----------|-------------------------|
| Baker | Gloor | Howard | Pansing Brooks Williams |
| Bolz | Haar, K. | Johnson | Riepe |
| Campbell | Hadley | Kolowski | Seiler |
| Cook | Hansen | Kuehn | Smith |
| Crawford | Hilkemann | Lindstrom | Watermeier |

Voting in the negative, 19:

| | | | | |
|----------|-----------|---------|---------|------------|
| Chambers | Groene | Krist | Murante | Schumacher |
| Coash | Hughes | Larson | Scheer | Stinner |
| Ebke | Kintner | McCoy | Schilz | Sullivan |
| Friesen | Kolterman | Morfeld | Schnoor | |

Present and not voting, 6:

| | | |
|------------|-----------|-------------|
| Bloomfield | Craighead | McCollister |
| Brasch | Garrett | Mello |

Excused and not voting, 3:

| | | |
|-------|----------|-----------|
| Davis | Harr, B. | Nordquist |
|-------|----------|-----------|

The Hilkemann motion to bracket failed with 21 ayes, 19 nays, 6 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 105A. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 105, One Hundred Fourth Legislature, First Session, 2015.

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 227. Placed on General File with amendment.
AM903

1 1. On page 2, strike beginning with "Legislature" in line 3 through
2 line 5, show as stricken, and insert "department shall".

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Dennis Baack - Nebraska Educational Telecommunications Commission
Marilyn Hadley - Nebraska Educational Telecommunications Commission
Darlene Starman - Nebraska Educational Telecommunications Commission

Aye: 8 Baker, Cook, Groene, Kolowski, Morfeld, Pansing Brooks, Schnoor, Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kate Sullivan, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 129. Introduced by Brasch, 16.

WHEREAS, Joe Berg of West Point-Beemer High School won the 2015 Class B State Wrestling Championship in the 126-pound division; and

WHEREAS, Joe's win helped lead the West Point-Beemer Cadets to a fifth-place team finish; and

WHEREAS, Joe displayed outstanding determination, perseverance, and skill in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Joe Berg on his state wrestling championship.

2. That a copy of this resolution be sent to Joe Berg.

Laid over.

LEGISLATIVE RESOLUTION 130. Introduced by Brasch, 16.

WHEREAS, Nick Arlt of Oakland-Craig High School won the 2015 Class D State Wrestling Championship in the 160-pound division; and

WHEREAS, Nick's win helped lead the Oakland-Craig Knights to a third-place team finish; and

WHEREAS, Nick displayed outstanding determination, perseverance, and skill in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Nick Arlt on his state wrestling championship.
2. That a copy of this resolution be sent to Nick Arlt.

Laid over.

LEGISLATIVE RESOLUTION 131. Introduced by Coash, 27; Baker, 30; Bolz, 29; Campbell, 25; Ebke, 32; Hansen, 26; Pansing Brooks, 28.

WHEREAS, Jake Moore is retiring after 25 seasons as the head volleyball coach for Pius X High School in Lincoln; and

WHEREAS, Coach Moore's career win-loss record is an impressive 705-232; and

WHEREAS, Coach Moore's teams have qualified for the State Volleyball Tournament 21 times, including the last 20 consecutive seasons. Under his leadership, Pius X High School has won seven state championships, one state runner-up title, and finished as a state semi-finalist eight other times; and

WHEREAS, Coach Moore was a finalist for the 2014 High School National Coach 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 Jake Moore on his retirement and recognizes his successful coaching career.
2. That a copy of this resolution be sent to Jake Moore.

Laid over.

LEGISLATIVE RESOLUTION 132. Introduced by Schnoor, 15.

WHEREAS, lymphedema is a disease characterized by chronic, progressive, potentially incurable, and often severe and debilitating swelling

caused by an accumulation of lymphatic fluid in parts of the body where lymph nodes or lymphatic vessels are damaged or inadequate; and

WHEREAS, lymphedema in adults is most commonly a consequence of damage to the lymphatic system resulting from treatment for cancer; and

WHEREAS, lymphedema affects millions of people of all ages and both genders, many of whom are unaware they have the disease until it has progressed far enough to affect their daily lives or compromise their health; and

WHEREAS, untreated lymphedema often results in disfigurement, pain, disability, and serious infections such as cellulitis, which can require costly medical treatment and hospitalization; and

WHEREAS, lymphedema is a progressive condition which occurs in four stages (latent, reversible, spontaneously reversible, and elephantiasis); and

WHEREAS, due to the lack of awareness, information, and education affecting both the public and the medical community, lymphedema is often misdiagnosed or undiagnosed resulting in unchecked progression of the untreated disease; and

WHEREAS, lymphedema can be well-controlled or the progression of the disease may be halted if it is correctly diagnosed and then subjected to a multiphase treatment regimen carried out by specially trained, nationally certified professionals.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes March 2015 as Lymphedema Awareness Month in Nebraska.

2. That a copy of this resolution be sent to the National Lymphedema Network, the Lymphedema Advocacy Group, the Nebraska Occupational Therapy Association, the American Occupational Therapy Association, the Nebraska Physical Therapy Association, the American Physical Therapy Association, the Nebraska Medical Association, the Lancaster County Medical Society, the Metro Omaha Medical Society, the Nebraska Oncology Society, the Oncology Nursing Society chapters in Nebraska, the University of Nebraska Medical Center, and the CHI Health Creighton University Medical Center.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Schumacher filed the following amendment to LB70:
AM945

(Amendments to E and R amendments, ER27)

1 1. Strike section 3 and insert the following new sections:

2 Sec. 2. Section 77-3001, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 77-3001 For purposes of the Mechanical Amusement Device Tax Act,

5 unless the context otherwise requires:

6 (1) Person means an individual, partnership, limited liability

7 company, society, association, joint-stock company, corporation, estate,
8 receiver, lessee, trustee, assignee, referee, or other person acting in a
9 fiduciary or representative capacity, whether appointed by a court or
10 otherwise, and any combination of individuals;

11 (2) Mechanical amusement device means any machine which, upon
12 insertion of a coin, currency, credit card, or substitute into the
13 machine, operates or may be operated or used for a game, contest, or
14 amusement of any description, such as, by way of example, but not by way
15 of limitation, pinball games, shuffleboard, bowling games, radio-ray
16 rifle games, baseball, football, racing, boxing games, electronic games
17 of skill, and coin-operated pool tables. Mechanical amusement device also
18 includes game and draw lotteries and coin-operated automatic musical
19 devices. The term does not mean vending machines which dispense tangible
20 personal property, devices located in private homes for private use,
21 pickle card dispensing devices which are required to be registered with
22 the Department of Revenue pursuant to section 9-345.03, or devices which
23 are mechanically constructed in a manner that would render their
24 operation illegal under the laws of the State of Nebraska;

25 (3) Operator means any person who operates a place of business in
26 which a machine or device owned by him or her is physically located or
1 any person who places and who either directly or indirectly controls or
2 manages any machine or device;

3 (4) Distributor means any person who sells, leases, or delivers
4 possession or custody of a machine or mechanical device to operators
5 thereof for a consideration either directly or indirectly received;

6 (5) Whenever in the act, the words machine or device are used, they
7 refer to mechanical amusement device; and

8 (6) Whenever in the act, the words machine, device, person,
9 operator, or distributor are used, the words in the singular include the
10 plural and in the plural include the singular.

11 Sec. 4. (1) Beginning January 1, 2016, in addition to the occupation
12 tax imposed pursuant to section 77-3004, an additional occupation tax
13 shall be levied upon the business of operating a mechanical amusement
14 device that:

15 (a) Accepts currency, coins, tokens, or other value in exchange for
16 play;

17 (b) Awards a monetary prize or anything redeemable for a monetary
18 prize;

19 (c) Is played by a player using a touch screen, computer mouse,
20 touch pad, light pen, laser, or device of similar function by which the
21 player competes against software running the device; and

22 (d) Has not been adjudicated by a court of competent jurisdiction
23 within the State of Nebraska to not constitute a gambling device as
24 defined in subdivision (5) of section 28-1101. Any such adjudication
25 shall be by way of a final order in which the Tax Commissioner has been
26 made a party to the action and written notice has been provided to the
27 Attorney General at the commencement of the action.

28 (2) Any operator of such mechanical amusement device shall pay the
29 occupation tax. The amount of the occupation tax shall be equal to ten

30 percent of the gross revenue derived from the operation of any mechanical
31 amusement device described in subsection (1) of this section. The Tax
1 Commissioner shall collect such occupation tax concurrently with the
2 collection of the state sales tax in the same manner as the state sales
3 tax is collected. All taxes collected pursuant to this section shall be
4 remitted to the State Treasurer, and the State Treasurer shall credit
5 ninety-seven percent of such taxes to the General Fund and the remaining
6 three percent of such taxes to the Compulsive Gamblers Assistance Fund.
7 (3) The occupation tax imposed in this section shall not apply to:
8 (a) Any device that is specifically authorized by the laws of this
9 state; or
10 (b) Any device not within the definition of a gambling device as
11 defined in subdivision (5) of section 28-1101.
12 (4) To receive the exemption provided in subsection (3) of this
13 section, an operator must:
14 (a) Apply to the Tax Commissioner for a determination that such
15 exemption applies. The application shall contain such information
16 regarding the device's location, software, Internet connectivity, and
17 configuration as may be required by the Tax Commissioner; and
18 (b) Prove by a preponderance of the evidence to the Tax
19 Commissioner, at the operator's expense, that the device, in all its
20 operating configurations, is:
21 (i) A device that is specifically authorized by the laws of this
22 state; or
23 (ii) A device not within the definition of a gambling device as
24 defined in subdivision (5) of section 28-1101.
25 (5) The proof required by subdivision (4)(b)(ii) of this section may
26 be made by:
27 (a) A showing that the software running the game remains constant
28 with the nature of a game that had its software at issue in a judicial
29 case, not overturned by appeal, in which the State of Nebraska was a
30 party, the issue was litigated, and the final order found that the
31 particular game was more controlled by the player than not, and thus was
1 predominantly a game of skill; or
2 (b) Providing the results of an examination of the relevant
3 software, an analysis of the software's performance conducted by a gaming
4 laboratory approved by the Tax Commissioner, the results of human
5 performance tests that weigh the skill component against the chance
6 component of the play, and such other information as may be required by
7 the Tax Commissioner to demonstrate to the satisfaction of the Tax
8 Commissioner that all games playable on the device are more controlled by
9 the player than not, and thus are predominantly games of skill.
10 (6) Except as provided in subsection (7) of this section, the Tax
11 Commissioner shall make an initial review of an application for exemption
12 under this section and any supporting materials within a reasonable time
13 after the application and supporting materials are submitted. If upon
14 such review the Tax Commissioner determines that the device qualifies for
15 exemption, the Tax Commissioner shall submit notice of such determination
16 to the Attorney General for review. If the Attorney General does not

17 object within thirty days after receiving such notification, the Tax
 18 Commissioner shall grant the exemption for the device as configured. If
 19 the Attorney General objects or the Tax Commissioner determines that the
 20 device does not qualify for exemption, the operator shall have the
 21 opportunity for an administrative hearing before the Tax Commissioner at
 22 which evidence may be presented on the issue of whether the device
 23 qualifies for the exemption. After such hearing, the Tax Commissioner
 24 shall enter a final decision approving or denying the exemption. The Tax
 25 Commissioner's final decision may be appealed, and the appeal shall be in
 26 accordance with the Administrative Procedure Act.
 27 (7) For any device in operation on the effective date of this act,
 28 the operator of such device may apply to the Tax Commissioner, in a
 29 manner prescribed by the Tax Commissioner, within fifteen days after the
 30 effective date of this act for an exemption under this section. The Tax
 31 Commissioner shall make an initial review of such an application and any
 1 supporting materials within seventy-five days after the application and
 2 supporting materials are submitted. If upon such review the Tax
 3 Commissioner determines that the device qualifies for exemption, the Tax
 4 Commissioner shall submit notice of such determination to the Attorney
 5 General for review. If the Attorney General does not object within thirty
 6 days after receiving such notification, the Tax Commissioner shall grant
 7 the exemption for the device as configured. If the Attorney General
 8 objects or the Tax Commissioner determines that the device does not
 9 qualify for exemption, the operator shall have the opportunity for an
 10 administrative hearing before the Tax Commissioner at which evidence may
 11 be presented on the issue of whether the device qualifies for the
 12 exemption. After such hearing, the Tax Commissioner shall enter a final
 13 decision approving or denying the exemption. The Tax Commissioner's final
 14 decision may be appealed, and the appeal shall be in accordance with the
 15 Administrative Procedure Act. Any such appeal shall be advanced on the
 16 court docket and heard and decided by the court as quickly as possible.
 17 (8) For purposes of this section, gross revenue means the total
 18 aggregate receipts received from the operation of any mechanical
 19 amusement device described in subsection (1) of this section without any
 20 reduction for prizes, discounts, taxes, or expenses and includes receipts
 21 from admission costs, any consideration necessary for participation, and
 22 the value of any free tickets, games, or plays used.
 23 (9) For purposes of this section, the fact that the device is played
 24 or connected via league or tournament play shall play no factor in
 25 determining whether the occupation tax imposed by this section is due.
 26 2. Renumber the remaining sections, correct internal references, and
 27 correct the repealer accordingly.

VISITORS

Visitors to the Chamber were 12 sixth- through eighth-grade students and teachers from Norris Public School, Firth; 11 twelfth-grade students, teacher, and sponsor from Bertrand; Aaron and Alex Rooker from Omaha; 30 ninth-grade students and teachers from Northstar High School, Lincoln;

24 fourth-grade students and teachers from Arapahoe; 13 fourth-grade students and teachers from Lyons-Decatur Northeast, Lyons; 47 fourth-grade students and teachers from Avery Elementary, Bellevue; and 30 members of the Nebraska Firearm Owners Association.

The Doctor of the Day was Dr. Jeremy Howe from Omaha.

ADJOURNMENT

At 11:56 a.m., on a motion by Senator Schnoor, the Legislature adjourned until 9:00 a.m., Friday, March 20, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-NINTH DAY - MARCH 20, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION
FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 20, 2015

PRAYER

The prayer was offered by Pastor Perry Gauthier, Capitol Ministries, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Davis, Kolowski, Larson, and Nordquist who were excused; and Senators Hansen and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-eighth day was approved.

COMMITTEE REPORT(S)
Judiciary

LEGISLATIVE BILL 362. Placed on General File.

LEGISLATIVE BILL 254. Placed on General File with amendment.
AM768

1 1. On page 5, lines 17 and 18, strike "lien on real estate" and
2 insert "conveyance of or a lien on any interest in real estate;
3 (5) a power of attorney"; and in line 19 strike "(5)" and insert
4 "(6)".

LEGISLATIVE BILL 265. Placed on General File with amendment.
AM878 is available in the Bill Room.

(Signed) Les Seiler, Chairperson

Health and Human Services

LEGISLATIVE RESOLUTION 41. Reported to the Legislature for further consideration.

LEGISLATIVE BILL 21. Placed on General File with amendment. AM834

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 71-801, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 71-801 Sections 71-801 to 71-831 and section 2 of this act shall be
6 known and may be cited as the Nebraska Behavioral Health Services Act.
7 Sec. 2. (1) All rate increases for providers of behavioral health
8 services under the medical assistance program shall be passed on in their
9 entirety to such providers by any contractor governing at-risk managed
10 care service delivery for behavioral health services.
11 (2) All rate increases described in subsection (1) of this section
12 shall go into effect on the first day of the next fiscal year following
13 enactment of such rate increases.
14 (3) In an annual report submitted electronically to the Clerk of the
15 Legislature and the Legislative Fiscal Analyst, the department shall
16 provide assurances that all provider rate increases have been distributed
17 to providers of behavioral health services for the direct provision of
18 services under the Nebraska Behavioral Health Services Act.
19 Sec. 3. Section 71-806, Revised Statutes Cumulative Supplement,
20 2014, is amended to read:
21 71-806 (1) The division shall act as the chief behavioral health
22 authority for the State of Nebraska and shall direct the administration
23 and coordination of the public behavioral health system, including, but
24 not limited to: (a) Administration and management of the division,
25 regional centers, and any other facilities and programs operated by the
26 division; (b) integration and coordination of the public behavioral
27 health system; (c) comprehensive statewide planning for the provision of
1 an appropriate array of community-based behavioral health services and
2 continuum of care; (d) coordination and oversight of regional behavioral
3 health authorities, including approval of regional budgets and audits of
4 regional behavioral health authorities; (e) development and management of
5 data and information systems; (f) subject to section 2 of this act,
6 prioritization and approval of all expenditures of funds received and
7 administered by the division, including: The establishment of rates to be
8 paid; reimbursement methodologies for behavioral health services;
9 methodologies to be used by regional behavioral health authorities in
10 determining a consumer's financial eligibility as provided in subsection
11 (2) of section 71-809; and fees and copays to be paid by consumers of
12 such services; (g) cooperation with the department in the licensure and
13 regulation of behavioral health professionals, programs, and facilities;
14 (h) cooperation with the department in the provision of behavioral health
15 services under the medical assistance program; (i) audits of behavioral

16 health programs and services; and (j) promotion of activities in research
17 and education to improve the quality of behavioral health services,
18 recruitment and retention of behavioral health professionals, and access
19 to behavioral health programs and services.

20 (2) The department shall adopt and promulgate rules and regulations
21 to carry out the Nebraska Behavioral Health Services Act.

22 Sec. 4. Section 71-831, Revised Statutes Cumulative Supplement,
23 2014, is amended to read:

24 71-831 All contracts and agreements relating to the medical
25 assistance program governing at-risk managed care service delivery for
26 behavioral health services entered into by the department on or after
27 July 1, 2012, shall:

28 (1) Provide a definition and cap on administrative spending that (a)
29 shall not exceed seven percent unless the implementing department
30 includes detailed requirements for tracking administrative spending to
31 ensure (i) that administrative expenditures do not include additional
1 profit and (ii) that any administrative spending is necessary to improve
2 the health status of the population to be served and (b) shall not under
3 any circumstances exceed ten percent;

4 (2) Provide a definition of annual contractor profits and losses and
5 restrict such profits and losses under the contract so that (a) profit
6 shall not exceed three percent per year and (b) losses shall not exceed
7 three percent per year, as a percentage of the aggregate of all income
8 and revenue earned by the contractor and related parties, including
9 parent and subsidiary companies and risk-bearing partners, under the
10 contract;

11 (3) Provide for reinvestment of (a) any profits in excess of the
12 contracted amount, (b) performance contingencies imposed by the
13 department, and (c) any unearned incentive funds, to fund additional
14 behavioral health services for children, families, and adults according
15 to a plan developed with input from stakeholders, including consumers and
16 their family members, the office of consumer affairs within the division,
17 and the regional behavioral health authority and approved by the
18 department. Such plan shall address the behavioral health needs of adults
19 and children, including filling service gaps and providing system
20 improvements;

21 (4) Provide for a minimum medical loss ratio of eighty-five percent
22 of the aggregate of all income and revenue earned by the contractor and
23 related parties under the contract;

24 (5) Provide that contractor incentives, in addition to potential
25 profit, be at least one and one-half percent of the aggregate of all
26 income and revenue earned by the contractor and related parties under the
27 contract;

28 (6) Provide that a minimum of one-quarter percent of the aggregate
29 of all income and revenue earned by the contractor and related parties
30 under the contract be at risk as a penalty if the contractor fails to
31 meet the minimum performance metrics defined in the contract, and such
1 penalties, if charged, shall be accounted for in a manner that shall not
2 reduce or diminish service delivery in any way; ~~and~~

3 (7) Comply with the requirements of section 2 of this act; and
 4 (8) Be reviewed and awarded competitively and in full compliance
 5 with the procurement requirements of the State of Nebraska.
 6 Sec. 5. Original sections 71-801, 71-806, and 71-831, Revised
 7 Statutes Cumulative Supplement, 2014, are repealed.
 8 Sec. 6. Since an emergency exists, this act takes effect when
 9 passed and approved according to law.

LEGISLATIVE BILL 264. Placed on General File with amendment.
 AM798

1 1. Strike original section 3 and insert the following new section:
 2 Sec. 3. Beginning December 15, 2015, upon presentation of
 3 satisfactory evidence that the education, training, or service completed
 4 by an applicant for a credential while a member of the armed forces of
 5 the United States, active or reserve, the National Guard of any state,
 6 the military reserves of any state, or the naval militia of any state is
 7 substantially similar to the education required for the credential, the
 8 department, with the recommendation of the appropriate board, if any,
 9 shall accept such education, training, or service toward the minimum
 10 standards for the credential.

LEGISLATIVE BILL 547. Placed on General File with amendment.
 AM785

1 1. On page 2, line 15, strike "Beginning" through "2015-16" and
 2 insert "(i) For the biennium beginning July 1, 2015, and ending June 30,
 3 2017"; in line 19 strike beginning with the period through "2017-18" and
 4 insert ";
 5 (ii) For the biennium beginning July 1, 2017, and ending June 30,
 6 2019"; in line 22 strike beginning with the period through "in" and
 7 insert ";
 8 (iii) For"; and strike line 31 and insert the following new
 9 subsection:
 10 "(4)(a)(i) For the biennium beginning July 1, 2015, and ending June
 11 30, 2017, the increase from four percent to seven percent in reservation
 12 of federal funds for activities relating to the quality of child care
 13 services described in subdivision (3)(a)(i) of this section shall be
 14 allocated for quality rating and improvement system incentives and
 15 support under the Step Up to Quality Child Care Act.
 16 (ii) For the biennium beginning July 1, 2017, and ending June 30,
 17 2019, the increase from seven to eight percent in the reservation of
 18 federal funds for activities relating to the quality of child care
 19 services described in subdivision (3)(a)(ii) of this section, plus the
 20 percentage allocated as described in subdivision (4)(a)(i) of this
 21 section, which together total four percent, shall be allocated for
 22 quality rating and improvement system incentives and support under the
 23 Step Up to Quality Child Care Act.
 24 (iii) For fiscal year 2019-20, the increase from eight percent to
 25 nine percent in the reservation of federal funds for activities relating
 26 to the quality of child care services described in subdivision (3)(a)

27 (iii) of this section, plus the percentage allocated as described in
 1 subdivision (4)(a)(ii) of this section, which together total five
 2 percent, shall be allocated for quality rating and improvement system
 3 incentives and support under the Step Up to Quality Child Care Act.
 4 (iv) For each fiscal year after fiscal year 2019-20, five percent of
 5 federal funds provided to the State of Nebraska pursuant to the Child
 6 Care and Development Block Grant Act of 1990, 42 U.S.C. 9857 et seq., as
 7 such act and sections existed on January 1, 2015, which have been
 8 reserved for activities relating to the quality of child care services as
 9 described in subdivision (3)(a)(iii) of this section, shall be allocated
 10 for quality rating and improvement system incentives and support under
 11 the Step Up to Quality Child Care Act.
 12 (b) For fiscal year 2015-16 and each fiscal year thereafter, the
 13 three-percent reservation of federal funds for activities relating to the
 14 quality of care for infants and toddlers described in subdivision (3)(b)
 15 of this section shall be allocated to the Early Childhood Education
 16 Endowment Cash Fund created pursuant to section 79-1104.01 to provide
 17 grants to programs described in section 79-1104.02 that enter into
 18 agreements with child care providers.
 19 (c) Funds distributed pursuant to this subsection shall comply with
 20 federal regulations contained in 45 C.F.R. 98.11, as such regulations
 21 existed on January 1, 2015."
 22 2. On page 3, strike lines 1 through 14.

(Signed) Kathy Campbell, Chairperson

Revenue

LEGISLATIVE BILL 414. Placed on General File.

(Signed) Mike Gloor, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hadley filed the following amendment to LB498:
 AM895

(Amendments to Standing Committee amendments, AM413)

1 1. Insert the following new section:
 2 Sec. 18. Section 77-2701.24, Reissue Revised Statutes of Nebraska,
 3 is amended to read:
 4 77-2701.24 Occasional sale means:
 5 (1) A sale, but not a lease or rental, of property which is the
 6 subject of any intercompany sale or transfer involving any parent,
 7 subsidiary, or brother-sister company relationship under section
 8 77-2704.28 and which was either originally acquired prior to June 1,
 9 1967, or, if acquired thereafter, the seller or transferor directly or
 10 indirectly has previously paid a sales or use tax thereon, including:
 11 (a) From one corporation to another corporation pursuant to a
 12 reorganization. For purposes of this subdivision, reorganization means a

13 statutory merger or consolidation or the acquisition by a corporation of
14 substantially all of the properties of another corporation when the
15 consideration is solely all or a part of the voting stock of the
16 acquiring corporation or of its parent or subsidiary corporation;
17 (b) In connection with the winding up, dissolution, or liquidation
18 of a corporation only when there is a distribution of the property of
19 such corporation to the shareholders in kind if the portion of the
20 property so distributed to the shareholder is substantially in proportion
21 to the share of stock or securities held by the shareholder;
22 (c) To a corporation for the purpose of organization of such
23 corporation or the contribution of additional capital to such corporation
24 when the former owners of the property transferred are immediately after
25 the transfer in control of the corporation and the stock or securities
26 received by each is substantially in proportion to his or her interest in
1 the property prior to the transfer;
2 (d) To a partnership in the organization of such partnership if the
3 former owners of the property transferred are immediately after the
4 transfer members of such partnership and the interest in the partnership
5 received by each is substantially in proportion to his or her interest in
6 the property prior to the transfer;
7 (e) From a partnership to the members thereof when made in kind in
8 the dissolution of such partnership if the portion of the property so
9 distributed to the members of the partnership is substantially in
10 proportion to the interest in the partnership held by the members;
11 (f) To a limited liability company in the organization of such
12 limited liability company if the former owners of the property
13 transferred are immediately after the transfer members of such limited
14 liability company and the interest in the limited liability company
15 received by each is substantially in proportion to his or her interest in
16 the property prior to the transfer;
17 (g) From a limited liability company to the members thereof when
18 made in kind in the dissolution of such limited liability company if the
19 portion of the property so distributed to the members of the limited
20 liability company is substantially in proportion to the interest in the
21 limited liability company held by the members;
22 (h) From one limited liability company to another limited liability
23 company pursuant to a reorganization; or
24 (i) Any transaction between two persons that qualifies as a tax-free
25 transaction under the Internal Revenue Code;
26 (2) A sale of household goods, personal effects, and services if
27 each of the following conditions is met and if any one condition is not
28 met then the entire gross receipts shall be subject to the tax imposed by
29 section 77-2703:
30 (a) Such sales are by an individual at his or her residence or if
31 more than one individual's property is involved such sales are by one of
1 the individuals involved at the residence of one of the individuals or
2 such sales are by an individual on an online auction site;
3 (b) Such sales do not occur at any residence or on an online auction
4 site for more than three days during a calendar year;

5 (c) Such individual or individuals or any member of any of their
6 households does not conduct or engage in a trade or business in which
7 similar items are sold or services provided;

8 (d) Such property sold was originally acquired for and used for
9 personal use or the service provided may be performed at any individual
10 residence without specialized equipment or supplies; and

11 (e) Such property is not otherwise excepted from the definition of
12 occasional sale;

13 (3) Commencing with any transaction occurring on or after October 1,
14 1985, any sale of business or farm machinery and equipment if each of the
15 following conditions is met and if any one condition is not met the
16 entire gross receipts shall be subject to the tax imposed by section
17 77-2703:

18 (a) Such machinery or equipment was used by the seller or seller's
19 predecessor in a sale described in subdivision (1) of this section as a
20 depreciable capital asset in connection with the farm or business for a
21 period of at least one year;

22 (b) Such property was originally acquired prior to June 1, 1967, or
23 if acquired thereafter, the seller or seller's predecessor in a sale
24 described in subdivision (1) of this section directly or indirectly has
25 previously paid a sales or use tax thereon; and

26 (c) Such property is not otherwise excepted from the definition of
27 occasional sale;

28 (4) Commencing October 1, 1985, a sale by an organization created
29 exclusively for religious purposes or an agent of the organization for
30 such sale if each of the following conditions is met and if any one
31 condition is not met then the entire gross receipts shall be subject to
1 the tax imposed by section 77-2703:

2 (a) All sales occur during an activity conducted by such
3 organization or, if more than one organization is involved, by one of the
4 organizations owning property being sold;

5 (b) The organization only sells property it owns or provides the
6 service during one such activity in a calendar year; and

7 (c) The activity does not last longer than three consecutive days;
8 and

9 (5) Any sale that is made in connection with the sale to a single
10 buyer of all or substantially all of a trade or business if the seller or
11 seller's predecessor in a sale described in subdivision (1) of this
12 section directly or indirectly has previously paid a sales or use tax
13 thereon. This subdivision shall apply to any transaction occurring on or
14 after October 1, 1985.

15 Commencing October 1, 1985, occasional sale does not include any
16 sale directly by or any sale which is supervised or aided by an
17 auctioneer or an agent or employee of an auctioneer.

18 Except for a sale listed in subdivision (1) of this section, an
19 occasional sale does not mean any sale of motor vehicles, semitrailers,
20 ~~or~~ trailers, all-terrain vehicles, or utility-type vehicles as defined in
21 the Motor Vehicle Registration Act or any sale of a motorboat as defined
22 in section 37-1204.

23 2. Renumber the remaining sections and correct the repealer
24 accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 133. Introduced by Stinner, 48.

WHEREAS, Michael Downing, a member of Troop 17 from Gering, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Michael has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 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, Michael painted the parking lot lines for the First Assembly of God church in Scottsbluff; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Michael, 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 Michael Downing on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Michael Downing.

Laid over.

LEGISLATIVE RESOLUTION 134. Introduced by Stinner, 48.

WHEREAS, David Misner, a member of Troop 17 from Gering, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, David

has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, David, 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 David Misner on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to David Misner.

Laid over.

LEGISLATIVE RESOLUTION 135. Introduced by Stinner, 48.

WHEREAS, Joey Eaton, a member of Troop 17, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Joey 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; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Joey, 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 Joey Eaton on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Joey Eaton.

Laid over.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 19, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Abboud, Chris - Public Affairs Group
MasterCard
Amack, Angela K.
Everytown for Gun Safety Action Fund
Blaney, Joseph
Everytown for Gun Safety Action Fund (Withdrawn 03/18/2015)
Connealy, Matt
Center for Rural Affairs
Lautenbaugh, Scott
Heartland Strategy Group, LLC

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

GENERAL FILE

LEGISLATIVE BILL 31. Committee AM359, found on page 765 and considered on page 908, was renewed.

Senator Baker offered the following amendment to the committee amendment:

AM870

(Amendments to Standing Committee amendments, AM359)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 60-6,279, Reissue Revised Statutes of Nebraska,
4 is amended to read:
5 60-6,279 (1) A person shall not operate or be a passenger on a
6 motorcycle or moped on any highway in this state unless such person is
7 wearing a protective helmet of the type and design manufactured for use
8 by operators of such vehicles and unless such helmet is secured properly
9 on his or her head with a chin strap while the vehicle is in motion. All
10 such protective helmets shall be designed to reduce injuries to the user
11 resulting from head impacts and shall be designed to protect the user by
12 remaining on the user's head, deflecting blows, resisting penetration,
13 and spreading the force of impact. Each such helmet shall consist of
14 lining, padding, and chin strap and shall meet or exceed the standards

15 established in the United States Department of Transportation's Federal
16 Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle
17 helmets.

18 (2) A person operating a motorcycle who is at least twenty-one years
19 of age shall not be subject to the requirements of subsection (1) of this
20 section if the motorcycle is being operated, not in excess of thirty
21 miles per hour, in a parade or exhibition and the parade or exhibition is
22 being conducted in accordance with applicable state law and local
23 ordinances and resolutions.

24 Sec. 2. Original section 60-6,279, Reissue Revised Statutes of
25 Nebraska, is repealed.

SENATOR COASH PRESIDING

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 242A. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 242, One Hundred Fourth Legislature, First Session, 2015; and to declare an emergency.

LEGISLATIVE BILL 489A. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 489, One Hundred Fourth Legislature, First Session, 2015.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 356. Placed on Select File with amendment.
ER54

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 77-1333, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 77-1333 (1) For purposes of this section, rent-restricted housing
6 project means a project consisting of five or more houses or residential
7 units that has received an allocation of federal low-income housing tax
8 credits under section 42 of the Internal Revenue Code from the Nebraska
9 Investment Finance Authority or its successor agency and, for the year of
10 assessment, is a project as defined in section 58-219 involving rental
11 housing as defined in section 58-220.
12 (2) The Legislature finds that:

13 (a) The provision of safe, decent, and affordable housing to all
14 residents of the State of Nebraska is a matter of public concern and
15 represents a legitimate and compelling state need, affecting the general
16 welfare of all residents;
17 (b) Rent-restricted housing projects effectively provide safe,
18 decent, and affordable housing for residents of Nebraska;
19 (c) Such projects are restricted by federal law as to the rents paid
20 by the tenants thereof;
21 (d) Of all the professionally accepted mass appraisal methodologies,
22 which include the sales comparison approach, the income approach, and the
23 cost approach, the utilization of the income-approach methodology results
24 in the most accurate determination of the actual value of such projects;
25 and
26 (e) This section is intended to (i) further the provision of safe,
27 decent, and affordable housing to all residents of Nebraska and (ii)
1 comply with Article VIII, section 1, of the Constitution of Nebraska,
2 which empowers the Legislature to prescribe standards and methods for the
3 determination of value of real property at uniform and proportionate
4 values.

5 (3) Except as otherwise provided in this section, the ~~The~~ county
6 assessor shall ~~utilize~~ ~~perform~~ an income-approach calculation to
7 determine the actual value of a ~~for all~~ rent-restricted housing project
8 projects constructed to allow an allocation of low income housing tax
9 credits under section 42 of the Internal Revenue Code and approved by the
10 Nebraska Investment Finance Authority when ~~determining~~ ~~considering~~ the
11 assessed valuation to place on the property for each assessment year. The
12 income-approach calculation shall be consistent with ~~this section~~ and any
13 rules and regulations adopted and promulgated by the Tax Commissioner and
14 shall comply with professionally accepted mass appraisal techniques.
15 (4) The Rent-Restricted Housing Projects Valuation Committee is
16 created. For administrative purposes only, the committee shall be within
17 the Department of Revenue. The committee's purpose shall be to develop a
18 market-derived capitalization rate to be used by county assessors in
19 determining the assessed valuation for rent-restricted housing projects.
20 The committee shall consist of the following four persons:
21 (a) A representative of county assessors appointed by the Tax
22 Commissioner. Such representative shall be skilled in the valuation of
23 property and shall hold a certificate issued under section 77-422;
24 (b) A representative of the low-income housing industry appointed by
25 the Tax Commissioner. The appointment shall be based on a recommendation
26 made by the Nebraska Commission on Housing and Homelessness;
27 (c) The Property Tax Administrator or a designee of the Property Tax
28 Administrator who holds a certificate issued under section 77-422. Such
29 person shall serve as the chairperson of the committee; and
30 (d) An appraiser from the private sector appointed by the Tax
31 Commissioner. Such appraiser must hold either a valid credential as a
1 certified general real property appraiser under the Real Property
2 Appraiser Act or an MAI designation from the Appraisal Institute.
3 (5) The owner of a rent-restricted housing project shall file a

4 statement with the Rent-Restricted Housing Projects Valuation Committee
5 and the county assessor on or before October 1 of each year that details
6 actual income and actual expense data for the prior year, a description
7 of any land-use restrictions, a description of the terms of any mortgage
8 loans, including loan amount, interest rate, and amortization period, and
9 such other information as the committee or the county assessor may
10 require for purposes of this section.

11 (6) The Rent-Restricted Housing Projects Valuation Committee shall
12 meet annually in November to examine the information on rent-restricted
13 housing projects that was provided pursuant to subsection (5) of this
14 section. The Department of Revenue shall electronically publish notice of
15 such meeting no less than thirty days in advance. The committee shall
16 also solicit information on the sale of any such rent-restricted housing
17 projects and information on the yields generated to investors in rent-
18 restricted housing projects. The committee shall, after reviewing all
19 such information, calculate a market-derived capitalization rate on an
20 annual basis using the band-of-investment technique or other generally
21 accepted technique used to derive capitalization rates depending upon the
22 data available. The capitalization rate shall be a composite rate
23 weighted by the proportions of total property investment represented by
24 equity and debt, with equity weighted at eighty percent and debt weighted
25 at twenty percent unless a substantially different market capital
26 structure can be verified to the county assessor. The yield for equity
27 shall be calculated using the data on investor returns gathered by the
28 committee. The yield for debt shall be calculated using the data provided
29 to the committee pursuant to subsection (5) of this section. If the
30 committee determines that a particular county or group of counties
1 requires a different capitalization rate than that calculated for the
2 rest of the state pursuant to this subsection, then the committee may
3 calculate an additional capitalization rate that will apply only to such
4 county or group of counties.

4 (7) After the Rent-Restricted Housing Projects Valuation Committee
5 has calculated the capitalization rate or rates under subsection (6) of
6 this section, the committee shall provide such rate or rates and the
7 information reviewed by the committee in calculating such rate or rates
8 in an annual report. Such report shall be forwarded by the Property Tax
9 Administrator to each county assessor in Nebraska no later than December
10 1 of each year for his or her use in determining the valuation of rent-
11 restricted housing projects. The Department of Revenue shall publish the
12 annual report electronically but may charge a fee for paper copies. The
13 Tax Commissioner shall set the fee based on the reasonable cost of
14 producing the report.

15 (8) Except as provided in subsections (9) through (11) of this
16 section, each county assessor shall use the capitalization rate or rates
17 contained in the report received under subsection (7) of this section and
18 the actual income and actual expense data filed by owners of rent-
19 restricted housing projects under subsection (5) of this section in the
20 county assessor's income-approach calculation. Any low-income housing tax
21 credits authorized under section 42 of the Internal Revenue Code that

22 were granted to owners of the project shall not be considered income for
23 purposes of the calculation.

24 (9) If the actual income and actual expense data required to be
25 filed for a rent-restricted housing project under subsection (5) of this
26 section is not filed in a timely manner, the county assessor may use any
27 method for determining actual value for such rent-restricted housing
28 project that is consistent with professionally accepted mass appraisal
29 methods described in section 77-112 but may be considered in determining
30 the capitalization rate to be used when capitalizing the income stream.
31 The county assessor, in determining the actual value of any specific
1 property, may consider other methods of determining value that are
2 consistent with professionally accepted mass appraisal methods described
3 in section 77-112.

4 (10) If a county assessor, based on the facts and circumstances,
5 believes that the income-approach calculation does not result in a
6 valuation of a rent-restricted housing project at actual value, then the
7 county assessor shall present such facts and circumstances to the county
8 board of equalization. If the county board of equalization, based on such
9 facts and circumstances, concurs with the county assessor, then the
10 county board of equalization shall petition the Tax Equalization and
11 Review Commission to consider the county assessor's utilization of
12 another professionally accepted mass appraisal technique that, based on
13 the facts and circumstances presented by a county board of equalization,
14 would result in a substantially different determination of actual value
15 of the rent-restricted housing project. Petitions must be filed within
16 thirty days after the property's valuation date. The burden of proof is
17 on the petitioning county board of equalization to show that failure to
18 make a determination that a different methodology should be used would
19 result in a value that is not equitable and in accordance with the law.
20 At the hearing, the commission may receive testimony from any interested
21 person. After a hearing, the commission shall, within the powers granted
22 in section 77-5007, enter its order based on evidence presented to it at
23 such hearing.

24 (11) If the Tax Commissioner, based on the facts and circumstances,
25 believes that the applicable capitalization rate set by the Rent-
26 Restricted Housing Projects Valuation Committee to value a rent-
27 restricted housing project does not result in a valuation at actual value
28 for such rent-restricted housing project, then the Tax Commissioner shall
29 petition the Tax Equalization and Review Commission to consider an
30 adjustment to the capitalization rate of such rent-restricted housing
31 project. Petitions must be filed within thirty days after the property's
1 valuation date. The burden of proof is on the Tax Commissioner to show
2 that failure to make an adjustment to the capitalization rate employed
3 would result in a value that is not equal to the rent-restricted housing
4 project's actual value. At the hearing, the commission may receive
5 testimony from any interested person. After a hearing, the commission
6 shall, within the powers granted in section 77-5007, enter its order
7 based on evidence presented to it at such hearing.

8 (2) The owner of a rent-restricted housing project shall file a

9 ~~statement with the county assessor on or before October 1 of each year~~
10 ~~that details income and expense data for the prior year, a description of~~
11 ~~any land use restrictions, and such other information as the county~~
12 ~~assessor may require.~~

13 Sec. 2. Section 77-5007, Revised Statutes Cumulative Supplement,
14 2014, is amended to read:

15 77-5007 The commission has the power and duty to hear and determine
16 appeals of:

17 (1) Decisions of any county board of equalization equalizing the
18 value of individual tracts, lots, or parcels of real property so that all
19 real property is assessed uniformly and proportionately;

20 (2) Decisions of any county board of equalization granting or
21 denying tax-exempt status for real or personal property or an exemption
22 from motor vehicle taxes and fees;

23 (3) Decisions of the Tax Commissioner determining the taxable
24 property of a railroad company, car company, public service entity, or
25 air carrier within the state;

26 (4) Decisions of the Tax Commissioner determining adjusted valuation
27 pursuant to section 79-1016;

28 (5) Decisions of any county board of equalization on the valuation
29 of personal property or any penalties imposed under sections 77-1233.04
30 and 77-1233.06;

31 (6) Decisions of any county board of equalization on claims that a
1 levy is or is not for an unlawful or unnecessary purpose or in excess of
2 the requirements of the county;

3 (7) Decisions of any county board of equalization granting or
4 rejecting an application for a homestead exemption;

5 (8) Decisions of the Department of Motor Vehicles determining the
6 taxable value of motor vehicles pursuant to section 60-3,188;

7 (9) Decisions of the Tax Commissioner made under section 77-1330;

8 (10) Any other decision of any county board of equalization;

9 (11) Any other decision of the Tax Commissioner regarding property
10 valuation, exemption, or taxation;

11 (12) Decisions of the Tax Commissioner pursuant to section 77-3520;

12 (13) Final decisions of a county board of equalization appealed by
13 the Tax Commissioner or Property Tax Administrator pursuant to section
14 77-701;

15 (14) Determinations of the Rent-Restricted Housing Projects
16 Valuation Committee regarding the capitalization rate to be used to value
17 rent-restricted housing projects pursuant to section 77-1333 or the
18 requirement under such section that an income-approach calculation be
19 used by county assessors to value rent-restricted housing projects;

20 ~~(15 14)~~ The requirement under section 77-1314 that the income
21 approach, including the use of a discounted cash-flow analysis, be used
22 by county assessors; and

23 ~~(16 15)~~ Any other decision, determination, action, or order from
24 which an appeal to the commission is authorized.

25 The commission has the power and duty to hear and grant or deny
26 relief on petitions.

27 Sec. 3. Original section 77-1333, Reissue Revised Statutes of
28 Nebraska, and section 77-5007, Revised Statutes Cumulative Supplement,
29 2014, are repealed.

LEGISLATIVE BILL 89. Placed on Select File.

LEGISLATIVE BILL 498. Placed on Select File with amendment.
ER55

1 1. On page 1, strike beginning with "revenue" in line 1 through line
2 5 and insert "all-terrain vehicles and utility-type vehicles; to amend
3 sections 60-123, 60-153, 60-301, 60-305, 60-339, 60-358.01, 60-6,355, and
4 77-2703, Revised Statutes Cumulative Supplement, 2014; to require
5 registration of all-terrain vehicles and utility-type vehicles under the
6 Motor Vehicle Registration Act; to redefine terms; to change sales and
7 use tax provisions; to harmonize provisions; to provide an operative
8 date; and to repeal the original sections."

LEGISLATIVE BILL 367. Placed on Select File.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 136. Introduced by Kolterman, 24;
Friesen, 34.

WHEREAS, the High Plains High School boys' basketball team from Polk won the 2015 Class D-1 Boys' State Basketball Championship by defeating Humphrey St. Francis High School by a score of 64-61; and

WHEREAS, the High Plains Storm boys' basketball team finished the season with a win-loss record of 26-2; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the High Plains High School boys' basketball team on winning the 2015 Class D-1 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the High Plains High School boys' basketball team and Coach Cameron Hudson.

Laid over.

NOTICE OF COMMITTEE HEARING(S)

Agriculture

Room 2102

Tuesday, March 31, 2015 1:10 p.m.

Mary Baker - Climate Assessment Response Committee
Barbara Cooksley - Climate Assessment Response Committee
Richard Koelsch - Climate Assessment Response Committee

(Signed) Jerry Johnson, Chairperson

Natural Resources

Room 1525

Tuesday, April 7, 2015 1:00 p.m.

James Reed Macy - Department of Environmental Quality

(Signed) Ken Schilz, Chairperson

GENERAL FILE

LEGISLATIVE BILL 31. The Baker amendment, AM870, found in this day's Journal, to the committee amendment, was renewed.

Senator Krist moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

The Baker amendment lost with 6 ayes, 21 nays, 14 present and not voting, and 8 excused and not voting.

Senator Hilkemann offered the following amendment to the committee amendment:

AM939

(Amendments to Standing Committee amendments, AM359)

- 1 1. Strike section 1.
- 2 2. Renumber the remaining section accordingly.

SPEAKER HADLEY PRESIDING

Senator Chambers offered the following motion:

MO55

Bracket until June 5, 2015.

Senator Chambers withdrew his motion to bracket.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 320A. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 320, One Hundred Fourth Legislature, First Session, 2015.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 137. Introduced by Seiler, 33.

WHEREAS, the Hastings St. Cecilia Catholic High School boys' basketball team won the 2015 Class C-2 Boys' State Basketball Championship by defeating Freeman High School by a score of 60-36; and

WHEREAS, the St. Cecilia Bluehawks won the quarterfinals game by 17 points over Hartington Cedar Catholic High School, and won the semifinals game by 18 points over Battle Creek High School; and

WHEREAS, this is the St. Cecilia Bluehawks sixth state championship; and

WHEREAS, most of the St. Cecilia boys' basketball team is composed of juniors, with no senior class members on their roster. The team finished the season with a win-loss record of 27-1.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the St. Cecilia Catholic High School boys' basketball team on winning the 2015 Class C-2 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the St. Cecilia Catholic High School boys' basketball team, Coach Kevin Asher, and Father Tom Brouillette.

Laid over.

LEGISLATIVE RESOLUTION 138. Introduced by Sullivan, 41.

WHEREAS, the Pierce High School girls' basketball team won the 2015 Class C-1 Girls' State Basketball Championship by defeating Kearney Catholic High School by a score of 38-35; and

WHEREAS, this was the Pierce Bluejays girls' basketball team's third straight state championship; and

WHEREAS, the Pierce Bluejays girls' basketball team finished their season with a win-loss record of 22-6; and

WHEREAS, in addition to their state championship, the Pierce Bluejays girls' basketball team was also presented with the Class C-1 Girls' State Basketball Sportsmanship Award; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Pierce High School girls' basketball team on winning the 2015 Class C-1 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Pierce High School girls' basketball team.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Gloor filed the following amendment to LB31:

AM954

1. Insert the following new section:

2 Section 1. Section 60-4,182, Revised Statutes Cumulative Supplement, 3 2014, is amended to read:

4 60-4,182 In order to prevent and eliminate successive traffic

5 violations, there is hereby provided a point system dealing with traffic

6 violations as disclosed by the files of the director. The following point

7 system shall be adopted:

8 (1) Conviction of motor vehicle homicide - 12 points;

9 (2) Third offense drunken driving in violation of any city or

10 village ordinance or of section 60-6,196, as disclosed by the records of

11 the director, regardless of whether the trial court found the same to be

12 a third offense - 12 points;

13 (3) Failure to stop and render aid as required under section 60-697

14 in the event of involvement in a motor vehicle accident resulting in the

15 death or personal injury of another - 6 points;

16 (4) Failure to stop and report as required under section 60-696 or

17 any city or village ordinance in the event of a motor vehicle accident

18 resulting in property damage - 6 points;

19 (5) Driving a motor vehicle while under the influence of alcoholic

20 liquor or any drug or when such person has a concentration of eight-

21 hundredths of one gram or more by weight of alcohol per one hundred

22 milliliters of his or her blood or per two hundred ten liters of his or

23 her breath in violation of any city or village ordinance or of section

24 60-6,196 - 6 points;

25 (6) Willful reckless driving in violation of any city or village

26 ordinance or of section 60-6,214 or 60-6,217 - 6 points;

27 (7) Careless driving in violation of any city or village ordinance

1 or of section 60-6,212 - 4 points;

2 (8) Negligent driving in violation of any city or village ordinance

3 - 3 points;
 4 (9) Reckless driving in violation of any city or village ordinance
 5 or of section 60-6,213 - 5 points;
 6 (10) Speeding in violation of any city or village ordinance or any
 7 of sections 60-6,185 to 60-6,190 and 60-6,313:
 8 (a) Not more than five miles per hour over the speed limit - 1
 9 point;
 10 (b) More than five miles per hour but not more than ten miles per
 11 hour over the speed limit - 2 points;
 12 (c) More than ten miles per hour but not more than thirty-five miles
 13 per hour over the speed limit - 3 points, except that one point shall be
 14 assessed upon conviction of exceeding by not more than ten miles per
 15 hour, two points shall be assessed upon conviction of exceeding by more
 16 than ten miles per hour but not more than fifteen miles per hour, and
 17 three points shall be assessed upon conviction of exceeding by more than
 18 fifteen miles per hour but not more than thirty-five miles per hour the
 19 speed limits provided for in subdivision (1)(e), (f), (g), or (h) of
 20 section 60-6,186; and
 21 (d) More than thirty-five miles per hour over the speed limit - 4
 22 points;
 23 (11) Failure to yield to a pedestrian not resulting in bodily injury
 24 to a pedestrian - 2 points;
 25 (12) Failure to yield to a pedestrian resulting in bodily injury to
 26 a pedestrian - 4 points;
 27 (13) Using a handheld wireless communication device in violation of
 28 section 60-6,179.01 or texting while driving in violation of subsection
 29 (1) or (3) of section 60-6,179.02 - 3 points;
 30 (14) Using a handheld mobile telephone in violation of subsection
 31 (2) or (4) of section 60-6,179.02 - 3 points;
 1 (15) Unlawful obstruction or interference of the view of an operator
 2 in violation of section 60-6,256 - 1 point;
 3 (16) A violation of subsection (1) of section 60-6,175 - 3 points;
 4 ~~and~~
 5 (17) Failure to wear a motorcycle or moped protective helmet if the
 6 operator is involved in a crash - 6 points; and
 7 ~~(18)~~ (17) All other traffic violations involving the operation of
 8 motor vehicles by the operator for which reports to the Department of
 9 Motor Vehicles are required under sections 60-497.01 and 60-497.02 - 1
 10 point.
 11 Subdivision ~~(18)~~ (17) of this section does not include violations
 12 involving an occupant protection system pursuant to section 60-6,270,
 13 parking violations, violations for operating a motor vehicle without a
 14 valid operator's license in the operator's possession, muffler
 15 violations, overwidth, overheight, or overlength violations, motorcycle
 16 or moped protective helmet violations if the operator is not involved in
 17 a crash, or overloading of trucks.
 18 All such points shall be assessed against the driving record of the
 19 operator as of the date of the violation for which conviction was had.
 20 Points may be reduced by the department under section 60-4,188.

21 In all cases, the forfeiture of bail not vacated shall be regarded
22 as equivalent to the conviction of the offense with which the operator
23 was charged.
24 The point system shall not apply to persons convicted of traffic
25 violations committed while operating a bicycle or an electric personal
26 assistive mobility device as defined in section 60-618.02.
27 2. Renumber the remaining sections and correct the repealer
28 accordingly.

Senator Schumacher filed the following amendment to LB31:
AM973

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 60-6,279, Reissue Revised Statutes of Nebraska,
4 is amended to read:
5 60-6,279 (1)(a) This subsection applies until September 15, 2020. A
6 person shall not operate a motorcycle or moped on any highway in this
7 state unless such person is wearing eye protection.
8 (b) Except as otherwise provided in subdivision (c) of this
9 subsection, a person shall not operate or be a passenger on a motorcycle
10 or moped on any highway in this state unless such person is wearing a
11 protective helmet of the type and design manufactured for use by
12 operators of such vehicles and unless such helmet is secured properly on
13 his or her head with a chin strap while the vehicle is in motion. All
14 such protective helmets shall be designed to reduce injuries to the user
15 resulting from head impacts and shall be designed to protect the user by
16 remaining on the user's head, deflecting blows, resisting penetration,
17 and spreading the force of impact. Each such helmet shall consist of
18 lining, padding, and chin strap and shall meet or exceed the standards
19 established in the United States Department of Transportation's Federal
20 Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle
21 helmets.
22 (c) A person who is at least twenty-one years of age is exempt from
23 subdivision (b) of this subsection.
24 (d) For purposes of this subsection, eye protection means glasses
25 that cover the orbital region of a person's face, a protective face
26 shield attached to a protective helmet, goggles, or a windshield on the
27 motorcycle or moped that protects the operator's and passenger's
1 horizontal line of vision in all operating positions.
2 (2) Beginning September 15, 2020, a A person shall not operate or be
3 a passenger on a motorcycle or moped on any highway in this state unless
4 such person is wearing a protective helmet of the type and design
5 manufactured for use by operators of such vehicles and unless such helmet
6 is secured properly on his or her head with a chin strap while the
7 vehicle is in motion. All such protective helmets shall be designed to
8 reduce injuries to the user resulting from head impacts and shall be
9 designed to protect the user by remaining on the user's head, deflecting
10 blows, resisting penetration, and spreading the force of impact. Each
11 such helmet shall consist of lining, padding, and chin strap and shall

12 meet or exceed the standards established in the United States Department
 13 of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49
 14 C.F.R. 571.218, for motorcycle helmets.
 15 Sec. 2. Original section 60-6,279, Reissue Revised Statutes of
 16 Nebraska, is repealed.

Senator Kintner filed the following amendment to LB268:
 AM926

(Amendments to Standing Committee amendments, AM754)

1 1. Strike the original sections and insert the following new
 2 sections:

3 Section 1. Section 83-964, Reissue Revised Statutes of Nebraska, is
 4 amended to read:

5 83-964 A sentence of death shall be enforced by firing squad. The
 6 convicted person shall be chemically sedated prior to death by firing
 7 squad. Sedation of the convicted person and death by firing squad shall
 8 be carried out the intravenous injection of a substance or substances in
 9 a quantity sufficient to cause death. The lethal substance or substances
 10 shall be administered in compliance with an execution protocol created
 11 and maintained by the Department of Correctional Services.

12 Sec. 2. Section 83-965, Reissue Revised Statutes of Nebraska, is
 13 amended to read:

14 83-965 (1) A sentence of death shall be enforced by the Director of
 15 Correctional Services. Upon receipt of an execution warrant, the director
 16 shall proceed at the time named in the warrant to enforce the sentence,
 17 unless the director is informed that enforcement of the sentence has been
 18 stayed by competent judicial authority, the sentence has been commuted,
 19 or the conviction has been pardoned.

20 (2) The director shall create, modify, and maintain a written
 21 execution protocol describing the process and procedures by which
 22 sedation of the convicted person and death by firing squad ~~an execution~~
 23 will be carried out consistent with this section. The director shall (a)
 24 select the substance or substances to be employed for sedation of the
 25 convicted person in an execution by lethal injection, (b) create a
 26 documented process for obtaining the necessary substances for sedation of
 1 the convicted person and for the necessary equipment and firearms for
 2 carrying out death by firing squad, (c) designate an execution team
 3 composed of the person administering sedation and two ~~one~~ or more
 4 executioners and any other personnel deemed necessary to effectively and
 5 securely conduct an execution, (d) describe the respective
 6 responsibilities of the person administering sedation and each member of
 7 the execution team, (e) describe the training required of the person
 8 administering sedation and each member of the execution team, and (f)
 9 perform or authorize any other details deemed necessary and appropriate
 10 by the director.

11 ~~(3) The execution protocol shall require that the first or only~~
 12 ~~substance injected be capable of rendering the convicted person~~
 13 ~~unconscious and that a determination sufficient to reasonably verify that~~
 14 ~~the convicted person is unconscious be made before the administration of~~

15 ~~any additional substances, if any.~~

16 Sec. 3. Section 83-966, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 83-966 Notwithstanding any other provision of law:

19 (1) Any prescription, preparation, compounding, dispensing,
20 obtaining, or administration of the substances deemed necessary for
21 sedation of the convicted person ~~to perform a lethal injection~~ shall not
22 constitute the practice of medicine or any other profession relating to
23 health care which is subject by law to regulation, licensure, or
24 certification;

25 (2) A pharmacist or pharmaceutical supplier may dispense the
26 designated substances for sedation of the convicted person, without a
27 prescription, to the Director of Correctional Services or the director's
28 designee upon production of a written request from the director for the
29 designated substances necessary for sedation of the convicted person ~~to~~
30 ~~conduct an execution~~;

31 (3) Obtaining, preparing, compounding, dispensing, and administering
1 the substance or substances designated by the execution protocol for
2 sedation of the convicted person does not violate the Uniform Controlled
3 Substances Act or sections 71-2501 to 71-2512; and

4 (4) If a person who is a member of the execution team is licensed by
5 a board or department, the licensing board or department shall not
6 censure, reprimand, suspend, revoke, or take any other disciplinary
7 action against that person's license as a result of that person's
8 participation in sedation of a convicted person or a court-ordered
9 execution.

10 Sec. 4. Section 83-967, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 83-967 (1) The Director of Correctional Services may designate any
13 person qualified under the terms of the execution protocol to administer
14 to the convicted person the substances necessary for sedation of the
15 convicted person and any persons qualified under the terms of the
16 execution protocol to comply with the execution protocol.

17 (2) The identity of all members of the execution team, and any
18 information reasonably calculated to lead to the identity of such
19 members, shall be confidential and exempt from disclosure pursuant to
20 sections 84-712 to 84-712.09 and shall not be subject to discovery or
21 introduction as evidence in any civil proceeding unless extraordinary
22 good cause is shown and a protective order is issued by a district court
23 limiting dissemination of such information.

24 Sec. 5. Section 83-970, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 83-970 Besides the Director of Correctional Services and those
27 persons required to be present under the execution protocol, the
28 following persons, and no others, except as provided in section 83-971,
29 may be present at the execution: (1) The members of the execution team;
30 (2) the member of the clergy in attendance upon the convicted person; (3)
31 no more than three persons selected by the convicted person; (4) no
1 more than three persons representing the victim or victims of the crime;

2 and (5 4) such other persons, not exceeding six in number, as the
3 director may designate. At least two persons designated by the director
4 shall be professional members of the Nebraska news media.
5 Sec. 6. Original sections 83-964, 83-965, 83-966, 83-967, and
6 83-970, Reissue Revised Statutes of Nebraska, are repealed.

Senator Hilkemann filed the following amendment to LB31:
AM942

(Amendments to Standing Committee amendments, AM359)

1 1. On page 1, line 7, strike beginning with "Except" through the
2 underscored comma; in line 8 strike the new matter and reinstate the
3 stricken matter; strike lines 20 and 21; and in line 22 strike "(4)" and
4 insert "(3)".

VISITORS

Visitors to the Chamber were 23 fourth-grade students and teachers from
Cornerstone Christian School, Bellevue; and 4 members of Delta Sigma
Theta Sorority, Inc. from Lincoln and Omaha.

The Doctor of the Day was Dr. Jason Citta from North Platte.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Smith, the Legislature adjourned
until 10:00 a.m., Monday, March 23, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTIETH DAY - MARCH 23, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 23, 2015

PRAYER

The prayer was offered by Pastor Brent Kuhlman, Trinity Lutheran Church, Murdock.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Cook and Murante who were excused; and Senators Bloomfield, Chambers, Davis, Kolowski, Schilz, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-ninth day was approved.

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 511. Placed on General File.

LEGISLATIVE BILL 343. Placed on General File with amendment. AM913 is available in the Bill Room.

(Signed) Kate Sullivan, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Government, Military and Veterans Affairs

Room 1507

Wednesday, April 1, 2015 1:00 p.m.

Sharon Medcalf - State Emergency Response Commission

(Signed) John Murante, Chairperson

MESSAGE(S) FROM THE GOVERNOR

March 19, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Environmental Trust Board:

Jim Hellbusch, 2106 Maple Road, Columbus, NE 68601

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

March 23, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is appointed as the Superintendent of the Nebraska State Patrol:

Bradley Rice, 2723 North 189 Street, Elkhorn, NE 68022

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

ANNOUNCEMENT

The Chair announced the birthday of Senator Lindstrom.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR113 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR113.

MOTION(S) - Confirmation Report(s)

Senator B. Harr moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 897:

Boiler Safety Code Advisory Board
 Steven Bley
 Robert Kirkpatrick
 Thomas E. Phipps

Voting in the affirmative, 35:

| | | | | |
|-----------|----------|-----------|----------------|----------|
| Baker | Ebke | Hansen | Kuehn | Riepe |
| Bolz | Friesen | Harr, B. | Larson | Schnoor |
| Brasch | Garrett | Howard | Lindstrom | Seiler |
| Campbell | Gloor | Hughes | McCollister | Smith |
| Coash | Groene | Johnson | McCoy | Stinner |
| Craighead | Haar, K. | Kolterman | Mello | Sullivan |
| Crawford | Hadley | Krist | Pansing Brooks | Williams |

Voting in the negative, 0.

Present and not voting, 6:

| | | |
|-----------|-----------|------------|
| Hilkemann | Morfeld | Scheer |
| Kintner | Nordquist | Schumacher |

Excused and not voting, 8:

| | | | |
|------------|-------|----------|------------|
| Bloomfield | Cook | Kolowski | Schilz |
| Chambers | Davis | Murante | Watermeier |

The appointments were confirmed with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 909:

Nebraska Educational Telecommunications Commission

Dennis Baack
Marilyn Hadley
Darlene Starman

Voting in the affirmative, 35:

| | | | | |
|-----------|-----------|-----------|----------------|------------|
| Baker | Gloor | Hughes | McCollister | Schumacher |
| Bolz | Groene | Johnson | McCoy | Seiler |
| Brasch | Haar, K. | Kolterman | Mello | Smith |
| Campbell | Hansen | Krist | Pansing Brooks | Stinner |
| Craighead | Harr, B. | Kuehn | Riepe | Sullivan |
| Crawford | Hilkemann | Larson | Scheer | Watermeier |
| Ebke | Howard | Lindstrom | Schnoor | Williams |

Voting in the negative, 0.

Present and not voting, 7:

| | | | |
|---------|---------|---------|-----------|
| Coash | Garrett | Kintner | Nordquist |
| Friesen | Hadley | Morfeld | |

Excused and not voting, 7:

| | | | |
|------------|-------|----------|--------|
| Bloomfield | Cook | Kolowski | Schilz |
| Chambers | Davis | Murante | |

The appointments were confirmed with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 89A. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 242A. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 139. Introduced by Coash, 27; Baker, 30.

WHEREAS, Delvin D. Koch was born on June 28, 1961, in Beatrice, Nebraska; and

WHEREAS, Delvin graduated from Beatrice High School in 1980 and received a bachelor's degree from Doane College in 2001; and

WHEREAS, Delvin started working at the Beatrice State Developmental Center in 1980 as a direct support staff member and worked his way to being named the chief executive officer in 2012; and

WHEREAS, Delvin and Melissa McKinnon were married on April 13, 1996; and

WHEREAS, Delvin was a member of the Eagles Club, the BSDC Friends and Family group, and the Intellectual Disabilities Advocates of Nebraska; and

WHEREAS, Delvin passed away on February 26, 2015.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the contributions of Delvin D. Koch and extends its sympathy to his family.
2. That a copy of this resolution be sent to the family of Delvin D. Koch.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Morfeld filed the following amendment to LB586:
AM998

(Amendments to Standing Committee amendments, AM289)

- 1 1. On page 1, line 12, strike "any", show as stricken, and insert
- 2 "a".

GENERAL FILE

LEGISLATIVE BILL 31. Senator Hilkemann withdrew his amendment, AM939, found on page 933.

SENATOR KRIST PRESIDING

Senator Hilkemann offered his amendment, AM942, found on page 940, to the committee amendment.

Pending.

AMENDMENT(S) - Print in Journal

Senator Campbell filed the following amendment to LB547:
AM994

(Amendments to Standing Committee amendments, AM785)

1 1. Insert the following new amendments:

2 1. Insert the following new section:

3 Sec. 2. Section 79-1104.02, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 79-1104.02 (1) The Early Childhood Education Endowment Cash Fund,
6 consisting of the interest, earnings, and proceeds from the Early
7 Childhood Education Endowment Fund and the earnings from the private
8 endowment created by the endowment provider, funds transferred from the
9 Education Innovation Fund pursuant to section 9-812, and any additional
10 private donations made directly thereto, shall be used exclusively to
11 provide funds for the Early Childhood Education Grant Program for at-risk
12 children from birth to age three as set forth in this section.

13 (2) Grants provided by this section shall be to school districts and
14 cooperatives of school districts for early childhood education programs
15 for at-risk children from birth to age three, as determined by the board
16 of trustees pursuant to criteria set forth by the board of trustees.
17 School districts and cooperatives of school districts may establish
18 agreements with other public and private entities to provide services or
19 operate programs.

20 (3) Each program selected for a grant pursuant to this section may
21 be provided a grant for up to one-half of the total budget of such
22 program per year. Programs selected for grant awards may receive
23 continuation grants subject to the availability of funding and the
24 submission of a continuation plan which meets the requirements of the
25 board of trustees.

26 (4) Programs shall be funded across the state and in urban and rural
1 areas to the fullest extent possible.

2 (5) Each program selected for a grant pursuant to this section shall
3 meet the requirements described in subsection (2) of section 79-1103,
4 except that the periodic evaluations of the program are to be specified
5 by the board of trustees and the programs need not include continuity
6 with programs in kindergarten and elementary grades and need not include
7 instructional hours that are similar to or less than the instructional
8 hours for kindergarten. The programs may continue to serve at-risk
9 children who turn three years of age during the program year until the
10 end of the program year, as specified by the board of trustees.

11 (6) The board of trustees may issue grants to early childhood
12 education programs entering into agreements pursuant to subsection (2) of
13 this section with child care providers, if the child care provider
14 enrolls in the quality rating and improvement system described in the
15 Step Up to Quality Child Care Act prior to the beginning of the initial
16 grant period. Child care providers shall participate in training approved
17 by the Early Childhood Training Center which is needed for participation
18 or advancement in the quality rating and improvement system.

- 19 (7) The board of trustees shall require child care providers in
 20 programs receiving grants under this section to obtain a step three
 21 rating or higher on the quality scale described in section 71-1956 within
 22 three years of the starting date of the initial grant period to continue
 23 funding the program. The board of trustees shall require the child care
 24 provider to maintain a step three rating or higher on such quality scale
 25 after three years from the starting date of the initial grant period to
 26 continue funding the program.
 27 (8) If a child care provider fails to achieve or maintain a step
 28 three rating or higher on the quality scale described in such section
 29 after three years from the starting date of the initial grant period, the
 30 child care provider shall obtain and maintain the step three rating on
 31 such quality scale before any new or continuing grants may be issued for
 1 programs in which such child care provider participates.
 2 (9) Any school district entering into agreements pursuant to
 3 subsection (2) of this section with child care providers must employ or
 4 contract with, either directly or indirectly, a program coordinator
 5 holding a certificate as defined in section 79-807.
 6 (10) Up to ten percent of the total amount deposited in the Early
 7 Childhood Education Endowment Cash Fund each fiscal year may be reserved
 8 by the board of trustees for evaluation and technical assistance for the
 9 Early Childhood Education Grant Program with respect to programs for at-
 10 risk children from birth to age three.
 11 2. Renumber the remaining section and amend the repealer
 12 accordingly.
 13 2. Renumber the remaining amendments accordingly.

VISITORS

Visitors to the Chamber were Nate and Max Wyatt from Gothenburg; Sarah Schellpeper from Williamsburg, VA; 35 ninth-grade students from Lincoln Northstar; and 31 fourth-grade students and teachers from Jackson Elementary, Omaha.

RECESS

At 12:00 a.m., on a motion by Senator Kuehn, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Sullivan presiding.

ROLL CALL

The roll was called and all members were present except Senators Cook, Morfeld, and Murante who were excused; and Senators Davis and Mello who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 31. The Hilkemann amendment, AM942, found on page 940 and considered in this day's Journal, to the committee amendment, was renewed.

SPEAKER HADLEY PRESIDING

Senator Bloomfield offered the following motion:

MO56

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Bloomfield moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Bloomfield requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 24:

| | | | | |
|------------|----------|-----------|-------------|------------|
| Bloomfield | Friesen | Kintner | McCollister | Schnoor |
| Chambers | Groene | Kolterman | McCoy | Schumacher |
| Coash | Hadley | Krist | Mello | Stinner |
| Davis | Harr, B. | Larson | Scheer | Sullivan |
| Ebke | Hughes | Lindstrom | Schilz | |

Voting in the negative, 18:

| | | | | |
|-----------|----------|-----------|----------------|------------|
| Bolz | Garrett | Hilkemann | Pansing Brooks | Watermeier |
| Campbell | Gloor | Johnson | Riepe | Williams |
| Craighead | Haar, K. | Kolowski | Seiler | |
| Crawford | Hansen | Kuehn | Smith | |

Present and not voting, 4:

| | | | |
|-------|--------|--------|-----------|
| Baker | Brasch | Howard | Nordquist |
|-------|--------|--------|-----------|

Excused and not voting, 3:

| | | |
|------|---------|---------|
| Cook | Morfeld | Murante |
|------|---------|---------|

The Bloomfield motion to invoke cloture failed with 24 ayes, 18 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 89A. Placed on Select File.**LEGISLATIVE BILL 242A.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE BILL 581. Placed on General File with amendment.

AM935

1 1. On page 2, line 14, strike "mechanic" and insert "installer"; in
 2 line 15 strike "with a model year of 2012 or later" and insert
 3 "registered pursuant to the Motor Vehicle Registration Act"; and in lines
 4 23 and 24 strike "with a model year of 2012 or later".
 5 2. On page 3, line 6, strike "(a)" and insert "(1)"; in line 8
 6 strike "(b)(1)" and insert "(2)(a)"; in line 13 strike "(2)" and insert
 7 "(b)"; in lines 15 and 16 strike "incentive" and insert "grant"; in line
 8 17 strike "(c)" and insert "(3)"; and in line 26 strike "and incentives".

LEGISLATIVE BILL 634. Placed on General File with amendment.

AM932

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 37-419, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 37-419 (1) Any person in the military service of the United States,
 6 regardless of residence, who has been ordered to active duty at any
 7 facility of the United States Department of Defense or its component
 8 services located in the State of Nebraska, may hunt, fish, or harvest fur
 9 on the appropriate resident permit upon satisfactory proof that such
 10 person has been actually present for duty at such facility for a period
 11 of thirty days or more.
 12 (2) The spouse of any person in the military service of the United
 13 States, regardless of residence, who has been ordered to active duty at
 14 any facility of the United States Department of Defense or its component
 15 services located in the State of Nebraska, may hunt, fish, or harvest fur
 16 on the appropriate resident permit upon satisfactory proof that his or
 17 her spouse has been actually present for duty at such facility for a
 18 period of thirty days or more.
 19 (3) Any person enrolled and in actual attendance as a full-time
 20 student in any university, college, junior college, or vocational-
 21 technical college in this state, regardless of residence, or any high
 22 school foreign exchange student in this state, may hunt or fish on the
 23 appropriate resident permit upon satisfactory proof that such person has
 24 been actually in attendance at any such institution for a period of
 25 thirty days or more or is a high school foreign exchange student.

26 Sec. 2. Section 37-420, Revised Statutes Cumulative Supplement,
27 2014, is amended to read:

1 37-420 (1) Any veteran who is a legal resident of the State of
2 Nebraska shall, upon application and without payment of any fee, be
3 issued a combination fishing and hunting permit, habitat stamp, aquatic
4 habitat stamp, and Nebraska migratory waterfowl stamp if the veteran:
5 (a) Was discharged or separated with a characterization of honorable
6 or general (under honorable conditions); and
7 (b)(i) Is rated by the United States Department of Veterans Affairs
8 as fifty percent or more disabled as a result of service in the armed
9 forces of the United States; ~~or~~
10 (ii) Is receiving a pension from the department as a result of total
11 and permanent disability, which disability was not incurred in the line
12 of duty in the military service; ~~or~~ -
13 (iii) Was a prisoner of war in any war as a result of service in the
14 armed forces of the United States.
15 (2) If disabled persons are unable by reason of physical infirmities
16 to hunt and fish in the normal manner, the commission may issue special
17 permits without cost to those persons to hunt and fish from a vehicle,
18 but such permits shall not authorize any person to shoot from any public
19 highway.
20 (3) All permits issued without the payment of any fees pursuant to
21 this section shall be perpetual and become void only upon termination of
22 eligibility as provided in this section.
23 (4) The commission may adopt and promulgate rules and regulations
24 necessary to carry out this section.
25 (5) Permits issued under subdivision (3) of this section as it
26 existed prior to January 1, 2006, shall not expire as provided in section
27 37-421.

28 Sec. 3. Section 37-421.01, Revised Statutes Cumulative Supplement,
29 2014, is amended to read:

30 37-421.01 (1)(a) Notwithstanding any provision of section 37-407 to
31 the contrary: ~~;~~
1 (i) A Nebraska resident who is deployed out of state with a branch
2 of the United States military or has been so deployed within the last
3 twelve months at the time of application shall be entitled to receive an
4 annual combination fishing and hunting permit, habitat stamp, aquatic
5 habitat stamp, and Nebraska migratory waterfowl stamp ~~on a one-time basis~~
6 ~~upon returning to the state~~ if the resident complies with subdivision (b)
7 of this subsection; and ~~;~~
8 (ii) A Nebraska resident who is the spouse of a Nebraska resident
9 who is deployed out of state with a branch of the United States military
10 or has been so deployed within the last twelve months at the time of
11 application shall be entitled to receive an annual combination fishing
12 and hunting permit, habitat stamp, aquatic habitat stamp, and Nebraska
13 migratory waterfowl stamp if the spouse complies with subdivision (b) of
14 this subsection.
15 (b) The deployed resident or spouse shall:
16 (i) Submit ~~(a) Submits~~ an application to the commission with a fee

17 of five dollars; and
 18 (ii) ~~Provide~~ Provide to the commission evidence of the deployed
 19 resident's deployment out of state.
 20 (2)(a) Notwithstanding any provision of section 37-447, 37-449,
 21 37-450, 37-451, or 37-457 to the contrary, a Nebraska resident who
 22 purchased a big game permit and who was deployed out of state with a
 23 branch of the United States military for the entire season of the hunt
 24 and who was unable to use the permit shall be entitled to receive a
 25 discounted permit on a one-time basis upon returning to the state if the
 26 resident provides to the commission evidence of deployment.
 27 Alternatively, the member of the military may request a refund of the
 28 amount paid for a big game permit and the commission shall pay such
 29 amount.
 30 (b) For purposes of this subsection, big game means antelope, deer,
 31 elk, mountain sheep, and wild turkeys.
 1 (c) The commission shall establish a fee of five dollars for the
 2 discounted permits authorized in this subsection.
 3 (3) The commission may authorize electronic issuance of the
 4 discounted permits authorized under this section.
 5 (4) The commission may adopt and promulgate rules and regulations
 6 that set forth the procedures for applying for, and the issuance of, the
 7 discounted permits authorized in this section, including what constitutes
 8 evidence of deployment to qualify for the permits.
 9 Sec. 4. Original section 37-419, Reissue Revised Statutes of
 10 Nebraska, and sections 37-420 and 37-421.01, Revised Statutes Cumulative
 11 Supplement, 2014, are repealed.

(Signed) Ken Schilz, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 140. Introduced by McCoy, 39.

WHEREAS, the Elkhorn South High School dance team won the Hip Hop division at the 2015 Class B Nebraska State Cheer and Dance Championships; and

WHEREAS, the Elkhorn South High School dance team also placed second in the Jazz division at the 2015 Class B Nebraska State Cheer and Dance Championships; and

WHEREAS, the team members are Amanda Pyle, Alex Grove, Lauren Lund, Emma Slominski, Kaci Knust, Nicole Harris, Caitlin Jordan, Emma Kate Brown, Cameron Oltmanns, Chloe Hardin, Janelle Ish, Morgan Holen, Maren Mosley, Madeline Straight, Sammi Bak, Lauryn Sommerer, Gabby Point, and Olivia Taylor; and

WHEREAS, the team showed outstanding determination, perseverance, and skill throughout the competition; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Elkhorn South High School dance team on winning the Hip Hop division at the 2015 Class B State Cheer and Dance Championships.

2. That a copy of this resolution be sent to the Elkhorn South High School dance team.

Laid over.

SELECT FILE

LEGISLATIVE BILL 242. ER49, found on page 852, was adopted.

Senator Bloomfield withdrew his amendment, AM356, found on page 711.

Senator Bloomfield offered his amendment, AM851, found on page 867.

The Bloomfield amendment lost with 4 ayes, 22 nays, 18 present and not voting, and 5 excused and not voting.

Senator Larson withdrew his amendments, AM765, AM758, AM757, and AM756, found on page 815.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 70. ER27, found on page 486, was adopted.

Senator Schumacher offered his amendment, AM945, found on page 911.

The Schumacher amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

AMENDMENT(S) - Print in Journal

Senator Garrett filed the following amendment to LB641:

AM1000

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 60-601, Revised Statutes Cumulative Supplement,

4 2014, is amended to read:

5 60-601 Sections 60-601 to 60-6,382 and sections 2 and 3 of this act

6 shall be known and may be cited as the Nebraska Rules of the Road.

7 Sec. 2. Any disabled person operating a manual or motorized

8 wheelchair on a sidewalk or across a roadway or shoulder in a crosswalk

9 shall have all the rights and duties applicable to a pedestrian under the

10 same circumstances.
 11 Sec. 3. (1) Any person operating a bicycle on a sidewalk or across a
 12 roadway or shoulder in a crosswalk shall have all the rights and duties
 13 applicable to a pedestrian under the same circumstances subject to
 14 subsection (2) of this section.
 15 (2) A person operating a bicycle on a sidewalk shall not:
 16 (a) Operate the bicycle so as to suddenly leave a curb or other
 17 place of safety and move into the path of a vehicle that is so close as
 18 to constitute an immediate hazard;
 19 (b) Fail to give an audible warning before overtaking and passing a
 20 pedestrian or fail to yield the right-of-way to all pedestrians on the
 21 sidewalk;
 22 (c) Operate the bicycle in a careless manner that endangers or would
 23 be likely to endanger any person or property; or
 24 (d) Operate the bicycle at a speed greater than an ordinary walk
 25 when approaching or entering a crosswalk, approaching or crossing a
 26 driveway, or crossing a curb cut or pedestrian ramp when a motor vehicle
 27 is approaching the crosswalk, driveway, curb cut, or pedestrian ramp.
 1 This subdivision does not require a reduced speed for a bicycle at a
 2 place on a sidewalk or other pedestrian way other than a place where the
 3 path for pedestrians or bicycle traffic approaches or crosses that for
 4 motor vehicle traffic.
 5 Sec. 4. Original section 60-601, Revised Statutes Cumulative
 6 Supplement, 2014, is repealed.

Senator Baker filed the following amendment to LB343:
 AM987

(Amendments to Standing Committee amendments, AM913)

1 1. On page 10, line 6, strike "the district" and insert "another
 2 educational entity"; in line 7, strike "not"; strike lines 8 through 10
 3 and insert "district or educational service unit and (b) for each such
 4 course, the other educational entities in which students received the
 5 course and how many students received the course at such educational
 6 entities"; in lines 14 and 15 after "district" insert "and educational
 7 service unit"; and in line 23, after "district" insert "or educational
 8 service unit" and strike "incentive" and insert "value".

COMMITTEE REPORT(S)

Appropriations

LEGISLATIVE BILL 32. Placed on General File with amendment.
 AM951

1 1. Strike the original section and insert the following new section:
 2 Section 1. (1) For the biennium ending June 30, 2019, and the
 3 biennium ending June 30, 2021, the Department of Correctional Services
 4 shall, as part of the appropriations request process pursuant to section
 5 81-132, include a strategic plan that identifies the main purpose or
 6 purposes of each program, verifiable and auditable key goals that the
 7 department believes are fair measures of its progress in meeting each

8 program's main purpose or purposes, and benchmarks for improving
9 performance on the key goals. The department shall also report whether
10 the benchmarks are being met and, if not, the expected timeframes for
11 meeting them.
12 (2) Not later than September 15 in 2017, 2018, 2019, 2020, and 2021,
13 the Department of Correctional Services shall report electronically to
14 the Judiciary Committee of the Legislature and the Appropriations
15 Committee of the Legislature on the progress towards the key goals
16 identified pursuant to this section that occurred in the previous twelve
17 months. In calendar years 2017, 2018, 2019, 2020, and 2021, the
18 department shall appear at a joint hearing of the Judiciary Committee and
19 Appropriations Committee and present the report.

(Signed) Heath Mello, Chairperson

VISITOR

The Doctor of the Day was Dr. Alisha O'Malley from Omaha.

ADJOURNMENT

At 3:55 p.m., on a motion by Senator Coash, the Legislature adjourned until 9:00 a.m., Tuesday, March 24, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIRST DAY - MARCH 24, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
 Tuesday, March 24, 2015

PRAYER

The prayer was offered by Pastor Matt Bahnfleth, Christ the Servant Lutheran Church, Norfolk.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators K. Haar, Morfeld, and Murante who were excused; and Senators Baker, Kuehn, Nordquist, Schnoor, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fiftieth day was approved.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 422. Placed on General File.

LEGISLATIVE BILL 663. Placed on General File with amendment.
 AM885

1 1. Strike original section 1 and insert the following new section:
 2 Section 1. Section 24-201.01, Revised Statutes Cumulative
 3 Supplement, 2014, is amended to read:
 4 24-201.01 ~~On July 1, 2012, the salary of the Chief Justice and the~~
 5 ~~judges of the Supreme Court shall be one hundred forty five thousand six~~
 6 ~~hundred fourteen dollars and seventy four cents. On July 1, 2013, the~~
 7 ~~salary of the Chief Justice and the judges of the Supreme Court shall be~~
 8 ~~one hundred fifty two thousand eight hundred ninety five dollars and~~
 9 ~~forty eight cents. On July 1, 2014, the salary of the Chief Justice and~~
 10 ~~the judges of the Supreme Court shall be one hundred sixty thousand five~~
 11 ~~hundred forty dollars and twenty-five cents. On July 1, 2015, the salary~~
 12 of the Chief Justice and the judges of the Supreme Court shall be one

13 hundred sixty-six thousand one hundred fifty-nine dollars and sixteen
14 cents. On July 1, 2016, the salary of the Chief Justice and the judges of
15 the Supreme Court shall be one hundred seventy-one thousand nine hundred
16 seventy-four dollars and seventy-three cents.
17 The Chief Justice and the judges of the Supreme Court shall hold no
18 other public office of profit or trust during their terms of office nor
19 accept any public appointment or employment under the authority of the
20 government of the United States for which they receive compensation for
21 their services. Such salaries shall be payable in equal monthly
22 installments.

(Signed) Les Seiler, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 591A. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 591, One Hundred Fourth Legislature, First Session, 2015.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 114, 115, 116, 117, and 118 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 114, 115, 116, 117, and 118.

SELECT FILE

LEGISLATIVE BILL 242A. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 641. Title read. Considered.

Committee AM719, found on page 766, was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Senator Garrett offered his amendment, AM1000, found on page 952.

PRESIDENT FOLEY PRESIDING

Senator Garrett withdrew his amendment.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Krist filed the following amendment to LB15:
AM1005

(Amendments to Standing Committee amendments, AM514)

- 1 1. On page 2, strike lines 20 through 23 and insert the following
- 2 new subsection:
- 3 "(4) By July 1, 2015, the Supreme Court shall provide by court rule
- 4 standards for guardians ad litem for juveniles in juvenile court
- 5 proceedings.".
- 6 2. On page 3, line 27, strike the new matter and reinstate the
- 7 stricken matter.

Senator B. Harr filed the following amendment to LB356:
AM977

(Amendments to E and R amendments, ER54)

- 1 1. On page 5, strike beginning with "within" in line 15 through
- 2 "date" in line 16 and insert "no later than January 31"; and in line 31
- 3 strike beginning with "within" through "property's" and insert "no later
- 4 than January 31".
- 5 2. On page 6, line 1, strike "valuation date".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 141. Introduced by Kolterman, 24.

WHEREAS, Esther Pfabe of Seward has received the Crest of Christ Award from Concordia University; and

WHEREAS, the Crest of Christ Award is given to members of the Lutheran Church for outstanding service to the church; and

WHEREAS, the award is given to individuals who support and sustain, in a quiet and deliberate fashion, the public ministries and work of the church-at-large.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Esther Pfabe for receiving the Crest of Christ Award from Concordia University.
2. That a copy of this resolution be sent to Esther Pfabe.

Laid over.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 546. Placed on General File with amendment.
AM567

- 1 1. On page 2, line 11, after "prescribe" insert "or dispense".
- 2 2. On page 3, strike beginning with "means" in line 10 through
- 3 "injection" in line 11 and insert "has the same meaning as in section
- 4 38-2806"; and strike beginning with "means" in line 12 through "deliver"
- 5 in line 13 and insert "has the same meaning as in section 38-2817".

(Signed) Les Seiler, Chairperson

GENERAL FILE

LEGISLATIVE BILL 413. Title read. Considered.

Committee AM566, found on page 723, was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 538. Title read. Considered.

Senator Watermeier offered the following amendment:

AM944

- 1 1. Strike original section 11 and insert the following new sections:
- 2 Sec. 9. Section 77-1116, Revised Statutes Cumulative Supplement,
- 3 2014, is amended to read:
- 4 77-1116 (1) A qualified community development entity that seeks to
- 5 have an equity investment or long-term debt security designated as a
- 6 qualified equity investment and eligible for tax credits under the New
- 7 Markets Job Growth Investment Act shall apply to the Tax Commissioner.
- 8 There shall be no new applications for such designation filed under this
- 9 section after December 31, 2019.
- 10 (2) The qualified community development entity shall submit an
- 11 application on a form that the Tax Commissioner provides that includes:
- 12 (a) Evidence of the entity's certification as a qualified community
- 13 development entity, including evidence of the service area of the entity

14 that includes this state;
15 (b) A copy of the allocation agreement executed by the entity, or
16 its controlling entity, and the Community Development Financial
17 Institutions Fund referred to in section 77-1109;
18 (c) A certificate executed by an executive officer of the entity
19 attesting that the allocation agreement remains in effect and has not
20 been revoked or cancelled by the Community Development Financial
21 Institutions Fund referred to in section 77-1109;
22 (d) A description of the proposed amount, structure, and purchaser
23 of the equity investment or long-term debt security;
24 (e) Identifying information for any taxpayer eligible to utilize tax
25 credits earned as a result of the issuance of the qualified equity
26 investment;
27 (f) Information regarding the proposed use of proceeds from the
1 issuance of the qualified equity investment; and
2 (g) A nonrefundable application fee of five thousand dollars.
3 ~~(3 2)~~ Within thirty days after receipt of a completed application
4 containing the information necessary for the Tax Commissioner to certify
5 a potential qualified equity investment, including the payment of the
6 application fee, the Tax Commissioner shall grant or deny the application
7 in full or in part. If the Tax Commissioner denies any part of the
8 application, the Tax Commissioner shall inform the qualified community
9 development entity of the grounds for the denial. If the qualified
10 community development entity provides any additional information required
11 by the Tax Commissioner or otherwise completes its application within
12 fifteen days after the notice of denial, the application shall be
13 considered completed as of the original date of submission. If the
14 qualified community development entity fails to provide the information
15 or complete its application within the fifteen-day period, the
16 application remains denied and must be resubmitted in full with a new
17 submission date.
18 ~~(4 3)~~ If the application is deemed complete, the Tax Commissioner
19 shall certify the proposed equity investment or long-term debt security
20 as a qualified equity investment that is eligible for tax credits,
21 subject to the limitations contained in section 77-1115. The Tax
22 Commissioner shall provide written notice of the certification to the
23 qualified community development entity. The notice shall include the
24 names of those taxpayers who are eligible to utilize the credits and
25 their respective credit amounts. If the names of the taxpayers who are
26 eligible to utilize the credits change due to a transfer of a qualified
27 equity investment or a change in an allocation pursuant to section
28 77-1114, the qualified community development entity shall notify the Tax
29 Commissioner of such change.
30 ~~(5 4)~~ The Tax Commissioner shall certify qualified equity
31 investments in the order applications are received. Applications received
1 on the same day shall be deemed to have been received simultaneously. For
2 applications received on the same day and deemed complete, the Tax
3 Commissioner shall certify, consistent with remaining tax credit
4 capacity, qualified equity investments in proportionate percentages based

5 upon the ratio of the amount of qualified equity investment requested in
6 an application to the total amount of qualified equity investments
7 requested in all applications received on the same day.
8 (6 5) Once the Tax Commissioner has certified qualified equity
9 investments that, on a cumulative basis, are eligible for the maximum
10 limitation contained in section 77-1115, the Tax Commissioner may not
11 certify any more qualified equity investments for that fiscal year. If a
12 pending request cannot be fully certified, the Tax Commissioner shall
13 certify the portion that may be certified unless the qualified community
14 development entity elects to withdraw its request rather than receive
15 partial credit.

16 (7 6) Within thirty days after receiving notice of certification,
17 the qualified community development entity shall issue the qualified
18 equity investment and receive cash in the amount of the certified amount.
19 The qualified community development entity shall provide the Tax
20 Commissioner with evidence of the receipt of the cash investment within
21 ten business days after receipt. If the qualified community development
22 entity does not receive the cash investment and issue the qualified
23 equity investment within thirty days after receipt of the certification
24 notice, the certification shall lapse and the entity may not issue the
25 qualified equity investment without reapplying to the Tax Commissioner
26 for certification. A certification that lapses reverts back to the Tax
27 Commissioner and may be reissued only in accordance with the application
28 process outlined in this section.

29 Sec. 10. Section 77-27,187.02, Revised Statutes Cumulative
30 Supplement, 2014, is amended to read:

31 77-27,187.02 (1) To earn the incentives set forth in the Nebraska
1 Advantage Rural Development Act, the taxpayer shall file an application
2 for an agreement with the Tax Commissioner. There shall be no new
3 applications for incentives filed under this section after December 31,
4 2019.

5 (2) The application shall contain:

6 (a) A written statement describing the full expected employment or
7 type of livestock production and the investment amount for a qualified
8 business, as described in section 77-27,189, in this state;

9 (b) Sufficient documents, plans, and specifications as required by
10 the Tax Commissioner to support the plan and to define a project; and

11 (c) An application fee of five hundred dollars. The fee shall be
12 remitted to the State Treasurer for credit to the Nebraska Incentives
13 Fund. The application and all supporting information shall be
14 confidential except for the name of the taxpayer, the location of the
15 project, and the amounts of increased employment or investment.

16 (3)(a) The Tax Commissioner shall approve the application and
17 authorize the total amount of credits expected to be earned as a result
18 of the project if he or she is satisfied that the plan in the application
19 defines a project that (i) meets the requirements established in section
20 77-27,188 and such requirements will be reached within the required time
21 period and (ii) for projects other than livestock modernization or
22 expansion projects, is located in an eligible county, city, or village.

23 (b) The Tax Commissioner shall not approve further applications once
24 the expected credits from the approved projects total two million five
25 hundred thousand dollars in each of fiscal years 2004-05 and 2005-06,
26 three million dollars in each of fiscal years 2006-07 through 2008-09,
27 and four million dollars in fiscal year 2009-10. For applications filed
28 in calendar years 2010 and 2011, the Tax Commissioner shall not approve
29 further applications once the expected credits from the approved projects
30 total four million dollars. For applications filed in calendar year 2012
31 and each year thereafter, the Tax Commissioner shall not approve further
1 applications once the expected credits from the approved projects total
2 one million dollars. Four hundred dollars of the application fee shall be
3 refunded to the applicant if the application is not approved because the
4 expected credits from approved projects exceed such amounts. It is the
5 intent of the Legislature that all tax credits deemed unallocated for
6 this section for calendar year 2011 shall be used for purposes of the
7 Angel Investment Tax Credit Act.

8 (c) Applications for benefits shall be considered in the order in
9 which they are received.

10 (d)(i) For applications filed in calendar year 2011, applications
11 shall be filed by July 1 and shall be complete by August 1 of the
12 calendar year. Any application that is filed after July 1 or that is not
13 complete on August 1 shall be considered to be filed during the following
14 calendar year.

15 (ii) For applications filed in calendar year 2012 and each year
16 thereafter, applications shall be filed by November 1 and shall be
17 complete by December 1 of each calendar year. Any application that is
18 filed after November 1 or that is not complete on December 1 shall be
19 considered to be filed during the following calendar year.

20 (4) After approval, the taxpayer and the Tax Commissioner shall
21 enter into a written agreement. The taxpayer shall agree to complete the
22 project, and the Tax Commissioner, on behalf of the State of Nebraska,
23 shall designate the approved plans of the taxpayer as a project and, in
24 consideration of the taxpayer's agreement, agree to allow the taxpayer to
25 use the incentives contained in the Nebraska Advantage Rural Development
26 Act up to the total amount that were authorized by the Tax Commissioner
27 at the time of approval. The application, and all supporting
28 documentation, to the extent approved, shall be considered a part of the
29 agreement. The agreement shall state:

30 (a) The levels of employment and investment required by the act for
31 the project;

1 (b) The time period under the act in which the required level must
2 be met;

3 (c) The documentation the taxpayer will need to supply when claiming
4 an incentive under the act;

5 (d) The date the application was filed; and

6 (e) The maximum amount of credits authorized.

7 Sec. 11. Section 77-2912, Revised Statutes Cumulative Supplement,
8 2014, is amended to read:

9 77-2912 There shall be no new applications filed under the Nebraska

10 Job Creation and Mainstreet Revitalization Act after December 31, ~~2019~~
11 ~~2018~~. All applications and all credits pending or approved before such
12 date shall continue in full force and effect, except that no credits
13 shall be allocated under section 77-2905, issued under section 77-2906,
14 or used on any tax return or similar filing after December 31, 2024.

15 Sec. 12. Section 77-5208, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 77-5208 The board shall meet at least twice during the year. The
18 board shall review pending applications in order to approve and certify
19 beginning farmers and livestock producers as eligible for the programs
20 provided by the board, to approve and certify owners of agricultural
21 assets as eligible for the tax credits authorized by sections 77-5211 to
22 77-5213, and to approve and certify qualified beginning farmers and
23 livestock producers as eligible for the tax credit authorized by section
24 77-5209.01 and for qualification to claim an exemption of taxable
25 tangible personal property as provided by section 77-5209.02. No new
26 applications for any such programs, tax credits, or exemptions shall be
27 approved or certified by the board after December 31, 2019. Any action
28 taken by the board regarding approval and certification of program
29 eligibility, granting of tax credits, or termination of rental agreements
30 shall require the affirmative vote of at least four members of the board.

31 Sec. 15. Section 77-5905, Revised Statutes Cumulative Supplement,
1 2014, is amended to read:

2 77-5905 (1) If the Department of Revenue determines that an
3 application meets the requirements of section 77-5904 and that the
4 investment or employment is eligible for the credit and (a) the applicant
5 is actively engaged in the operation of the microbusiness or will be
6 actively engaged in the operation upon its establishment, (b) the
7 majority of the assets of the microbusiness are located in a distressed
8 area or will be upon its establishment, (c) the applicant will make new
9 investment or employment in the microbusiness, and (d) the new investment
10 or employment will create new income or jobs in the distressed area, the
11 department shall approve the application and authorize tentative tax
12 credits to the applicant within the limits set forth in this section and
13 certify the amount of tentative tax credits approved for the applicant.
14 Applications for tax credits shall be considered in the order in which
15 they are received.

16 (2) The department may approve applications up to the adjusted limit
17 for each calendar year beginning January 1, 2006, through December 31,
18 ~~2019~~ 2017. After applications totaling the adjusted limit have been
19 approved for a calendar year, no further applications shall be approved
20 for that year. The adjusted limit in a given year is two million dollars
21 plus tentative tax credits that were not granted by the end of the
22 preceding year. Tax credits shall not be allowed for a taxpayer receiving
23 benefits under the Employment and Investment Growth Act, the Nebraska
24 Advantage Act, or the Nebraska Advantage Rural Development Act.

25 2. On page 7, line 13, strike "positive"; and in line 14 after
26 "impacts" insert "generally" and strike "negative".

27 3. On page 10, lines 30 and 31; and page 11, lines 3, 13, 14, and

28 17, strike the new matter and reinstate the stricken matter.
 29 4. On page 11, lines 10 and 21, after “employees” insert “. There
 30 shall be no new project applications for benefits under this tier filed
 31 after December 31, 2017. All complete project applications filed on or
 1 before December 31, 2017, shall be considered by the Tax Commissioner and
 2 approved if the project and taxpayer qualify for benefits. Agreements may
 3 be executed with regard to completed project applications filed on or
 4 before December 31, 2017. All project agreements pending, approved, or
 5 entered into before such date shall continue in full force and effect”;
 6 and in line 29 after “benefits” insert “. There shall be no new project
 7 applications for benefits under this tier filed after December 31, 2017.
 8 All complete project applications filed on or before December 31, 2017,
 9 shall be considered by the Tax Commissioner and approved if the project
 10 and taxpayer qualify for benefits. Agreements may be executed with regard
 11 to completed project applications filed on or before December 31, 2017.
 12 All project agreements pending, approved, or entered into before such
 13 date shall continue in full force and effect”.
 14 5. On page 12, line 2, after the period insert “There shall be no
 15 new project applications for benefits under this tier filed after
 16 December 31, 2017. All complete project applications filed on or before
 17 December 31, 2017, shall be considered by the Tax Commissioner and
 18 approved if the project and taxpayer qualify for benefits.”; and strike
 19 beginning with “before” in line 3 through “2020” in line 4, show the old
 20 matter as stricken, and insert “on or before December 31, 2017”.
 21 6. Renumber the remaining sections and correct the repealer
 22 accordingly.

The Watermeier amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 538A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 320. Title read. Considered.

Corrected committee AM767, found on page 858, was offered.

Senator Davis offered the following amendment to the committee amendment:

AM969

(Amendments to Standing Committee amendments, AM767)

1 1. Insert the following new sections:
 2 Sec. 10. Section 68-1107, Revised Statutes Cumulative Supplement,
 3 2014, is amended to read:

4 68-1107 (1) The Aging Nebraskans Task Force is created. The purposes
5 ~~purpose~~ of the task force are (a) is to develop and facilitate
6 implementation of a statewide strategic plan for addressing the needs of
7 the aging population in the state and (b) to develop a state plan
8 regarding persons with Alzheimer's or related disorders as provided in
9 section 13 of this act. The task force shall provide a forum for
10 collaboration among state, local, community, public, and private
11 stakeholders in long-term care programs.

12 (2)(a) The executive committee of the task force shall include as
13 voting members the chairperson of the Health and Human Services Committee
14 of the Legislature, a member of the Appropriations Committee of the
15 Legislature appointed by the Executive Board of the Legislative Council,
16 a member of the Health and Human Services Committee of the Legislature
17 appointed by the Executive Board of the Legislative Council, a member of
18 the Legislature's Planning Committee appointed by the Executive Board of
19 the Legislative Council, and an at-large member appointed by the
20 Executive Board of the Legislative Council. The voting members of the
21 executive committee shall choose a chairperson and vice-chairperson from
22 among the voting members.

23 (b) The chief executive officer of the Department of Health and
24 Human Services or his or her designee and the Chief Justice of the
25 Supreme Court or his or her designee shall be nonvoting, ex officio
26 members of the executive committee of the task force.

1 (c) The remaining four members of the task force shall be nonvoting
2 members appointed by the executive committee of the task force through an
3 application and selection process, representing stakeholders in the long-
4 term care system and may include a representative of the Division of
5 Medicaid and Long-Term Care Advisory Committee on Aging, representatives
6 of health care providers, elder law attorneys, representatives of the
7 long-term care ombudsman program, health care economists, geriatric
8 specialists, family caregivers of seniors in at-home care, providers of
9 services to the elderly, seniors currently or previously in institutional
10 care, and aging advocacy organizations.

11 (3) The executive committee of the task force shall advise the task
12 force regarding the interaction among the three branches of government
13 related to long-term care programs and services. The members of the
14 executive committee shall each represent his or her own branch of
15 government, and no member of the executive committee shall participate in
16 actions that could be deemed to be the exercise of the duties and
17 prerogatives of another branch of government or that improperly delegate
18 the powers and duties of any branch of government to another branch of
19 government.

20 (4) The task force shall work with administrators of area agencies
21 on aging, nursing home and assisted-living residence providers,
22 hospitals, rehabilitation centers, managed care companies, senior citizen
23 centers, community stakeholders, advocates for elder services and
24 programs, the Center for Public Affairs Research of the College of Public
25 Affairs and Community Service at the University of Nebraska at Omaha, and
26 seniors statewide to establish effective community collaboration for

27 informed decisionmaking that supports the provisions of effective and
28 efficient long-term care services.

29 (5) The task force shall create a statewide strategic plan for long-
30 term care services in Nebraska which shall consider, but not be limited
31 to:

1 (a) Promotion of independent living through provision of long-term
2 care services and support that enable an individual to live in the
3 setting of his or her choice;

4 (b) Provision of leadership to support sound fiscal management of
5 long-term care budgets so that Nebraska will be able to meet the
6 increasing demand for long-term care services as a growing portion of the
7 state's population reaches the age of eighty years;

8 (c) Expedited creation of workforce development and training
9 programs specific to the needs of and in response to Nebraska's growing
10 aging population;

11 (d) The identification of gaps in the service delivery system that
12 contribute to the inefficient and ineffective delivery of services; and

13 (e) Development of a process for evaluating the quality of
14 residential and home and community-based long-term care services and
15 support.

16 Sec. 11. Section 68-1108, Revised Statutes Cumulative Supplement,
17 2014, is amended to read:

18 68-1108 (1) On or before December 15, 2014, the Aging Nebraskans
19 Task Force shall present electronically to the Legislature a report of
20 recommendations for the statewide strategic plan described in section
21 68-1107. The Department of Health and Human Services shall also annually
22 report electronically to the Legislature the percentage growth of
23 medicaid spending for people over sixty-five years of age for no fewer
24 than five years following acceptance of the application to the State
25 Balancing Incentive Payments Program pursuant to section 81-3138.

26 (2) The task force shall develop a state plan as provided in section
27 13 of this act and electronically deliver the state plan to the Governor
28 and the Legislature on or before December 15, 2016. The task force shall
29 make a presentation of the state plan to the Health and Human Services
30 Committee of the Legislature on or before December 15, 2016.

31 Sec. 12. Section 68-1109, Revised Statutes Cumulative Supplement,
1 2014, is amended to read:

2 68-1109 The Aging Nebraskans Task Force terminates on January 1,
3 2017 ~~June 30, 2016~~, unless extended by the Legislature.

4 Sec. 13. (1) The Aging Nebraskans Task Force shall develop a state
5 plan regarding persons with Alzheimer's and related disorders. The task
6 force shall work with the chief executive officer of the Department of
7 Health and Human Services, the Public Guardian, the area agencies on
8 aging, organizations advocating for patients and caregivers for patients
9 with Alzheimer's or related disorders, the law enforcement community,
10 patients with Alzheimer's or related disorders, caregivers for patients
11 with Alzheimer's or related disorders, client advocacy organizations,
12 health care provider advocacy organizations, private health care
13 providers, and community-based health professionals.

14 (2) The task force shall:
 15 (a) Assess the current and future impact of Alzheimer's and related
 16 disorders on residents of the state;
 17 (b) Determine the existing services and resources in the state that
 18 address the needs of individuals with Alzheimer's and related disorders
 19 and their families and caregivers; and
 20 (c) Develop recommendations to respond to escalating needs for the
 21 services and resources described in subdivision (b) of this subsection.
 22 (3) In fulfilling the duties described in subsection (1) of this
 23 section, the task force shall examine:
 24 (a) Trends and needs in the state relating to populations with
 25 Alzheimer's or related disorders, including (i) the state's role in the
 26 provision of long-term care, (ii) family caregiver support, (iii) the
 27 provision of early-stage diagnoses, assistance, support, and medical
 28 services, (iv) younger onset of Alzheimer's or related disorders, (v)
 29 ethnic populations at higher risk, and (vi) risk reduction;
 30 (b) Existing services, resources, and capacity available to
 31 individuals with Alzheimer's or related disorders, including:
 1 (i) The type, cost, availability, and adequacy of services,
 2 including, (A) home and community-based resources, (B) respite care, (C)
 3 residential long-term care, and (D) geriatric-psychiatric units for
 4 individuals with associated behavioral disorders;
 5 (ii) Dementia-specific training requirements for individuals who are
 6 employed to provide care to individuals with Alzheimer's or related
 7 disorders;
 8 (iii) Quality of care measures for services delivered across the
 9 continuum of care;
 10 (iv) The capacity of public safety and law enforcement to respond to
 11 individuals with Alzheimer's or related disorders; and
 12 (v) State support to institutions of higher learning for research on
 13 Alzheimer's or related disorders;
 14 (c) The need for state policy or action in order to provide clear,
 15 coordinated services and support to individuals with Alzheimer's or
 16 related disorders and their families and caregivers; and
 17 (d) Strategies to identify gaps in services.
 18 Sec. 14. Sections 1 to 9 of this act become operative three
 19 calendar months after adjournment of this legislative session. The other
 20 sections of this act become operative on their effective date.
 21 Sec. 15. Original sections 68-1107, 68-1108, and 68-1109, Revised
 22 Statutes Cumulative Supplement, 2014, are repealed.
 23 Sec. 16. Since an emergency exists, this act takes effect when
 24 passed and approved according to law.

SPEAKER HADLEY PRESIDING

The Davis amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 26 ayes, 0 nays,

17 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 1 nay, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 320A. Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 2 nays, 16 present and not voting, and 6 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 70A. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 70, One Hundred Fourth Legislature, First Session, 2015; and to declare an emergency.

LEGISLATIVE BILL 81A. Introduced by Cook, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 81, One Hundred Fourth Legislature, First Session, 2015.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Hellbusch, Jim - Nebraska Environmental Trust Board - Natural Resources
Rice, Bradley - Superintendent, Nebraska State Patrol - Government,
Military and Veterans Affairs

(Signed) Bob Krist, Chairperson
Executive Board

VISITORS

Visitors to the Chamber were 95 junior level Bachelor of Science in Nursing students from Creighton University, Omaha and Hastings; 44 fourth-grade students and teachers from Franklin Elementary, Omaha; 55 fourth-grade students and teachers from Rockwell Elementary, Omaha; and 80 members for Catholics at the Capitol from Councils of Catholic Women, Knights of Columbus, and Catholic Daughters from across the state.

RECESS

At 12:05 p.m., on a motion by Senator Groene, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Coash presiding.

ROLL CALL

The roll was called and all members were present except Senators K. Haar, Morfeld, and Murante who were excused; and Senators Bolz, Groene, Hadley, McCoy, and Mello who were excused until they arrive.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 70. Placed on Final Reading.

ST16

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E and R amendments, ER27:
 - a. On page 1, line 8; page 4, lines 23 and 31; page 5, line 5; page 6, lines 11, 16, and 27; and page 7, line 8, "3" has been struck and "4" inserted; and
 - b. On page 7, line 10, "77-3001," has been inserted after "sections".
2. On page 1, the matter beginning with "the" in line 1 through line 7 and all amendments thereto have been struck and "mechanical amusement devices; to amend sections 77-3001, 77-3004, 77-3005, 77-3006, 77-3007, 77-3008, 77-3009, 77-3010, and 77-3011, Reissue Revised States of Nebraska, and section 9-1006, Revised Statutes Cumulative Supplement, 2014; to provide revenue for the Compulsive Gamblers Assistance Fund; to change provisions of the Mechanical Amusement Device Tax Act; to define and redefine terms; to require an additional occupation tax on certain mechanical amusement devices; to provide procedures and requirements for and provide for the distribution of additional occupation taxes as prescribed; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 242. Placed on Final Reading.

LEGISLATIVE BILL 242A. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 142. Introduced by Stinner, 48.

WHEREAS, Roger Franklin is the owner of Gary's Cleaning and Restoration in Scottsbluff; and

WHEREAS, Gary's Cleaning and Restoration received the 2014 Champion of Small Business Award; and

WHEREAS, the Champion of Small Business Award is presented annually by the Nebraska Business Development Center to a small business owner who has triumphed in the field of business and is an empowering entrepreneur who stands up for other small business owners; and

WHEREAS, Gary's Cleaning and Restoration provides commercial and residential carpet cleaning, smoke, fire, and water damage restoration, and reconstruction services including drywall, plumbing, electrical, and painting.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Gary's Cleaning and Restoration on receiving the 2014 Champion of Small Business Award.
2. That a copy of this resolution be sent to Roger Franklin.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 500. Title read. Considered.

Committee AM650, found on page 805, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 143. Introduced by Craighead, 6; McCollister, 20.

WHEREAS, the Amazing Technicolor Show Choir of Westside High School in Omaha competed in the 2015 FAME Orlando Show Choir Competition; and

WHEREAS, the Amazing Technicolor Show Choir of Westside High School was named third runner up at the competition and qualified for the 2015 National Show Choir Finals in Chicago on April 25th; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Amazing Technicolor Show Choir of Westside High School for qualifying for the 2015 National Show Choir Finals.

2. That a copy of this resolution be sent to the Amazing Technicolor Show Choir of Westside High School and Director Doran Johnson.

Laid over.

LEGISLATIVE RESOLUTION 144. Introduced by Brasch, 16.

WHEREAS, Natalie Ott, the daughter of Annette and Tim Ott of Blair, has received the Girl Scout Gold Award; and

WHEREAS, the Girl Scout Gold Award is the highest award that can be earned by a Girl Scout in grades nine through twelve; and

WHEREAS, to earn the award, Natalie completed a project which included creating five "Fun Photo" boards, writing an informational pamphlet, and posting guidelines for the tricycle path at Camp Fontanelle near Nickerson; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Natalie Ott for receiving the Girl Scout Gold Award.

2. That a copy of this resolution be sent to Natalie Ott.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Schumacher filed the following amendment to LR7CA:
AM922

(Amendments to Standing Committee amendments, AM822)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. At the general election in November 2016 the following
4 proposed amendment to the Constitution of Nebraska shall be submitted to
5 the electors of the State of Nebraska for approval or rejection:
6 To amend Article III, section 7:
7 III-7 Until the general election to be held in November 2020, one-
8 half of the members of the Legislature, or as nearly thereto as may be
9 practicable, shall be elected for a term of four years in November of
10 every even-numbered year. For the elections in November of 2020 and 2022,
11 the Legislature shall proportion the number of members to be elected for
12 either a four-year term or a six-year term so that beginning with the

13 election in November of 2024, and November of every even-numbered year
 14 thereafter, one-third of the members of the Legislature, or as nearly
 15 thereto as may be practicable, shall be elected for a term of six years.
 16 The At the general election to be held in November 1964, one half the
 17 members of the Legislature, or as nearly thereto as may be practicable,
 18 shall be elected for a term of four years and the remainder for a term of
 19 two years, and thereafter all members shall be elected for a term of four
 20 years, with the manner of such election shall to be determined by the
 21 Legislature. When the Legislature is redistricted, the members elected
 22 prior to the redistricting shall continue in office, and the law
 23 providing for such redistricting shall where necessary specify the newly
 24 established district which they shall represent for the balance of their
 25 term. Each member shall be nominated and elected in a nonpartisan manner
 26 and without any indication on the ballot that he or she is affiliated
 1 with or endorsed by any political party or organization. Each member of
 2 the Legislature shall receive a salary of not to exceed one thousand
 3 dollars per month during the term of his or her office. In addition to
 4 his or her salary, each member shall receive an amount equal to his or
 5 her actual expenses in traveling by the most usual route once to and
 6 returning from each regular or special session of the Legislature.
 7 Members of the Legislature shall receive no pay nor perquisites other
 8 than his or her salary and expenses, and employees of the Legislature
 9 shall receive no compensation other than their salary or per diem.
 10 Sec. 2. The proposed amendment shall be submitted to the electors
 11 in the manner prescribed by the Constitution of Nebraska, Article XVI,
 12 section 1, with the following ballot language:
 13 A constitutional amendment to transition members of the Legislature
 14 from four-year terms to six-year terms.
 15 For
 16 Against.

GENERAL FILE

LEGISLATIVE BILL 347. Title read. Considered.

Committee AM598, found on page 842, was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 265. Title read. Considered.

Committee AM878, found on page 917, was offered.

SPEAKER HADLEY PRESIDING

Senator Krist offered the following amendment to the committee amendment:

AM1014

(Amendments to Standing Committee amendments, AM878)

- 1 1. On page 5, line 24, after "(3)" insert ", (11), or (12)".
- 2 2. On page 7, line 2, strike "eighteen years of age or younger" and
- 3 insert "under the age of eighteen".
- 4 3. On page 9, line 10, strike "and"; and in line 12 after "act"
- 5 insert "; and
- 6 (13) Except as provided in subdivisions (11) and (12) of this
- 7 section, any individual adjudged to be within the provisions of this
- 8 section until the individual reaches the age of majority or the court
- 9 otherwise discharges the individual from its jurisdiction".
- 10 4. On page 11, line 26, after "(c)" insert "all types of".
- 11 5. On page 12, line 29, strike "that" and insert "who".
- 12 6. On page 14, lines 17 and 18, strike "initial members and" and
- 13 show as stricken; and in lines 29 and 30 strike "in the same manner as
- 14 the original appointments", show as stricken, and insert "from the same
- 15 category as the vacated position".
- 16 7. On page 15, line 29, after the underscored comma insert "the".
- 17 8. On page 18, line 2, after "director" insert "of the office".
- 18 9. On page 20, strike beginning with "or" in line 24 through
- 19 "Administration" in line 25 and insert an underscored comma; in line 28
- 20 strike "or", show as stricken, and insert "by"; and in line 30 after
- 21 "child" insert ", or, upon court order, by the Office of Probation
- 22 Administration".
- 23 10. On page 24, line 8, strike "with" and insert "by the" and after
- 24 "Aid" insert "Program"; and in line 29 after "records" insert "for
- 25 purposes of sections 84-712 to 84-712.09".
- 26 11. On page 25, line 1, strike "the year 2016" and insert "fiscal
- 1 year 2015-16"; in line 4 strike "the year 2017" and insert "fiscal year
- 2 2016-17"; in line 7 after "Every" insert "fiscal"; and in line 8 strike
- 3 "the year 2018" and insert "fiscal year 2017-18".
- 4 12. On page 27, line 9, after "through" insert "the"; and in line 10
- 5 after "Aid" insert "Program".

The Krist amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 482. Title read. Considered.

Committee AM691, found on page 847, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 415. Title read. Considered.

Committee AM200, found on page 600, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 47. Title read. Considered.

Committee AM635, found on page 775, was offered.

Senator Chambers offered the following motion:

MO57

Bracket until June 5, 2015.

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 14:

| | | | | |
|------------|----------|----------|------------|----------|
| Baker | Campbell | Cook | Larson | Sullivan |
| Bloomfield | Chambers | Ebke | Schumacher | Williams |
| Bolz | Coash | Kolowski | Stinner | |

Voting in the negative, 19:

| | | | | |
|----------|-----------|-------------|---------|------------|
| Brasch | Garrett | Kolterman | McCoy | Seiler |
| Crawford | Hilkemann | Kuehn | Riepe | Smith |
| Davis | Hughes | Lindstrom | Scheer | Watermeier |
| Friesen | Johnson | McCollister | Schnoor | |

Present and not voting, 6:

| | | |
|--------|----------|----------------|
| Groene | Hansen | Nordquist |
| Hadley | Harr, B. | Pansing Brooks |

Absent and not voting, 1:

Craighead

Excused and not voting, 9:

| | | | | |
|----------|---------|-------|---------|--------|
| Gloor | Howard | Krist | Morfeld | Schilz |
| Haar, K. | Kintner | Mello | Murante | |

The Chambers motion to bracket failed with 14 ayes, 19 nays, 6 present and not voting, 1 absent and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB47:

FA33

Amend AM635

1. Page 2, lines 25-31 strike new matter.
2. Page 3, lines 1-3 strike new matter.
3. Page 11, lines 11-18 strike new matter.
4. Repeal outright section 60-494.

Senator Mello filed the following amendment to LB419:

AM984

1. On page 2, strike beginning with the first "or" in line 13
- 2 through line 14 and insert "of a membership in or an admission to or any
- 3 purchase by a nationally accredited zoo or aquarium operated by a public
- 4 agency or nonprofit corporation primarily for educational, scientific, or
- 5 tourism purposes.".

Senator Watermeier filed the following amendment to LB47:

AM938

(Amendments to Standing Committee amendments, AM635)

1. On page 3, line 3; and page 11, line 18, after "no" insert
- 2 "...elect not to answer".

VISITORS

Visitors to the Chamber were 31 fourth-grade students and teachers from Freeman Public School, Adams.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 4:23 p.m., on a motion by Senator Pansing Brooks, the Legislature adjourned until 9:00 a.m., Wednesday, March 25, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SECOND DAY - MARCH 25, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

FIFTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 25, 2015

PRAYER

The prayer was offered by Senator Coash.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Morfeld and Murante who were excused; and Senators Craighead, Hansen, Howard, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-first day was approved.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 641. Placed on Select File with amendment.
ER56

1 1. On page 1, line 4, strike "or operating a bicycle".

LEGISLATIVE BILL 413. Placed on Select File with amendment.
ER59

1 1. On page 1, line 4, after "Quality" insert "and the Environmental
2 Quality Council"; and in line 5 after "subdivisions" insert "under the
3 federal Clean Water Act; to create a fund; to provide for procedures,
4 fees, and costs; to provide funding assistance under the Wastewater
5 Treatment Facilities Construction Assistance Act".

6 2. On page 25, line 23, after the second comma insert "or"; and in
7 line 24 strike the comma.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 145. Introduced by Schilz, 47.

WHEREAS, Zack Schnabel, a member of Troop 160, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Zack 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; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Zack, 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 Zack Schnabel on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Zack Schnabel.

Laid over.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 119, 120, 121, 122, 123, 124, 125, and 126 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 119, 120, 121, 122, 123, 124, 125, and 126.

GENERAL FILE

LEGISLATIVE BILL 56. Title read. Considered.

Committee AM845, found on page 865, was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Senator Schumacher offered the following amendment:

FA34

Amend AM845

Strike "fair market" in line 12 and insert in its stead "appraised value as determined under Section 72-815(3)."

The Schumacher amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 292A. Introduced by Coash, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 292, One Hundred Fourth Legislature, First Session, 2015.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 146. Introduced by Davis, 43.

WHEREAS, Caleb Long has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Caleb 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, Caleb completed repairs and other improvements to the animal shelter in Valentine; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Caleb, 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 Caleb Long on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Caleb Long.

Laid over.

LEGISLATIVE RESOLUTION 147. Introduced by Davis, 43.

WHEREAS, Lane McGinley has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Lane 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, Lane cleared, raked, and edged the paths at the outdoor classroom for Zion Lutheran School in Valentine; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Lane, 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 Lane McGinley on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Lane McGinley.

Laid over.

LEGISLATIVE RESOLUTION 148. Introduced by Davis, 43.

WHEREAS, Devon Osnes has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Devon 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, Devon scraped and painted the wrought iron fence and pillars at Mount Hope Cemetery in Valentine; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Devon, 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 Devon Osnes on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Devon Osnes.

Laid over.

LEGISLATIVE RESOLUTION 149. Introduced by Davis, 43.

WHEREAS, Clay Billings has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Clay 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, Clay painted and repaired the restrooms and storage shed at the baseball fields in Valentine; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Clay, 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 Clay Billings on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Clay Billings.

Laid over.

LEGISLATIVE RESOLUTION 150. Introduced by Davis, 43.

WHEREAS, Brennan Jackson has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Brennan 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, Brennan repaired and repainted two play structures at a city park in Valentine; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Brennan, 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 Brennan Jackson on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Brennan Jackson.

Laid over.

LEGISLATIVE RESOLUTION 151. Introduced by Davis, 43.

WHEREAS, Morgan McGinley has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Morgan 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, Morgan painted and completed repairs at the Cowboy Trailhead Park in Valentine; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Morgan, 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 Morgan McGinley on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Morgan McGinley.

Laid over.

LEGISLATIVE RESOLUTION 152. Introduced by Crawford, 45; Coash, 27; Larson, 40; Schnoor, 15; Sullivan, 41; Williams, 36.

PURPOSE: The purpose of this resolution is to examine issues surrounding the Local Option Municipal Economic Development Act, commonly referred to as (Laws 1991, LB840). The issues addressed by this interim study shall include but not be limited to:

- (1) A review of the history behind the passage of LB 840 and the corresponding amendments to Article XIII, section 2, of the Nebraska Constitution;
- (2) A review of the eligible uses of LB 840 funds as limited by current statutory definitions;
- (3) A review of potential additional uses of LB 840 funds that could be added to current statutory definitions; and
- (4) An examination of the process used to amend an existing LB 840 plan and whether such amendment requires voter approval.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 152. Title read. Considered.

Committee AM656, found on page 745, was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present

and not voting, and 4 excused and not voting.

LEGISLATIVE RESOLUTION 7CA. Read. Considered.

Committee AM822, found on page 865, was offered.

Senator Schumacher offered his amendment, AM922, found on page 970, to the committee amendment.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 153. Introduced by Ebke, 32.

WHEREAS, on March 22, 2015, firefighters and emergency personnel from 26 different fire and rescue crews in Nebraska and Kansas responded to a fire at an industrial plant in Fairbury; and

WHEREAS, the fire started at the Livingston Enterprises hog plant. Eight employees were inside when the fire started but fortunately none of the employees were injured; and

WHEREAS, as many as 200 firefighters and emergency personnel helped to fight the fire, battling against strong winds, and stayed on the scene overnight to ensure that the fire did not spread.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the many firefighters and emergency personnel from Nebraska and Kansas for their dedication, exemplary service, and outstanding commitment to fighting the Fairbury fire and providing firefighting and emergency services.

2. That a copy of this resolution be sent to the fire departments, police and emergency agencies, and other entities involved in the fire at Livingston Enterprises in Fairbury.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Cook, Mello - LB544

Garrett - LB357

VISITORS

Visitors to the Chamber were 36 fourth-grade students and teachers from St. John Elementary, Lincoln; 18 ninth- through twelfth-grade students and

teacher from Madison; 42 fourth-grade students and teachers from Wildwood Elementary, Ralston; and 50 fourth-grade students and teachers from Tara Heights School, Papillion.

RECESS

At 12:02 p.m., on a motion by Senator Cook, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Hadley presiding.

ROLL CALL

The roll was called and all members were present except Senators Morfeld and Murante who were excused; and Senators Chambers, Groene, K. Haar, Kolowski, Lindstrom, Mello, Scheer, Seiler, and Sullivan who were excused until they arrive.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 154. Introduced by Stinner, 48.

PURPOSE: LB512 was introduced in the 2015 legislative session because of citizen concerns about an application filed with the Nebraska Oil and Gas Conservation Commission regarding the approval of a salt wastewater injection well in Sioux County.

A Colorado company has proposed to inject salt wastewater used in oil and gas production into a dry oil well which has the potential to be the largest disposal well in the state, with as many as 80 trucks hauling over 10,000 barrels of wastewater to the disposal site daily. The wastewater would come from Nebraska, Wyoming, and Colorado and could contain chemicals used in hydraulic fracturing, also known as "fracking".

The concerns and questions raised by citizens about the proposal include (a) whether the disposal of such wastewater in a subterranean region in Nebraska may trigger earthquakes, (b) the long-term costs of monitoring such wells and how the clean-up would be financed if damage were done, (c) the possibility of contamination of water used for human consumption, irrigation, and the watering of livestock, and (d) if the heavy truck traffic will damage Nebraska's roadways and pose a highway safety problem.

The purpose of this resolution is to investigate and make recommendations regarding the authority of the Nebraska Oil and Gas Conservation Commission and its role in decisions regarding the disposal of salt wastewater into dry wells. The study shall address what can be done to protect the environment, the surface and underground water supply, and public safety. The study should make recommendations if further regulation is deemed necessary and examine the funding needed and possible funding sources for such additional regulation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE RESOLUTION 7CA. The Schumacher amendment, AM922, found on page 970 and considered in this day's Journal, to the committee amendment, was renewed.

Senator Chambers offered the following motion:

MO58

Bracket until June 5, 2015.

Senator Chambers withdrew his motion to bracket.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 155. Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Hughes, 44; Krist, 10; McCollister, 20.

PURPOSE: The purpose of this resolution is to examine current and potential economic development tools available to municipalities in Nebraska. The issues addressed by this study shall include but not be limited to:

(1) A brief review of current economic development tools available to municipalities, including tax-increment financing (TIF) and the Local Option Municipal Economic Development Act (Laws 1991, LB840);

(2) A review of potential additional economic development tools which could be made available to municipalities, including a review of economic development tools currently available to municipalities in other states; and

(3) An examination of provisions in the Nebraska Constitution, including the uniformity and proportionality clause in Article VIII, section 1, that limits the ability of the Legislature to authorize municipal economic development tools that are commonly available in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 156. Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Hughes, 44; Krist, 10; McCollister, 20.

PURPOSE: The purpose of this resolution is to examine any issues within the jurisdiction of the Urban Affairs Committee that may arise during the interim.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Groene filed the following amendment to LB106:
AM1018

(Amendments to Standing Committee amendments, AM521)

- 1 1. Strike section 8 and insert the following new section:
- 2 Sec. 8. (1) A person who applied to a county for a livestock
- 3 operation siting or expansion permit and has been denied by the county
- 4 may appeal the decision directly to the district court.
- 5 (2) In any proceeding under this section, subsequent to the initial
- 6 filing, the parties shall receive from the clerk of the district court
- 7 information regarding the availability of mediation through the farm
- 8 mediation service of the department. Development of the informational
- 9 materials and the implementation of this subsection shall be accomplished
- 10 through the State Court Administrator.
- 11 (3) With the consent of both parties, a court may refer a case to
- 12 mediation and may state a date for the case to return to court, but such
- 13 date shall be no longer than ninety days from the date the order is
- 14 signed unless the court grants an extension.
- 15 (4) If the parties consent to mediate, they shall meet with a
- 16 mediator from, or appointed through, the farm mediation service of the
- 17 department to mediate an agreement. The mediator may negotiate exceptions
- 18 to the guidelines of the assessment matrix factors adopted pursuant to

19 section 5 of this act that may bring about agreement between the parties
 20 involved.
 21 (5) If a mediation agreement is reached, the district court shall
 22 enter the agreement as the judgment in the action. The costs of mediation
 23 shall be shared by the parties according to the schedule of fees
 24 established by the farm mediation service of the department and collected
 25 directly by the farm mediation service, except that the department may
 26 establish an internal fund to pay the costs of mediation on behalf of the
 1 parties.
 2 (6) If the case is not referred to mediation or if mediation is
 3 terminated or fails to reach an agreement between the parties, the action
 4 shall proceed as a civil action.
 5 2. On page 1, strike line 7; in line 8 strike "(2)" and insert
 6 "(1)"; in line 9 strike "(3)" and insert "(2)"; in line 10 strike "(4)"
 7 and insert "(3)"; in line 12 strike "(5)" and insert "(4)"; and in line
 8 23 after the period insert "The act shall not apply to counties that have
 9 not enacted zoning regulations pursuant to sections 23-114 to
 10 23-114.05.".
 11 3. On page 4, strike lines 3 and 4; in line 5 strike "(5)" and
 12 insert "(4)"; in line 6 before "matrix" insert "assessment"; in line 7
 13 strike beginning with "and" through "section"; in line 10 after the
 14 period insert "The committee shall review the matrix annually and
 15 recommend to the department changes as needed."; in line 11 strike "(6)"
 16 and insert "(5)"; and in line 18 before "matrix" insert "assessment".

Senator Watermeier filed the following amendment to LB106:
 AM997

(Amendments to Standing Committee amendments, AM521)

1 1. Insert the following new section:
 2 Sec. 10. Section 23-114.01, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 23-114.01 (1) In order to avail itself of the powers conferred by
 5 section 23-114, the county board shall appoint a planning commission to
 6 be known as the county planning commission. The members of the commission
 7 shall be residents of the county to be planned and shall be appointed
 8 with due consideration to geographical and population factors. Since the
 9 primary focus of concern and control in county planning and land-use
 10 regulatory programs is the unincorporated area, a majority of the members
 11 of the commission shall be residents of unincorporated areas, except that
 12 this requirement shall not apply to joint planning commissions. Members
 13 of the commission shall hold no county or municipal office, except that a
 14 member may also be a member of a city, village, or other type of planning
 15 commission. The term of each member shall be three years, except that
 16 approximately one-third of the members of the first commission shall
 17 serve for terms of one year, one-third for terms of two years, and one-
 18 third for terms of three years. All members shall hold office until their
 19 successors are appointed. Members of the commission may be removed by a
 20 majority vote of the county board for inefficiency, neglect of duty, or
 21 malfeasance in office or other good and sufficient cause upon written

22 charges being filed with the county board and after a public hearing has
23 been held regarding such charges. Vacancies occurring otherwise than
24 through the expiration of terms shall be filled for the unexpired terms
25 by individuals appointed by the county board. Members of the commission
26 shall be compensated for their actual and necessary expenses incurred in
1 connection with their duties in an amount to be fixed by the county
2 board. Reimbursement for mileage shall be made at the rate provided in
3 section 81-1176. Each county board may provide a per diem payment for
4 members of the commission of not to exceed fifteen dollars for each day
5 that each such member attends meetings of the commission or is engaged in
6 matters concerning the commission, but no member shall receive more than
7 one thousand dollars in any one year. Such per diem payments shall be in
8 addition to and separate from compensation for expenses.

9 (2) The commission: (a) Shall prepare and adopt as its policy
10 statement a comprehensive development plan and such implemental means as
11 a capital improvement program, subdivision regulations, building codes,
12 and a zoning resolution; (b) shall consult with and advise public
13 officials and agencies, public utilities, civic organizations,
14 educational institutions, and citizens relating to the promulgation of
15 implemental programs; (c) may delegate authority to any of the groups
16 named in subdivision (b) of this subsection to conduct studies and make
17 surveys for the commission; and (d) shall make preliminary reports on its
18 findings and hold public hearings before submitting its final reports.
19 The county board shall not hold its public meetings or take action on
20 matters relating to the comprehensive development plan, capital
21 improvements, building codes, subdivision development, or zoning until it
22 has received the recommendations of the commission.

23 (3) The commission may, with the consent of the governing body, in
24 its own name: Make and enter into contracts with public or private
25 bodies; receive contributions, bequests, gifts, or grants of funds from
26 public or private sources; expend the funds appropriated to it by the
27 county board; employ agents and employees; and acquire, hold, and dispose
28 of property. The commission may, on its own authority: Make arrangements
29 consistent with its program; conduct or sponsor special studies or
30 planning work for any public body or appropriate agency; receive grants,
31 remuneration, or reimbursement for such studies or work; and at its
1 public hearings, summon witnesses, administer oaths, and compel the
2 giving of testimony.

3 (4) In all counties in the state, the county planning commission may
4 grant conditional uses or special exceptions to property owners for the
5 use of their property if the county board of commissioners or supervisors
6 has officially and generally authorized the commission to exercise such
7 powers and has approved the standards and procedures the commission
8 adopted for equitably and judiciously granting such conditional uses or
9 special exceptions. The granting of a conditional use permit or special
10 exception shall only allow property owners to put their property to a
11 special use if it is among those uses specifically identified in the
12 county zoning regulations as classifications of uses which may require
13 special conditions or requirements to be met by the owners before a use

14 permit or building permit is authorized. ~~The applicant for a conditional~~
15 ~~use permit or special exception for a livestock operation specifically~~
16 ~~identified in the county zoning regulations as a classification of use~~
17 ~~which may require special conditions or requirements to be met within an~~
18 ~~area of a county zoned for agricultural use may request a determination~~
19 ~~of the special conditions or requirements to be imposed by the county~~
20 ~~planning commission or by the county board of commissioners or~~
21 ~~supervisors if the board has not authorized the commission to exercise~~
22 ~~such authority. Upon request the commission or board shall issue such~~
23 ~~determination of the special conditions or requirements to be imposed in~~
24 ~~a timely manner. Such special conditions or requirements to be imposed~~
25 ~~may include, but are not limited to, the submission of information that~~
26 ~~may be separately provided to state or federal agencies in applying to~~
27 ~~obtain the applicable state and federal permits. The commission or the~~
28 ~~board may request and review, prior to making a determination of the~~
29 ~~special conditions or requirements to be imposed, reasonable information~~
30 ~~relevant to the conditional use or special exception. If a determination~~
31 ~~of the special conditions or requirements to be imposed has been made,~~
1 ~~final permit approval may be withheld subject only to a final review by~~
2 ~~the commission or county board to determine whether there is a~~
3 ~~substantial change in the applicant's proposed use of the property upon~~
4 ~~which the determination was based and that the applicant has met, or will~~
5 ~~meet, the special conditions or requirements imposed in the~~
6 ~~determination. For purposes of this section, substantial change shall~~
7 ~~include any significant alteration in the original application including~~
8 ~~a significant change in the design or location of buildings or~~
9 ~~facilities, in waste disposal methods or facilities, or in capacity.~~
10 (5) The power to grant conditional uses or special exceptions as set
11 forth in subsection (4) of this section shall be the exclusive authority
12 of the commission, except that the county board of commissioners or
13 supervisors may choose to retain for itself the power to grant
14 conditional uses or special exceptions for those classifications of uses
15 specified in the county zoning regulations. The county board of
16 commissioners or supervisors may exercise such power if it has formally
17 adopted standards and procedures for granting such conditional uses or
18 special exceptions in a manner that is equitable and which will promote
19 the public interest. In any county other than a county in which is
20 located a city of the primary class, an appeal of a decision by the
21 county planning commission or county board of commissioners or
22 supervisors regarding a conditional use or special exception shall be
23 made to the district court. In any county in which is located a city of
24 the primary class, an appeal of a decision by the county planning
25 commission regarding a conditional use or special exception shall be made
26 to the county board of commissioners or supervisors, and an appeal of a
27 decision by the county board of commissioners or supervisors regarding a
28 conditional use or special exception shall be made to the district court.
29 (6) Whenever a county planning commission or county board is
30 authorized to grant conditional uses or special exceptions pursuant to
31 subsection (4) or (5) of this section, the planning commission or county

1 board shall, with its decision to grant or deny a conditional use permit
 2 or special exception, issue a statement of factual findings arising from
 3 the record of proceedings that support the granting or denial of the
 4 conditional use permit or special exception. If a county planning
 5 commission's role is advisory to the county board, the county planning
 6 commission shall submit such statement with its recommendation to the
 7 county board as to whether to approve or deny a conditional use permit or
 8 special exception.

9 2. On page 1, line 15, strike "forty-five" and insert "one hundred
 10 eighty"; and in line 23 after "operations" insert ", which includes any
 11 land application of livestock waste".

12 3. On page 2, line 3, after "existing" insert "nonconforming uses";
 13 in line 9 strike "seeking" and insert "to seek a"; in line 18 after
 14 "counties" insert "and other states"; in line 23 after the semicolon
 15 insert the following new subdivision:

16 "(c) Develop a set of standard minimum distance requirements from
 17 neighboring residences, public use areas, and critical public areas to be
 18 used in conjunction with the matrix developed pursuant to this section";
 19 in line 24 strike "(c)" and insert "(d)"; and in line 31 strike "(d)" and
 20 insert "(e)".

21 4. On page 3, strike beginning with "The" in line 13 through line 14
 22 and insert "Consideration of proximity of a livestock operation to
 23 neighboring residences, public use areas, and critical public areas that
 24 exceed the standard minimum distance requirements established in
 25 subsection (1) of this section"; and in line 17 strike "application" and
 26 insert "land application sites and".

27 5. On page 4, line 4, strike "four" and insert "two"; in line 29
 28 strike "areas" and insert "zoning districts"; and in line 30 after
 29 "person" insert "or entity".

30 6. On page 5, lines 27 and 28, strike "grandfather in" and insert
 31 "retain".

1 7. On page 6, line 14, after the period insert "If a county planning
 2 commission's role is advisory to the county board, the county planning
 3 commission shall submit a statement of factual findings arising from the
 4 record of proceedings with its recommendation to the county board as to
 5 whether to approve or deny the livestock operation siting permit"; and
 6 in line 16 strike "areas" and insert "zoning districts".

7 8. On page 7, strike beginning with "base" in line 11 through
 8 "record" in line 12 and insert "issue a statement of factual findings
 9 arising from the record of proceedings".

10 9. On page 12, line 7, strike "section" and insert "sections" and
 11 after "23-114" insert "and 23-114.01"; and in line 8 strike "is" and
 12 insert "are".

13 10. Renumber the remaining section accordingly.

Senator Mello filed the following amendment to LB627:
 AM1032 is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 47. Committee AM635, found on page 775 and considered on page 973, was renewed.

Senator Chambers offered his amendment, FA33, found on page 974, to the committee amendment.

Senator Davis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Chambers requested a roll call vote on the amendment.

Voting in the affirmative, 7:

| | | | |
|------------|-------|---------|----------|
| Bloomfield | Coash | Kintner | Sullivan |
| Chambers | Ebke | Larson | |

Voting in the negative, 31:

| | | | | |
|-----------|-----------|-----------|-------------|------------|
| Baker | Friesen | Howard | McCollister | Smith |
| Brasch | Gloor | Hughes | McCoy | Watermeier |
| Campbell | Groene | Johnson | Nordquist | Williams |
| Cook | Haar, K. | Kolowski | Riepe | |
| Craighead | Hadley | Kolterman | Scheer | |
| Crawford | Hansen | Kuehn | Schnoor | |
| Davis | Hilkemann | Lindstrom | Seiler | |

Present and not voting, 4:

| | | | |
|-------|--------|------------|---------|
| Krist | Schilz | Schumacher | Stinner |
|-------|--------|------------|---------|

Excused and not voting, 7:

| | | | |
|---------|----------|---------|----------------|
| Bolz | Harr, B. | Morfeld | Pansing Brooks |
| Garrett | Mello | Murante | |

The Chambers amendment lost with 7 ayes, 31 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT(S) - Print in Journal

Senator Mello filed the following amendment to LB89:

AM1009

1 1. Strike original sections 2 and 5 and insert the following new
2 sections:

3 Sec. 4. (1) The Intergenerational Poverty Task Force is created.

4 The executive committee of the task force shall consist of the following
5 voting members:

6 (a) The chairperson of the Health and Human Services Committee of
7 the Legislature;

8 (b) The chairperson of the Appropriations Committee of the
9 Legislature; and

10 (c) Three at-large members appointed by the Executive Board of the
11 Legislative Council.

12 The voting members of the executive committee shall choose a
13 chairperson and vice-chairperson from among the voting members.

14 The chief executive officer of the Department of Health and Human
15 Services or his or her designee, the Commissioner of Labor, and the
16 Commissioner of Education shall be nonvoting, ex officio members of the
17 executive committee of the task force.

18 (2) The remaining members of the task force shall be nonvoting
19 members appointed by the executive committee of the task force through an
20 application and selection process, representing (a) advocacy groups that
21 focus on childhood poverty issues and education issues, (b) academic
22 experts in childhood poverty or education, (c) service providers, (d)
23 educational institutions, (e) workforce development agencies, and (f)
24 experts in early childhood education. The members appointed pursuant to
25 this subsection shall constitute the advisory committee to the task
26 force.

27 Sec. 5. The Intergenerational Poverty Task Force shall, with
1 respect to programs including, but not limited to, the aid to dependent
2 children program described in section 43-513, the federal Supplemental
3 Nutrition Assistance Program established pursuant to 7 U.S.C. 2011 et
4 seq., as such sections existed on January 1, 2015, the child care
5 assistance program described in section 68-1206, and the Employment First
6 program developed pursuant to the self-sufficiency contract described in
7 sections 68-1719 to 68-1724 and rules and regulations of the Department
8 of Health and Human Services:

9 (1) Share, examine, and analyze data and information regarding
10 intergenerational poverty in the state with a primary focus on data and
11 information regarding children who are at risk of continuing the cycle of
12 poverty unless outside intervention is made and develop effective and
13 efficient plans, programs, and recommendations to help such children
14 escape the cycle of poverty;

15 (2) Encourage participation and input from academic experts,
16 advocacy groups, nonprofit corporations, local governments, and faith-
17 based institutions in exploring strategies and solutions to help children
18 who are victims of intergenerational poverty escape the cycle of poverty;

19 (3) Study, evaluate, and report on the status and effectiveness of
20 policies, procedures, and programs implemented by other states and by
21 nongovernmental entities that address the needs of and that provide
22 services to children affected by intergenerational poverty;
23 (4) Identify policies, procedures, and programs, including any lack
24 of interagency data sharing, lack of policy coordination, or current
25 federal requirements, that are impeding efforts to help children in the
26 state affected by intergenerational poverty escape the cycle of poverty
27 and recommend changes to those policies and procedures;
28 (5) Create a long-range strategic plan containing:
29 (a) Measurable goals and benchmarks, including future action needed
30 to attain those goals and benchmarks, for decreasing the incidence of
31 intergenerational poverty among the state's children and increasing the
1 number of the state's children who escape the cycle of poverty; and
2 (b) Recommended data-supported changes to policies, procedures, and
3 programs to address the needs of children affected by intergenerational
4 poverty and to help those children escape the cycle of poverty, including
5 the steps that will be required to make the recommended changes and
6 whether further action is required by the Legislature or the federal
7 government; and
8 (6) Protect the privacy of individuals living in poverty by using
9 and distributing the data it collects or examines in compliance with
10 federal requirements and with sections 84-712 to 84-712.09.
11 Sec. 6. To accomplish its duties, the Intergenerational Poverty
12 Task Force may:
13 (1) Request and receive from any state or local governmental entity
14 or institution information relating to poverty in the state, including
15 reports, audits, data, projections, and statistics; and
16 (2) Appoint special committees to advise and assist the task force.
17 Members of any such special committee shall be appointed by the
18 chairperson of the task force and may be members of the task force or
19 individuals from the private or public sector. A special committee shall
20 report to the task force on the progress of the special committee.
21 Members of a special committee appointed under this section may not
22 receive reimbursement or pay for work done in relation to the special
23 committee.
24 Sec. 7. (1) On or before December 15, 2015, the Intergenerational
25 Poverty Task Force shall submit a preliminary report and on or before
26 December 15, 2016, the task force shall submit a final report (a) to the
27 Governor and (b) electronically to the Executive Board of the Legislative
28 Council.
29 (2) The preliminary report and the final report shall:
30 (a) Include the long-range strategic plan required pursuant to
31 section 2 of this act;
1 (b) Describe how the task force fulfilled its statutory purposes and
2 duties during the time period covered by the report;
3 (c) Describe policies, procedures, and programs that have been
4 implemented or modified to help break the cycle of poverty for children
5 affected or at risk of being affected by intergenerational poverty; and

6 (d) Contain recommendations on how the state should act to address
7 issues relating to breaking the cycle of poverty for children affected or
8 at risk of being affected by intergenerational poverty.
9 Sec. 8. The Intergenerational Poverty Task Force terminates on
10 December 31, 2016.
11 Sec. 9. Sections 1 to 3 and 10 of this act become operative on July
12 1, 2015. The other sections of this act become operative on their
13 effective date.
14 2. Renumber the remaining sections and correct the repealer
15 accordingly.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Davis - LR154
Bloomfield, Coash, McCollister, Williams, Hansen - LB323

VISITORS

Visitors to the Chamber were 65 fourth-grade students and teachers from Gretna; and Senator Krist's daughter, Courtney.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 4:24 p.m., on a motion by Senator Coash, the Legislature adjourned until 9:00 a.m., Thursday, March 26, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-THIRD DAY - MARCH 26, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 26, 2015

PRAYER

The prayer was offered by Pastor Kenneth Miller, St. Paul Lutheran Church, Auburn.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Coash presiding.

The roll was called and all members were present except Senator Murante who was excused; and Senators Kolowski and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-second day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 538. Placed on Select File with amendment.
ER58 is available in the Bill Room.

LEGISLATIVE BILL 538A. Placed on Select File.

LEGISLATIVE BILL 320. Placed on Select File with amendment.
ER60 is available in the Bill Room.

LEGISLATIVE BILL 320A. Placed on Select File.

LEGISLATIVE BILL 500. Placed on Select File.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Mello filed the following amendment to LB32:
AM1059

1 1. Strike the original section and insert the following new section:
2 Section 1. (1) For the biennium ending June 30, 2019, and the
3 biennium ending June 30, 2021, the Department of Correctional Services
4 shall, as part of the appropriations request process pursuant to section
5 81-132, include a strategic plan that identifies the main purpose or
6 purposes of each program, verifiable and auditable key goals that the
7 department believes are fair measures of its progress in meeting each
8 program's main purpose or purposes, and benchmarks for improving
9 performance on the key goals. The department shall also report whether
10 the benchmarks are being met and, if not, the expected timeframes for
11 meeting them.
12 (2) Not later than September 15 in 2017, 2018, 2019, 2020, and 2021,
13 the Department of Correctional Services shall report electronically to
14 the Judiciary Committee of the Legislature and the Appropriations
15 Committee of the Legislature on the progress towards the key goals
16 identified pursuant to this section that occurred in the previous twelve
17 months. In calendar years 2017, 2018, 2019, 2020, and 2021, the
18 department shall appear at a joint hearing of the Judiciary Committee and
19 Appropriations Committee and present the report.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 25, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Ariano, Elizabeth
Indivior PLC
Kevil, G. Bruce
Associated Builders and Contractors, Inc. (Withdrawn 03/24/2015)
Luginbill, Jeromie
T.R. Hepburn, INC
Salvati, Katie
T.R. Hepburn, INC
Santos, Trevor
National Shooting Sports Foundation, Inc.
Willson, Ginger
We Support Agriculture
Wilson-Jones, Elliott
Council of State Governments - Justice Center (Withdrawn 03/20/2015)

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

GENERAL FILE

LEGISLATIVE BILL 70A. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 6 nays, 15 present and not voting, and 1 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 472A. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 472, One Hundred Fourth Legislature, First Session, 2015; and to reduce appropriations.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 157. Introduced by Campbell, 25.

WHEREAS, Thomas A. Patras of Waverly has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Thomas 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, Thomas refurbished the dugouts at the Wayne Park baseball complex in Waverly by replacing rotting wood and then sealing, priming, and painting new and existing wood in the dugouts. Thomas spent 75 hours on this project; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Thomas, 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 Thomas A. Patras on achieving the rank of Eagle Scout.
- 2. That a copy of this resolution be sent to Thomas A. Patras.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Davis filed the following amendment to LB106:
AM1034

(Amendments to Standing Committee amendments, AM521)

- 1 1. Insert the following new section:
- 2 Sec. 9. The Livestock Operation Siting and Expansion Act applies
- 3 only to counties electing to use the assessment matrix developed by the
- 4 department under section 5 of this act. County officials may develop
- 5 their own assessment matrix for use by the county instead of using the
- 6 assessment matrix developed by the department or may decide to proceed
- 7 without using an assessment matrix.
- 8 2. On page 1, line 3, strike "8" and insert "9".
- 9 3. On page 2, line 12, strike "shall" and insert "may".
- 10 4. Renumber the remaining sections and correct the repealer
- 11 accordingly.

MOTION - Bracket LB128

Senator Davis offered the following motion to LB128:
MO59
Bracket until June 5, 2015.

Senator Davis requested a roll call vote, in reverse order, on the motion to bracket.

Voting in the affirmative, 18:

| | | | | |
|-----------|-----------|----------|-----------|----------|
| Baker | Friesen | Hughes | Lindstrom | Smith |
| Brasch | Gloor | Kintner | McCoy | Williams |
| Craighead | Groene | Kolowski | Riepe | |
| Davis | Hilkemann | Kuehn | Schnoor | |

Voting in the negative, 26:

| | | | | |
|------------|----------|-------------|----------------|------------|
| Bloomfield | Crawford | Harr, B. | Mello | Sullivan |
| Bolz | Ebke | Howard | Morfeld | Watermeier |
| Campbell | Garrett | Johnson | Nordquist | |
| Chambers | Haar, K. | Krist | Pansing Brooks | |
| Coash | Hadley | Larson | Scheer | |
| Cook | Hansen | McCollister | Schumacher | |

Present and not voting, 1:

Kolterman

Excused and not voting, 4:

| | | | |
|---------|--------|--------|---------|
| Murante | Schilz | Seiler | Stinner |
|---------|--------|--------|---------|

The Davis motion to bracket failed with 18 ayes, 26 nays, 1 present and not voting, and 4 excused and not voting.

MOTION - Recommit LB128 to Committee

Senator Davis offered the following motion to LB128:

MO60

Recommit to the Agriculture Committee.

Senator Davis requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 20:

| | | | | |
|-----------|---------|-----------|-------------|----------|
| Baker | Ebke | Hilkemann | Kuehn | Riepe |
| Bolz | Friesen | Hughes | Lindstrom | Schnoor |
| Brasch | Gloor | Kintner | McCollister | Smith |
| Craighead | Groene | Kolowski | McCoy | Williams |

Voting in the negative, 18:

| | | | | |
|------------|----------|----------|----------------|----------|
| Bloomfield | Cook | Hansen | Larson | Scheer |
| Campbell | Crawford | Harr, B. | Morfeld | Sullivan |
| Chambers | Garrett | Howard | Nordquist | |
| Coash | Haar, K. | Johnson | Pansing Brooks | |

Present and not voting, 7:

| | | | |
|--------|-----------|------------|------------|
| Davis | Kolterman | Mello | Watermeier |
| Hadley | Krist | Schumacher | |

Excused and not voting, 4:

| | | | |
|---------|--------|--------|---------|
| Murante | Schilz | Seiler | Stinner |
|---------|--------|--------|---------|

The Davis motion to recommit to committee failed with 20 ayes, 18 nays, 7 present and not voting, and 4 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 41. Read. Considered.

SENATOR KRIST PRESIDING

LR41 was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 72. Placed on General File with amendment.
AM604

1 1. Strike original section 5 and insert the following new sections:

2 Sec. 4. Section 33-109, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

4 33-109 (1)(a) This subdivision applies until January 1, 2018. The
5 register of deeds and the county clerk shall receive for recording a
6 deed, mortgage, or release, recording and indexing of a will, recording
7 and indexing of a decree in a testate estate, recording proof of
8 publication, or recording any other instrument, a fee of ten dollars for
9 the first page and six dollars for each additional page. Two dollars and
10 fifty cents of the ten-dollar fee for recording the first page and fifty
11 cents of the six-dollar fee for recording each additional page shall be
12 used exclusively for the purposes of preserving and maintaining public
13 records of the office of the register of deeds and for modernization and
14 technology needs relating to such records. The funds allocated under this
15 subdivision shall not be substituted for other allocations of county
16 general funds to the register of deeds for the purposes enumerated in
17 this subdivision.

18 (b) This subdivision applies on and after January 1, 2018. The
19 register of deeds and the county clerk shall receive for recording a
20 deed, mortgage, or release, recording and indexing of a will, recording
21 and indexing of a decree in a testate estate, recording proof of
22 publication, or recording any other instrument, a fee of five dollars per
23 page. For entering each instrument presented for record in the numerical
24 index, the clerk or register of deeds shall receive the sum of fifty
25 cents for each lot and each single block without lots in platted areas
26 and fifty cents for each section in unplatted areas to be paid in advance
27 by the person offering the instrument for record.

1 (2) The cost for a certified copy of any instrument filed or
2 recorded in the office of county clerk or register of deeds shall be one
3 dollar and fifty cents per page.

4 (3) No fees shall be received for recording instruments for the

5 Department of Health and Human Services pursuant to section 6 of this
6 act.

7 Sec. 6. (1) When an interest in real estate is transferred for less
8 than full consideration or the real estate transferred is subject to
9 rights, possession, or powers retained by the transferor in a deed or
10 other instrument, the transferee's interest in the real estate acquired
11 at the time of the transfer is immediately upon acquisition by the
12 transferee subject to a lien in favor of the State of Nebraska for
13 medicaid reimbursement pursuant to section 68-919 to the extent necessary
14 to secure payment in full of any such claim remaining unpaid after
15 application of the assets of the transferor's probate estate. The lien
16 shall not attach to the interest of the transferor in the real estate
17 retained by the transferor. Except as provided in this section, the lien
18 applies to medical assistance provided before, at the same time as, or
19 after the transfer. This section does not apply to transfers in which the
20 transferor is the trustor of a revocable trust. This section applies to
21 transfers made on or after the effective date of this act.

22 (2) Within ten days after a transfer subject to subsection (1) of
23 this section, the transferor shall mail by certified mail, return receipt
24 requested, to the Department of Health and Human Services a copy of the
25 deed or other instrument transferring the interest together with notice
26 of the name and addresses of the transferor and transferee and the
27 relationship between the parties. Within fifteen days after a transfer
28 subject to subsection (1) of this section, the transferor shall file a
29 copy of such notice with the register of deeds of the county or counties
30 in which the real estate is situated to be recorded and indexed on the
31 transferred real estate together with a certificate of such service on
1 the department. Failure to do so shall not affect the validity of the
2 lien imposed by subsection (1) of this section, but shall subject the
3 transferor to such costs as the department may incur to discover the
4 transfer.

5 (3) The lien imposed by subsection (1) of this section shall be
6 effective upon the filing of a notice of lien in accordance with
7 subsection (4) of this section.

8 (4) A lien imposed by subsection (1) of this section shall be valid
9 against any subsequent creditor only when notice of such lien has been
10 filed by the department in the office of the register of deeds of the
11 county or counties in which the real estate subject to the lien is
12 situated as designated in the notice of lien. Such notice shall specify
13 the amount then secured by the lien and state that the lien covers
14 subsequent advances in addition to any such amount. The department shall
15 not be charged a fee by the register of deeds for filing of the notice of
16 lien. The department shall provide the register of deeds with a self-
17 addressed return envelope bearing sufficient postage for purposes of
18 returning to the department the documents filed pursuant to this
19 subsection.

20 (5) In the case of any prior mortgage or trust deed on real property
21 so written as to secure a present debt and future advances, a lien
22 imposed by subsection (1) of this section, when notice thereof has been

23 filed in accordance with subsection (4) of this section, shall be subject
24 to such prior lien unless the department has notified the lienholder in
25 writing of such lien, in which case the lien of any indebtedness
26 thereafter created under such mortgage or trust deed shall be junior to
27 the lien of the department.

28 (6) The lien shall be limited to the amount necessary to discharge
29 any such claim remaining unpaid after application of any assets from the
30 transferor's probate estate less any consideration paid to the transferor
31 at the time of the transfer adjusted to the current value of such
1 consideration as reflected by the Consumer Price Index for Urban Wage
2 Earners and Clerical Workers. The burden of proof of consideration paid
3 rests with the transferee or the transferee's successor in interest.

4 (7) Real estate for which the deed or instrument creating such
5 interest contains a recital made under the oath of the grantor that the
6 grantee is not a transferee within the meaning of this section or for
7 which an affidavit of the grantor containing such recital is recorded
8 contemporaneously with the deed or instrument shall not become subject to
9 the lien imposed in subsection (1) of this section. A grantee who is a
10 transferee who takes possession or otherwise enjoys the benefits of the
11 transfer knowing the recital is false becomes personally liable for
12 medicaid reimbursement pursuant to section 68-919 to the extent necessary
13 to discharge any such claim remaining unpaid after application of the
14 assets of the transferor's probate estate.

15 (8) The department may discharge the lien upon application by the
16 transferee in which the transferee agrees to indemnify the department for
17 Medicaid reimbursement pursuant to section 68-919 to the extent necessary
18 to discharge any such claim remaining unpaid after application of the
19 assets of the transferor's probate estate, but not to exceed the amount
20 of the lien as determined pursuant to subsection (6) of this section. The
21 department may require the application to be accompanied by good and
22 sufficient sureties or other evidence determined by the department to be
23 sufficient to secure the liability agreed to by the transferee.

24 (9) Any indemnity shall be released and any lien shall be discharged
25 upon (a) notice delivered to the department, by certified mail with a
26 return receipt, of (i) the death and identification of the transferor,
27 (ii) the legal description of the real estate subject to the indemnity or
28 lien, and (iii) the names and addresses of the owners of record of the
29 real estate, and (b) the department either (i) filing a release in the
30 real estate records of the county in which the real estate is located or
31 (ii) failing to file an action to foreclose the lien or collect on the
1 indemnity within one year after delivery of the notice. Proof of delivery
2 of such notice may be made by filing a copy thereof together with a copy
3 of the certified mail return receipt with the register of deeds of the
4 county or counties in which the real estate is situated and indexing the
5 same on the affected real estate.

6 (10) For purposes of this section, transferee means:

7 (a) An individual listed in section 77-2004 or 77-2005 in relation
8 to the transferor;

9 (b) A business organization controlled by one or more individuals

10 listed in subdivision (10)(a) of this section. Control means individuals
11 listed in subdivision (10)(a) of this section together own or have the
12 option to acquire fifty percent or more of the business organization; or
13 (c) A nonrevocable trust in which an individual listed in
14 subdivision (10)(a) of this section is a beneficiary.
15 2. On page 11, line 13, after the period insert "Notice to the
16 department shall not be dispensed with pursuant to subsection (4) or (5)
17 of this section.".
18 3. Renumber the remaining sections and correct internal references
19 and the repealer accordingly.

LEGISLATIVE BILL 598. Placed on General File with amendment.
AM928 is available in the Bill Room.

(Signed) Les Seiler, Chairperson

AMENDMENT(S) - Print in Journal

Senator Groene filed the following amendment to LB431:
FA36
Strike the enacting clause.

Senator Davis filed the following amendment to LB128:
FA38
Strike the enacting clause.

Senator Krist filed the following amendment to LB245:
FA37
Strike the enacting clause.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Coash - LB136
Garrett - LB546

WITHDRAW - Cointroducer

Senator Lindstrom withdrew his name as cointroducer to LB268.

VISITORS

Visitors to the Chamber were UNL Law School students, Jennifer Hiatt and Nathaniel Woodford; 24 twelfth-grade students from Omaha Northwest Magnet School; a group from Elkhorn Rural Public Power District of Battle Creek; 3 students and teacher from Johnson County Coalition, Tecumseh; 33 fourth-grade students and teachers from Fillmore Central School,

Geneva; a group from the Monument Prevention Coalition of Scotts Bluff County; and Reverend Portia Cavitt from Omaha.

ADJOURNMENT

At 12:45 p.m., on a motion by Senator Williams, the Legislature adjourned until 10:00 a.m., Monday, March 30, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FOURTH DAY - MARCH 30, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 30, 2015

PRAYER

The prayer was offered by Monsignor Joseph Nemecek, St. Teresa's Catholic Church, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Garrett who was excused; and Senators Howard and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 996, line 4, strike "951" and insert "1059".
The Journal for the fifty-third day was approved as corrected.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 347. Placed on Select File with amendment.
ER63 is available in the Bill Room.

LEGISLATIVE BILL 265. Placed on Select File with amendment.
ER61 is available in the Bill Room.

LEGISLATIVE BILL 482. Placed on Select File with amendment.
ER64

- 1 1. On page 1, strike line 6 and insert "regulate the use of
- 2 restraints; to define a term; to".
- 3 2. On page 3, line 7, after "officer" insert an underscored comma.

LEGISLATIVE BILL 415. Placed on Select File with amendment.
ER65

- 1 1. On page 1, line 17, strike "and"; and in line 18 after "Nebraska"
- 2 insert "; and to declare an emergency".

LEGISLATIVE BILL 56. Placed on Select File with amendment.
ER62

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Notwithstanding sections 72-811 to 72-818 or any other
4 provision of law, the Director of Administrative Services shall cause a
5 survey of the property which comprises the Norfolk Regional Center to be
6 done and, in consultation with the Department of Health and Human
7 Services, shall determine what portion is not needed for state purposes.
8 Pursuant to such survey and determination, the Director of Administrative
9 Services shall submit a report to the Legislature and the Governor and
10 request authorization to give the Northeast Community College Area the
11 right of first refusal to purchase the portion of property not needed for
12 state purposes at its appraised value as determined under subsection (3)
13 of section 72-815 for the purpose of development of the Northeast
14 Community College Technology Park. The report submitted to the
15 Legislature shall be submitted electronically. Approval of the Governor
16 and the Legislature or, if the Legislature is not in session, the
17 Executive Board of the Legislative Council shall be required to give such
18 right of first refusal to the Northeast Community College Area.
19 Sec. 2. Since an emergency exists, this act takes effect when
20 passed and approved according to law.
21 2. On page 1, strike line 2 and insert "disposition of property
22 comprising the Norfolk Regional Center;".

LEGISLATIVE BILL 152. Placed on Select File.

LEGISLATIVE BILL 70A. Placed on Select File.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Executive Board

LEGISLATIVE BILL 349. Placed on General File.

(Signed) Bob Krist, Chairperson

Judiciary

LEGISLATIVE BILL 390. Placed on General File with amendment.
AM1011 is available in the Bill Room.

(Signed) Les Seiler, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 413A. Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 413, One Hundred Fourth Legislature, First Session, 2015.

MESSAGE(S) FROM THE GOVERNOR

March 30, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is appointed as the Director of the Department of Administrative Services:

Byron L. Diamond, 13734 Hillsborough Drive, Omaha, NE 68164

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

RESOLUTION(S)

LEGISLATIVE RESOLUTION 158. Introduced by Ebke, 32.

WHEREAS, Ronald Douglas of Crete celebrated his 100th birthday on March 22, 2015; and

WHEREAS, Ron is the oldest known winner of a University of Nebraska football letter; and

WHEREAS, Ron's football career started at Crete High School where he was named a member of the All-State Football Team in 1931 and 1932. Ron also was named to the All-State Basketball Team in 1932; and

WHEREAS, Ron played football for the University of Nebraska-Lincoln and was named to the All-Big Six Team as a senior in 1936. He was inducted into the Nebraska Football Hall of Fame in 1995; and

WHEREAS, the celebration of Ron Douglas' 100th birthday is worthy of recognition by the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature wishes Ron Douglas a very happy 100th birthday.
2. That a copy of this resolution be sent to Ron Douglas.

Laid over.

MOTION - Print in Journal

Senator Davis filed the following motion to LB128:

MO62

Reconsider the vote taken to recommit to the Agriculture Committee.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR41.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, and 138 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, and 138.

SELECT FILE

LEGISLATIVE BILL 15. ER52, found on page 905, was adopted.

Senator Krist offered his amendment, AM1005, found on page 957.

The Krist amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 498. ER55, found on page 932, was adopted.

Senator Hadley offered his amendment, AM895, found on page 921.

The Hadley amendment was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 367. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 627. ER50, found on page 887, was adopted.

Senator Mello offered his amendment, AM1032, found on page 989.

Senator Schumacher offered the following amendment to the Mello amendment:

AM1047

(Amendments to AM1032)

- 1 1. Insert the following new section:
- 2 Sec. 7. The following section is outright repealed: Section 48-1109,
- 3 Reissue Revised Statutes of Nebraska.

The Schumacher amendment was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

The Mello amendment, as amended, was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Diamond, Byron L., Director - Department of Administrative Services -
Government, Military and Veterans Affairs

(Signed) Bob Krist, Chairperson
Executive Board

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 519. Placed on General File with amendment.
AM1044 is available in the Bill Room.

(Signed) Kate Sullivan, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 199A. Introduced by Howard, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 199, One Hundred Fourth Legislature, First Session, 2015.

SELECT FILE

LEGISLATIVE BILL 139. ER51, found on page 905, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 139A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 33. Senator Mello offered the following amendment:

AM1036

1 1. Insert the following new section:

2 Sec. 3. (1) For the biennium ending June 30, 2019, and the biennium
3 ending June 30, 2021, the Department of Correctional Services shall, as
4 part of the appropriations request process pursuant to section 81-132,
5 include a strategic plan that identifies the main purpose or purposes of
6 each program, verifiable and auditable key goals that the department
7 believes are fair measures of its progress in meeting each program's main
8 purpose or purposes, and benchmarks for improving performance on the key
9 goals. The department shall also report whether the benchmarks are being
10 met and, if not, the expected timeframes for meeting them.
11 (2) Not later than September 15 in 2017, 2018, 2019, 2020, and 2021,
12 the Department of Correctional Services shall report electronically to
13 the Judiciary Committee of the Legislature and the Appropriations
14 Committee of the Legislature on the progress towards the key goals
15 identified pursuant to this section that occurred in the previous twelve
16 months. In calendar years 2017, 2018, 2019, 2020, and 2021, the
17 department shall appear at a joint hearing of the Judiciary Committee and
18 Appropriations Committee and present the report.

19 2. Renumber the remaining section accordingly.

The Mello amendment was adopted with 33 ayes, 1 nay, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

VISITORS

Visitors to the Chamber were 45 high school students and teachers from Wilbur; 25 fifth- and sixth-grade students and teachers from Clarkson; Katelynn, Jaclyn, and Landon Prybella from Denver, CO; and 16 Omaha North German Exchange students and teachers.

RECESS

At 11:58 a.m., on a motion by Senator Craighead, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Hadley presiding.

ROLL CALL

The roll was called and all members were present except Senator Garrett who was excused; and Senators Campbell, Mello, Schilz, and Watermeier who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 324. ER53, found on page 906, was adopted.

Senator Craighead withdrew her amendment, AM791, found on page 900.

Senator Craighead offered the following amendment:
AM1055

- 1 1. Insert the following new section:
- 2 Sec. 7. (1) If the chairperson of a sanitary and improvement
- 3 district board of trustees or the legal counsel or administrator for the
- 4 district receives written notice from a city or village proposing to
- 5 annex territory within the sanitary and improvement district under the
- 6 authority of section 14-117, 15-104, 16-117, 16-130, 17-405.01, or
- 7 17-407, the district shall not make any expenditures for a period of
- 8 ninety days after receiving such notice except for:
- 9 (a) Interest and principal payments on bonds due and payable from
- 10 the construction fund or bond fund of the district;
- 11 (b) Interest and principal payments on construction fund warrants
- 12 due and payable from the construction fund or bond fund of the district;
- 13 (c) Interest and principal payments on general fund warrants due and
- 14 payable from the general fund of the district;
- 15 (d) Payment or issuance of warrants for any expense incurred by the
- 16 district that is required by the district to satisfy any statutory
- 17 obligation of the district or to address emergency or imminent public
- 18 safety repairs or replacements to district property;
- 19 (e) Payment or issuance of warrants for services, work, labor, or

20 materials that were ordered or contracted for by the district prior to
21 receiving notice of the proposal to annex the district. Such a payment or
22 warrant shall be paid from the district's general fund, construction
23 fund, bond fund, or service fee fund so long as such payment or warrant
24 does not cause the district to exceed its total budget for the fund from
25 which such payment or warrant is to be made;
26 (f) Payment or issuance of warrants for any expense incurred by the
27 district prior to receiving notice of the proposal to annex the district
1 (i) that is required by the district (A) to pay expenses that would be
2 paid by the district in the ordinary course of business of the district
3 or (B) to address projects for which a notice to contractors has been
4 published, the bidding process has begun, and contracts were awarded and
5 (ii) that (A) does not cause the district to exceed the district's total
6 general fund budget and is paid from the general fund, including, but not
7 limited to, levied tax receipts to be received by the district on April 1
8 and August 1 if the annexation is to occur after such dates, (B) does not
9 cause the district to exceed the district's total construction fund or
10 bond fund budget and is paid from the construction fund or bond fund, or
11 (C) does not cause the district to exceed the district's total service
12 fee fund budget and is paid from the service fee fund; and
13 (g) Payment or issuance of warrants for a commitment or contract
14 that will bind the district to pay for any other expense approved in
15 writing by the city finance director or other designated person
16 responsible for such approvals for purposes of the proposed annexation.
17 (2) If a district plans to commence a construction project or enter
18 into any contracts required to be publicly bid pursuant to section 31-741
19 and for which a notice to contractors has not been published and the
20 bidding process has not begun prior to the district receiving notice of
21 the proposal to annex the district as described in subsection (1) of this
22 section, the district shall submit either the plans and specifications
23 for the improvements or the proposed contract to the city finance
24 director or other designated person responsible for such approvals.
25 Within ten business days after the district submits the plans and
26 specifications or the proposed contract, the city finance director or
27 other designated person responsible for such approvals shall either (a)
28 approve or deny such plans and specifications or the proposed contract or
29 (b) direct the department head within the city responsible for reviewing
30 plans and specifications or contracts to approve or deny such plans and
31 specifications or the proposed contract within such ten-day period.
1 2. Renumber the remaining section accordingly.

The Craighead amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 356. ER54, found on page 927, was adopted.

Senator B. Harr offered his amendment, AM977, found on page 957.

The B. Harr amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE RESOLUTION 7CA. Senator Schumacher renewed his amendment, AM922, found on page 970 and considered on pages 982 and 984, to the committee amendment.

Senator Schumacher withdrew his amendment.

Committee AM822, found on page 865 and considered on page 982, was renewed.

Senator Krist moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Krist requested a roll call vote on the committee amendment.

Voting in the affirmative, 35:

| | | | | |
|------------|-----------|-----------|----------|------------|
| Baker | Cook | Hadley | Kolowski | Schnoor |
| Bloomfield | Craighead | Hansen | Krist | Schumacher |
| Bolz | Davis | Harr, B. | Kuehn | Seiler |
| Brasch | Ebke | Hilkemann | Larson | Smith |
| Campbell | Friesen | Hughes | Morfeld | Stinner |
| Chambers | Gloor | Johnson | Riepe | Sullivan |
| Coash | Haar, K. | Kintner | Schilz | Williams |

Voting in the negative, 4:

| | | | |
|--------|-------|--------|------------|
| Groene | McCoy | Scheer | Watermeier |
|--------|-------|--------|------------|

Present and not voting, 8:

| | | | |
|-----------|-------------|---------|----------------|
| Crawford | Lindstrom | Mello | Nordquist |
| Kolterman | McCollister | Murante | Pansing Brooks |

Absent and not voting, 1:

Howard

Excused and not voting, 1:

Garrett

The committee amendment was adopted with 35 ayes, 4 nays, 8 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 27 ayes, 12 nays, 9 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 183. Title read. Considered.

Committee AM445, found on page 569, was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 81. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 81A. Title read. Considered.

SENATOR KRIST PRESIDING

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 199. Title read. Considered.

Committee AM513, found on page 758, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 106. Title read. Considered.

Committee AM521, found on page 752, was offered.

Senator Watermeier asked unanimous consent to withdraw his amendment, AM698, found on page 733, and replace it with the Watermeier-Groene substitute amendment, AM1029, to the committee amendment. No objections. So ordered.

AM1029

(Amendments to Standing Committee amendments, AM521)

1 1. Strike section 8 and insert the following new sections:

2 Sec. 8. (1) A person who applied to a county for a livestock

3 operation siting or expansion permit and has been denied by the county
4 may appeal the decision directly to the district court.

5 (2) In any proceeding under this section, subsequent to the initial
6 filing, the parties shall receive from the clerk of the district court
7 information regarding the availability of mediation through the farm
8 mediation service of the department. Development of the informational
9 materials and the implementation of this subsection shall be accomplished
10 through the State Court Administrator.

11 (3) With the consent of both parties, a court may refer a case to
12 mediation and may state a date for the case to return to court, but such
13 date shall be no longer than ninety days from the date the order is
14 signed unless the court grants an extension.

15 (4) If the parties consent to mediate, they shall meet with a
16 mediator from, or appointed through, the farm mediation service of the
17 department to mediate an agreement. The mediator may negotiate exceptions
18 to the guidelines of the assessment matrix factors adopted pursuant to
19 section 5 of this act that may bring about agreement between the parties
20 involved.

21 (5) If a mediation agreement is reached, the district court shall
22 enter the agreement as the judgment in the action. The costs of mediation
23 shall be shared by the parties according to the schedule of fees
24 established by the farm mediation service of the department and collected
25 directly by the farm mediation service, except that the department may
26 establish an internal fund to pay the costs of mediation on behalf of the
1 parties.

2 (6) If the case is not referred to mediation or if mediation is
3 terminated or fails to reach an agreement between the parties, the action
4 shall proceed as a civil action.

5 Sec. 10. Section 23-114.01, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 23-114.01 (1) In order to avail itself of the powers conferred by
8 section 23-114, the county board shall appoint a planning commission to
9 be known as the county planning commission. The members of the commission
10 shall be residents of the county to be planned and shall be appointed
11 with due consideration to geographical and population factors. Since the
12 primary focus of concern and control in county planning and land-use
13 regulatory programs is the unincorporated area, a majority of the members
14 of the commission shall be residents of unincorporated areas, except that
15 this requirement shall not apply to joint planning commissions. Members
16 of the commission shall hold no county or municipal office, except that a
17 member may also be a member of a city, village, or other type of planning
18 commission. The term of each member shall be three years, except that
19 approximately one-third of the members of the first commission shall
20 serve for terms of one year, one-third for terms of two years, and one-
21 third for terms of three years. All members shall hold office until their
22 successors are appointed. Members of the commission may be removed by a
23 majority vote of the county board for inefficiency, neglect of duty, or
24 malfeasance in office or other good and sufficient cause upon written
25 charges being filed with the county board and after a public hearing has

26 been held regarding such charges. Vacancies occurring otherwise than
27 through the expiration of terms shall be filled for the unexpired terms
28 by individuals appointed by the county board. Members of the commission
29 shall be compensated for their actual and necessary expenses incurred in
30 connection with their duties in an amount to be fixed by the county
31 board. Reimbursement for mileage shall be made at the rate provided in
1 section 81-1176. Each county board may provide a per diem payment for
2 members of the commission of not to exceed fifteen dollars for each day
3 that each such member attends meetings of the commission or is engaged in
4 matters concerning the commission, but no member shall receive more than
5 one thousand dollars in any one year. Such per diem payments shall be in
6 addition to and separate from compensation for expenses.

7 (2) The commission: (a) Shall prepare and adopt as its policy
8 statement a comprehensive development plan and such implemental means as
9 a capital improvement program, subdivision regulations, building codes,
10 and a zoning resolution; (b) shall consult with and advise public
11 officials and agencies, public utilities, civic organizations,
12 educational institutions, and citizens relating to the promulgation of
13 implemental programs; (c) may delegate authority to any of the groups
14 named in subdivision (b) of this subsection to conduct studies and make
15 surveys for the commission; and (d) shall make preliminary reports on its
16 findings and hold public hearings before submitting its final reports.
17 The county board shall not hold its public meetings or take action on
18 matters relating to the comprehensive development plan, capital
19 improvements, building codes, subdivision development, or zoning until it
20 has received the recommendations of the commission.

21 (3) The commission may, with the consent of the governing body, in
22 its own name: Make and enter into contracts with public or private
23 bodies; receive contributions, bequests, gifts, or grants of funds from
24 public or private sources; expend the funds appropriated to it by the
25 county board; employ agents and employees; and acquire, hold, and dispose
26 of property. The commission may, on its own authority: Make arrangements
27 consistent with its program; conduct or sponsor special studies or
28 planning work for any public body or appropriate agency; receive grants,
29 remuneration, or reimbursement for such studies or work; and at its
30 public hearings, summon witnesses, administer oaths, and compel the
31 giving of testimony.

1 (4) In all counties in the state, the county planning commission may
2 grant conditional uses or special exceptions to property owners for the
3 use of their property if the county board of commissioners or supervisors
4 has officially and generally authorized the commission to exercise such
5 powers and has approved the standards and procedures the commission
6 adopted for equitably and judiciously granting such conditional uses or
7 special exceptions. The granting of a conditional use permit or special
8 exception shall only allow property owners to put their property to a
9 special use if it is among those uses specifically identified in the
10 county zoning regulations as classifications of uses which may require
11 special conditions or requirements to be met by the owners before a use
12 permit or building permit is authorized. ~~The applicant for a conditional~~

13 use permit or special exception for a livestock operation specifically
14 identified in the county zoning regulations as a classification of use
15 which may require special conditions or requirements to be met within an
16 area of a county zoned for agricultural use may request a determination
17 of the special conditions or requirements to be imposed by the county
18 planning commission or by the county board of commissioners or
19 supervisors if the board has not authorized the commission to exercise
20 such authority. Upon request the commission or board shall issue such
21 determination of the special conditions or requirements to be imposed in
22 a timely manner. Such special conditions or requirements to be imposed
23 may include, but are not limited to, the submission of information that
24 may be separately provided to state or federal agencies in applying to
25 obtain the applicable state and federal permits. The commission or the
26 board may request and review, prior to making a determination of the
27 special conditions or requirements to be imposed, reasonable information
28 relevant to the conditional use or special exception. If a determination
29 of the special conditions or requirements to be imposed has been made,
30 final permit approval may be withheld subject only to a final review by
31 the commission or county board to determine whether there is a
1 substantial change in the applicant's proposed use of the property upon
2 which the determination was based and that the applicant has met, or will
3 meet, the special conditions or requirements imposed in the
4 determination. For purposes of this section, substantial change shall
5 include any significant alteration in the original application including
6 a significant change in the design or location of buildings or
7 facilities, in waste disposal methods or facilities, or in capacity.

8 (5) The power to grant conditional uses or special exceptions as set
9 forth in subsection (4) of this section shall be the exclusive authority
10 of the commission, except that the county board of commissioners or
11 supervisors may choose to retain for itself the power to grant
12 conditional uses or special exceptions for those classifications of uses
13 specified in the county zoning regulations. The county board of
14 commissioners or supervisors may exercise such power if it has formally
15 adopted standards and procedures for granting such conditional uses or
16 special exceptions in a manner that is equitable and which will promote
17 the public interest. In any county other than a county in which is
18 located a city of the primary class, an appeal of a decision by the
19 county planning commission or county board of commissioners or
20 supervisors regarding a conditional use or special exception shall be
21 made to the district court. In any county in which is located a city of
22 the primary class, an appeal of a decision by the county planning
23 commission regarding a conditional use or special exception shall be made
24 to the county board of commissioners or supervisors, and an appeal of a
25 decision by the county board of commissioners or supervisors regarding a
26 conditional use or special exception shall be made to the district court.

27 (6) Whenever a county planning commission or county board is
28 authorized to grant conditional uses or special exceptions pursuant to
29 subsection (4) or (5) of this section, the planning commission or county
30 board shall, with its decision to grant or deny a conditional use permit

31 or special exception, issue a statement of factual findings arising from
 1 the record of proceedings that support the granting or denial of the
 2 conditional use permit or special exception. If a county planning
 3 commission's role is advisory to the county board, the county planning
 4 commission shall submit such statement with its recommendation to the
 5 county board as to whether to approve or deny a conditional use permit or
 6 special exception.

7 2. On page 1, strike line 7; in line 8 strike "(2)" and insert
 8 "(1)"; in line 9 strike "(3)" and insert "(2)"; in line 10 strike "(4)"
 9 and insert "(3)"; in line 12 strike "(5)" and insert "(4)"; in line 15,
 10 strike "forty-five" and insert "one hundred eighty"; in line 20 strike
 11 "23-174" and insert "23-174.10"; and in line 23 after "operations" insert
 12 "which includes any land application of livestock waste" and after the
 13 period insert "The act shall not apply to counties that have not enacted
 14 zoning regulations pursuant to sections 23-114 to 23-114.05.".

15 3. On page 2, line 3, after "existing" insert "nonconforming uses";
 16 in line 9 strike "seeking" and insert "to seek a"; in line 18 after
 17 "counties" insert "and other states"; in line 23 after the semicolon
 18 insert the following new subdivision:

19 "(c) Develop a set of standard minimum distance requirements from
 20 neighboring residences, public use areas, and critical public areas to be
 21 used in conjunction with the matrix developed pursuant to this section;";
 22 in line 24 strike "(c)" and insert "(d)"; and in line 31 strike "(d)" and
 23 insert "(e)".

24 4. On page 3, strike beginning with "The" in line 13 through line 14
 25 and insert "Consideration of proximity of a livestock operation to
 26 neighboring residences, public use areas, and critical public areas that
 27 exceed the standard minimum distance requirements established in
 28 subsection (1) of this section;"; and in line 17 strike "application" and
 29 insert "land application sites and".

30 5. On page 4, strike lines 3 and 4; in line 5 strike "(5)" and
 31 insert "(4)"; in line 6 before "matrix" insert "assessment"; in line 7
 1 strike beginning with "and" through "section"; in line 10 after the
 2 period insert "The committee shall review the matrix annually and
 3 recommend to the department changes as needed."; in line 11 strike "(6)"
 4 and insert "(5)"; in line 18 before "matrix" insert "assessment"; in line
 5 29 strike "areas" and insert "zoning districts"; and in line 30 after
 6 "person" insert "or entity".

7 6. On page 5, lines 27 and 28, strike "grandfather in" and insert
 8 "retain".

9 7. On page 6, line 14, after the period insert "If a county planning
 10 commission's role is advisory to the county board, the county planning
 11 commission shall submit a statement of factual findings arising from the
 12 record of proceedings with its recommendation to the county board as to
 13 whether to approve or deny the livestock operation siting permit."; and
 14 in line 16 strike "areas" and insert "zoning districts".

15 8. On page 7, strike beginning with "base" in line 11 through
 16 "record" in line 12 and insert "issue a statement of factual findings
 17 arising from the record of proceedings".

18 9. On page 12, line 7, strike "section" and insert "sections" and
 19 after "23-114" insert "and 23-114.01"; and in line 8 strike "is" and
 20 insert "are".
 21 10. Renumber the remaining section accordingly.

Pending.

COMMITTEE REPORT(S)
 Enrollment and Review

LEGISLATIVE BILL 15. Placed on Final Reading.
 ST17

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E and R amendments, ER52, on page 1, line 4, "promulgate guidelines" has been struck and "provide standards for guardians ad litem" inserted.

LEGISLATIVE BILL 367. Placed on Final Reading.

LEGISLATIVE BILL 498. Placed on Final Reading.
 ST18

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E and R amendments, ER55, on page 1, line 2, "section 77-2701.24, Reissue Revised Statutes of Nebraska, and" has been inserted after "amend".

2. In the Standing Committee amendments, AM413, on page 18, line 7, "section 77-2701.24, Reissue Revised Statutes of Nebraska, and" has been inserted after "Original".

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Stinner filed the following amendment to LB156:
 AM1060

(Amendments to Standing Committee amendments, AM645)

1 1. Insert the following new amendments:
 2 1. Insert the following new sections:
 3 Sec. 2. Section 77-6307, Revised Statutes Cumulative Supplement,
 4 2014, is amended to read:
 5 77-6307 (1) ~~Each Beginning July 1, 2012, each~~ qualified small
 6 business, qualified investor, and qualified fund shall submit an annual
 7 report to the director by July 1 of each year ~~identifying the amount of~~
 8 ~~money that has been invested by or in it in the previous calendar year~~
 9 ~~under the Angel Investment Tax Credit Act.~~
 10 ~~(2)~~ The report shall certify that the business, investor, ~~or~~ and fund
 11 satisfies the requirements of the act and shall include all information

12 which will enable the Department of Economic Development to fulfill its
13 reporting requirements under section 77-6309.

14 (~~2~~ ~~3~~) A qualified small business that ceases all operations and
15 becomes insolvent shall file a final report with the director in the form
16 required by the director documenting its insolvency.

17 (~~3~~ ~~4~~) To maintain the confidentiality of the qualified investor and
18 qualified small business, the Department of Economic Development shall
19 use a designated number to identify such persons or businesses.

20 (~~4~~ ~~5~~) A qualified small business, qualified investor, or qualified
21 fund that fails to file a complete ~~an~~ annual report by July 1 shall, at
22 the discretion of the director, be subject to a fine of two hundred
23 dollars, revocation of its certification, or both.

24 Sec. 3. Section 77-6309, Revised Statutes Cumulative Supplement,
25 2014, is amended to read:

26 77-6309 (1) By November 15 of each odd-numbered year, the Department
1 of Economic Development shall submit a report to the Legislature and the
2 Governor that includes:

3 (a) The number and geographic location of qualified investors;

4 (b) The number, geographic location, and amount of qualified
5 investment made into each qualified small business;

6 (c) The total amount of all grants, loans, incentives, and
7 investments that are not qualified investments received by each qualified
8 small business since receiving the initial qualified investment;

9 (~~d~~ ~~e~~) A breakdown of the industry sectors in which qualified small
10 businesses are involved;

11 (~~e~~ ~~f~~) The number of actual tax credits issued by project under the
12 Angel Investment Tax Credit Act on an annual basis; and

13 (~~f~~ ~~e~~) The number and annual salary or wage of jobs created at each
14 qualified small business since receiving the initial qualified

15 investment.

16 The report submitted to the Legislature shall be submitted
17 electronically.

18 (2) Information received, developed, created, or otherwise
19 maintained by the Department of Economic Development and the Department
20 of Revenue in administering and enforcing the Angel Investment Tax Credit
21 Act, other than information required to be included in the report to be
22 submitted by the Department of Economic Development pursuant to this
23 section, may be deemed confidential by the respective departments and not
24 subject to public disclosure.

25 Sec. 5. Since an emergency exists, this act takes effect when passed
26 and approved according to law.

27 3. Renumber the remaining section and correct the repealer
28 accordingly.

29 2. Renumber the remaining amendment accordingly.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

McCollister - LB329

VISITORS

Visitors to the Chamber were Gil Peterson from Lincoln, Kris Copping from Presque Isle, MI, and Molly Cebuhar from Lincoln.

The Doctor of the Day was Dr. Jason Bepalec from Geneva.

ADJOURNMENT

At 4:00 p.m., on a motion by Senator Baker, the Legislature adjourned until 9:00 a.m., Tuesday, March 31, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIFTH DAY - MARCH 31, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION
FIFTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 31, 2015

PRAYER

The prayer was offered by Reverend Karla Cooper, Quinn Chapel - African Methodist Episcopal Church, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Coash presiding.

The roll was called and all members were present except Senators Davis, Kolowski, Kolterman, Krist, Murante, Pansing Brooks, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fourth day was approved.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 605. Placed on General File with amendment. AM1010 is available in the Bill Room.

(Signed) Les Seiler, Chairperson

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB152:
AM1040

(Amendments to Standing Committee amendments, AM656)

1 1. On page 1, lines 5, 12, and 24, after "ordinance" insert "or
2 resolution".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 159. Introduced by Crawford, 45.

PURPOSE: The purpose of this resolution is to examine issues surrounding handicapped parking. The issues addressed by this study shall include but not be limited to:

- (1) A review of current handicapped parking statutes in sections 18-1736 through 18-1741.07 of the Nebraska statutes;
- (2) A review of handicapped parking statutes in other states;
- (3) A review of handicapped parking requirements in the federal Americans with Disabilities Act of 1990 and related federal regulations; and
- (4) A review of handicapped parking policies in state-owned buildings, including the State Capitol building.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 199A. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 413A. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 106. Committee AM521, found on page 752 and considered on page 1014, was renewed.

Senator Watermeier renewed the Watermeier-Groene amendment, AM1029, found on page 1014, to the committee amendment.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 160. Introduced by Nordquist, 7; Baker, 30; Bloomfield, 17; Bolz, 29; Brasch, 16; Campbell, 25; Coash, 27; Cook, 13; Craighead, 6; Crawford, 45; Davis, 43; Ebke, 32; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Haar, K., 21; Hadley, 37; Hansen, 26; Harr, B., 8; Hilkemann, 4; Howard, 9; Hughes, 44; Johnson, 23; Kintner, 2; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; McCollister, 20; McCoy, 39; Mello, 5; Morfeld, 46; Murante, 49; Pansing Brooks, 28; Riepe, 12; Scheer, 19; Schilz, 47; Schnoor, 15; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Watermeier, 1; Williams, 36.

WHEREAS, within every community of the State of Nebraska there are law enforcement officers who, by virtue of their commitment and dedication, command the respect and admiration of their community for their exemplary contribution and service on behalf of others; and

WHEREAS, law enforcement officers protect communities across our state and nation and selflessly put their lives on the line to keep Nebraskans safe; and

WHEREAS, law enforcement officers perform a variety of duties to pursue justice and maintain public safety; and

WHEREAS, it is the sense of the Legislature that law enforcement officers should be recognized for their selfless acts of bravery and law enforcement officers who have made the ultimate sacrifice should be remembered and honored; and

WHEREAS, the Legislature has stood by Nebraska law enforcement in recent years by providing workers' compensation coverage for post-traumatic stress, enacting procedural safeguards for peace officers during administrative formal investigations, and protecting collective bargaining rights for law enforcement; and

WHEREAS, it is the sense of the Legislature that those committed public servants who unselfishly dedicate their lives to the protection of others are worthy of and due full praise for their commitment to making Nebraska communities stronger.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. The Legislature recognizes and honors the nearly 5,000 law enforcement officers in Nebraska who demonstrate great courage and diligence in providing for the care and welfare of the citizens of their communities and this state.

2. The Legislature recognizes law enforcement officers for their efforts to create safer and more secure communities and expresses its strong support for the state's law enforcement personnel.

3. That a copy of this resolution be sent to law enforcement groups including the Nebraska Fraternal Order of Police, the State Troopers Association of Nebraska, Incorporated, the Police Officers' Association of

Nebraska, the Nebraska Sheriffs' Association, the Omaha Police Officers Association, and the Police Chiefs Association of Nebraska.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 106. Senator Chambers offered the following motion:

MO63

Bracket until June 5, 2015.

Senator Bloomfield moved the previous question. The question is, "Shall the debate now close?"

Senator Bloomfield moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

The motion to cease debate prevailed with 26 ayes, 16 nays, and 7 present and not voting.

The Chair declared the call raised.

Senator Chambers withdrew his motion to bracket.

Senator Bloomfield offered the following motion:

MO64

Recommit to the Government, Military and Veterans Affairs Committee.

Pending.

COMMITTEE REPORT(S)

Appropriations

LEGISLATIVE BILL 449. Placed on General File with amendment. AM1035 is available in the Bill Room.

(Signed) Heath Mello, Chairperson

AMENDMENT(S) - Print in Journal

Senator Krist filed the following amendment to LB15:

AM1067

(Amendments to Final Reading copy)

- 1 1. On page 4, line 20, after "thereafter" insert ", unless the court
- 2 approves other methods of consultation as provided in subsection (6) of
- 3 this section."; and in lines 21 and 22 strike the new matter.
- 4 2. On page 5, lines 6 and 7, strike "relevant stakeholders" and
- 5 insert "individuals described in subdivision (d) of this subsection";

6 strike beginning with "A" in line 8 through "43-1301" in line 10; in line
7 12 strike beginning with the first comma through "alternative", show as
8 stricken, and insert "As an alternative to the written reports and
9 recommendations"; and in line 14 after "hearing" insert ". A copy of the
10 written reports and recommendations to the court or a copy of the
11 checklist presented to the court shall also be submitted to the Foster
12 Care Review Office for any juvenile in foster care placement as defined
13 in section 43-1301".

14 3. On page 6, strike lines 13 through 29 and insert the following
15 new subsection:

16 "(6) The guardian ad litem shall meet in person with the juvenile
17 for purposes of the consultation required by subdivision (2)(d) of this
18 section unless prohibited or made impracticable by exceptional
19 circumstances, including, but not limited to, situations in which an
20 unreasonable geographical distance is involved between the location of
21 the guardian ad litem and the juvenile. When such exceptional
22 circumstances exist, the guardian ad litem shall attempt such
23 consultation by other reasonable means, including, but not limited to, by
24 telephone or suitable electronic means, if the juvenile is of sufficient
25 age and capacity to participate in such means of communication and there
26 are no other barriers preventing such means of communication. If
1 consultation by telephone or suitable electronic means is not feasible,
2 the guardian ad litem shall seek direction from the court as to any other
3 acceptable method by which to accomplish consultation required by
4 subdivision (2)(d) of this section.".

VISITORS

Visitors to the Chamber were 8 members of the Lymphedema Awareness Association from Lincoln and Crete; Senator Sullivan's husband, Mike, from Cedar Rapids, and grandson, River, from Los Angeles, CA; 13 members of Bellevue Leadership Class; 45 fourth-grade students and teachers from Montclair Elementary, Omaha; and 15 fourth-grade students, teacher, and sponsors from Faith Lutheran School, Lincoln.

RECESS

At 11:54 a.m., on a motion by Senator Sullivan, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 2:30 p.m., upon the call of the Speaker, Senator Krist presiding.

ROLL CALL

The roll was called and all members were present except Senator Mello who was excused; and Senators Campbell, Coash, Larson, Schilz, Sullivan, and Watermeier who were excused until they arrive.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 136. Placed on General File.

LEGISLATIVE BILL 289. Placed on General File.

LEGISLATIVE BILL 30. Placed on General File with amendment.

AM29

1 1. On page 2, line 7, strike "for specific investigatory purposes".

LEGISLATIVE BILL 426. Indefinitely postponed.

(Signed) Les Seiler, Chairperson

GENERAL FILE

LEGISLATIVE BILL 610. Title read. Considered.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 33. Placed on Final Reading.

ST20

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 3, "to require a strategic plan and reporting by the Department of Correctional Services;" has been inserted after the first semicolon.

LEGISLATIVE BILL 139. Placed on Final Reading.

LEGISLATIVE BILL 139A. Placed on Final Reading.

LEGISLATIVE BILL 324. Placed on Final Reading.

ST21

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 4, "to prohibit sanitary and improvement districts from making expenditures after receiving a notice of proposed annexation as prescribed;" has been inserted before "and".

LEGISLATIVE BILL 356. Placed on Final Reading.

LEGISLATIVE BILL 627. Placed on Final Reading.
ST19

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "redefine" in line 4 through line 6 and all amendments thereto have been struck and "define and redefine terms; to prohibit employment practices discriminating against individuals who are pregnant, have given birth, or have a related medical condition as prescribed; to change provisions relating to lawful employment practices; to provide requirements for reports by the Equal Opportunity Commission; to eliminate provisions relating to membership in certain organizations; to harmonize provisions; to repeal the original sections; and to outright repeal section 48-1109, Reissue Revised Statutes of Nebraska." inserted.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE RESOLUTION 7CA. Placed on Select File.

LEGISLATIVE BILL 183. Placed on Select File.

LEGISLATIVE BILL 81. Placed on Select File.

LEGISLATIVE BILL 81A. Placed on Select File.

LEGISLATIVE BILL 199. Placed on Select File with amendment.

ER66

1 1. On page 1, line 4, strike "public".

LEGISLATIVE BILL 199A. Placed on Select File.

LEGISLATIVE BILL 413A. Placed on Select File with amendment.

ER67

1 1. On page 2, line 3, after "Environmental" insert "Infrastructure".

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 161. Introduced by Kolterman, 24.

WHEREAS, Ted "T.R." R. Hughes II was born on May 1, 1938; and
WHEREAS, T.R. graduated from Seward High School in 1956 and earned a bachelor of science degree from the University of Nebraska in 1961; and
WHEREAS, T.R. was a member of the United States Marine Corps from 1957-1962; and

WHEREAS, T.R. was instrumental in starting several service organizations in Seward including the Seward County chapter of the Izaak Walton League, the Seward Foundation, and the City of Seward Recycling Center; and

WHEREAS, in 1984, T.R. was awarded the Seward County Community Service Award; and

WHEREAS, T.R. was a long-time board member of the Mari Sandoz Heritage Society and received the In the Spirit of Mari Sandoz Award in 2009; and

WHEREAS, T.R.'s passion was working with the Northern Cheyenne Tribe, the Great Plains Buffalo Association, the Spanish Barb Horse Association, as well as supporting environmental conservation and education; and

WHEREAS, in 1972, T.R. began a bison herd and used the offspring to establish other tribal and conservation herds. He recently sold the last of his herd to establish a conservation herd at the Crane Trust in Wood River; and

WHEREAS, T.R. passed away on March 17, 2015.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature honors Ted "T.R." R. Hughes II for his service to his community, state, and country.
2. That the Legislature extends its deep sympathy to the family of Ted "T.R." R. Hughes II.
3. That a copy of this resolution be sent to the family of Ted "T.R." R. Hughes II.

Laid over.

LEGISLATIVE RESOLUTION 162. Introduced by Brasch, 16.

WHEREAS, the Bancroft-Rosalie High School speech team won the 2015 Class D-2 State Speech Tournament; and

WHEREAS, the Bancroft-Rosalie Panthers earned their first place finish with a score of 128 points; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Bancroft-Rosalie High School speech team on winning the 2015 Class D-2 State Speech Tournament.
2. That a copy of this resolution be sent to the Bancroft-Rosalie High School speech team and their coach, Ronda Ras.

Laid over.

LEGISLATIVE RESOLUTION 163. Introduced by Brasch, 16.

WHEREAS, the Guardian Angels Central Catholic High School speech team won the 2015 Class C-2 State Speech Tournament; and

WHEREAS, the Guardian Angels Central Catholic Bluejays earned their first place finish with a score of 80 points; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Guardian Angels Central Catholic High School speech team on winning the 2015 Class C-2 State Speech Tournament.

2. That a copy of this resolution be sent to the Guardian Angels Central Catholic High School speech team and their coach, Brooke Meister.

Laid over.

LEGISLATIVE RESOLUTION 164. Introduced by Haar, K., 21; Johnson, 23.

WHEREAS, the Raymond Central High School speech team won the 2015 Class C-1 State Speech Tournament; and

WHEREAS, the Raymond Central Mustangs earned their first place finish with a score of 118 points; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Raymond Central High School speech team on winning the 2015 Class C-1 State Speech Tournament.

2. That a copy of this resolution be sent to the Raymond Central High School speech team.

Laid over.

COMMITTEE REPORT(S)

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Robert Allen - Nebraska Game and Parks Commission

Aye: 7 Friesen, Hughes, Johnson, Kolowski, Lindstrom, Schilz, Schnoor.
Nay: 0. Absent: 0. Present and not voting: 1 McCollister.

(Signed) Ken Schilz, Chairperson

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Kintner has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

GENERAL FILE

LEGISLATIVE BILL 610. Considered.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 243A. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 243, One Hundred Fourth Legislature, First Session, 2015.

MOTION - Print in Journal

Senator Schnoor filed the following motion to LB106:
MO66
Bracket until June 5, 2015.

VISITORS

Visitors to the Chamber were members of the Omaha Tribal Council from Northeast Nebraska.

ADJOURNMENT

At 4:04 p.m., on a motion by Senator Morfeld, the Legislature adjourned until 9:00 a.m., Wednesday, April 1, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SIXTH DAY - APRIL 1, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****FIFTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 1, 2015

PRAYER

The prayer was offered by Senator Scheer.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Krist presiding.

The roll was called and all members were present except Senator Mello who was excused; and Senator Coash who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fifth day was approved.

GENERAL FILE

LEGISLATIVE BILL 610. Senator Larson offered the following motion:

MO67

Bracket until April 2, 2015.

Senator Larson withdrew his motion to bracket.

Senator Larson offered the following motion:

MO68

Recommit to the Revenue Committee.

Senator Larson withdrew his motion to recommit to committee.

Senator Chambers offered the following motion:

MO69

Bracket until June 5, 2015.

Senator Baker moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 6 nays, and 12 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 9:

| | | | | |
|------------|---------|---------|---------|------------|
| Bloomfield | Brasch | Kintner | McCoy | Watermeier |
| Bolz | Garrett | Krist | Murante | |

Voting in the negative, 29:

| | | | | |
|----------|----------|-----------|----------------|----------|
| Baker | Ebke | Harr, B. | Lindstrom | Seiler |
| Campbell | Friesen | Hilkemann | McCollister | Smith |
| Coash | Gloor | Hughes | Nordquist | Stinner |
| Cook | Haar, K. | Johnson | Pansing Brooks | Sullivan |
| Crawford | Hadley | Kolowski | Scheer | Williams |
| Davis | Hansen | Kuehn | Schumacher | |

Present and not voting, 9:

| | | | | |
|----------|-----------|---------|--------|---------|
| Chambers | Howard | Larson | Riepe | Schnoor |
| Groene | Kolterman | Morfeld | Schilz | |

Excused and not voting, 2:

| | |
|-----------|-------|
| Craighead | Mello |
|-----------|-------|

The Chambers motion to bracket failed with 9 ayes, 29 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO70

Reconsider the vote to bracket.

SPEAKER HADLEY PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Davis requested a record vote on the motion to reconsider.

Voting in the affirmative, 11:

| | | | |
|------------|---------|--------|------------|
| Bloomfield | Ebke | Krist | Murante |
| Brasch | Garrett | Larson | Watermeier |
| Chambers | Kintner | McCoy | |

Voting in the negative, 31:

| | | | | |
|-----------|-----------|-------------|----------------|----------|
| Baker | Friesen | Hughes | Nordquist | Stinner |
| Campbell | Gloor | Johnson | Pansing Brooks | Sullivan |
| Coash | Haar, K. | Kolowski | Riepe | Williams |
| Cook | Hadley | Kuehn | Scheer | |
| Craighead | Hansen | Lindstrom | Schumacher | |
| Crawford | Hilkemann | McCollister | Seiler | |
| Davis | Howard | Morfeld | Smith | |

Present and not voting, 5:

| | | | | |
|------|--------|----------|-----------|---------|
| Bolz | Groene | Harr, B. | Kolterman | Schnoor |
|------|--------|----------|-----------|---------|

Excused and not voting, 2:

| | |
|-------|--------|
| Mello | Schilz |
|-------|--------|

The Chambers motion to reconsider failed with 11 ayes, 31 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Smith moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Smith requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 26:

| | | | | |
|----------|----------|-------------|----------------|----------|
| Baker | Groene | Kolowski | Nordquist | Stinner |
| Campbell | Haar, K. | Kolterman | Pansing Brooks | Williams |
| Coash | Hadley | Kuehn | Scheer | |
| Crawford | Harr, B. | Lindstrom | Schumacher | |
| Friesen | Hughes | McCollister | Seiler | |
| Gloor | Johnson | Morfeld | Smith | |

Voting in the negative, 10:

| | | | | |
|------------|----------|---------|---------|------------|
| Bloomfield | Brasch | Garrett | Larson | Sullivan |
| Bolz | Chambers | Kintner | Murante | Watermeier |

Present and not voting, 8:

| | | | |
|-----------|--------|-----------|---------|
| Cook | Davis | Hilkemann | Riepe |
| Craighead | Hansen | Howard | Schnoor |

Absent and not voting, 1:

Ebke

Excused and not voting, 4:

| | | | |
|-------|-------|-------|--------|
| Krist | McCoy | Mello | Schilz |
|-------|-------|-------|--------|

Advanced to Enrollment and Review Initial with 26 ayes, 10 nays, 8 present and not voting, 1 absent and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 610A. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 5 nays, 9 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 139, 140, 141, 142, 143, and 144 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 139, 140, 141, 142, 143, and 144.

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE BILL 329. Placed on General File with amendment.

AM1042

1 1. Strike original sections 4 and 7 and insert the following new
2 section:

3 Sec. 4. (1) Except as provided in section 5 of this act, an owner
4 who allows a participant on the owner's premises for agritourism
5 activities shall not be liable for injury to or death of the participant
6 or damage to the participant's property resulting solely from an inherent
7 risk on the owner's premises.
8 (2) Except as provided in section 5 of this act, no participant or
9 participant's representative shall maintain an action against or recover
10 for injury to or death of the participant or damage to the participant's
11 property resulting solely from an inherent risk on the owner's premises
12 when such owner allows the participant on the owner's premises for
13 agritourism activities.

- 14 2. On page 2, line 7, after the second comma insert "ecological";
15 in line 20 strike "pleasure driving"; and in line 23 after the first
16 comma insert "ecological".
17 3. On page 4, line 9, after "used" insert "on the premises".
18 4. On page 5, line 9, after "resulting" insert "solely".
19 5. Renumber the remaining section accordingly.

(Signed) Ken Schilz, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Natural Resources

Room 1525

Wednesday, April 8, 2015 1:00 p.m.

John Arley Rundel - Nebraska Oil and Gas Conservation Commission

Wednesday, April 8, 2015 1:00 p.m.

Rodney R. Christen - Nebraska Environmental Trust Board

(Signed) Ken Schilz, Chairperson

COMMITTEE REPORT(S)

Agriculture

The Agriculture Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Mary Baker - Climate Assessment Response Committee
Barbara Cooksley - Climate Assessment Response Committee
Richard Koelsch - Climate Assessment Response Committee

Aye: 5 Bloomfield, Harr, B., Johnson, Kolterman, Riepe. Nay: 0. Absent: 3
Chambers, Larson, Schilz. Present and not voting: 0.

(Signed) Jerry Johnson, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 165. Introduced by Garrett, 3;
Crawford, 45.

WHEREAS, Offutt Air Force Base, the 55th Wing, the United States Strategic Command, and Olde Towne Bellevue are all sources of pride to the community of Bellevue; and

WHEREAS, Olde Towne businesses have faithfully provided the personnel at Offutt Air Force Base with antiques, baked goods, beverages, bicycles, haircuts, food, jewelry, tailoring, and other goods and services; and

WHEREAS, many of these businesses rely on the economic impact of Offutt Air Force Base and the patronage of the personnel at Offutt Air Force Base; and

WHEREAS, in December 2014, Offutt Air Force Base closed the Bellevue Gate for safety and security reasons; and

WHEREAS, after three months of being closed, the Bellevue Gate reopened on March 30, 2015. The reopening keeps relations between Bellevue and Offutt Air Force Base strong and provides base personnel access to quality Bellevue goods and services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature commends Brigadier General Gregory Guillot, Commander of the 55th Wing, for reopening the Bellevue Gate.
2. That the Legislature commends the businesses of Olde Towne Bellevue for persevering during the closure of the Bellevue Gate.
3. That a copy of this resolution be sent to Brigadier General Gregory Guillot and the Bellevue Chamber of Commerce.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Schilz filed the following amendment to LB500:
AM1041

(Amendments to Standing Committee amendments, AM650)

1. On page 1, line 11, strike "and" and insert an underscored comma
2. and after the second "therapy" insert ", and in-home family services
3. model".

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Gloor, Haar, K., Hansen, Morfeld, Stinner - LB623
Cook, Crawford, Harr, B., Kolowski - LB623
Ebke, Johnson, Krist, Sullivan, Williams - LB623
Coash - LB278
Chambers - LB623

VISITORS

Visitors to the Chamber were Bob Dudley from Norfolk; Jessica Meyer from Syracuse; 26 fourth-grade students and teachers from Weeping Water; 60 fourth-grade students and teachers from St. Pius Leo School, Omaha; 3

fourth-grade students and sponsors from Chase County School, Imperial; and 50 fourth-grade students and teachers from Conestoga Elementary, Murray.

RECESS

At 12:13 p.m., on a motion by Senator Watermeier, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senator Mello who was excused; and Senators Craighead, Hilkemann, and Morfeld who were excused until they arrive.

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 36. Indefinitely postponed.
LEGISLATIVE BILL 355. Indefinitely postponed.
LEGISLATIVE BILL 379. Indefinitely postponed.
LEGISLATIVE BILL 401. Indefinitely postponed.
LEGISLATIVE BILL 520. Indefinitely postponed.
LEGISLATIVE BILL 527. Indefinitely postponed.
LEGISLATIVE BILL 589. Indefinitely postponed.

(Signed) Kate Sullivan, Chairperson

GENERAL FILE

LEGISLATIVE BILL 106. Senator Schnoor offered his motion, MO66, found on page 1032, to bracket until June 5, 2015.

Senator Schnoor withdrew his motion to bracket.

The Bloomfield motion, MO64, found on page 1026, to recommit to the Government, Military and Veterans Affairs Committee, was renewed.

Senator Bloomfield withdrew his motion to recommit to committee.

The Watermeier-Groene amendment, AM1029, found on page 1014 and considered on page 1024, to the committee amendment, was renewed.

Senator Watermeier withdrew the Watermeier-Groene amendment.

Senator Groene withdrew his amendment, AM1018, found on page 985.

Senator Watermeier withdrew his amendment, AM997, found on page 986.

Senator Davis withdrew his amendment, AM1034, found on page 998.

Committee AM521, found on page 752 and considered on pages 1014 and 1024, was renewed.

The committee amendment lost with 0 ayes, 37 nays, 9 present and not voting, and 3 excused and not voting.

Senator Watermeier offered the following amendment:

AM1099

1 1. Strike the original sections and all amendments thereto and

2 insert the following new section:

3 Section 1. (1) The Director of Agriculture shall appoint a

4 committee of experts, not to exceed ten persons, to advise the Department

5 of Agriculture on the development of the assessment matrix described in

6 subsection (2) of this section. Experts shall include representation from

7 county board members, county zoning administrators, livestock production

8 agriculture, the University of Nebraska, and other experts as may be

9 determined by the director. The committee shall review the matrix

10 annually and recommend to the department changes as needed.

11 (2) The Department of Agriculture shall, in consultation with the

12 committee created under subsection (1) of this section, develop an

13 assessment matrix which may be used by county officials to determine

14 whether to approve or disapprove a conditional use permit or special

15 exception application. The matrix shall be developed within one year

16 after the effective date of this act. In the development of the

17 assessment matrix, the department shall:

18 (a) Consider matrices already developed by the counties and other

19 states;

20 (b) Design the matrix to produce quantifiable results based on the

21 scoring of objective criteria according to an established value scale.

22 Each criterion shall be assigned points corresponding to the value scale.

23 The matrix shall consider risks and factors mitigating risks if the

24 livestock operation were constructed according to the application;

25 (c) Assure the matrix is a practical tool for use by persons when

26 completing permit applications and by county officials when scoring

27 conditional use permit or special exception applications. To every extent

1 feasible, the matrix shall include criteria that may be readily scored

2 according to ascertainable data and upon which reasonable persons

3 familiar with the location of a proposed construction site would not

4 ordinarily disagree; and

5 (d) Provide for definite point selections for all criteria included

6 in the matrix and provide for a minimum threshold total score required to

7 receive approval by county officials.

8 (3) The Department of Agriculture may develop criteria in the matrix

9 which include factors referencing the following:

- 10 (a) Size of operation;
 11 (b) Type of operation;
 12 (c) Whether the operation has received or is in the process of
 13 applying for a permit from the Department of Environmental Quality, if
 14 required by law;
 15 (d) Environmental practices adopted by the operation operator which
 16 may exceed those required by the Department of Environmental Quality;
 17 (e) Odor control practices;
 18 (f) Consideration of proximity of a livestock operation to
 19 neighboring residences, public use areas, and critical public areas;
 20 (g) Community support and communication with neighbors and other
 21 community members;
 22 (h) Manure storage and land application sites and practices;
 23 (i) Traffic;
 24 (j) Economic impact to the community; and
 25 (k) Landscape and aesthetic appearance.
 26 (4) In developing the matrix, the Department of Agriculture shall
 27 consider whether the proposed criteria are:
 28 (a) Protective of public health or safety;
 29 (b) Practical and workable;
 30 (c) Cost effective;
 31 (d) Objective;
 1 (e) Based on available scientific information that has been
 2 subjected to peer review;
 3 (f) Designed to promote the growth and viability of animal
 4 agriculture in this state;
 5 (g) Designed to balance the economic viability of farm operations
 6 with protecting natural resources and other community interests; and
 7 (h) Usable by county officials.

The Watermeier amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 3 nays, 10 present and not voting, and 2 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 347A. Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 347, One Hundred Fourth Legislature, First Session, 2015.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 166. Introduced by Larson, 40; Schilz, 47.

WHEREAS, Nebraska is ranked first in the United States for commercial red meat production, cattle on feed, corn and corn byproducts fed to cattle, and irrigated land harvested; and

WHEREAS, Nebraska ranks second in the nation for the number of cattle and calves raised in our state and ranks third in nation for corn grown for grain production; and

WHEREAS, ranches in Nebraska actively rope and brand calves each spring. Ranch horses are used year-round to provide horseback care for the cattle herds; and

WHEREAS, the food supply in the United States is one of the safest in the world; and

WHEREAS, rodeo is a contest of skills utilized for, and derived from, the care of cattle that is still used on Nebraska ranches; and

WHEREAS, the first rodeos were competitions to break and train horses for use on ranches and cattle drives; and

WHEREAS, rodeo is often a link between the general public and agricultural production, particularly cattle production.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature expresses its appreciation to all the people involved in agricultural and cattle production.
2. That the Legislature recognizes the importance of rodeo to Nebraska ranchers and the role rodeo has played in Nebraska agriculture.

Laid over.

LEGISLATIVE RESOLUTION 167. Introduced by Larson, 40.

WHEREAS, the Crofton High School girls' basketball team won the 2015 Class C-2 Girls' State Basketball Championship by defeating Hastings St. Cecilia Catholic High School by a score of 48-39; and

WHEREAS, the Crofton Warriors girls' basketball team won their fourth straight state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Crofton High School girls' basketball team on winning the 2015 Class C-2 Girls' State Basketball Championship.
2. That a copy of this resolution be sent to the Crofton High School girls' basketball team.

Laid over.

LEGISLATIVE RESOLUTION 168. Introduced by Larson, 40.

WHEREAS, the O'Neill St. Mary's High School girls' basketball team won the 2015 Class D-1 Girls' State Basketball Championship by defeating Dundy County-Stratton High School by a score of 52-33; and

WHEREAS, the victory gave the St. Mary's Lady Cardinals their first state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the St. Mary's High School girls' basketball team on winning the 2015 Class D-1 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the St. Mary's High School girls' basketball team.

Laid over.

LEGISLATIVE RESOLUTION 169. Introduced by Craighead, 6.

WHEREAS, David Brown of Omaha Creighton Prep High School was named a 2015 Horatio Alger Nebraska and Western Iowa Scholar; and

WHEREAS, the Horatio Alger Association provides scholarships to deserving young people who have demonstrated integrity, determination in overcoming adversity, academic potential, and the personal aspiration to make a unique contribution to society; and

WHEREAS, David won the award for his academic success as well as for his philanthropic activities with organizations such as the YMCA, the Open Door Mission, and Operation Others; and

WHEREAS, David overcame tragedy and hardship when both his mother and father died while he was attending high school; and

WHEREAS, David exhibited extraordinary leadership with the Creighton Prep High School Freshman Retreat program, embodying the motto of the school, "Man for Others"; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates David Brown on being named a 2015 Horatio Alger Nebraska and Western Iowa Scholar.

2. That a copy of this resolution be sent to David Brown.

Laid over.

MESSAGE(S) FROM THE GOVERNOR

April 1, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Climate Assessment Response Committee:

Dr. R.M. (Matt) Joeckel, UNL - Conservation and Survey Division
615 Hardin Hall, 3310 Holdrege Street, Lincoln, NE 68583

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB243:
AM1045 is available in the Bill Room.

Senator Pansing Brooks filed the following amendment to LB245:
AM1070

(Amendments to Final Reading copy)

- 1 1. On page 2, line 21, strike "on its own motion or"; and in line 22
- 2 after "party" insert "and following a hearing".
- 3 2. On page 3, line 9, reinstate the stricken matter; and in line 10
- 4 reinstate the stricken "than", after the stricken "three" insert "five",
- 5 reinstate the stricken "years after the date of the verdict", and after
- 6 the reinstated "verdict" insert ", unless the motion and supporting
- 7 documents show the new evidence could not with reasonable diligence have
- 8 been discovered and produced at trial and such evidence is so substantial
- 9 that a different result may have occurred".

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Garrett - LB591
Schilz - LB623

VISITORS

Visitors to the Chamber were Senator Sullivan's daughter, Jill, and grandson, River, from Los Angeles, CA; 66 fourth-grade students and teachers from Longfellow Elementary, Hastings; and Susie, Jake, and Claire Bonnett from Westside High School, and exchange student Sara Modig from Stockholm, Sweden.

The Doctor of the Day was Dr. Pat Hotovy from York.

ADJOURNMENT

At 3:40 p.m., on a motion by Senator Bloomfield, the Legislature adjourned until 9:00 a.m., Thursday, April 2, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SEVENTH DAY - APRIL 2, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 2, 2015

PRAYER

The prayer was offered by Senator Hilkemann.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Campbell who was excused; and Senators Murante and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-sixth day was approved.

MESSAGE(S) FROM THE GOVERNOR

April 2, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is appointed as the Chief Executive Officer of the Department of Health and Human Services:

Courtney Phillips, 6807 Mimosa Lane, Lincoln, NE 68521

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosure

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 1, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Muir, Tara
Domestic Violence Council
Wright, Lee
Farmers Group, Inc. (Withdrawn 04/01/2015)

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

MOTION - Reconsider Action on LB128

Senator Davis offered his motion, MO62, found on page 1008, to reconsider the vote taken to recommit to the Agriculture Committee, to LB128.

Senator Davis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 37 ayes, 1 nay, and 11 not voting.

The Davis motion to reconsider prevailed with 26 ayes, 10 nays, 12 present and not voting, and 1 excused and not voting.

The Davis motion, MO60, found on page 999 and considered on page 1008, to recommit to the Agriculture Committee, was reconsidered.

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Joeckel, R.M. (Matt) - Climate Assessment Response Committee -
Agriculture
Phillips, Courtney, Chief Executive Officer - Department of Health and
Human Services - Health and Human Services

(Signed) Bob Krist, Chairperson
Executive Board

COMMITTEE REPORT(S)
Revenue

LEGISLATIVE BILL 423. Placed on General File with amendment.
AM1103 is available in the Bill Room.

(Signed) Mike Gloor, Chairperson

AMENDMENT(S) - Print in Journal

Senator Krist filed the following amendment to LB324:
AM1114

(Amendments to Final Reading copy)

1 1. On page 20, strike line 12 and insert "district".

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 304.

A BILL FOR AN ACT relating to cities and villages; to adopt the Municipal Custodianship for Dissolved Homeowners Associations Act; and to provide a duty for the Revisor of Statutes.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Ebke | Hilkemann | McCollister | Schilz |
| Bloomfield | Friesen | Howard | McCoy | Schnoor |
| Bolz | Garrett | Hughes | Mello | Schumacher |
| Brasch | Gloor | Johnson | Morfeld | Seiler |
| Coash | Groene | Kintner | Murante | Smith |
| Cook | Haar, K. | Kolterman | Nordquist | Stinner |
| Craighead | Hadley | Krist | Pansing Brooks | Sullivan |
| Crawford | Hansen | Kuehn | Riepe | Watermeier |
| Davis | Harr, B. | Lindstrom | Scheer | Williams |

Voting in the negative, 0.

Present and not voting, 2:

Chambers Larson

Excused and not voting, 2:

Campbell Kolowski

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB431

Senator Groene withdrew his amendment, FA36, found on page 1003, to LB431.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 439.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-181, Reissue Revised Statutes of Nebraska, and section 53-180.05, Revised Statutes Cumulative Supplement, 2014; to change penalty provisions for certain violations relating to or committed by minors or persons who are mentally incompetent; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Bloomfield | Friesen | Howard | McCollister | Schilz |
| Bolz | Garrett | Hughes | McCoy | Schnoor |
| Brasch | Gloor | Johnson | Mello | Seiler |
| Coash | Groene | Kintner | Morfeld | Smith |
| Cook | Haar, K. | Kolterman | Murante | Sinner |
| Craighead | Hadley | Krist | Nordquist | Sullivan |
| Crawford | Hansen | Kuehn | Pansing Brooks | Watermeier |
| Davis | Harr, B. | Larson | Riepe | Williams |
| Ebke | Hilkemann | Lindstrom | Scheer | |

Voting in the negative, 0.

Present and not voting, 2:

Chambers Schumacher

Excused and not voting, 3:

Baker Campbell Kolowski

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 304 and 439.

GENERAL FILE

LEGISLATIVE BILL 458. Title read. Considered.

Committee AM245, found on page 513, was offered.

Senator B. Harr moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 3 nays, and 17 not voting.

The committee amendment was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 240. Title read. Considered.

SPEAKER HADLEY PRESIDING

Pending.

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Sharon Medcalf - State Emergency Response Commission

Aye: 7 Craighead, Garrett, Groene, Hansen, Larson, McCoy, Murante. Nay: 0. Absent: 1 Bloomfield. Present and not voting: 0.

(Signed) John Murante, Chairperson

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 571. Placed on General File.**LEGISLATIVE BILL 205.** Placed on General File with amendment.
AM1004

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 3-402, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 3-402 As used in sections 3-401 to 3-409 and section 2 of this act,
6 unless the context otherwise requires:

7 (1) Structure ~~means shall mean~~ any manmade object which is built,
8 constructed, projected, or erected upon, from, and above the surface of
9 the earth, including, but not limited to, towers, antennas, buildings,
10 wires, cables, and chimneys;

11 (2) Meteorological evaluation tower means an anchored structure,
12 including all guy wires and accessory facilities, on which one or more
13 meteorological instruments are mounted for the purpose of meteorological
14 data collection;

15 ~~(3 2)~~ Obstruction ~~means shall mean~~ any structure which obstructs the
16 air space required for the flight of aircraft and in the landing and
17 taking off of aircraft at any airport or restricted landing area; and

18 ~~(4 3)~~ Person ~~means shall mean~~ any public utility, public district,
19 or other governmental division or subdivision or any person, corporation,
20 partnership, or limited liability company.

21 Sec. 2. (1) A meteorological evaluation tower, the height of which
22 is at least fifty feet above the surface of the ground at point of
23 installation, shall be marked according to subsection (2) of this
24 section. This section applies to a meteorological evaluation tower that
25 is located outside the corporate limits of a city or village.

26 (2) A meteorological evaluation tower described in subsection (1) of
27 this section shall: (a) Be painted in seven equal-width and alternating
1 bands of aviation orange and white beginning with orange at the top of
2 the tower and ending with orange at the base; (b) have two or more
3 spherical marker balls at least twenty-one inches in diameter that are
4 aviation orange in color and attached to each outer guy wire connected to
5 the tower with the top ball no further than twenty feet from the top wire
6 connection and the remaining ball or balls at or below the mid-point of
7 the tower on the outer guy wires; and (c) have yellow safety sleeves
8 installed on each outer guy wire extending at least fourteen feet above
9 the anchor point of the guy wire.

10 (3) The owner of a meteorological evaluation tower subject to this
11 section shall, not less than ten business days prior to erecting the
12 tower, register with the Department of Aeronautics the name and address
13 of the owner, the height and location of the tower, and any other
14 information that the department deems necessary for aviation safety. The
15 owner of a tower subject to this section shall also report the removal of

16 the tower to the department not more than thirty business days after its
17 removal. The department shall make the information received pursuant to
18 this subsection available to the public within five business days.
19 (4) The owner of a tower described in subsection (1) of this section
20 that was erected prior to the effective date of this act and which is
21 either lighted, marked with balls at least twenty-one inches in diameter,
22 painted, or modified in some other manner so it is recognizable in clear
23 air during daylight hours from a distance of not less than two thousand
24 feet, shall mark the tower as required by subsection (2) of this section
25 within two years after the effective date of this act or at such time the
26 tower is taken down for maintenance or other purposes, whichever comes
27 first, except that the owner of a tower erected prior to the effective
28 date of this act which is not lighted, marked, painted, or modified as
29 described in this subsection shall mark such tower as required by
30 subsection (2) of this section within ninety days after the effective
31 date of this act. The registration requirements of subsection (3) of this
1 section shall be performed by the owner of a tower erected prior to the
2 effective date of this act within fifteen business days after the
3 effective date of this act.
4 (5) A material failure to comply with the marking and registration
5 requirements of this section shall be admissible as evidence of
6 negligence on the part of an owner of a meteorological evaluation tower
7 in an action in tort for property damage, bodily injury, or death
8 resulting from an aerial collision with such unmarked or unregistered
9 tower.
10 (6) The department may adopt and promulgate rules and regulations
11 for carrying out the purposes of this section.
12 Sec. 3. The Revisor of Statutes shall assign section 2 of this act
13 within sections 3-401 to 3-409.
14 Sec. 4. Original section 3-402, Reissue Revised Statutes of
15 Nebraska, is repealed.
16 Sec. 5. The following section is outright repealed: Section
17 66-1901, Revised Statutes Cumulative Supplement, 2014.
18 Sec. 6. Since an emergency exists, this act takes effect when
19 passed and approved according to law.

(Signed) John Murante, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 610. Placed on Select File with amendment.
ER68

1 1. On page 1, line 3, after the second semicolon insert "to
2 eliminate obsolete provisions;".

LEGISLATIVE BILL 610A. Placed on Select File.

LEGISLATIVE BILL 106. Placed on Select File with amendment.

ER69

1 1. On page 1, strike beginning with "livestock" in line 1 through
2 line 5 and insert "zoning; to provide for a committee and an assessment
3 matrix; and to provide powers and duties.".

(Signed) Matt Hansen, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 2, 2015, at 11:26 a.m. were the following: LBs 304 and 439.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

MOTIONS - Print in Journal

Senator Chambers filed the following motion to LB431:

MO71

Bracket until June 5, 2015.

Senator Chambers filed the following motion to LB242:

MO72

Bracket until June 5, 2015.

Senator Chambers filed the following motion to LB242A:

MO73

Bracket until June 5, 2015.

Senator Chambers filed the following motion to LB367:

MO74

Bracket until June 5, 2015.

Senator Chambers filed the following motion to LB498:

MO75

Bracket until June 5, 2015.

Senator Chambers filed the following motion to LB333:

MO76

Bracket until June 5, 2015.

Senator Chambers filed the following motion to LB139:

MO77

Bracket until June 5, 2015.

Senator Chambers filed the following motion to LB139A:

MO78

Bracket until June 5, 2015.

Senator Chambers filed the following motion to LB324:
MO79
Bracket until June 5, 2015.

Senator Chambers filed the following motion to LB356:
MO80
Bracket until June 5, 2015.

Senator Chambers filed the following motion to LB627:
MO81
Bracket until June 5, 2015.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Davis - LB623
Larson, Lindstrom, Murante - LB584
Bolz, Craighead, Crawford, Ebke, Harr, B., Hilkemann - LB323

VISITORS

Visitors to the Chamber were Amera Frank, Josh Nix, Jay Davis, and Cathy and Alex Martinez from Lincoln; 14 tenth- and eleventh-grade students, teachers, and sponsors of a German Exchange group from Braunschweig, Germany; 35 fourth-grade students and teachers from Yutan; and 40 fourth-grade students and teachers from Milford.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator Kuehn, the Legislature adjourned until 10:00 a.m., Tuesday, April 7, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-EIGHTH DAY - APRIL 7, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 7, 2015

PRAYER

The prayer was offered by Pastor Donna Goltry, Westridge United Methodist Church, Norfolk, and Trinity United Methodist Church, Madison.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Kolterman, McCoy, and Smith who were excused; and Senators Bloomfield, Hilkemann, and Morfeld who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-seventh day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 458. Placed on Select File with amendment.

ER70

1 1. On page 4, line 21, after the semicolon insert "and".

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 145, 146, 147, 148, 149, 150, 151, 153, and 157 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 145, 146, 147, 148, 149, 150, 151, 153, and 157.

GENERAL FILE

LEGISLATIVE BILL 347A. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

WITHDRAW - Amendment to LB245

Senator Krist withdrew his amendment, FA37, found on page 1003, to LB245.

MOTION - Return LB245 to Select File

Senator Pansing Brooks moved to return LB245 to Select File for her specific amendment, AM1070, found on page 1044.

The Pansing Brooks motion to return prevailed with 45 ayes, 0 nays, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 245. The Pansing Brooks specific amendment, AM1070, found on page 1044, was adopted with 37 ayes, 3 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

WITHDRAW - Motion to LB431

Senator Chambers withdrew his motion, MO71, found on page 1054, to LB431.

MOTION - Return LB431 to Select File

Senator Groene moved to return LB431 to Select File for the following specific amendment:

FA40

Strike the enacting clause.

Senator Groene withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 431.

A BILL FOR AN ACT relating to public lettings; to amend section 73-106,

Reissue Revised Statutes of Nebraska; to change provisions relating to public school district construction; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

| | | | | |
|-----------|----------|-----------|----------------|------------|
| Baker | Davis | Harr, B. | Larson | Schilz |
| Bolz | Ebke | Hilkemann | Lindstrom | Schnoor |
| Brasch | Friesen | Howard | Mello | Schumacher |
| Campbell | Garrett | Hughes | Morfeld | Seiler |
| Chambers | Gloor | Johnson | Murante | Stinner |
| Coash | Groene | Kintner | Nordquist | Sullivan |
| Cook | Haar, K. | Kolowski | Pansing Brooks | Watermeier |
| Craighead | Hadley | Krist | Riepe | |
| Crawford | Hansen | Kuehn | Scheer | |

Voting in the negative, 0.

Present and not voting, 1:

McCollister

Excused and not voting, 5:

| | | | | |
|------------|-----------|-------|-------|----------|
| Bloomfield | Kolterman | McCoy | Smith | Williams |
|------------|-----------|-------|-------|----------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendments to LB242

Senator Larson withdrew his amendments, AM755, AM764, AM763, AM761, AM760, and AM759, found on pages 815 and 816, to LB242.

WITHDRAW - Motion to LB242

Senator Chambers withdrew his motion, MO72, found on page 1054, to LB242.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 242. With Emergency Clause.

A BILL FOR AN ACT relating to the Dry Bean Resources Act; to amend sections 2-3753, 2-3755, 2-3762, and 2-3763, Reissue Revised Statutes of

Nebraska; to change provisions relating to expenditures for lobbying activities, fees, annual reporting requirements, and credit of funds; to eliminate a refund; to repeal the original sections; to outright repeal section 2-3760, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

| | | | | |
|-----------|----------|-----------|----------------|------------|
| Baker | Davis | Harr, B. | Lindstrom | Schnoor |
| Bolz | Ebke | Hilkemann | McCollister | Schumacher |
| Brasch | Friesen | Howard | Mello | Seiler |
| Campbell | Garrett | Hughes | Morfeld | Stinner |
| Chambers | Gloor | Johnson | Nordquist | Sullivan |
| Coash | Groene | Kintner | Pansing Brooks | Watermeier |
| Cook | Haar, K. | Kolowski | Riepe | |
| Craighead | Hadley | Krist | Scheer | |
| Crawford | Hansen | Kuehn | Schilz | |

Voting in the negative, 1:

Larson

Present and not voting, 1:

Murante

Excused and not voting, 5:

Bloomfield Kolterman McCoy Smith Williams

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Motion to LB242A

Senator Chambers withdrew his motion, MO73, found on page 1054, to LB242A.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 242A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 242, One Hundred

Fourth Legislature, First Session, 2015; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

| | | | | |
|-----------|----------|-----------|----------------|------------|
| Baker | Davis | Harr, B. | Lindstrom | Schnoor |
| Bolz | Ebke | Hilkemann | McCollister | Schumacher |
| Brasch | Friesen | Howard | Mello | Seiler |
| Campbell | Garrett | Hughes | Morfeld | Sinner |
| Chambers | Gloor | Johnson | Nordquist | Sullivan |
| Coash | Groene | Kintner | Pansing Brooks | Watermeier |
| Cook | Haar, K. | Kolowski | Riepe | |
| Craighead | Hadley | Krist | Scheer | |
| Crawford | Hansen | Kuehn | Schilz | |

Voting in the negative, 1:

Larson

Present and not voting, 1:

Murante

Excused and not voting, 5:

Bloomfield Kolterman McCoy Smith Williams

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB15 to Select File

Senator Krist moved to return LB15 to Select File for his specific amendment, AM1067, found on page 1026.

The Krist motion to return prevailed with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 15. The Krist specific amendment, AM1067, found on page 1026, was adopted with 44 ayes, 0 nays, and 5 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

WITHDRAW - Motion to LB367

Senator Chambers withdrew his motion, MO74, found on page 1054, to LB367.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 367.

A BILL FOR AN ACT relating to petition circulators; to amend sections 32-630 and 32-1404, Reissue Revised Statutes of Nebraska; to eliminate a restriction on paying petition circulators as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

| | | | | |
|-----------|----------|-----------|----------------|------------|
| Bolz | Ebke | Hilkemann | Lindstrom | Schnoor |
| Brasch | Friesen | Howard | McCollister | Schumacher |
| Campbell | Garrett | Hughes | Mello | Seiler |
| Chambers | Gloor | Johnson | Morfeld | Stinner |
| Coash | Groene | Kintner | Murante | Sullivan |
| Cook | Haar, K. | Kolowski | Nordquist | Watermeier |
| Craighead | Hadley | Krist | Pansing Brooks | |
| Crawford | Hansen | Kuehn | Scheer | |
| Davis | Harr, B. | Larson | Schilz | |

Voting in the negative, 0.

Present and not voting, 2:

Baker Riepe

Excused and not voting, 5:

Bloomfield Kolterman McCoy Smith Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Motion to LB498

Senator Chambers withdrew his motion, MO75, found on page 1054, to LB498.

BILL ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB498 with 41 ayes, 1 nay, 2 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 498.

A BILL FOR AN ACT relating to all-terrain vehicles and utility-type vehicles; to amend section 77-2701.24, Reissue Revised Statutes of Nebraska, and sections 60-123, 60-153, 60-301, 60-305, 60-339, 60-358.01, 60-6,355, and 77-2703, Revised Statutes Cumulative Supplement, 2014; to require registration of all-terrain vehicles and utility-type vehicles under the Motor Vehicle Registration Act; to redefine terms; to change sales and use tax provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|-----------|----------|-----------|----------------|------------|
| Baker | Davis | Harr, B. | Larson | Scheer |
| Bolz | Ebke | Hilkemann | Lindstrom | Schilz |
| Brasch | Friesen | Howard | McCollister | Schnoor |
| Campbell | Garrett | Hughes | Mello | Schumacher |
| Chambers | Gloor | Johnson | Morfeld | Seiler |
| Coash | Groene | Kintner | Murante | Stinner |
| Cook | Haar, K. | Kolowski | Nordquist | Sullivan |
| Craighead | Hadley | Krist | Pansing Brooks | Watermeier |
| Crawford | Hansen | Kuehn | Riepe | |

Voting in the negative, 0.

Excused and not voting, 5:

| | | | | |
|------------|-----------|-------|-------|----------|
| Bloomfield | Kolterman | McCoy | Smith | Williams |
|------------|-----------|-------|-------|----------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Motion to LB33

Senator Chambers withdrew his motion, MO76, found on page 1054, to LB33.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 33.

A BILL FOR AN ACT relating to state budgeting; to amend section 77-2715.01, Revised Statutes Cumulative Supplement, 2014; to require revenue volatility reporting as prescribed; to require a strategic plan and reporting by the Department of Correctional Services; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|-----------|----------|-----------|----------------|------------|
| Baker | Davis | Harr, B. | Larson | Scheer |
| Bolz | Ebke | Hilkemann | Lindstrom | Schilz |
| Brasch | Friesen | Howard | McCollister | Schnoor |
| Campbell | Garrett | Hughes | Mello | Schumacher |
| Chambers | Gloor | Johnson | Morfeld | Seiler |
| Coash | Groene | Kintner | Murante | Stinner |
| Cook | Haar, K. | Kolowski | Nordquist | Sullivan |
| Craighead | Hadley | Krist | Pansing Brooks | Watermeier |
| Crawford | Hansen | Kuehn | Riepe | |

Voting in the negative, 0.

Excused and not voting, 5:

| | | | | |
|------------|-----------|-------|-------|----------|
| Bloomfield | Kolterman | McCoy | Smith | Williams |
|------------|-----------|-------|-------|----------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Motion to LB139

Senator Chambers withdrew his motion, MO77, found on page 1054, to LB139.

BILL ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB139 with 42 ayes, 1 nay, 1 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 139.

A BILL FOR AN ACT relating to real property; to amend sections 76-2204, 76-2205, 76-2205.01, 76-2208, 76-2210, 76-2210.01, 76-2210.02, 76-2211.02, 76-2212, 76-2215, 76-2217, 76-2218, 76-2219, 76-2220, 76-2222, 76-2239, 76-2242, 76-2243, 76-2244, 76-2245, 76-2246, 76-2247.01, and 76-2250, Reissue Revised Statutes of Nebraska, and sections 76-2201, 76-2202, 76-2203, 76-2206, 76-2210.03, 76-2211, 76-2212.01, 76-2212.02, 76-2212.03, 76-2213, 76-2213.01, 76-2216, 76-2217.04, 76-2221, 76-2223, 76-2227, 76-2228, 76-2228.01, 76-2228.02, 76-2229, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01, 76-2233.02, 76-2236, 76-2237, 76-2238, 76-2241, 76-2249, 76-3202, 76-3204, 76-3208, 76-3213, and 76-3215, Revised Statutes Cumulative Supplement, 2014; to change and eliminate provisions relating to the Real Property Appraiser Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 76-2211.01 and 76-2217.01, Reissue Revised Statutes of Nebraska, and section 76-2229.01, Revised Statutes Cumulative Supplement, 2014.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|-----------|----------|-----------|----------------|------------|
| Baker | Davis | Harr, B. | Larson | Scheer |
| Bolz | Ebke | Hilkemann | Lindstrom | Schilz |
| Brasch | Friesen | Howard | McCollister | Schnoor |
| Campbell | Garrett | Hughes | Mello | Schumacher |
| Chambers | Gloor | Johnson | Morfeld | Seiler |
| Coash | Groene | Kintner | Murante | Stinner |
| Cook | Haar, K. | Kolowski | Nordquist | Sullivan |
| Craighead | Hadley | Krist | Pansing Brooks | Watermeier |
| Crawford | Hansen | Kuehn | Riepe | Williams |

Voting in the negative, 0.

Excused and not voting, 4:

| | | | |
|------------|-----------|-------|-------|
| Bloomfield | Kolterman | McCoy | Smith |
|------------|-----------|-------|-------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Motion to LB139A

Senator Chambers withdrew his motion, MO78, found on page 1054, to LB139A.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 139A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 139, One Hundred Fourth Legislature, First Session, 2015.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|-----------|----------|-----------|----------------|------------|
| Bolz | Ebke | Hilkemann | Lindstrom | Schilz |
| Brasch | Friesen | Howard | McCollister | Schnoor |
| Campbell | Garrett | Hughes | Mello | Schumacher |
| Chambers | Gloor | Johnson | Morfeld | Seiler |
| Coash | Groene | Kintner | Murante | Stinner |
| Cook | Haar, K. | Kolowski | Nordquist | Sullivan |
| Craighead | Hadley | Krist | Pansing Brooks | Watermeier |
| Crawford | Hansen | Kuehn | Riepe | Williams |
| Davis | Harr, B. | Larson | Scheer | |

Voting in the negative, 0.

Present and not voting, 1:

Baker

Excused and not voting, 4:

Bloomfield Kolterman McCoy Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB324

Senator Krist withdrew his amendment, AM1114, found on page 1049, to LB324.

WITHDRAW - Motion to LB324

Senator Chambers withdrew his motion, MO79, found on page 1055, to LB324.

MOTION - Return LB324 to Select File

Senator McCollister moved to return LB324 to Select File for the following specific amendment:

AM1137

(Amendments to Final Reading copy)

- 1 1. Strike section 7.
- 2 2. On page 1, strike beginning with "to" in line 8 through the
- 3 semicolon in line 10.
- 4 3. Renumber the remaining section accordingly.

The McCollister motion to return prevailed with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 324. The McCollister specific amendment, AM1137, found in this day's Journal, was adopted with 45 ayes, 0 nays, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

WITHDRAW - Motion to LB356

Senator Chambers withdrew his motion, MO80, found on page 1055, to LB356.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 356.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1333, Reissue Revised Statutes of Nebraska, and section 77-5007, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the assessment of certain rent-restricted housing projects; to create a committee; to provide powers and duties; to change provisions relating to the Tax Equalization and Review Commission; and to repeal the

original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|-----------|----------|-----------|----------------|------------|
| Baker | Davis | Harr, B. | Larson | Scheer |
| Bolz | Ebke | Hilkemann | Lindstrom | Schilz |
| Brasch | Friesen | Howard | McCollister | Schnoor |
| Campbell | Garrett | Hughes | Mello | Schumacher |
| Chambers | Gloor | Johnson | Morfeld | Seiler |
| Coash | Groene | Kintner | Murante | Stinner |
| Cook | Haar, K. | Kolowski | Nordquist | Sullivan |
| Craighead | Hadley | Krist | Pansing Brooks | Watermeier |
| Crawford | Hansen | Kuehn | Riepe | Williams |

Voting in the negative, 0.

Excused and not voting, 4:

Bloomfield Kolterman McCoy Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Motion to LB627

Senator Chambers withdrew his motion, MO81, found on page 1055, to LB627.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB627 with 43 ayes, 1 nay, 1 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 627.

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to amend sections 48-1102, 48-1107.01, 48-1107.02, and 48-1111, Reissue Revised Statutes of Nebraska, and section 48-1117, Revised Statutes Cumulative Supplement, 2014; to define and redefine terms; to prohibit employment practices discriminating against individuals who are pregnant, have given birth, or have a related medical condition as

prescribed; to change provisions relating to lawful employment practices; to provide requirements for reports by the Equal Opportunity Commission; to eliminate provisions relating to membership in certain organizations; to harmonize provisions; to repeal the original sections; and to outright repeal section 48-1109, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|-----------|----------|-----------|----------------|------------|
| Baker | Davis | Harr, B. | Larson | Scheer |
| Bolz | Ebke | Hilkemann | Lindstrom | Schilz |
| Brasch | Friesen | Howard | McCollister | Schnoor |
| Campbell | Garrett | Hughes | Mello | Schumacher |
| Chambers | Gloor | Johnson | Morfeld | Seiler |
| Coash | Groene | Kintner | Murante | Stinner |
| Cook | Haar, K. | Kolowski | Nordquist | Sullivan |
| Craighead | Hadley | Krist | Pansing Brooks | Watermeier |
| Crawford | Hansen | Kuehn | Riepe | Williams |

Voting in the negative, 0.

Excused and not voting, 4:

Bloomfield Kolterman McCoy Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 431, 242, 242A, 367, 498, 33, 139, 139A, 356, and 627.

GENERAL FILE

LEGISLATIVE BILL 240. Considered.

Senator Hansen moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Hansen requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 32:

| | | | | |
|----------|-----------|-----------|----------------|------------|
| Baker | Craighead | Hadley | Krist | Schumacher |
| Bolz | Crawford | Hansen | Kuehn | Seiler |
| Brasch | Davis | Harr, B. | Mello | Stinner |
| Campbell | Ebke | Hilkemann | Morfeld | Sullivan |
| Chambers | Garrett | Howard | Nordquist | |
| Coash | Gloor | Johnson | Pansing Brooks | |
| Cook | Haar, K. | Kolowski | Scheer | |

Voting in the negative, 11:

| | | | |
|---------|-------------|---------|------------|
| Friesen | Kintner | Murante | Watermeier |
| Groene | Lindstrom | Schilz | Williams |
| Hughes | McCollister | Schnoor | |

Present and not voting, 1:

Riepe

Excused and not voting, 5:

| | | | | |
|------------|-----------|--------|-------|-------|
| Bloomfield | Kolterman | Larson | McCoy | Smith |
|------------|-----------|--------|-------|-------|

Advanced to Enrollment and Review Initial with 32 ayes, 11 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 419. Title read. Considered.

Senator Mello offered his amendment, AM984, found on page 974.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 106A. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 106, One Hundred Fourth Legislature, First Session, 2015.

MESSAGE(S) FROM THE GOVERNOR

April 7, 2015

Patrick J. O'Donnell
Clerk of the Nebraska Legislature
2018 State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 304 and 439 were received in my office on April 2, 2015.

These bills were signed and delivered to the Secretary of State on April 7, 2015.

Sincerely,
(Signed) Pete Ricketts
Governor

PR/lhk

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 7, 2015, at 11:10 a.m. were the following: LBs 431, 242e, 242Ae, 367, 498, 33, 139, 139A, 356, and 627.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

RESOLUTION(S)**LEGISLATIVE RESOLUTION 170.** Introduced by Cook, 13.

WHEREAS, Mount View Elementary School in Omaha will host a Career Enrichment Day on May 15, 2015; and

WHEREAS, Mount View Elementary School has invited professionals from local businesses to take part in the school's annual Career Enrichment Day which gives students an opportunity to explore career choices, ask questions, and in some instances, experience hands-on job training; and

WHEREAS, Mount View Elementary School's Career Enrichment Day supports the school's mission to inspire academic excellence in a safe and disciplined environment; and

WHEREAS, Mount View Elementary School has hosted Career Enrichment Day for over a decade.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature commends Mount View Elementary School on hosting an annual Career Enrichment Day.

2. That a copy of this resolution be sent to Mount View Elementary School.

Laid over.

VISITORS

Visitors to the Chamber were 35 high school students and teachers from UTA Halee Academy, Omaha; 33 fourth-grade students and teachers from Seymour Elementary, Ralston; 20 fourth-grade students and teacher from Plattsmouth; and 42 fourth-grade students and teachers from Fort Calhoun Elementary.

RECESS

At 11:56 a.m., on a motion by Senator K. Haar, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Hadley presiding.

ROLL CALL

The roll was called and all members were present except Senators Kolterman, McCoy, and Smith who were excused; and Senators Hansen, Larson, Scheer, and Schilz who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 419. The Mello amendment, AM984, found on page 974 and considered in this day's Journal, was renewed.

SENATOR COASH PRESIDING

SPEAKER HADLEY PRESIDING

Senator Nordquist moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Mello moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The Mello amendment was adopted with 41 ayes, 4 nays, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 33 ayes, 5 nays, 6 present and not voting, and 5 excused and not voting.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 347A. Placed on Select File.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB292:
AM899

1 1. Insert the following new section:
2 Sec. 5. Section 29-1917, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:
4 29-1917 (1) Except as provided in section 29-1926 and subsection (5)
5 of this section, at any time after the filing of an indictment or
6 information in a felony prosecution, the prosecuting attorney or the
7 defendant may request the court to allow the taking of a deposition of
8 any person other than the defendant who may be a witness in the trial of
9 the offense. The court may order the taking of the deposition when it
10 finds the testimony of the witness:
11 (a) May be material or relevant to the issue to be determined at the
12 trial of the offense; or
13 (b) May be of assistance to the parties in the preparation of their
14 respective cases.
15 (2) An order granting the taking of a deposition shall include the
16 time and place for taking such deposition and such other conditions as
17 the court determines to be just.
18 (3) The proceedings in taking the deposition of a witness pursuant
19 to this section and returning it to the court shall be governed in all
20 respects as the taking of depositions in civil cases.
21 (4) A deposition taken pursuant to this section may be used at the
22 trial by any party solely for the purpose of contradicting or impeaching
23 the testimony of the deponent as a witness.
24 (5)(a) No request for a deposition shall be granted for a child
25 under the age of sixteen at the time of the request who has been
26 interviewed at a child advocacy center and the interview was video
27 recorded, except by agreement of the parties or by approval of the court.
1 The court shall not approve a deposition under this subdivision unless
2 the court finds that the testimony of the child is essential to assist
3 the defendant in preparing for trial, that the evidence sought is not
4 reasonably available by any other means, and that the probative value of
5 the testimony outweighs the potential detriment to the child being
6 deposed. In determining whether to approve the taking of a deposition,
7 the court shall consider the availability of the recorded statements of
8 the child and the complexity of the issues involved.

9 (b) Upon granting a request to depose a child under subdivision (a)
10 of this subsection, the court shall make any protective order that
11 justice requires to protect the child from emotional harm or distress,
12 harassment, undue influence, or intimidation. Such order may include: (i)
13 That the deposition may be taken only on specified terms and conditions,
14 including a designation of the time, place, and manner of taking the
15 deposition; (ii) that the scope of the deposition may be limited to
16 certain matters as designated by the court; (iii) that a victim advocate
17 or other support person not a witness to the proceedings may be present;
18 (iv) that the defendant may be excluded from the deposition; or (v) any
19 other provision the court determines is justified and appropriate. In
20 ruling on a request for a protective order, the court may consider the
21 age, health, level of intellectual functioning, and emotional condition
22 of the child; whether the child has knowledge material to the proof of or
23 defense to any essential element of the crime; whether the child has
24 provided a full written, taped, or transcribed account of his or her
25 proposed testimony for trial; or whether the child's testimony will
26 relate only to a peripheral issue in the case.
27 2. Renumber the remaining section and correct the repealer
28 accordingly.

Senator Schumacher filed the following amendment to LB240:
AM1143

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 71-8512, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 71-8512 (1) The University of Nebraska Medical Center shall create
6 the Behavioral Health Screening and Referral Pilot Program. The pilot
7 program shall utilize a strategy of screening and behavioral health
8 intervention in coordination with the regional behavioral health
9 authorities established pursuant to section 71-808 in which the clinics
10 identified under subsection (2) of this section are located. It is the
11 intent of the Legislature that the pilot program demonstrate a method of
12 addressing the unmet emotional or behavioral health needs of children
13 that can be replicated statewide. Under the pilot program, behavioral
14 health screening will be offered: (a) In primary care providers' offices
15 during examinations under the early and periodic screening, diagnosis,
16 and treatment services program pursuant to 42 U.S.C. 1396d(r), as such
17 section existed on January 1, 2013; or (b) upon request from parents or
18 legal guardians who have concerns about a child's behavioral health.
19 (2) Three clinics shall be selected to serve as sites for the pilot
20 program, including at least one rural and one urban clinic. Selected
21 clinics shall have child psychologists integrated in the pediatric
22 practice of the clinics. Parents or legal guardians of children
23 participating in the pilot program shall be offered routine mental and
24 behavioral health screening for their child during required physical
25 examinations or at the request of a parent or legal guardian. Behavioral
26 health screening shall be administered by clinic staff and interpreted by

27 the psychiatrist, psychiatric nurse practitioner, psychologist, or
1 licensed mental health practitioner and the child's primary care
2 physician.

3 (3) Children identified through such screenings as being at risk may
4 be referred for further evaluation and diagnosis as indicated. If
5 intervention is required, the primary care medical team, including the
6 psychologist and the primary care physician, shall develop a treatment
7 plan collaboratively with the parent or legal guardian and any other
8 individuals identified by the parent or legal guardian. If appropriate,
9 the child shall receive behavioral therapy, medication, or combination
10 therapy within the primary care practice setting.

11 (4) Consultation via telephone or telehealth with faculty and staff
12 of the departments of Child and Adolescent Psychiatry, Psychiatric
13 Nursing, and Developmental Pediatrics, and the Munroe-Meyer Institute
14 Psychology Department, of the University of Nebraska Medical Center shall
15 be available to the primary care practice and the children as needed to
16 manage the care of children with mental or behavioral health issues that
17 require more specialized care than can be provided by the primary care
18 practice.

19 (5) Data on the pilot program shall be collected and evaluated by
20 the Interdisciplinary Center for Program Evaluation at the Munroe-Meyer
21 Institute of the University of Nebraska Medical Center. Evaluation of the
22 pilot program shall include, but not be limited to:

23 (a) The number of referrals for behavioral health screening under
24 the pilot program;

25 (b) Whether each referral is initiated by a parent, a school, or a
26 physician;

27 (c) The number of children and adolescents recommended for further
28 psychological assessment after screening for a possible behavioral health
29 disorder;

30 (d) The number and type of further psychological assessments of
31 children and adolescents recommended and conducted;

1 (e) The number and type of behavioral health disorders in children
2 and adolescents diagnosed as a result of a further psychological
3 assessment following a behavioral health screening under the pilot
4 program;

5 (f) The number and types of referrals of children and adolescents
6 for behavioral health treatment from primary care medical practitioners;

7 (g) The number of children and adolescents successfully treated for
8 a behavioral health disorder based upon patient reports, parent ratings,
9 and academic records;

10 (h) The number and type of referrals of children and adolescents to
11 psychiatric backup services at the University of Nebraska Medical Center;

12 (i) The number of children and adolescents diagnosed with a
13 behavioral health disorder who are successfully managed or treated
14 through psychiatric backup services from the University of Nebraska
15 Medical Center;

16 (j) The number and types of medications, consultations, or
17 prescriptions ordered by psychiatric nurse practitioners for children and

18 adolescents;
 19 (k) The number of referrals of children and adolescents for severe
 20 behavioral health disorders and consultations to child psychiatrists,
 21 developmental pediatricians, or psychologists specializing in treatment
 22 of adolescents;
 23 (l) The number of children and adolescents referred to psychiatric
 24 hospitals or emergency departments of acute care hospitals for treatment
 25 for dangerous or suicidal behavior;
 26 (m) The number of children and adolescents prescribed psychotropic
 27 medications and the types of such psychotropic medications; and
 28 (n) Data collection on program costs and financial impact as related
 29 to capacity for replication in other primary care practices. Primary
 30 program costs include physician and psychologist time for conducting
 31 screenings, family interviews, further testing, and specialist consulting
 1 costs relating to consulting services by psychiatric nurses,
 2 developmental pediatricians, and psychologists. Treatment or medications
 3 paid by private insurance, the medical assistance program, or the State
 4 Children's Health Insurance Program shall not be included in program
 5 costs pursuant to this subdivision.
 6 (6) This section terminates two years after September 6, 2015 ~~2013~~.
 7 Sec. 2. Original section 71-8512, Revised Statutes Cumulative
 8 Supplement, 2014, is repealed.

GENERAL FILE

LEGISLATIVE BILL 559. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 156. Title read. Considered.

Committee AM645, found on page 716, was offered.

Senator Stinner offered his amendment, AM1060, found on page 1019, to the committee amendment.

The Stinner amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

The committee amendment, as amended, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 414. Title read. Considered.

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 15. Placed on Final Reading Second.
ST22

(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 6, "to define terms;" has been struck.

LEGISLATIVE BILL 245. Placed on Final Reading Second.

LEGISLATIVE BILL 324. Placed on Final Reading Second.

(Signed) Matt Hansen, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Campbell, Garrett, Krist, Lindstrom - LB323

VISITORS

Visitors to the Chamber were 45 fourth-grade students and teachers from Jefferson Elementary, Norfolk; 10 members of US Stratcom Fellows at UN from Omaha; and Kate Fattig from Grant.

ADJOURNMENT

At 4:56 p.m., on a motion by Senator Morfeld, the Legislature adjourned until 9:00 a.m., Wednesday, April 8, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-NINTH DAY - APRIL 8, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 8, 2015

PRAYER

The prayer was offered by Pastor Leanne Masters, Southern Heights Presbyterian Church, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Gloor, Howard, Kolterman, Krist, McCoy, Mello, Murante, Smith, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-eighth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 240. Placed on Select File.

(Signed) Matt Hansen, Chairperson

MOTION(S) - Confirmation Report(s)

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1031:

Nebraska Game and Parks Commission
Robert Allen

Voting in the affirmative, 25:

| | | | | |
|------------|----------|-----------|-----------|------------|
| Baker | Crawford | Haar, K. | Kuehn | Schnoor |
| Bloomfield | Ebke | Hadley | Lindstrom | Schumacher |
| Bolz | Friesen | Hansen | Riepe | Seiler |
| Campbell | Garrett | Harr, B. | Scheer | Stinner |
| Chambers | Groene | Hilkemann | Schilz | Williams |

Voting in the negative, 0.

Present and not voting, 15:

| | | | | |
|--------|-----------|----------|-------------|----------------|
| Brasch | Craighead | Johnson | Larson | Nordquist |
| Coash | Davis | Kintner | McCollister | Pansing Brooks |
| Cook | Hughes | Kolowski | Morfeld | Sullivan |

Excused and not voting, 9:

| | | | | |
|--------|-----------|-------|---------|------------|
| Gloor | Kolterman | McCoy | Murante | Watermeier |
| Howard | Krist | Mello | Smith | |

The appointment was confirmed with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Senator Johnson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 1037:

Climate Assessment Response Committee

Mary Baker
Barbara Cooksley
Richard Koelsch

Voting in the affirmative, 33:

| | | | | |
|------------|----------|-----------|-------------|------------|
| Baker | Ebke | Hilkemann | McCollister | Seiler |
| Bloomfield | Friesen | Howard | Murante | Stinner |
| Bolz | Garrett | Johnson | Nordquist | Sullivan |
| Brasch | Haar, K. | Kolowski | Riepe | Watermeier |
| Campbell | Hadley | Krist | Schilz | Williams |
| Chambers | Hansen | Kuehn | Schnoor | |
| Davis | Harr, B. | Lindstrom | Schumacher | |

Voting in the negative, 0.

Present and not voting, 11:

| | | | |
|-----------|----------|---------|----------------|
| Coash | Crawford | Kintner | Pansing Brooks |
| Cook | Groene | Larson | Scheer |
| Craighead | Hughes | Morfeld | |

Excused and not voting, 5:

Gloor Kolterman McCoy Mello Smith

The appointments were confirmed with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 1051:

State Emergency Response Commission
Sharon Medcalf

Voting in the affirmative, 38:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Ebke | Harr, B. | Lindstrom | Schumacher |
| Bloomfield | Friesen | Hilkemann | McCollister | Seiler |
| Bolz | Garrett | Howard | Murante | Sinner |
| Brasch | Gloor | Johnson | Nordquist | Sullivan |
| Campbell | Groene | Kintner | Pansing Brooks | Watermeier |
| Chambers | Haar, K. | Kolowski | Riepe | Williams |
| Craighead | Hadley | Krist | Scheer | |
| Davis | Hansen | Kuehn | Schnoor | |

Voting in the negative, 0.

Present and not voting, 8:

| | | | |
|-------|----------|---------|--------|
| Coash | Crawford | Larson | Schilz |
| Cook | Hughes | Morfeld | Smith |

Excused and not voting, 3:

Kolterman McCoy Mello

The appointment was confirmed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 106A. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 70A. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 414. Considered.

SENATOR KRIST PRESIDING

Senator Chambers offered the following amendment:

FA41

The property tax exemption created by this act shall be available only to charitable and benevolent institutions which have a policy prohibiting discrimination based on sexual orientation.

SENATOR COASH PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Chambers requested a roll call vote on the amendment.

Voting in the affirmative, 14:

| | | | | |
|----------|----------|----------|----------------|------------|
| Baker | Cook | Hansen | McCollister | Schumacher |
| Bolz | Gloor | Howard | Morfeld | Sullivan |
| Campbell | Haar, K. | Kolowski | Pansing Brooks | |

Voting in the negative, 24:

| | | | | |
|------------|-----------|-----------|---------|------------|
| Bloomfield | Garrett | Kintner | Murante | Smith |
| Brasch | Groene | Krist | Riepe | Stinner |
| Coash | Hilkemann | Kuehn | Scheer | Watermeier |
| Craighead | Hughes | Larson | Schilz | Williams |
| Ebke | Johnson | Lindstrom | Schnoor | |

Present and not voting, 6:

| | | |
|----------|---------|----------|
| Chambers | Davis | Hadley |
| Crawford | Friesen | Harr, B. |

Excused and not voting, 5:

| | | | | |
|-----------|-------|-------|-----------|--------|
| Kolterman | McCoy | Mello | Nordquist | Seiler |
|-----------|-------|-------|-----------|--------|

The Chambers amendment lost with 14 ayes, 24 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO82

Reconsider the vote taken on FA41.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Senator Schnoor offered the following motion:

MO83

Bracket until June 5, 2015.

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Schnoor motion to bracket failed with 7 ayes, 26 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO84

Indefinitely postpone.

Pending.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 629. Placed on General File with amendment.

AM1075 is available in the Bill Room.

(Signed) Jim Smith, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 663A. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 663, One Hundred Fourth Legislature, First Session, 2015; to provide an operative date; and to declare an emergency.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 171. Introduced by Coash, 27.

WHEREAS, Linda Douglas was born on October 1, 1942; and

WHEREAS, Linda completed her undergraduate degree at Lenoir-Rhyne University and earned a master's degree from Appalachian State University. She received a doctorate in education from the University of Nebraska-Lincoln in 1974; and

WHEREAS, Linda worked for Lincoln Public Schools for 36 years where she retired in 2005 as the director of special education; and

WHEREAS, after her retirement from Lincoln Public Schools, Linda worked as an adjunct professor at the University of Nebraska-Lincoln and Nebraska Wesleyan University teaching courses on special education. She also worked for the State Department of Education for the last 10 years; and

WHEREAS, Linda was a dedicated member of Eastridge Presbyterian Church for over 40 years where she served as elder, deacon, and clerk of the session; and

WHEREAS, Linda passed away on March 27, 2015.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature honors Linda Douglas for her service to her community and extends its deep sympathy to her family.
2. That a copy of this resolution be sent to the family of Linda Douglas.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Bloomfield filed the following amendment to LB85:
AM1112

1 1. On page 2, line 8, strike "twenty-five" and insert "ten".

VISITORS

Visitors to the Chamber were Gene Kelly from Papillion; 35 fourth-grade students and teachers from Starr Elementary, Grand Island; 27 ninth-through twelfth-grade students and sponsor from Hyannis High School; 5 eleventh-through twelfth-grade students and teachers from Papillion; Erich, Mitriann, Cameron, and Brendan Bussinger from Bassett; Tyler Koch and Cole Steffen from Crofton; 44 fourth-grade students and teachers from Heritage Elementary, Bennington; 59 fourth-grade students and teachers from Washington Elementary, Norfolk; 52 tenth-grade students and sponsor: the Nebraska Federation of Women's Club; and Hannah and Heidi Borg from Allen.

RECESS

At 11:59 a.m., on a motion by Senator McCollister, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Hadley presiding.

ROLL CALL

The roll was called and all members were present except Senator Seiler who was excused; and Senators Mello and Watermeier who were excused until they arrive.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR158 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR158.

GENERAL FILE

LEGISLATIVE BILL 472. Title read. Considered.

Committee AM676, found on page 805, was offered.

SENATOR COASH PRESIDING

Pending.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 385. Placed on General File with amendment.
AM1063

1 1. Strike the original sections and insert the following new

2 sections:

3 Section 1. Section 25-21,220, Reissue Revised Statutes of Nebraska,
4 is amended to read:

5 25-21,220 Proceedings under sections 25-21,219 to 25-21,235 may be
6 had:

7 (1) In all cases against tenants holding over their terms, and a
8 tenant shall be deemed to be holding over his or her term whenever the
9 tenant has failed, neglected, or refused to pay the rent or any part
10 thereof when the rent became due;

11 (2) In all cases when a tenant has threatened the health or safety
12 of other tenants, the landlord, or the landlord's employees or agents,
13 without the right of the tenant to cure the default;

14 (3) In all cases of sales of real estate or executions, orders, or
15 other judicial process when the judgment debtor was in possession at the

16 time of the entry of the judgment or decree by virtue of which such sale
17 was made;

18 ~~(4 3)~~ In all cases of sale by executors or administrators or
19 guardians and on partition if any of the parties to the partition were in
20 possession at the commencement of the suit after such sales so made on
21 execution or otherwise have been examined by the proper court and the
22 sales adjudged legal; and

23 ~~(5 4)~~ In all cases when the defendant is a settler or occupier of
24 lands or tenements, without color of title, and to which the complainant
25 has the right of possession.

26 This section shall not be construed as limiting the provisions of
27 ~~sections section 25-21,219 to 25-21,235.~~

1 Sec. 2. Section 76-1431, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 76-1431 (1) Except as provided in the Uniform Residential Landlord
4 and Tenant Act, if there is a noncompliance with section 76-1421
5 materially affecting health and safety or a material noncompliance by the
6 tenant with the rental agreement or any separate agreement, the landlord
7 may deliver a written notice to the tenant specifying the acts and
8 omissions constituting the breach and that the rental agreement will
9 terminate upon a date not less than thirty days after receipt of the
10 notice if the breach is not remedied in fourteen days, and the rental
11 agreement shall terminate as provided in the notice subject to the
12 following. If the breach is remediable by repairs or the payment of
13 damages or otherwise and the tenant adequately remedies the breach prior
14 to the date specified in the notice, the rental agreement will not
15 terminate. If substantially the same act or omission which constituted a
16 prior noncompliance of which notice was given recurs within six months,
17 the landlord may terminate the rental agreement upon at least fourteen
18 days' written notice specifying the breach and the date of termination of
19 the rental agreement.

20 (2) If rent is unpaid when due and the tenant fails to pay rent
21 within three days after written notice by the landlord of nonpayment and
22 his or her intention to terminate the rental agreement if the rent is not
23 paid within that period of time, the landlord may terminate the rental
24 agreement.

25 (3) Except as provided in the Uniform Residential Landlord and
26 Tenant Act, the landlord may recover damages and obtain injunctive relief
27 for any noncompliance by the tenant with the rental agreement or section
28 76-1421. If the tenant's noncompliance is willful, the landlord may
29 recover reasonable attorney's fees.

30 (4) Notwithstanding subsections (1) and (2) of this section or
31 section 25-21,221, a landlord may, after three days' written notice of
1 termination of the rental agreement and without the right of the tenant
2 to cure the default, file suit and have judgment against any tenant, or
3 occupant for recovery of possession of the premises if the tenant,
4 occupant, member of the tenant's household, guest, or other person who is
5 under the tenant's control or who is present upon the premises with the
6 tenant's consent, engages in any drug-related or violent criminal

7 activity on the premises or engages in any activity that threatens the
8 health or safety of other tenants, the landlord, or the landlord's
9 employees or agents. Such activity shall include, but not be limited to,
10 any of the following activities of the tenant, occupant, member of the
11 tenant's household, guest, or other person who is under the tenant's
12 control or who is present upon the premises with the tenant's consent:
13 (a) Physical assault or the threat of physical assault; (b) illegal use
14 of a firearm or other weapon or the threat of illegal use of a firearm or
15 other weapon; (c) possession of a controlled substance if the tenant knew
16 or should have known of the possession, unless such controlled substance
17 was obtained directly from or pursuant to a medical order issued by a
18 practitioner legally authorized to prescribe while acting in the course
19 of his or her professional practice; or (d) any other activity or
20 threatened activity which would otherwise threaten the health or safety
21 of any person or involving threatened, imminent, or actual damage to the
22 property.

23 (5) Subsection (4) of this section does not apply to a tenant if the
24 drug-related or violent criminal activity threatening the health or
25 safety of other tenants, the landlord, or the landlord's employees or
26 agents, as set forth in subsection (4) of this section, is conducted by a
27 person on the premises other than the tenant and the tenant takes at
28 least one of the following measures against the person engaging in such
29 activity:

30 (a) The tenant seeks a protective order, restraining order, or other
31 similar relief which would apply to the person conducting the activities
1 threatening the health or safety of other tenants, the landlord, or the
2 landlord's employees or agents; or

3 (b) The tenant reports the drug-related or violent criminal activity
4 threatening the health or safety of other tenants, the landlord, or the
5 landlord's employees or agents to a law enforcement agency in an effort
6 to initiate a criminal action against the person conducting the activity.

7 Sec. 3. Section 76-1441, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 76-1441 (1) The person seeking possession shall file a complaint
10 for restitution with the clerk of the district or county court. The
11 complaint shall contain (a) the facts, with particularity, on which he or
12 she seeks to recover; (b) a reasonably accurate description of the
13 premises; and (c) the requisite compliance with the notice provisions of
14 the Uniform Residential Landlord and Tenant Act. The complaint may notify
15 the tenant that personal property remains on the premises and that it may
16 be disposed of pursuant to section 69-2308. The complaint may also
17 contain other causes of action relating to the tenancy, but such causes
18 of action shall be answered and tried separately, if requested by either
19 party in writing.

20 (2) The person seeking possession pursuant to subsection (4) of
21 section 76-1431 shall include in the complaint the incident or incidents
22 giving rise to the suit for recovery of possession.

23 Sec. 4. Original sections 25-21,220, 76-1431, and 76-1441, Reissue
24 Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 566. Placed on General File with amendment.
AM1021

- 1 1. On page 7, strike lines 24 through 27; in line 28 strike "h"
- 2 and insert "g"; in line 30 strike "i" and insert "h"; and in line
- 3 31 strike "this" and insert "the".
- 4 2. On page 8, line 5, strike "this" and insert "the".
- 5 3. On page 11, after line 5, insert the following new subdivision:
- 6 "(b) A member of another tribe who is recognized to be a qualified
- 7 expert witness by the Indian child's tribe or tribes based on his or her
- 8 knowledge of the delivery of child and family services to Indians and the
- 9 Indian child's tribe or tribes;"; in line 6 strike "(b)" and insert
- 10 "(c)"; in line 9 strike the second "or"; after line 9 insert the
- 11 following new subdivision:
- 12 "(d) A professional person having substantial education and
- 13 experience in the area of his or her specialty who can demonstrate
- 14 knowledge of the prevailing social and cultural standards and
- 15 childrearing practices within the Indian child's tribe or tribes; or";
- 16 and in line 10 strike "(c) A" and insert "(e) Any other".
- 17 4. On page 16, line 3, after "days" insert "after"; strike beginning
- 18 with the first comma in line 7 through the first comma in line 9; in line
- 19 9 after "to" insert "relinquishment or"; and in line 24 strike "fax" and
- 20 insert "facsimile transmission".
- 21 5. On page 21, line 8, strike "reference" and insert "evidence".

(Signed) Colby Coash, Vice Chairperson

Agriculture

LEGISLATIVE BILL 359. Placed on General File with amendment.
AM1147

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 54-627, Revised Statutes Cumulative Supplement,
- 3 2014, is amended to read:
- 4 54-627 (1) A person shall not operate as a commercial dog or cat
- 5 breeder, a dealer, a boarding kennel, an animal control facility, an
- 6 animal shelter, an animal rescue, or a pet shop unless the person obtains
- 7 the appropriate license. A pet shop shall only be subject to the
- 8 Commercial Dog and Cat Operator Inspection Act and the rules and
- 9 regulations adopted and promulgated pursuant thereto in any area or areas
- 10 of the establishment used for the keeping and selling of pet animals. If
- 11 a facility listed in this subsection is not located at the owner's
- 12 residence, the name and address of the owner shall be posted on the
- 13 premises.
- 14 (2) An applicant for a license shall submit an application for the
- 15 appropriate license to the department, on a form prescribed by the
- 16 department, together with the annual license fee. Such fee is
- 17 nonreturnable. Upon receipt of the application and annual license fee and
- 18 upon completion of a qualifying inspection if required pursuant to

19 section 54-630 for an initial license applicant or if a qualifying
20 inspection is deemed appropriate by the department before a license is
21 issued for any other applicant, the appropriate license may be issued by
22 the department. Such license shall not be transferable to another person
23 or location.

24 (3)(a) Except as otherwise provided in this subsection, the annual
25 license fee shall be determined according to the following fee schedule
26 based upon the daily average number of dogs or cats housed by the
27 licensee over the previous annual licensure period:

1 (i) Ten or fewer dogs or cats, one hundred seventy-five ~~fifty~~
2 dollars;

3 (ii) Eleven to fifty dogs or cats, two hundred twenty-five dollars;

4 (iii) Fifty-one to one hundred dogs or cats, two hundred seventy-
5 five ~~fifty~~ dollars;

6 (iv) One hundred one to one hundred fifty dogs or cats, three
7 hundred twenty-five dollars;

8 (v) One hundred fifty-one to two hundred dogs or cats, three hundred
9 seventy-five ~~fifty~~ dollars;

10 (vi) Two hundred one to two hundred fifty dogs or cats, four hundred
11 twenty-five dollars;

12 (vii) Two hundred fifty-one to three hundred dogs or cats, four
13 hundred seventy-five ~~fifty~~ dollars;

14 (viii) Three hundred one to three hundred fifty dogs or cats, five
15 hundred twenty-five dollars;

16 (ix) Three hundred fifty-one to four hundred dogs or cats, five
17 hundred seventy-five ~~fifty~~ dollars;

18 (x) Four hundred one to four hundred fifty dogs or cats, six hundred
19 twenty-five dollars;

20 (xi) Four hundred fifty-one to five hundred dogs or cats, six
21 hundred seventy-five ~~fifty~~ dollars; and

22 (xii) More than five hundred dogs or cats, two thousand one hundred
23 dollars.

24 (b) The initial license fee for any person required to be licensed
25 pursuant to the act shall be one hundred twenty-five dollars.

26 (c) The annual license fee for a licensee that does not house dogs
27 or cats shall be one hundred fifty dollars.

28 (d) The annual license fee for an animal rescue shall be one hundred
29 fifty dollars.

30 (e) The annual license fee for a commercial dog or cat breeder shall
31 be determined according to the fee schedule set forth in subdivision (a)
1 of this subsection based upon the number of breeding dogs or cats owned
2 or harbored by the commercial breeder.

3 (f) In addition to the fee as prescribed in the fee schedule set
4 forth in subdivision (3)(a) of this section, the annual license fee for a
5 commercial dog or cat breeder, pet shop, dealer, or boarding kennel shall
6 include a fee of two dollars times the daily average number of dogs or
7 cats housed by the licensee over the previous annual licensure period
8 numbering more than ten dogs or cats.

9 (g ~~f~~) The fees charged under subdivision (3)(a) of this section

10 ~~subsection~~ may be increased or decreased by rule and regulation as
11 adopted and promulgated by the department, but the the director after a
12 public hearing is held outlining the reason for any proposed change in
13 the fee. The maximum fee that may be charged shall not result in a fee
14 for any license category that exceeds the license fee set forth in
15 subdivision (3)(a) of this section subsection by more than one hundred
16 dollars. The fee charged under subdivision (3)(f) of this section may be
17 increased or decreased by rule and regulation as adopted and promulgated
18 by the department, but such fee shall not exceed three dollars.
19 (4) A license to operate as a commercial dog or cat breeder, dealer,
20 boarding kennel, or pet shop shall be renewed by filing with the
21 department on or before April 1 of each year a renewal application and
22 the annual license fee. A license to operate as an animal control
23 facility, animal rescue, or animal shelter shall be renewed by filing
24 with the department on or before October 1 of each year a renewal
25 application and the annual license fee. Failure to renew a license prior
26 to the expiration of the license shall result in a late renewal fee equal
27 to twenty percent of the annual license fee due and payable each month,
28 not to exceed one hundred percent of such fee, in addition to the license
29 fee. The purpose of the late renewal fee is to pay for the administrative
30 costs associated with the collection of fees under this section. The
31 assessment of the late renewal fee shall not prohibit the director from
1 taking any other action as provided in the act.
2 (5) A licensee under this section shall make its premises available
3 for inspection pursuant to section 54-628 during normal business hours.
4 (6) The state or any political subdivision of the state which
5 contracts out its animal control duties to a facility not operated by the
6 state or any political subdivision of the state may be exempted from the
7 licensing requirements of this section if such facility is licensed as an
8 animal control facility, animal rescue, or animal shelter for the full
9 term of the contract with the state or its political subdivision.
10 (7) Any fees collected pursuant to this section shall be remitted to
11 the State Treasurer for credit to the Commercial Dog and Cat Operator
12 Inspection Program Cash Fund.
13 2. Renumber the remaining section and correct the repealer
14 accordingly.

LEGISLATIVE BILL 360. Placed on General File with amendment.
AM1151 is available in the Bill Room.

(Signed) Jerry Johnson, Chairperson

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Rodney R. Christen - Nebraska Environmental Trust Board

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

John Arley Rundel - Nebraska Oil and Gas Conservation Commission

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

James Reed Macy, Director - Department of Environmental Quality

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Ken Schilz, Chairperson

AMENDMENT(S) - Refile in Journal

Senator Schumacher refiled his amendment, AM922, found on page 970, considered on pages 982 and 984, and withdrawn on page 1013, to LR7CA.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 172. Introduced by Mello, 5; Cook, 13; Crawford, 45; Davis, 43; Gloor, 35; Haar, K., 21; Harr, B., 8; Kolowski, 31; Kuehn, 38; McCollister, 20; Nordquist, 7; Schilz, 47; Stinner, 48.

WHEREAS, Earth Day is April 22, 2015; and

WHEREAS, Earth Day was founded by United States Senator Gaylord Nelson as an environmental teach-in held on April 22, 1970; and

WHEREAS, Earth Day has evolved into the largest civic observance in the world with more than one billion people participating in Earth Day activities; and

WHEREAS, Earth Day is a reminder that everyone can play a part in improving their environment and maintaining responsible stewardship over the only planet we have; and

WHEREAS, the Earth Day Network works with over 22,000 partners in 192 countries to broaden, diversify, and mobilize the global environmental movement to encourage citizens to remember the importance of protecting and conserving our natural resources and environment; and

WHEREAS, the Earth Day Network provides civic engagement opportunities at the local, state, national, and global levels.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature designates April 22, 2015, as Earth Day in the State of Nebraska.

2. That on this day, Nebraskans are encouraged to join the millions of other Earth Day participants in recycling, volunteering, and taking part in minimum-waste and sustainable initiatives.

3. That Nebraskans are also encouraged to continue to take part in activities that promote ecological sustainability in their communities year-round to ensure healthy environments for future generations.

Laid over.

LEGISLATIVE RESOLUTION 173. Introduced by Hansen, 26.

WHEREAS, Captain Eric J. Bailey received his master's degree in electrical engineering from the Air Force Institute of Technology; and

WHEREAS, the Air Force Institute of Technology is the United States Air Force's graduate school of engineering and management as well as its institution for technical professional continuing education.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the academic accomplishments of Captain Eric J. Bailey and congratulates him on receiving his master's degree.

2. That a copy of this resolution be sent to Captain Eric J. Bailey.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 472. Committee AM676, found on page 805 and considered in this day's Journal, was renewed.

Senator Schumacher offered the following amendment to the committee amendment:

AM1171

(Amendments to Standing Committee amendments, AM676)

1 1. Strike amendment 1 and insert the following new amendment:

2 1. Strike the original sections and insert the following new

3 section:

4 Section 1. No hospital or emergency room shall provide care to a

5 person for longer than twenty-four hours after such person has been

6 admitted to the hospital or emergency room unless such person has proof

7 of financial responsibility sufficient to cover the reasonably estimated

8 cost of care to be delivered beyond twenty-four hours. Financial

9 responsibility means (1) personal assets, (2) insurance, or (3) guarantee

10 of payment by a person or entity with sufficient assets or a governmental

11 health care program. Financial responsibility does not include charity

12 care from a health care provider unless such care can be delivered

13 without increasing cost of care to others.

Senator Schumacher withdrew his amendment.

Senator Schilz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 4 nays, and 17 not voting.

Senator Campbell moved for a call of the house. The motion prevailed with 34 ayes, 2 nays, and 13 not voting.

Senator Campbell requested a roll call vote on the committee amendment.

Voting in the affirmative, 22:

| | | | | |
|----------|----------|-------------|----------------|------------|
| Baker | Crawford | Hansen | Mello | Schumacher |
| Bolz | Davis | Howard | Morfeld | Sullivan |
| Campbell | Gloor | Kolowski | Nordquist | |
| Chambers | Haar, K. | Krist | Pansing Brooks | |
| Cook | Hadley | McCollister | Scheer | |

Voting in the negative, 24:

| | | | | |
|------------|-----------|-----------|-----------|------------|
| Bloomfield | Friesen | Johnson | Lindstrom | Schnoor |
| Brasch | Garrett | Kintner | McCoy | Smith |
| Coash | Groene | Kolterman | Murante | Watermeier |
| Craighead | Hilkemann | Kuehn | Riepe | Williams |
| Ebke | Hughes | Larson | Schilz | |

Present and not voting, 1:

Stinner

Excused and not voting, 2:

Harr, B. Seiler

The committee amendment lost with 22 ayes, 24 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Scheer offered the following amendment:

AM1174

1 1. Insert the following new section:

2 Sec. 13. (1) Each health care entity providing services to newly
3 eligible individuals receiving medical assistance pursuant to the
4 medicaid demonstration waiver required pursuant to sections 7 and 9 of
5 this act shall pay an assessment based on a percentage of the
6 reimbursement to the provider for such services. The assessment shall be
7 five percent for services provided in 2017, six percent for services
8 provided in 2018, seven percent for services provided in 2019, and ten
9 percent for services provided in all calendar years thereafter.

10 (2) Each health care entity shall pay the assessment to the
11 department on a quarterly basis. The department shall prepare and
12 distribute a form on which a health care entity shall calculate and
13 report the assessment. A health care entity shall submit the completed
14 form with the assessment no later than thirty days following the end of
15 each calendar quarter. The department shall collect the assessment and
16 remit the assessment to the State Treasurer for credit to the Health Care
17 Access and Support Fund.

18 (3) If the department determines that a health care entity has
19 underpaid or overpaid the assessment, the department shall notify the
20 health care entity of the unpaid assessment or refund due. Such payment
21 or refund shall be due or refunded within thirty days after the issuance
22 of the notice.

23 (4) A health care entity that fails to pay the assessment within the
24 timeframe specified shall pay, in addition to the outstanding assessment,
25 a penalty of one and one-half percent of the assessment amount owed for
26 each month or portion of a month that the assessment is overdue. If the
27 department determines that good cause is shown for failure to pay the
1 assessment, the department shall waive the penalty or a portion of the
2 penalty.

3 (5) If the assessment has not been received by the department within
4 thirty days following the quarter for which the assessment is due, the
5 department shall withhold an amount equal to the assessment and penalty
6 owed from any payment due such health care entity under the medical
7 assistance program.

8 (6) The assessment shall constitute a debt due the state and may be
9 collected by civil action, including, but not limited to, the filing of
10 tax liens, and any other method provided for by law.

11 (7) The department shall remit any penalty collected pursuant to

12 this section to the State Treasurer for distribution in accordance with
 13 Article VII, section 5, of the Constitution of Nebraska.
 14 2. On page 7, after line 31 insert the following new subdivision:
 15 "(6) Shared funding for services provided to newly eligible
 16 individuals through a health care entity assessment;".
 17 3. On page 8, line 1, strike "(6)" and insert "(7)"; in line 5
 18 strike "(7)" and insert "(8)"; and in line 8 strike "(8)" and insert
 19 "(9)".
 20 4. On page 9, line 3, strike "and"; and in line 6 after "level"
 21 insert "; and (d) assessments against health care entities in a
 22 percentage of the reimbursement for services provided to newly eligible
 23 individuals".
 24 5. On page 12, strike lines 18 through 31 and insert "The
 25 application for the medicaid demonstration waiver shall be approved by
 26 the Legislature prior to submission to the federal Centers for Medicare
 27 and Medicaid Services.".
 28 6. On page 13, strike lines 1 through 7 and insert "(2) If"; and in
 29 lines 10 and 11 strike "or the state plan amendment".
 30 7. On page 15, line 19, strike "the" through "and".
 31 8. Renumber the remaining sections and correct internal references
 1 accordingly.

Senator Scheer withdrew his amendment.

Senator McCoy offered the following motion:

MO85

Indefinitely postpone.

Senator Chambers offered the following motion:

MO86

Unanimous consent to bracket until June 5, 2015.

Senator Schumacher objected.

Senator Chambers offered the following motion:

MO87

Bracket until June 5, 2015.

Senator Krist moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

The Chambers motion to bracket prevailed with 28 ayes, 16 nays, 3 present and not voting, and 2 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 70A. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 419. Placed on Select File with amendment.
ER72

1 1. On page 1, line 3, after "exempt" insert "certain" and after "by"
2 insert "certain".

LEGISLATIVE BILL 559. Placed on Select File.

LEGISLATIVE BILL 156. Placed on Select File with amendment.
ER71

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 77-6306, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 77-6306 (1) For taxable years beginning or deemed to begin on or
6 after January 1, 2011, under the Internal Revenue Code of 1986, as
7 amended, a qualified investor or qualified fund is eligible for a
8 refundable tax credit equal to thirty-five percent of its qualified
9 investment in a qualified small business, except that if the qualified
10 small business is located in a distressed area the qualified investor or
11 qualified fund is eligible for a refundable tax credit equal to forty
12 percent of its qualified investment in the qualified small business. The
13 director shall not allocate more than ~~four~~ three million dollars in tax
14 credits to all qualified investors or qualified funds in a calendar year.
15 If the director does not allocate the entire ~~four~~ three million dollars
16 of tax credits in a calendar year, the tax credits that are not allocated
17 shall not carry forward to subsequent years. The director shall not
18 allocate any amount for tax credits for calendar years after 2019.
19 (2) The director shall not allocate more than a total maximum amount
20 in tax credits for a calendar year to a qualified investor for the
21 investor's cumulative qualified investments as an individual qualified
22 investor and as an investor in a qualified fund as provided in this
23 subsection. For married couples filing joint returns the maximum is three
24 hundred fifty thousand dollars, and for all other filers the maximum is
25 three hundred thousand dollars. The director shall not allocate more than
26 a total of one million dollars in tax credits for qualified investments
27 in any one qualified small business.
1 (3) The director shall not allocate a tax credit to a qualified
2 investor either as an individual qualified investor or as an investor in
3 a qualified fund if the investor receives more than forty-nine percent of
4 the investor's gross annual income from the qualified small business in
5 which the qualified investment is proposed. A family member of an
6 individual disqualified by this subsection is not eligible for a tax
7 credit under this section. For a married couple filing a joint return,

8 the limitations in this subsection apply collectively to the investor and
9 spouse. For purposes of determining the ownership interest of an investor
10 under this subsection, the rules under section 267(c) and (e) of the
11 Internal Revenue Code of 1986, as amended, apply.

12 (4) Tax credits shall be allocated to qualified investors or
13 qualified funds in the order that the tax credit applications are filed
14 with the director. Once tax credits have been approved and allocated by
15 the director, the qualified investors and qualified funds shall implement
16 the qualified investment specified within ninety days after allocation of
17 the tax credits. Qualified investors and qualified funds shall notify the
18 director no later than thirty days after the expiration of the ninety-day
19 period that the qualified investment has been made. If the qualified
20 investment is not made within ninety days after allocation of the tax
21 credits, or the director has not, within thirty days following expiration
22 of the ninety-day period, received notification that the qualified
23 investment was made, the tax credit allocation is canceled and available
24 for reallocation. A qualified investor or qualified fund that fails to
25 invest as specified in the application within ninety days after
26 allocation of the tax credits shall notify the director of the failure to
27 invest within five business days after the expiration of the ninety-day
28 investment period.

29 (5) All tax credit applications filed with the director on the same
30 day shall be treated as having been filed contemporaneously. If two or
31 more qualified investors or qualified funds file tax credit applications
1 on the same day and the aggregate amount of tax credit allocation
2 requests exceeds the aggregate limit of tax credits under this section or
3 the lesser amount of tax credits that remain unallocated on that day,
4 then the tax credits shall be allocated among the qualified investors or
5 qualified funds who filed on that day on a pro rata basis with respect to
6 the amounts requested. The pro rata allocation for any one qualified
7 investor or qualified fund shall be the product obtained by multiplying a
8 fraction, the numerator of which is the amount of the tax credit
9 allocation request filed on behalf of a qualified investor or qualified
10 fund and the denominator of which is the total of all tax credit
11 allocation requests filed on behalf of all applicants on that day, by the
12 amount of tax credits that remain unallocated on that day for the taxable
13 year.

14 (6) A qualified investor or qualified fund, or a qualified small
15 business acting on behalf of the investor or fund, shall notify the
16 director when an investment for which tax credits were allocated has been
17 made and shall furnish the director with documentation of the investment
18 date. A qualified fund shall also provide the director with a statement
19 indicating the amount invested by each investor in the qualified fund
20 based on each investor's share of the assets of the qualified fund at the
21 time of the qualified investment. After receiving notification that the
22 qualified investment was made, the director shall issue tax credit
23 certificates for the taxable year in which the qualified investment was
24 made to the qualified investor or, for a qualified investment made by a
25 qualified fund, to each qualified investor who is an investor in the

26 fund. The certificate shall state that the tax credit is subject to
 27 revocation if the qualified investor or qualified fund does not hold the
 28 investment in the qualified small business for at least three years,
 29 consisting of the calendar year in which the investment was made and the
 30 two following calendar years. The three-year holding period does not
 31 apply if:

- 1 (a) The qualified investment by the qualified investor or qualified
 2 fund becomes worthless before the end of the three-year period;
- 3 (b) Eighty percent or more of the assets of the qualified small
 4 business are sold before the end of the three-year period;
- 5 (c) The qualified small business is sold or merges with another
 6 business before the end of the three-year period;
- 7 (d) The qualified small business's common stock begins trading on a
 8 public exchange before the end of the three-year period; or
- 9 (e) In the case of an individual qualified investor, such investor
 10 becomes deceased before the end of the three-year period.

11 (7) The director shall notify the Tax Commissioner that tax credit
 12 certificates have been issued, including the amount of tax credits and
 13 all other pertinent tax information.

14 Sec. 2. Section 77-6307, Revised Statutes Cumulative Supplement,
 15 2014, is amended to read:

16 ~~77-6307 (1) Each Beginning July 1, 2012, each~~ qualified small
 17 business, qualified investor, and qualified fund shall submit an annual
 18 report to the director by July 1 of each year ~~identifying the amount of~~
 19 ~~money that has been invested by or in it in the previous calendar year~~
 20 ~~under the Angel Investment Tax Credit Act.~~

21 ~~(2)~~ The report shall certify that the business, investor, ~~or~~ ~~and~~ fund
 22 satisfies the requirements of the Angel Investment Tax Credit Act and
 23 shall include all information which will enable the Department of
 24 Economic Development to fulfill its reporting requirements under section
 25 77-6309 ~~act.~~

26 ~~(2)~~ ~~(3)~~ A qualified small business that ceases all operations and
 27 becomes insolvent shall file a final report with the director in the form
 28 required by the director documenting its insolvency.

29 ~~(3)~~ ~~(4)~~ To maintain the confidentiality of the qualified investor and
 30 qualified small business, the Department of Economic Development shall
 31 use a designated number to identify such persons or businesses.

1 ~~(4)~~ ~~(5)~~ A qualified small business, qualified investor, or qualified
 2 fund that fails to file a complete ~~an~~ annual report by July 1 shall, at
 3 the discretion of the director, be subject to a fine of two hundred
 4 dollars, revocation of its certification, or both.

5 Sec. 3. Section 77-6309, Revised Statutes Cumulative Supplement,
 6 2014, is amended to read:

7 77-6309 (1) By November 15 of each odd-numbered year, the Department
 8 of Economic Development shall submit a report to the Legislature and the
 9 Governor that includes:

- 10 (a) The number and geographic location of qualified investors;
- 11 (b) The number, geographic location, and amount of qualified
 12 investment made into each qualified small business;

13 (c) The total amount of all grants, loans, incentives, and
 14 investments that are not qualified investments received by each qualified
 15 small business since receiving the initial qualified investment;
 16 (d e) A breakdown of the industry sectors in which qualified small
 17 businesses are involved;
 18 (e d) The number of actual tax credits issued by project under the
 19 Angel Investment Tax Credit Act on an annual basis; and
 20 (f e) The number and annual salary or wage of jobs created at each
 21 qualified small business since receiving the initial qualified
 22 investment.
 23 The report submitted to the Legislature shall be submitted
 24 electronically.
 25 (2) Information received, developed, created, or otherwise
 26 maintained by the Department of Economic Development and the Department
 27 of Revenue in administering and enforcing the Angel Investment Tax Credit
 28 Act, other than information required to be included in the report to be
 29 submitted by the Department of Economic Development pursuant to this
 30 section, may be deemed confidential by the respective departments and not
 31 subject to public disclosure.
 1 Sec. 4. Original sections 77-6306, 77-6307, and 77-6309, Revised
 2 Statutes Cumulative Supplement, 2014, are repealed.
 3 Sec. 5. Since an emergency exists, this act takes effect when passed
 4 and approved according to law.
 5 2. On page 1, strike beginning with "section" in line 1 through line
 6 4 and insert "sections 77-6306, 77-6307, and 77-6309, Revised Statutes
 7 Cumulative Supplement, 2014; to change the amount of tax credits allowed
 8 and reporting requirements under the Angel Investment Tax Credit Act; to
 9 repeal the original sections; and to declare an emergency."

LEGISLATIVE BILL 106A. Placed on Select File.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 174. Introduced by Crawford, 45; Cook, 13; Haar, K., 21; Mello, 5.

PURPOSE: The purpose of this resolution is to examine issues surrounding the Nebraska Energy Code. The issues addressed by this study shall include but not be limited to:

- (1) A review of the current Nebraska Energy Code that is adopted by reference, the 2009 International Energy Conservation Code (IECC);
- (2) A review of the 2012 and 2015 editions of the IECC and whether either edition should be adopted as the Nebraska Energy Code;
- (3) An examination of the interaction between the Nebraska Energy Code and the state building code;
- (4) An examination of the role of political subdivisions and the Nebraska Energy Office in ensuring compliance with the Nebraska Energy Code; and

(5) An examination of the potential role that updating the Nebraska Energy Code could play in helping Nebraska find a more cost-effective way to meet future federal regulations adopted by the United States Environmental Protection Agency under section 111(d) of the federal Clean Air Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

COMMITTEE REPORT(S)

Agriculture

LEGISLATIVE BILL 377. Placed on General File with amendment. AM1149 is available in the Bill Room.

(Signed) Jerry Johnson, Chairperson

VISITORS

Visitors to the Chamber 63 fourth-grade students, teachers, and sponsors from Papillion La Vista; 51 fourth-grade students, teachers, and sponsor from Sandoz Elementary, Lexington; Julie and Angela Wenzl from Tecumseh; and FFA Ag Issues Academy students from across the state.

ADJOURNMENT

At 4:54 p.m., on a motion by Speaker Hadley, the Legislature adjourned until 9:00 a.m., Thursday, April 9, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTIETH DAY - APRIL 9, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****SIXTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, April 9, 2015

PRAYER

The prayer was offered by Senator Lindstrom.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Garrett, Hansen, Krist, Mello, Morfeld, Schilz, and Seiler who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-ninth day was approved.

GENERAL FILE

LEGISLATIVE BILL 414. Senator Chambers renewed his motion, MO84, found on page 1083, to indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Chambers requested a record vote on the motion to indefinitely postpone.

Voting in the affirmative, 12:

| | | | |
|----------|---------|---------|------------|
| Chambers | Ebke | Groene | Riepe |
| Crawford | Friesen | Hughes | Schnoor |
| Davis | Gloor | Johnson | Schumacher |

Voting in the negative, 20:

| | | | | |
|-----------|-----------|-------------|-----------|----------|
| Craighead | Harr, B. | Krist | Mello | Smith |
| Haar, K. | Hilkemann | Kuehn | Morfeld | Stinner |
| Hadley | Kolowski | Lindstrom | Nordquist | Sullivan |
| Hansen | Kolterman | McCollister | Scheer | Williams |

Present and not voting, 15:

| | | | | |
|------------|----------|---------|---------|----------------|
| Baker | Brasch | Cook | Larson | Pansing Brooks |
| Bloomfield | Campbell | Howard | McCoy | Schilz |
| Bolz | Coash | Kintner | Murante | Watermeier |

Excused and not voting, 2:

| | |
|---------|--------|
| Garrett | Seiler |
|---------|--------|

The Chambers motion to indefinitely postpone failed with 12 ayes, 20 nays, 15 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

SENATOR KRIST PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 29:

| | | | | |
|------------|-----------|-------------|-----------|------------|
| Bloomfield | Hadley | Krist | Morfeld | Smith |
| Bolz | Hansen | Kuehn | Murante | Stinner |
| Coash | Harr, B. | Larson | Nordquist | Sullivan |
| Craighead | Hilkemann | Lindstrom | Riepe | Watermeier |
| Garrett | Kolowski | McCollister | Scheer | Williams |
| Haar, K. | Kolterman | Mello | Schilz | |

Voting in the negative, 14:

| | | | | |
|----------|----------|---------|---------|------------|
| Baker | Crawford | Friesen | Hughes | Schnoor |
| Campbell | Davis | Gloor | Johnson | Schumacher |
| Chambers | Ebke | Groene | Kintner | |

Present and not voting, 3:

| | | |
|--------|------|-------|
| Brasch | Cook | McCoy |
|--------|------|-------|

Excused and not voting, 3:

| | | |
|--------|----------------|--------|
| Howard | Pansing Brooks | Seiler |
|--------|----------------|--------|

Advanced to Enrollment and Review Initial with 29 ayes, 14 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

AMENDMENT(S) - Print in Journal

Senator Schumacher filed the following amendment to LR7CA:
AM921

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. At the general election in November 2016 the following
4 proposed amendment to the Constitution of Nebraska shall be submitted to
5 the electors of the State of Nebraska for approval or rejection:
6 To amend Article III, section 7:
7 III-7 Until the general election to be held in November 2020, one-
8 half of the members of the Legislature, or as nearly thereto as may be
9 practicable, shall be elected for a term of four years in November of
10 every even-numbered year. For the elections in November of 2020 and 2022,
11 the Legislature shall proportion the number of members to be elected for
12 either a four-year term or a six-year term so that beginning with the
13 election in November of 2024, and November of every even-numbered year
14 thereafter, one-third of the members of the Legislature, or as nearly
15 thereto as may be practicable, shall be elected for a term of six years.
16 ~~The At the general election to be held in November 1964, one half the~~
17 ~~members of the Legislature, or as nearly thereto as may be practicable,~~
18 ~~shall be elected for a term of four years and the remainder for a term of~~
19 ~~two years, and thereafter all members shall be elected for a term of four~~
20 ~~years, with the manner of such election shall to be determined by the~~
21 Legislature. When the Legislature is redistricted, the members elected
22 prior to the redistricting shall continue in office, and the law
23 providing for such redistricting shall where necessary specify the newly
24 established district which they shall represent for the balance of their
25 term. Each member shall be nominated and elected in a nonpartisan manner
26 and without any indication on the ballot that he or she is affiliated
27 with or endorsed by any political party or organization. Each member of
1 the Legislature shall receive a salary of not to exceed one thousand
2 dollars per month during the term of his or her office. In addition to
3 his or her salary, each member shall receive an amount equal to his or
4 her actual expenses in traveling by the most usual route once to and
5 returning from each regular or special session of the Legislature.
6 Members of the Legislature shall receive no pay nor perquisites other
7 than his or her salary and expenses, and employees of the Legislature
8 shall receive no compensation other than their salary or per diem.
9 Sec. 2. The proposed amendment shall be submitted to the electors
10 in the manner prescribed by the Constitution of Nebraska, Article XVI,
11 section 1, with the following ballot language:
12 A constitutional amendment to transition members of the Legislature

13 from four-year terms to six-year terms.

14 For

15 Against.

Senator Bolz filed the following amendment to LB320:
AM1066

(Amendments to E and R amendments, ER60)

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Sections 1 to 9 of this act shall be known and may be
4 cited as the Aging and Disability Resource Center Demonstration Project
5 Act.

6 Sec. 2. The Legislature finds that:

7 (1) The state should anticipate and prepare for significant growth
8 in the number of older Nebraskans and the future needs of persons with
9 disabilities, both of which will require costly long-term care services;

10 (2) The state should improve access to existing services and support
11 for persons with disabilities;

12 (3) The state should provide a streamlined approach to identify the
13 needs of older Nebraskans and persons with disabilities through uniform
14 assessments and a single point of contact; and

15 (4) Nebraskans would benefit from statewide public information
16 campaigns to educate older Nebraskans, persons with disabilities, and
17 their caregivers on the availability of services and support.

18 Sec. 3. The purpose of the Aging and Disability Resource Center
19 Demonstration Project Act is to evaluate the feasibility of establishing
20 aging and disability resource centers statewide to provide information
21 about long-term care services and support available in the home and
22 community for older Nebraskans or persons with disabilities, family
23 caregivers, and persons who request information or assistance on behalf
24 of others and to assist eligible individuals to access the most
25 appropriate public and private resources to meet their long-term care
26 needs.

1 Sec. 4. For purposes of the Aging and Disability Resource Center
2 Demonstration Project Act:

3 (1) Aging and disability resource center means a community-based
4 entity established to provide information about long-term care services
5 and support and to facilitate access to options counseling to assist
6 eligible individuals and their representatives in identifying the most
7 appropriate services to meet their long-term care needs;

8 (2) Area agency on aging has the meaning found in section 81-2208;

9 (3) Center for independent living has the definition found in 29
10 U.S.C. 796a, as such section existed on January 1, 2015;

11 (4) Department means the State Unit on Aging of the Division of
12 Medicaid and Long-Term Care of the Department of Health and Human
13 Services or any successor agency designated by the state to fulfill the
14 responsibilities of section 305(a)(1) of the federal Older Americans Act
15 of 1965, 42 U.S.C 3025(a)(1), as such section existed on January 1, 2015;

16 (5) Eligible individual means a person who has lost, never acquired,

17 or has one or more conditions that affect his or her ability to perform
18 basic activities of daily living that are necessary to live
19 independently;
20 (6) Options counseling means a service that assists an eligible
21 individual in need of long-term care and his or her representatives to
22 make informed choices about the services and settings which best meet his
23 or her long-term care needs and that uses uniform assessments and
24 encourages the widest possible use of community-based options to allow an
25 eligible individual to live as independently as possible in the setting
26 of his or her choice;
27 (7) Representative means a person designated as a legal guardian,
28 designated by a power of attorney or a health care power of attorney, or
29 chosen by law, by a court, or by an eligible individual seeking services,
30 but use of the term representative shall not be construed to disqualify
31 an individual who retains all legal and personal autonomy;
1 (8) Uniform assessment means a single standardized tool used to
2 assess a defined population at a specific time; and
3 (9) University Center for Excellence in Developmental Disability
4 Education, Research and Service means the federally designated University
5 Center for Excellence in Developmental Disability Education, Research and
6 Service of the Munroe-Meyer Institute at the University of Nebraska
7 Medical Center.
8 Sec. 5. The department shall award grants for three aging and
9 disability resource center demonstration projects. The department shall
10 adopt criteria for evaluating proposals to operate an aging and
11 disability resource center demonstration project based on the
12 requirements in section 6 of this act and release a request for proposals
13 within sixty days after the operative date of this section.
14 Sec. 6. The aging and disability resource center demonstration
15 projects shall be established to evaluate the feasibility of establishing
16 aging and disability resource centers statewide as a means of promoting
17 appropriate, effective, and efficient use of long-term care resources.
18 The aging and disability resource center demonstration projects shall
19 operate through June 30, 2018. Each aging and disability resource center
20 demonstration project shall provide one or more of the following
21 services:
22 (1) Comprehensive information on the full range of available public
23 and private long-term care programs, options, financing, service
24 providers, and resources within a community, including information on the
25 availability of integrated long-term care;
26 (2) Assistance in accessing and applying for public benefits
27 programs;
28 (3) Options counseling;
29 (4) A convenient point of entry to the range of publicly supported
30 long-term care programs for an eligible individual;
31 (5) A process for identifying unmet service needs in communities and
1 developing recommendations to respond to those unmet needs;
2 (6) Facilitation of person-centered transition support to assure
3 that an eligible individual is able to find the services and support that

4 are most appropriate to his or her need;

5 (7) Mobility management to promote the appropriate use of public
6 transportation services by a person who does not own or is unable to
7 operate an automobile; and

8 (8) A home care provider registry that will provide a person who
9 needs home care with the names of home care providers and information
10 about his or her rights and responsibilities as a home care consumer.

11 Sec. 7. (1) Within sixty days after the release date of a request
12 for proposals under section 5 of this act, an area agency on aging, after
13 consultation with a collaboration of organizations that serve aging
14 persons and persons with disabilities, including, but not limited to,
15 centers for independent living and the University Center for Excellence
16 in Developmental Disability Education, Research and Service, and with
17 other organizations, including, but not limited to, organizations
18 providing advocacy, protection, and safety for aging persons and persons
19 with disabilities, may submit to the department a proposal to establish
20 an aging and disability resource center demonstration project. The
21 proposal shall specify how organizations currently serving eligible
22 individuals will be engaged in the process of delivery of services
23 through the aging and disability resource center demonstration project.
24 The proposal shall be developed in consultation with eligible individuals
25 and their representatives. The proposal shall indicate how resources will
26 be utilized by the collaborating organizations to fulfill the
27 responsibilities of an aging and disability resource center demonstration
28 project.

29 (2) Two or more area agencies on aging may develop a joint proposal
30 to establish an aging and disability resource center demonstration
31 project to serve all or a portion of their planning-and-service areas. A
1 joint proposal shall provide information on how the services described in
2 section 6 of this act will be provided in the counties to be served by
3 the aging and disability resource center demonstration project described
4 in the joint proposal.

5 Sec. 8. Within thirty days after receipt of a proposal developed
6 pursuant to subsection (1) or (2) of section 7 of this act, the
7 department shall review the proposal and determine whether the proposal
8 is eligible for funding. The department shall select three proposals for
9 funding. The department shall enter into a contract with an independent
10 institution having experience in evaluating aging and disability programs
11 for an evaluation of the aging and disability resource center
12 demonstration projects. The contract shall require that a report
13 evaluating the demonstration projects be presented to the Clerk of the
14 Legislature prior to December 1 of 2016, 2017, and 2018.

15 Sec. 9. The department shall reimburse each area agency on aging
16 operating an aging and disability resource center demonstration project
17 on a schedule agreed to by the department and the area agency on aging.
18 Such reimbursement shall be made from (1) state funds appropriated by the
19 Legislature, (2) federal funds allocated to the department for the
20 purpose of establishing and operating aging and disability resource
21 centers, and (3) other funds as available.

22 Sec. 10. Section 68-1107, Revised Statutes Cumulative Supplement,
23 2014, is amended to read:

24 68-1107 (1) The Aging Nebraskans Task Force is created. The purposes
25 ~~purpose~~ of the task force are (a) to develop and facilitate
26 implementation of a statewide strategic plan for addressing the needs of
27 the aging population in the state and (b) to develop a state plan
28 regarding individuals with Alzheimer's or related disorders as provided
29 in section 13 of this act. The task force shall provide a forum for
30 collaboration among state, local, community, public, and private
31 stakeholders in long-term care programs.

1 (2)(a) The executive committee of the task force shall include as
2 voting members the chairperson of the Health and Human Services Committee
3 of the Legislature, a member of the Appropriations Committee of the
4 Legislature appointed by the Executive Board of the Legislative Council,
5 a member of the Health and Human Services Committee of the Legislature
6 appointed by the Executive Board of the Legislative Council, a member of
7 the Legislature's Planning Committee appointed by the Executive Board of
8 the Legislative Council, and an at-large member appointed by the
9 Executive Board of the Legislative Council. The voting members of the
10 executive committee shall choose a chairperson and vice-chairperson from
11 among the voting members.

12 (b) The chief executive officer of the Department of Health and
13 Human Services or his or her designee and the Chief Justice of the
14 Supreme Court or his or her designee shall be nonvoting, ex officio
15 members of the executive committee of the task force.

16 (c) The remaining four members of the task force shall be nonvoting
17 members appointed by the executive committee of the task force through an
18 application and selection process, representing stakeholders in the long-
19 term care system and may include a representative of the Division of
20 Medicaid and Long-Term Care Advisory Committee on Aging, representatives
21 of health care providers, elder law attorneys, representatives of the
22 long-term care ombudsman program, health care economists, geriatric
23 specialists, family caregivers of seniors in at-home care, providers of
24 services to the elderly, seniors currently or previously in institutional
25 care, and aging advocacy organizations.

26 (3) The executive committee of the task force shall advise the task
27 force regarding the interaction among the three branches of government
28 related to long-term care programs and services. The members of the
29 executive committee shall each represent his or her own branch of
30 government, and no member of the executive committee shall participate in
31 actions that could be deemed to be the exercise of the duties and
1 prerogatives of another branch of government or that improperly delegate
2 the powers and duties of any branch of government to another branch of
3 government.

4 (4) The task force shall work with administrators of area agencies
5 on aging, nursing home and assisted-living residence providers,
6 hospitals, rehabilitation centers, managed care companies, senior citizen
7 centers, community stakeholders, advocates for elder services and
8 programs, the Center for Public Affairs Research of the College of Public

9 Affairs and Community Service at the University of Nebraska at Omaha, and
10 seniors statewide to establish effective community collaboration for
11 informed decisionmaking that supports the provisions of effective and
12 efficient long-term care services.

13 (5) The task force shall create a statewide strategic plan for long-
14 term care services in Nebraska which shall consider, but not be limited
15 to:

16 (a) Promotion of independent living through provision of long-term
17 care services and support that enable an individual to live in the
18 setting of his or her choice;

19 (b) Provision of leadership to support sound fiscal management of
20 long-term care budgets so that Nebraska will be able to meet the
21 increasing demand for long-term care services as a growing portion of the
22 state's population reaches the age of eighty years;

23 (c) Expedited creation of workforce development and training
24 programs specific to the needs of and in response to Nebraska's growing
25 aging population;

26 (d) The identification of gaps in the service delivery system that
27 contribute to the inefficient and ineffective delivery of services; and

28 (e) Development of a process for evaluating the quality of
29 residential and home and community-based long-term care services and
30 support.

31 Sec. 11. Section 68-1108, Revised Statutes Cumulative Supplement,
1 2014, is amended to read:

2 68-1108 (1) On or before December 15, 2014, the Aging Nebraskans
3 Task Force shall present electronically to the Legislature a report of
4 recommendations for the statewide strategic plan described in section
5 68-1107. The Department of Health and Human Services shall also annually
6 report electronically to the Legislature the percentage growth of
7 medicaid spending for people over sixty-five years of age for no fewer
8 than five years following acceptance of the application to the State
9 Balancing Incentive Payments Program pursuant to section 81-3138.

10 (2) The task force shall develop a state plan as provided in section
11 13 of this act and electronically deliver the state plan to the Governor
12 and the Legislature on or before December 15, 2016. The task force shall
13 make a presentation of the state plan to the Health and Human Services
14 Committee of the Legislature on or before December 15, 2016.

15 Sec. 12. Section 68-1109, Revised Statutes Cumulative Supplement,
16 2014, is amended to read:

17 68-1109 The Aging Nebraskans Task Force terminates on January 1,
18 2017 ~~June 30, 2016~~, unless extended by the Legislature.

19 Sec. 13. (1) The Aging Nebraskans Task Force shall develop a state
20 plan regarding individuals with Alzheimer's and related disorders. The
21 task force shall work with the chief executive officer of the Department
22 of Health and Human Services, the Public Guardian, the area agencies on
23 aging, organizations advocating for patients and caregivers for patients
24 with Alzheimer's or related disorders, the law enforcement community,
25 patients with Alzheimer's or related disorders, caregivers for patients
26 with Alzheimer's or related disorders, client advocacy organizations,

27 health care provider advocacy organizations, private health care
 28 providers, and community-based health professionals.
 29 (2) The task force shall:
 30 (a) Assess the current and future impact of Alzheimer's and related
 31 disorders on residents of the state;
 1 (b) Determine the existing services and resources in the state that
 2 address the needs of individuals with Alzheimer's and related disorders
 3 and their families and caregivers; and
 4 (c) Develop recommendations to respond to escalating needs for the
 5 services and resources described in subdivision (b) of this subsection.
 6 (3) In fulfilling the duties described in subsection (1) of this
 7 section, the task force shall examine:
 8 (a) Trends and needs in the state relating to populations with
 9 Alzheimer's or related disorders, including (i) the state's role in the
 10 provision of long-term care, (ii) family caregiver support, (iii) the
 11 provision of early-stage diagnoses, assistance, support, and medical
 12 services, (iv) younger onset of Alzheimer's or related disorders, (v)
 13 ethnic populations at higher risk, and (vi) risk reduction;
 14 (b) Existing services, resources, and capacity available to
 15 individuals with Alzheimer's or related disorders, including:
 16 (i) The type, cost, availability, and adequacy of services,
 17 including, (A) home and community-based resources, (B) respite care, (C)
 18 residential long-term care, and (D) geriatric-psychiatric units for
 19 individuals with associated behavioral disorders;
 20 (ii) Dementia-specific training requirements for individuals who are
 21 employed to provide care to individuals with Alzheimer's or related
 22 disorders;
 23 (iii) Quality of care measures for services delivered across the
 24 continuum of care;
 25 (iv) The capacity of public safety and law enforcement to respond to
 26 individuals with Alzheimer's or related disorders; and
 27 (v) State support to institutions of higher learning for research on
 28 Alzheimer's or related disorders;
 29 (c) The need for state policy or action in order to provide clear,
 30 coordinated services and support to individuals with Alzheimer's or
 31 related disorders and their families and caregivers; and
 1 (d) Strategies to identify gaps in services.
 2 Sec. 14. Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 of this act become
 3 operative three calendar months after the adjournment of this legislative
 4 session. The other sections of this act become operative on their
 5 effective date.
 6 Sec. 15. Original sections 68-1107, 68-1108, and 68-1109, Revised
 7 Statutes Cumulative Supplement, 2014, are repealed.
 8 Sec. 16. Since an emergency exists, this act takes effect when
 9 passed and approved according to law.

GENERAL FILE

LEGISLATIVE BILL 141. Title read. Considered.

Pending.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 230. Placed on General File with amendment.
AM752

1 1. On page 3, line 6, after the period insert "The ascertained share
2 payable to the holder of the treasurer's tax deed or tax sale certificate
3 shall not exceed the amount the holder paid for the tax sale certificate,
4 including accrued interest, costs incurred by the holder, and a
5 reasonable attorney's fee.".

(Signed) Mike Gloor, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 227A. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 227, One Hundred Fourth Legislature, First Session, 2015.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 175. Introduced by Williams, 36.

WHEREAS, Nebraska is nationally recognized for quality of life, economic growth, and innovation; and

WHEREAS, the high quality of life Nebraskans enjoy is the product of strong communities; and

WHEREAS, strong communities demonstrate characteristics that include commitment, passion, and vision; and

WHEREAS, Lexington has committed to the future development of the community by focusing on key projects to improve the quality of life for residents including revitalizing the downtown area, renovating the Majestic Theatre, and investing in the new Lexington FieldHouse; and

WHEREAS, Lexington has also committed to creating economic activity including the expansion of manufacturing, renovating the Lexington Regional Health Center, and increasing access to housing; and

WHEREAS, these efforts have created a strong community that benefits current and future residents of Lexington and the State of Nebraska; and

WHEREAS, on April 7, 2015, Lexington received the Governor's Showcase Community Award in recognition of the community's forward-thinking and dedication to future development.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Lexington for receiving the Governor's Showcase Community Award.
2. That a copy of this resolution be sent to the City of Lexington and Mayor John Fagot.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Smith filed the following amendment to LB642:

AM931

(Amendments to Standing Committee amendments, AM402)

1 1. Insert the following new sections:

2 Sec. 5. Section 60-3,122, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 60-3,122 (1) Any person may, in addition to the application required
5 by section 60-385, apply to the department for license plates designed by
6 the department to indicate that he or she is a survivor of the Japanese
7 attack on Pearl Harbor if he or she:

8 (a) Was a member of the United States Armed Forces on December 7,
9 1941;

10 (b) Was on station on December 7, 1941, during the hours of 7:55
11 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or
12 offshore at a distance not to exceed three miles;

13 (c) Was discharged or otherwise separated with a characterization of
14 honorable from the United States Armed Forces; and

15 (d) Holds a current membership in a Nebraska Chapter of the Pearl
16 Harbor Survivors Association.

17 (2) The license plates shall be issued upon the applicant paying the
18 regular license fee ~~and an additional fee of five dollars~~ and furnishing
19 proof satisfactory to the department that the applicant fulfills the
20 requirements provided by subsection (1) of this section. ~~The additional~~
21 ~~fee shall be remitted to the State Treasurer for credit to the Nebraska~~
22 ~~Veteran Cemetery System Operation Fund.~~ Any number of motor vehicles,
23 trailers, semitrailers, or cabin trailers owned by the applicant may be
24 so licensed at any one time. Motor vehicles and trailers registered under
25 section 60-3,198 shall not be so licensed.

26 (3) If the license plates issued pursuant to this section are lost,

1 stolen, or mutilated, the recipient of the plates shall be issued

2 replacement license plates upon request and without charge.

3 Sec. 6. Section 60-3,124, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 60-3,124 (1) Any person who is a veteran of the United States Armed

6 Forces, who was discharged or otherwise separated with a characterization
 7 of honorable or general (under honorable conditions), and who is
 8 classified by the United States Department of Veterans Affairs as one
 9 hundred percent service-connected disabled may, in addition to the
 10 application required in section 60-385, apply to the Department of Motor
 11 Vehicles for license plates designed by the department to indicate that
 12 the applicant is a disabled veteran. The inscription on the license
 13 plates shall be D.A.V. immediately below the license plate number to
 14 indicate that the holder of the license plates is a disabled veteran.
 15 (2) The plates shall be issued upon the applicant paying the regular
 16 license fee ~~and an additional fee of five dollars~~ and furnishing proof
 17 satisfactory to the department that the applicant is a disabled veteran.
 18 ~~The additional fee shall be remitted to the State Treasurer for credit to~~
 19 ~~the Nebraska Veteran Cemetery System Operation Fund.~~ Any number of motor
 20 vehicles, trailers, semitrailers, or cabin trailers owned by the
 21 applicant may be so licensed at any one time. Motor vehicles and trailers
 22 registered under section 60-3,198 shall not be so licensed.
 23 (3) If the license plates issued under this section are lost,
 24 stolen, or mutilated, the recipient of the plates shall be issued
 25 replacement license plates as provided in section 60-3,157.
 26 2. Renumber the remaining section and correct the repealer
 27 accordingly.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Hansen, Hilkemann, Kintner - LB591

VISITORS

Visitors to the Chamber 50 fourth-grade students from Grand Island Northwest Elementary; and 5 students from Banner County.

RECESS

At 11:59 a.m., on a motion by Senator Bolz, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Hadley presiding.

ROLL CALL

The roll was called and all members were present except Senators Coash, Garrett, B. Harr, Kintner, Larson, and Mello who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 141. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB152:
AM1150

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. (1) The mayor and the council of any city or board of
- 4 trustees of any village, in addition to other powers granted by law, may
- 5 by ordinance or resolution provide for direct borrowing from a financial
- 6 institution for the purposes outlined in this section. Loans made under
- 7 this section shall not be restricted to a single year and may be repaid
- 8 in installment payments.
- 9 (2) The mayor and the council of any city or board of trustees of
- 10 any village may borrow directly from a financial institution for the
- 11 purchase of real or personal property, construction of improvements, or
- 12 refinancing of existing indebtedness upon a certification in the
- 13 ordinance or resolution authorizing the direct borrowing that:
- 14 (a) Financing the purchase of property, construction of
- 15 improvements, or refinancing of existing indebtedness through traditional
- 16 bond financing would be impractical;
- 17 (b) Financing the purchase of property, construction of
- 18 improvements, or refinancing of existing indebtedness through traditional
- 19 bond financing could not be completed within the time restraints facing
- 20 the city or village; or
- 21 (c) Financing the purchase of property, construction of
- 22 improvements, or refinancing of existing indebtedness through direct
- 23 borrowing would generate taxpayer savings over traditional bond
- 24 financing.
- 25 (3) Prior to approving direct borrowing under this section, the
- 26 council or board of trustees shall include in any public notice required
- 27 for meetings a clear notation that an ordinance or resolution authorizing
- 1 direct borrowing from a financial institution will appear on the agenda.
- 2 (4) The total amount of indebtedness from direct borrowing under
- 3 this section shall not exceed:
- 4 (a) For a city of the metropolitan class, city of the primary class,
- 5 city of the first class, or city of the second class, ten percent of the
- 6 municipal budget of the city; and
- 7 (b) For any village, twenty percent of the municipal budget of the
- 8 village.
- 9 (5) Prior to approving direct borrowing under this section, a
- 10 municipality shall consider, to the extent possible, proposals from

11 multiple financial institutions.
 12 (6) For purposes of this section, financial institution means a
 13 state-chartered or federally-chartered bank, savings bank, building and
 14 loan association, or savings and loan association.
 15 Sec. 2. The Revisor of Statutes shall assign section 1 of this act
 16 to Chapter 18.

GENERAL FILE

LEGISLATIVE BILL 519. Title read. Considered.

Committee AM1044, found on page 1009, was offered.

Senator Sullivan offered the following amendment to the committee amendment:

AM1181

(Amendments to Standing Committee amendments, AM1044)

1 1. On page 6, line 30, after "allocated" insert ", after actual and
 2 necessary administrative expenses,"; in line 31 after the period insert
 3 "No more than five percent of each allocation may be retained by the
 4 agency to which the allocation is made or the agency administering the
 5 fund to which the allocation is made for actual and necessary expenses
 6 incurred by such agency for administration, evaluation, and technical
 7 assistance related to the purposes of the allocation.".
 8 2. On page 7, line 5, after the period insert "For fiscal year
 9 2016-17, an amount equal to ten percent of the revenue allocated to the
 10 Education Innovation Fund and to the Nebraska Opportunity Grant Fund for
 11 fiscal year 2015-16 shall be retained in the Nebraska Education
 12 Improvement Fund. For fiscal year 2017-18 through 2020-21, an amount
 13 equal to ten percent of the revenue received by the Nebraska Education
 14 Improvement Fund in the prior fiscal year shall be retained in the
 15 fund."; strike beginning with "ten" in line 6 through the second "fund"
 16 in line 7 and insert "the remainder of the fund shall be"; strike
 17 beginning with "State" in line 11 through "Education" in line 12 and
 18 insert "Expanded Learning Opportunity Grant Fund"; strike beginning with
 19 "State" in line 14 through "Education" in line 15 and insert "Department
 20 of Education Innovative Grant Fund"; and strike beginning with
 21 "Coordinating" in line 17 through "Education" in line 18 and insert
 22 "Postsecondary Innovative Grant Fund".
 23 3. On page 10, strike beginning with "No" in line 5 through the
 24 period in line 7; and after line 10 insert the following new subsection:
 25 "(7) The Department of Education Innovative Grant Fund is created.
 26 The fund shall be administered by the State Department of Education and
 1 shall consist of transfers pursuant to section 9-812, repayments of grant
 2 funds, and interest payments received in the course of administering this
 3 section. The fund shall be used to carry out this section. Any money in
 4 the fund available for investment shall be invested by the state
 5 investment officer pursuant to the Nebraska Capital Expansion Act and the
 6 Nebraska State Funds Investment Act.".

7 4. On page 11, strike beginning with "No" in line 11 through the
8 period in line 13; and after line 16 insert the following new subsection:
9 "(5) The Postsecondary Innovative Grant Fund is created. The fund
10 shall be administered by the Coordinating Commission for Postsecondary
11 Education and shall consist of transfers pursuant to section 9-812,
12 repayments of grant funds, and interest payments received in the course
13 of administering this section. The fund shall be used to carry out this
14 section. Any money in the fund available for investment shall be invested
15 by the state investment officer pursuant to the Nebraska Capital
16 Expansion Act and the Nebraska State Funds Investment Act.".
17 5. On page 18, line 2, strike "2015" and insert "2016".
18 6. On page 20, line 2, strike "2016", show as stricken, and insert
19 "2021".
20 7. On page 38, strike beginning with "Up" in line 28 through line
21 31.
22 8. On page 39, strike line 1; and in line 2 before "The" insert "(1)
23 The Expanded Learning Opportunity Grant Fund is created. The fund shall
24 be administered by the State Department of Education and shall consist of
25 transfers pursuant to section 9-812, repayments of grant funds, and
26 interest payments received in the course of administering the Expanded
27 Learning Opportunity Grant Program Act. The fund shall be used to carry
28 out the Expanded Learning Opportunity Grant Program Act. Any money in the
29 fund available for investment shall be invested by the state investment
30 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
31 State Funds Investment Act.
1 (2)".

SENATOR GLOOR PRESIDING

Senator Coash moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

The Sullivan amendment was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Senator Scheer offered the following amendment to the committee amendment:

FA42

Amend AM1044

Change the NDE percentage from 10% of funds to 25% of funds. Reduce the Opportunity funds from 62% down to 50%. Reduce gap funding (LB 36) from 9% down to 6%.

Senator Scheer withdrew his amendment.

Senator Sullivan offered the following amendment to the committee amendment:

FA43

Amend AM1181

On page 1, line 7, after "allocation" insert "except no amount of the allocation to the Nebraska Opportunity Grant Fund may be used for such purposes".

The Sullivan amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Senator Sullivan offered the following amendment to the committee amendment:

AM1192

(Amendments to Standing Committee amendments, AM1044)

- 1 1. Strike section 3 and all amendments thereto.
- 2 2. On page 7, line 14, strike "Ten" and insert "Twenty"; strike
- 3 lines 17 through 19; in line 20 strike "(d)" and insert "(c)"; in line 23
- 4 strike "(e)" and insert "(d)"; and in line 25 strike "(f)" and insert
- 5 "(e)".
- 6 3. On page 41, lines 8 through 11, strike the new matter and
- 7 reinstate the stricken matter.
- 8 4. Renumber the remaining sections and correct internal references
- 9 accordingly.

SENATOR WATERMEIER PRESIDING

The Sullivan amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 176. Introduced by Pansing Brooks, 28.

WHEREAS, for over 140 years, the YMCA has had a presence in Nebraska as a volunteer-led charitable organization. The 15 YMCAs in the state have served to strengthen our communities by addressing local needs and providing opportunities through youth development, healthy living, and social responsibility; and

WHEREAS, over 260,000 Nebraskans of all ages, races, faiths, abilities, and economic backgrounds, in over 300 communities statewide, benefit directly each year from the YMCA's extensive programs designed to nurture

the potential of children and improve the health and well-being of children, families, and seniors; and

WHEREAS, the YMCA is the youth development leader in Nebraska, actively engaging over 138,000 youths annually in afterschool enrichment and early learning childcare programs, outdoor education at summer day camps and residence camps, youth sports with a focus on character development, swim lessons and water safety, teen leadership, and the YMCA Youth in Government Program; and

WHEREAS, the YMCAs believe in good health for all Nebraskans, and partner and collaborate with community organizations to leverage donated resources and nonprofit expertise to improve access to health and well-being through chronic disease prevention programs such as the YMCA Diabetes Prevention Program endorsed by the United States Centers for Disease Control and Prevention, the Livestrong Foundation cancer survivor program, the EnhanceFitness program for seniors with arthritis, and others; and

WHEREAS, the YMCAs in Nebraska collectively provide over \$4 million in direct financial assistance to individuals and families so that everyone has access to YMCA programs and services and no one is turned away for inability to pay; and

WHEREAS, 15,300 volunteers statewide commit nearly 200,000 hours annually of their time and expertise, the financial equivalent of over \$4 million annually, making the YMCA one of the largest volunteer-led organizations in the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the YMCAs of Nebraska for their contributions to the citizens of Nebraska.
2. That the Legislature declares April 14, 2015, as YMCA Day in Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 177. Introduced by Kolowski, 31.

WHEREAS, the speech team at Skutt Catholic High School in Omaha won the 2015 Class B State Speech Tournament; and

WHEREAS, the Skutt Catholic Skyhawks speech team earned their first place finish with a score of 174 points; and

WHEREAS, the win gave the Skutt Catholic Skyhawks speech team their fourth state championship in a row; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Skutt Catholic High School speech team on winning the 2015 Class B State Speech Tournament.

2. That a copy of this resolution be sent to the Skutt Catholic High School speech team and Coach Matt Eledge.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 449. Title read. Considered.

Committee AM1035, found on page 1026, was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 132. Title read. Considered.

Committee AM582, found on page 752, was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 561. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 243. Title read. Considered.

Committee AM787, found on page 801, was offered.

Pending.

AMENDMENT(S) - Print in Journal

Senator B. Harr filed the following amendment to LB554:
AM1182

(Amendments to Standing Committee amendments, AM744)

1 1. On page 1, lines 5 and 9, strike "General" and insert "Roads
2 Operations Cash"; in line 10 strike "lines 14 and 17," and insert "line
3 15, strike '\$-0-' and insert '\$190,000.00'; in line 17"; and in line 11
4 before the period insert "; in line 27 after 'to' insert 'Jason Sullivan
5 and'; and in line 30 after 'to' insert 'Kent Sprague and'".

VISITORS

Visitors to the Chamber 15 students and teacher from Doane College, Crete; 50 fourth-grade students from Hawthorne Elementary, Hastings; 18 Centura

FFA students from Cairo; 95 fourth-grade students from Field Club Elementary, Omaha; 12 ninth- through twelfth-grade FFA students, teacher, and sponsor from Nelson; members of a UNL Leadership class; and 16 high school Dundy County FFA students from Benkelman.

ADJOURNMENT

At 4:59 a.m., on a motion by Speaker Hadley, the Legislature adjourned until 9:00 a.m., Friday, April 10, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-FIRST DAY - APRIL 10, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

SIXTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 10, 2015

PRAYER

The prayer was offered by Pastor Jason Wolter, St. John's Lutheran Church, Tecumseh.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Coash presiding.

The roll was called and all members were present except Senators Groene, Kuehn, Mello, Morfeld, Murante, Pansing Brooks, Seiler, and Sullivan who were excused until they arrive.

SPEAKER HADLEY PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the sixtieth day was approved.

COMMITTEE REPORT(S)
Nebraska Retirement Systems

LEGISLATIVE BILL 468. Placed on General File with amendment. AM1172 is available in the Bill Room.

(Signed) Jeremy Nordquist, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 9, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Adams, John H.
International Gamco, Inc.
Bruning Law Group
Facebook
Kissel/E&S Associates, LLC
Council of State Governments - Justice Center (Withdrawn 04/07/2015)
O'Hara Lindsay & Associates, Inc.
Parkinson's Action Network
Peters, William E.
Railway Supply Institute

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

GENERAL FILE

LEGISLATIVE BILL 243. Committee AM787, found on page 801 and considered on page 1118, was renewed.

Pending.

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 509. Placed on General File with amendment.
AM1159

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 79-1007.06, Reissue Revised Statutes of Nebraska,
4 is amended to read:
5 79-1007.06 (1) For school fiscal year 2008-09 and each school fiscal
6 year thereafter, the department shall determine the poverty allowance for
7 each school district that meets the requirements of this section and ~~has~~
8 ~~not been disqualified pursuant to~~ section 79-1007.07. Each school
9 district shall designate a maximum poverty allowance on a form prescribed
10 by the department on or before October 15 of the school fiscal year
11 immediately preceding the school fiscal year for which aid is being

12 calculated. The school district may decline to participate in the poverty
13 allowance by providing the department with a maximum poverty allowance of
14 zero dollars on such form on or before October 15 of the school fiscal
15 year immediately preceding the school fiscal year for which aid is being
16 calculated. Each school district designating a maximum poverty allowance
17 greater than zero dollars shall submit a poverty plan pursuant to section
18 79-1013.

19 (2) The poverty allowance for each school district ~~that has not been~~
20 ~~disqualified pursuant to section 79-1007.07~~ shall equal the lesser of:

21 (a) The maximum amount designated pursuant to subsection (1) of this
22 section by the school district in the local system, if such school
23 district designated a maximum amount, for the school fiscal year for
24 which aid is being calculated; or

25 (b) The sum of:

26 (i) The statewide average general fund operating expenditures per
27 formula student multiplied by 0.0375 then multiplied by the poverty
1 students comprising more than five percent and not more than ten percent
2 of the formula students in the school district; plus

3 (ii) The statewide average general fund operating expenditures per
4 formula student multiplied by 0.0750 then multiplied by the poverty
5 students comprising more than ten percent and not more than fifteen
6 percent of the formula students in the school district; plus

7 (iii) The statewide average general fund operating expenditures per
8 formula student multiplied by 0.1125 then multiplied by the poverty
9 students comprising more than fifteen percent and not more than twenty
10 percent of the formula students in the school district; plus

11 (iv) The statewide average general fund operating expenditures per
12 formula student multiplied by 0.1500 then multiplied by the poverty
13 students comprising more than twenty percent and not more than twenty-
14 five percent of the formula students in the school district; plus

15 (v) The statewide average general fund operating expenditures per
16 formula student multiplied by 0.1875 then multiplied by the poverty
17 students comprising more than twenty-five percent and not more than
18 thirty percent of the formula students in the school district; plus

19 (vi) The statewide average general fund operating expenditures per
20 formula student multiplied by 0.2250 then multiplied by the poverty
21 students comprising more than thirty percent of the formula students in
22 the school district.

23 Sec. 2. Section 79-1007.07, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 79-1007.07 (1)(a) The annual financial report required pursuant to
26 section 79-528 shall include:

27 (i) The amount of the poverty allowance used in the certification of
28 state aid pursuant to section 79-1022 for such school fiscal year;

29 (ii) The amount of federal funds received based on poverty as
30 defined by the federal program providing the funds;

31 (iii) The expenditures and sources of funding for each program
1 related to poverty with a narrative description of the program, the
2 method used to allocate money to the program and within the program, and

3 the program's relationship to the poverty plan submitted pursuant to
4 section 79-1013 for such school fiscal year;

5 (iv) The expenditures and sources of funding for support costs
6 directly attributable to implementing the district's poverty plan; and
7 (v) An explanation of how any required elements of the poverty plan
8 for such school fiscal year were met.

9 (b) The department shall set up accounting codes for the receipts
10 and expenditures required to be reported on the annual financial report
11 pursuant to this subsection.

12 (2) The department shall determine the poverty allowance
13 expenditures using the reported expenditures on the annual financial
14 report for the most recently available complete data year that would
15 include in the poverty allowance expenditures only those expenditures
16 that are not included in other allowances, that were used to specifically
17 address issues related to the education of students living in poverty or
18 to the implementation of the poverty plan, that do not replace
19 expenditures that would have occurred if the students involved in the
20 program did not live in poverty, and that are paid for with
21 noncategorical funds generated by state or local taxes or funds
22 distributed through the Tax Equity and Educational Opportunities Support
23 Act pursuant to the federal American Recovery and Reinvestment Act of
24 2009 or the federal Education Jobs Fund created pursuant to Public Law
25 111-226. The department shall establish a procedure to allow school
26 districts to receive preapproval for categories of expenditures that
27 could be included in poverty allowance expenditures.

28 (3) If the poverty allowance expenditures do not equal 117.65
29 percent or more of the poverty allowance for the most recently available
30 complete data year, the department shall calculate a poverty allowance
31 correction. The poverty allowance correction shall equal the poverty
1 allowance minus eighty-five percent of the poverty allowance
2 expenditures.

3 For aid calculated for school fiscal years prior to school fiscal year
4 2016-17, if ~~if~~ the poverty allowance expenditures do not equal fifty
5 percent or more of the allowance for such school fiscal year, the school
6 district shall also be disqualified from receiving a poverty allowance
7 for the school fiscal year for which aid is being calculated.

8 (4)(a)(i) For aid calculated for school fiscal years prior to school
9 fiscal year 2016-17, if ~~if~~ the department determines that the school
10 district did not meet the required elements of the poverty plan for the
11 most recently available complete data year, the department shall
12 calculate a poverty allowance correction equal to fifty percent of the
13 poverty allowance for such school fiscal year and the school district
14 shall also be disqualified from receiving a poverty allowance for the
15 school fiscal year for which aid is being calculated.

16 (ii) For aid calculated for school fiscal year 2016-17 and each
17 school fiscal year thereafter, if the department determines that the
18 school district did not meet the required elements of the poverty plan
19 for the most recently available complete data year, the department shall
20 calculate a poverty allowance correction equal to five percent of the

21 poverty allowance for such school fiscal year.
22 (b) Any poverty allowance correction calculated pursuant to this
23 subsection shall be added to any poverty allowance correction calculated
24 pursuant to subsection (3) of this section to arrive at the total poverty
25 allowance correction.
26 (5) The department may request additional information from any
27 school district to assist with calculations and determinations pursuant
28 to this section. If the school district does not provide information upon
29 the request of the department pursuant to this section, the school
30 district shall be disqualified from receiving a poverty allowance for the
31 school fiscal year for which aid is being calculated.
1 (6) The department shall provide electronically an annual report to
2 the Legislature containing a general description of the expenditures and
3 funding sources for programs related to poverty statewide and specific
4 descriptions of the expenditures and funding sources for programs related
5 to poverty for each school district.
6 (7) The state board shall establish a procedure for appeal of
7 decisions of the department to the state board for a final determination.
8 Sec. 3. Original sections 79-1007.06 and 79-1007.07, Reissue
9 Revised Statutes of Nebraska, are repealed.

(Signed) Kate Sullivan, Chairperson

Judiciary

LEGISLATIVE BILL 294. Placed on General File with amendment.
AM1104 is available in the Bill Room.

LEGISLATIVE BILL 437. Indefinitely postponed.

(Signed) Les Seiler, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 414. Placed on Select File.

LEGISLATIVE BILL 141. Placed on Select File with amendment.
ER73

1 1. On page 1, line 4, strike "a term" and insert "and redefine
2 terms; to change provisions relating to authorizing resolutions and
3 mandated project charges".
4 2. On page 9, line 27, after "mandated" insert "project".

(Signed) Matt Hansen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 243. Committee AM787, found on page 801 and considered on page 1118 and in this day's Journal, was renewed.

The committee amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 243A. Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 292. Title read. Considered.

Committee AM619, found on page 842, was offered.

SENATOR GLOOR PRESIDING

The committee amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 292A. Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 178. Introduced by Davis, 43.

WHEREAS, Russ Finch is the owner of Greenhouse in the Snow in Alliance; and

WHEREAS, Greenhouse in the Snow was named the 2014 Sustainability Business of the Year by the Nebraska Business Development Center; and

WHEREAS, Russ created a greenhouse design in which the indoor climate is warmed in the winter and cooled in the summer simply by utilizing the earth's natural temperature eight feet underground; and

WHEREAS, Russ has sold 15 greenhouse units to buyers in 6 states, 90% of which are being used for commercial plant production.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Greenhouse in the Snow on being named the 2014 Sustainability Business of the Year.
2. That a copy of this resolution be sent to Russ Finch and the Nebraska Business Development Center.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 500A. Introduced by Howard, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 500, One Hundred Fourth Legislature, First Session, 2015; to reduce appropriations; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 649. Title read. Considered.

Committee AM821, found on page 851, was offered.

SPEAKER HADLEY PRESIDING

Senator Chambers offered the following motion:

MO88

Bracket until June 5, 2015.

SENATOR GLOOR PRESIDING

SPEAKER HADLEY PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 31:

| | | | | |
|------------|----------|-----------|----------------|----------|
| Baker | Crawford | Hansen | Kuehn | Stinner |
| Bloomfield | Davis | Harr, B. | Mello | Sullivan |
| Bolz | Friesen | Hughes | Morfeld | Williams |
| Campbell | Garrett | Johnson | Nordquist | |
| Chambers | Gloor | Kolowski | Pansing Brooks | |
| Coash | Haar, K. | Kolterman | Schumacher | |
| Cook | Hadley | Krist | Seiler | |

Voting in the negative, 15:

| | | | | |
|-----------|-----------|-----------|---------|---------|
| Brasch | Groene | Larson | Murante | Schilz |
| Craighead | Hilkemann | Lindstrom | Riepe | Schnoor |
| Ebke | Kintner | McCoy | Scheer | Smith |

Excused and not voting, 3:

Howard McCollister Watermeier

The Chambers motion to bracket prevailed with 31 ayes, 15 nays, and 3 excused and not voting.

The Chair declared the call raised.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 179. Introduced by Kuehn, 38.

WHEREAS, America's electricity is generated by thousands of power plants connected to a complex electrical grid consisting of over five million miles of transmission and distribution lines that deliver energy to homes, businesses, hospitals, churches, and schools throughout the country; and

WHEREAS, the electrical grid must be maintained and operated twenty-four hours a day, seven days a week, and three hundred sixty-five days a year despite inclement weather including blizzards, thunderstorms, floods, and other hazards; and

WHEREAS, Nebraska's lineworkers have demonstrated outstanding skill and dedication to their jobs working in hazardous conditions to build, maintain, and repair electric infrastructure; and

WHEREAS, the hardworking lineworkers of Nebraska who leave their families and risk their lives daily to ensure the reliable delivery of electricity to all citizens of the state are deserving of our respect, gratitude, and honor.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the significant contributions and efforts of Nebraska lineworkers who often work in challenging conditions to keep the lights on and expresses its appreciation to all of Nebraska's hard-working lineworkers.

2. That the Legislature recognizes April 13, 2015, as "Lineworkers Appreciation Day" in Nebraska.

3. That a copy of this resolution be sent to the Nebraska Power Association.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Coash filed the following amendment to LB292:
AM849 is available in the Bill Room.

Senator Nordquist filed the following amendment to LB67:
AM1080

1 1. On page 2, line 12, after the period insert ". except security
2 interests in any retirement accounts or pension funds".

Senator Nordquist filed the following amendment to LB67:
AM1081

1 1. On page 7, lines 4 and 16, strike "previously issued or".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 265A. Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 265, One Hundred Fourth Legislature, First Session, 2015; and to reduce an appropriation.

VISITORS

Visitors to the Chamber George and Kathy Witte from North Platte; 50 fourth-grade students and teachers from Seward; 9 fourth-grade students and teacher from Howells Dodge Elementary, Dodge; 44 fourth-grade students and teachers from North Bend; 14 seventh- and eighth-grade students, teachers, and sponsors from Grant; 2015 Young Mother of the Year inductee, Barb Solomon, and her family; Senator Kolterman's mother, Betty Jean, from Seward and Jan Jones from Omaha; and 40 fourth-grade students and teachers from Wakonda Elementary, Omaha.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 12:20 p.m., on a motion by Senator Kolterman, the Legislature adjourned until 10:00 a.m., Monday, April 13, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-SECOND DAY - APRIL 13, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

SIXTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 13, 2015

PRAYER

The prayer was offered by Pastor Dale Topp, Christ Lutheran Church, Wisner.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Coash presiding.

The roll was called and all members were present except Senator Cook who was excused; and Senators Friesen, Hansen, Kolowski, Morfeld, Pansing Brooks, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-first day was approved.

COMMITTEE REPORT(S)

Banking, Commerce and Insurance

LEGISLATIVE BILL 348. Placed on General File with amendment.
AM1013 is available in the Bill Room.

(Signed) Jim Scheer, Chairperson

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 33, 139, 139A, 242, 242A, 356, 367, 431, and 627.

(Signed) Mark Kolterman

GENERAL FILE

LEGISLATIVE BILL 265A. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 500A. Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 89. Senator Mello offered his amendment, AM1009, found on page 991.

The Mello amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 89A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 641. ER56, found on page 975, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 413. ER59, found on page 975, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 413A. ER67, found on page 1029, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 538. ER58, found on page 995, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 538A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 320. ER60, found on page 995, was adopted.

Senator Bolz offered her amendment, AM1066, found on page 1104.

The Bolz amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 320A. Senator Bolz offered the following amendment:

AM1228

1 1. Strike the original sections and insert the following new

2 sections:

3 Section 1. There is hereby appropriated (1) \$319,000 from the

4 General Fund for FY2015-16 and (2) \$227,166 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 \$39,345

10 for FY2015-16 or \$52,460 for FY2016-17.

11 Sec. 2. There is hereby appropriated (1) \$366,956 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 559, 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.

The Bolz amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 500. Senator Schilz offered his amendment, AM1041, found on page 1038.

The Schilz amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 347. ER63, found on page 1005, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 347A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 265. ER61, found on page 1005, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 482. ER64, found on page 1005, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 415. ER65, found on page 1005, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 56. ER62, found on page 1006, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 152. Senator Crawford withdrew her amendment, AM1040, found on page 1023.

Senator Crawford offered her amendment, AM1150, found on page 1113.

The Crawford amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE RESOLUTION 7CA. Senator Schumacher withdrew his amendment, AM922, found on page 970, considered on pages 982 and 984, withdrawn on page 1013, and refiled on page 1091.

Senator Schumacher offered his amendment, AM921, found on page 1103.

The Schumacher amendment was adopted with 27 ayes, 15 nays, 6 present and not voting, and 1 excused and not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 47 ayes, 0 nays, and 2 not voting.

Senator Schumacher requested a roll call vote, in reverse order, on the advancement of the resolution.

Voting in the affirmative, 20:

| | | | | |
|----------|----------|----------|---------|----------------|
| Baker | Haar, K. | Howard | Krist | Pansing Brooks |
| Campbell | Hadley | Hughes | Kuehn | Schilz |
| Chambers | Hansen | Johnson | Larson | Schumacher |
| Gloor | Harr, B. | Kolowski | Morfeld | Sullivan |

Voting in the negative, 22:

| | | | | |
|------------|-----------|-------------|---------|------------|
| Bloomfield | Ebke | Kolterman | Riepe | Watermeier |
| Brasch | Garrett | Lindstrom | Scheer | Williams |
| Coash | Groene | McCollister | Schnoor | |
| Craighead | Hilkemann | McCoy | Seiler | |
| Crawford | Kintner | Nordquist | Smith | |

Present and not voting, 6:

| | | |
|-------|---------|---------|
| Bolz | Friesen | Murante |
| Davis | Mello | Stinner |

Excused and not voting, 1:

Cook

Failed to advance to Enrollment and Review for Engrossment with 20 ayes, 22 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 183. Considered.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 81. Senator Campbell offered the following Cook amendment:

AM1186

1 1. Insert the following new section:

2 Sec. 2. Section 81-3133, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 81-3133 (1)(a) On or before July 30, 2012, the Division of Children
5 and Family Services of the Department of Health and Human Services shall
6 report in writing its expenditures between January 1, 2012, and June 30,
7 2012, and the outcomes relating to such expenditures to the
8 Appropriations Committee of the Legislature and the Health and Human
9 Services Committee of the Legislature. Such report shall identify any
10 changes or movement of funds in excess of two hundred fifty thousand
11 dollars relating to child welfare between subprograms within Budget
12 Program 347 and Budget Program 354.

13 (b) Beginning with the third calendar quarter of 2012, the division
14 shall report electronically its expenditures for each quarter and the
15 outcomes relating to such expenditures within thirty days after the end
16 of the quarter to the Appropriations Committee of the Legislature and the
17 Health and Human Services Committee of the Legislature. Such report shall
18 identify any changes or movement of funds in excess of two hundred fifty
19 thousand dollars relating to child welfare between subprograms within
20 Budget Program 347 and Budget Program 354.

21 (2)(a) For the biennium ending June 30, 2015, the biennium ending
22 June 30, 2017, and the biennium ending June 30, 2019, the Division of
23 Children and Family Services of the Department of Health and Human
24 Services shall, as part of the appropriations request process pursuant to
25 section 81-132, include a strategic plan that identifies the main purpose
26 or purposes of each program, verifiable and auditable key goals that the
27 division believes are fair measures of its progress in meeting each
1 program's main purpose or purposes, and benchmarks for improving
2 performance on the key goals for the state as a whole and for each
3 Department of Health and Human Services service area designated pursuant
4 to section 81-3116. The division shall also report whether the benchmarks
5 are being met and, if not, the expected timeframes for meeting them. Such
6 key goals and benchmarks shall be developed by the Division of Children
7 and Family Services with the assistance of the budget division of the
8 Department of Administrative Services pursuant to subdivision (2) of
9 section 81-1113.

10 (b) Not later than September 15, 2013, not later than September 15,
11 2015, and not later than September 15, 2017, the Division of Children and
12 Family Services of the Department of Health and Human Services shall
13 report electronically to the Health and Human Services Committee of the
14 Legislature and the Appropriations Committee of the Legislature on the
15 progress towards the key goals identified pursuant to this subsection
16 that occurred in the previous twelve months. The division shall annually
17 appear at a joint hearing of the two legislative committees and present
18 the report.

19 (3) On or before December 1, 2016, and each year thereafter, the
20 Division of Children and Family Services of the Department of Health and
21 Human Services shall report electronically to the Governor and the
22 Legislature the number of families in all transitional child care
23 assistance programs and the number of families no longer eligible for all
24 transitional child care assistance programs due to failure to meet income
25 guidelines.

26 2. Renumber the remaining section and correct the repealer
27 accordingly.

The Cook amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 81A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 199. ER66, found on page 1029, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 199A. Advanced to Enrollment and Review for

Engrossment.

LEGISLATIVE BILL 106. ER69, found on page 1054, was adopted.

Senator Watermeier withdrew his amendment, AM643, found on page 733.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 106A. Advanced to Enrollment and Review for Engrossment.

AMENDMENT(S) - Print in Journal

Senator Johnson filed the following amendment to LB360:
AM1193

(Amendments to Standing Committee amendments, AM1151)

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 54-603, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 54-603 (1) Any county, city, or village shall have authority by
- 5 ordinance or resolution to impose a license tax, in an amount which shall
- 6 be determined by the appropriate governing body, on the owner or harborer
- 7 of any dog or dogs, to be paid under such regulations as shall be
- 8 provided by such ordinance or resolutions.
- 9 (2) Every service animal shall be licensed as required by local
- 10 ordinances or resolutions, but no license tax shall be charged. Upon the
- 11 retirement or discontinuance of the animal as a service animal, the owner
- 12 of the animal shall be liable for the payment of a license tax as
- 13 prescribed by local ordinances or resolutions.
- 14 (3) Any county, city, or village that imposes a license tax on the
- 15 owner or harborer of any cat or cats or any dog or dogs under this
- 16 section shall, in addition to the license tax imposed by the licensing
- 17 jurisdiction, collect from the licensee a fee of one dollar and twenty-
- 18 five cents. The person designated by the licensing jurisdiction to
- 19 collect and administer the license tax shall act as agent for the State
- 20 of Nebraska in the collection of the fee. From each ~~one-dollar~~ fee of one
- 21 dollar and twenty-five cents collected, such person shall retain three
- 22 cents and remit the balance to the State Treasurer for credit to the
- 23 Commercial Dog and Cat Operator Inspection Program Cash Fund. If the
- 24 person collecting the fee is the licensing jurisdiction, the three cents
- 25 shall be credited to the licensing jurisdiction's general fund. If the
- 26 person collecting the fee is a private contractor, the three cents shall
- 1 be credited to an account of the private contractor. The remittance to
- 2 the State Treasurer shall be made at least annually at the conclusion of
- 3 the licensing jurisdiction's fiscal year, except that any licensing
- 4 jurisdiction or private contractor that collects fifty dollars or less of
- 5 such fees during the fiscal year may remit the fees when the cumulative
- 6 amount of fees collected reaches fifty dollars.

7 2. On page 8, line 15, strike "fifty", show as stricken, and insert
 8 "seventy-five"; in line 16 after "two" insert "twenty-five"; in line 17
 9 strike "fifty", show as stricken, and insert "seventy-five"; in line 20
 10 after "hundred" insert "twenty-five"; in line 22 strike "fifty", show as
 11 stricken, and insert "seventy-five"; in line 23 after the third "hundred"
 12 insert "twenty-five"; in line 26 strike "fifty", show as stricken, and
 13 insert "seventy-five"; in line 28 after "hundred" insert "twenty-five";
 14 in line 30 strike "fifty", show as stricken, and insert "seventy-five";
 15 and in line 31 after the third "hundred" insert "twenty-five".
 16 3. On page 9, line 3, strike "fifty", show as stricken, and insert
 17 "seventy-five"; in line 4 after "thousand" insert "one hundred"; in line
 18 19 after the period insert the following new subdivision:
 19 "(f) In addition to the fee as prescribed in the fee schedule set
 20 forth in subdivision (3)(a) of this section, the annual license fee for a
 21 commercial dog or cat breeder, pet shop, dealer, or boarding kennel shall
 22 include a fee of two dollars times the daily average number of dogs or
 23 cats housed by the licensee over the previous annual licensure period
 24 numbering more than ten dogs or cats."; in line 20 strike "(f)", show as
 25 stricken, and insert "(g)", and strike "this subsection", show as
 26 stricken, and insert "subdivision (3)(a) of this section"; strike
 27 beginning with the first "the" in line 21 through "The" in line 22, show
 28 as stricken, and insert "rule and regulation as adopted and promulgated
 29 by the department, but the"; in line 24 strike "this subsection", show as
 30 stricken, and insert "subdivision (3)(a) of this section"; and in line 25
 31 after the period insert "The fee charged under subdivision (3)(f) of this
 1 section may be increased or decreased by rule and regulation as adopted
 2 and promulgated by the department, but such fee shall not exceed three
 3 dollars.".
 4 4. Renumber the remaining sections and correct internal references
 5 and the repealer accordingly.

Senator Johnson filed the following amendment to LB360:
 AM1194 is available in the Bill Room.

Senator K. Haar filed the following amendment to LB67:
 AM1083

1 1. On page 3, line 11, strike "any county," and show as stricken.

Senator K. Haar filed the following amendment to LB67:
 AM1086

1 1. On page 3, line 12, strike "public power district," and show as
 2 stricken.

VISITORS

Visitors to the Chamber were Senator Hilkemann's wife, Julie, from Omaha, and Judy Stransky from Omaha; 75 fourth-grade students and teachers from Holling Height Elementary, Omaha; and 83 fourth-grade students and teachers from St. Wenceslaus School, Omaha.

RECESS

At 11:48 a.m., on a motion by Speaker Hadley, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Krist presiding.

ROLL CALL

The roll was called and all members were present except Senator Cook who was excused; and Senators B. Harr, Mello, and Watermeier who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 610. ER68, found on page 1053, was adopted.

Senator Groene offered the following amendment:

AM1158

1 1. Strike the original sections and insert the following new

2 sections:

3 Section 1. Section 39-2509, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 39-2509 (1) Beginning with revenue received under subdivision (1)

6 (b) of section 66-4,148 on January 1, 2016, through December 31, 2020,

7 each county or municipal county shall be entitled to an allocation under

8 sections 2 and 3 of this act from the amount distributed pursuant to

9 subdivision (1)(b) of section 66-4,148 for bridges and culverts only.

10 (2) Each county or municipal county shall be entitled to one-half

11 of the remaining amount allocated to it each year under section 66-4,148

12 for road purposes under sections 39-2507 and 39-2508 with no requirement

13 for providing funds locally, but shall be required to match the second

14 one-half of such remaining amount on the basis of one dollar for each two

15 dollars it receives with any available funds.

16 (3) Each county or municipal county which, during the preceding

17 fiscal year, failed to provide locally the minimum required by subsection

18 (2) of this section shall forfeit one dollar for each dollar which it

19 fails to so provide locally. Any amounts forfeited under the provisions

20 of this subsection first shall be made available to the incorporated

21 municipalities, as determined by the county board or the council of the

22 municipal county, within the county or municipal county which forfeits

23 the funds, such funds to be matched by the incorporated municipalities in

24 the same manner as would have been required of the county or municipal

25 county had it not forfeited the funds, and if not so used, then shall be

26 allocated among and distributed to the counties and municipal counties

27 that have complied with the requirements of subsection (2) of this

1 section. Such distribution shall be made as provided in sections 39-2507

2 and 39-2508, except that any county or municipal county having levied its
3 constitutional maximum and not levied sufficient funds to fully match its
4 share of the second half of the remaining amount of the highway-user
5 funds allocated to that county or municipal county may apply to the Board
6 of Public Roads Classifications and Standards for exemption from that
7 part of the local matching requirement that it cannot match. The board
8 may grant such exemption if, in its judgment, the county or municipal
9 county has not unnecessarily increased its expenditures for other than
10 road purposes after receiving its allocation for roads in previous years.

11 (4 ~~3~~) For ~~the~~ purposes of this section, providing locally shall
12 include, but not be limited to, providing money for road purposes through
13 the following, except that there shall not be duplication in the
14 following in the determination of the total:

15 (a) Property taxes levied by action of county and township boards or
16 the council of the municipal county for construction, improvement,
17 maintenance, and repair of roads, bridges, culverts, and drainage
18 structures, for curbs, for snow removal, for grading of dirt and gravel
19 roads, for traffic signs and signals, and for construction of storm
20 sewers directly related to roads and property taxes levied for the
21 payment of the principal and interest on general obligation bonds for any
22 of the foregoing;

23 (b) Contributions received for road purposes;

24 (c) Local costs in the acquisition of road right-of-way, including
25 incidental expenses directly related to such acquisition; and

26 (d) Inheritance taxes allocated for road purposes.

27 Sec. 2. The following factors and weights shall be used in
28 determining the amount to be allocated to each of the counties or
29 municipal counties for purposes of bridges and culverts only under
30 section 66-4.148 each year:

31 (1) Rural population of each county or municipal county, as
1 determined by the most recent federal census, twenty percent;

2 (2) Total population of each county or municipal county, as
3 determined by the most recent federal census, ten percent;

4 (3) Lineal feet of bridges twenty feet or more in length and all
5 overpasses in each county or municipal county, as determined by the most
6 recent inventory available within the Department of Roads, ten percent,
7 and for purposes of this subdivision a bridge or overpass located partly
8 in one county or municipal county and partly in another shall be
9 considered as being located one-half in each county or municipal county;

10 (4) Total motor vehicle registrations, other than prorated
11 commercial vehicles, in the rural areas of each county or municipal
12 county, as determined from the most recent information available from the
13 Department of Motor Vehicles, twenty percent;

14 (5) Total motor vehicle registrations, other than prorated
15 commercial vehicles, in each county or municipal county as determined
16 from the most recent information available from the Department of Motor
17 Vehicles, ten percent; and

18 (6) Value of farm products sold from each county or municipal
19 county, as determined from the most recent federal Census of Agriculture,

20 ten percent.

21 Sec. 3. The Department of Roads shall compute the amount allocated
22 to each county or municipal county under each of the factors listed in
23 section 2 of this act and shall then compute the total allocation to each
24 such county or municipal county and transmit such information to the
25 local governing board and the State Treasurer, who shall disburse funds
26 accordingly.

27 Sec. 4. Section 39-2519, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 39-2519 (1) Beginning with revenue received under subdivision (1)(b)
30 of section 60-4,148 on January 1, 2016, through December 31, 2020, each
31 city, village, or municipal county shall be entitled to an allocation
1 under sections 5 and 6 of this act from the amount distributed pursuant
2 to subdivision (1)(b) of section 66-4,148 for bridges and culverts only.

3 (2) ~~4~~ Each city of the metropolitan or primary class or successor
4 municipal county shall be entitled to the first one-third of its annual
5 allocation for roads with no requirement of matching, but shall be
6 required to match the second one-third of its annual allocation for
7 roads, on the basis of one dollar for each dollar it receives, with funds
8 provided locally for street purposes, and shall be required to match the
9 final one-third of its annual allocation for roads, on the basis of one
10 dollar for each two dollars it receives, with funds so provided. Each
11 city of the first or second class or village or successor municipal
12 county shall be entitled to one-half of its annual allocation for roads
13 with no requirement of matching, but shall be required to match the
14 second one-half of its annual allocation for roads on the basis of one
15 dollar for each two dollars it receives, with any available funds. Any
16 municipality or municipal county which during the preceding fiscal year
17 failed to provide the matching funds required by this subsection shall,
18 except as provided in subsection ~~(2)~~ ~~or~~ (3) ~~or~~ (4) of this section,
19 forfeit so much of its allocation as it fails to match. Any amount so
20 forfeited shall be reallocated and distributed to the municipalities or
21 municipal counties which have met the full matching provisions of this
22 subsection. Such reallocation shall be made in the manner provided in
23 sections 39-2517 and 39-2518.

24 (3) ~~2~~ Any municipality or municipal county may accumulate and invest
25 any portion or all of the money it receives for a period not to exceed
26 four years so as to provide funds for one or more specific street
27 improvement projects. Any municipality or municipal county so
28 accumulating funds shall certify to the State Treasurer that the required
29 matching funds are being accumulated and invested each year of the
30 accumulation.

31 (4) ~~3~~ Any municipality may, for any year, certify to the State
1 Treasurer that it relinquishes, to the county in which it is situated in
2 whole or in part or to a county whose border is contiguous with and
3 adjacent to any county which is adjacent to the county in which the
4 municipality is situated in whole or in part, all or a part of the state
5 funds allocated to it for that year. The amount so relinquished shall be
6 available for distribution to such county subject to the same matching as

7 would have been required of the municipality had it not relinquished such
 8 funds and without regard to ~~the provisions of~~ sections 39-2501 to
 9 39-2510. Any amount so distributed to the county shall be used
 10 exclusively for road purposes within the trade area of the relinquishing
 11 municipality as may be agreed upon by the county and municipal governing
 12 bodies.

13 (5 4) Any municipality may certify to the State Treasurer that it
 14 relinquishes, to the county in which it is situated in whole or in part,
 15 all or a part of the state funds allocated to it for not to exceed three
 16 years. The amount so relinquished shall be available for distribution to
 17 such county subject to the same matching as would have been required of
 18 the municipality had it not relinquished such funds and without regard to
 19 the provisions of sections 39-2501 to 39-2510. Any relinquishment under
 20 this subsection shall be made pursuant to an agreement between the
 21 relinquishing municipality and the county, to which other political
 22 subdivisions may also be parties, which provides for the accumulation and
 23 investment by the county of the amount relinquished for not to exceed
 24 three years so as to provide funds for one or more specific road
 25 improvement projects.

26 (6 5) For purposes of this section, provided locally shall include,
 27 but not be limited to, money provided for street purposes through the
 28 following, except that there shall not be duplication in the following in
 29 the determination of the total:

30 (a) Local motor vehicle or wheel fees or taxes;

31 (b) Property taxes levied by action of the local governing body for
 1 construction, improvement, maintenance, and repair of streets and
 2 bridges, curbs, snow removal, street cleaning, grading of dirt and gravel
 3 streets and roads, traffic signs and signals, construction of storm
 4 sewers directly related to streets, offstreet public parking owned by the
 5 municipality or municipal county, and the payment of the principal and
 6 interest on general obligation bonds for any of the foregoing;

7 (c) Special assessments levied for street paving or improvement
 8 districts and offstreet public parking owned by the municipality or
 9 municipal county;

10 (d) Local costs in the acquisition of street right-of-way including
 11 incidental expenses directly related to such acquisition; and

12 (e) Any other funds provided solely for street purposes.

13 Sec. 5. The following factors and weights shall be used in
 14 determining the amount to be allocated to each of the municipalities or
 15 municipal counties for purposes of bridges and culverts only under
 16 section 60-4.148 each year;

17 (1) Total population of each incorporated municipality or the
 18 urbanized area of a municipal county, as determined by the most recent
 19 federal census figures certified by the Tax Commissioner as provided in
 20 section 77-3.119, fifty percent;

21 (2) Total motor vehicle registrations, other than prorated
 22 commercial vehicles, in each incorporated municipality or the urbanized
 23 area of a municipal county, as determined from the most recent
 24 information available from the Department of Motor Vehicles, thirty

25 percent; and

26 (3) Total number of bridges and culverts in each incorporated
27 municipality or the urbanized area of a municipal county, as determined
28 by the most recent inventory available within the Department of Roads,
29 twenty percent.

30 Sec. 6. The Department of Roads shall compute the amount allocated
31 to each municipality or municipal county under the factors listed in
1 section 5 of this act and shall then compute the total allocation to each
2 such municipality or municipal county and transmit such information to
3 the local governing body and the State Treasurer, who shall disburse
4 funds accordingly.

5 Sec. 7. Section 66-4,145, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 66-4,145 (1) In addition to the tax imposed by sections 66-489,
8 66-489.02, and 66-4,140, each producer, supplier, distributor,
9 wholesaler, and importer required by section 66-489 to pay motor fuels
10 taxes shall pay an excise tax in an amount set in subsection (2) of this
11 section of two and eight-tenths cents per gallon on all motor fuels
12 received, imported, produced, refined, manufactured, blended, or
13 compounded by such producer, supplier, distributor, wholesaler, or
14 importer within the State of Nebraska. The changes made to this section
15 by Laws 2008, LB 846, apply for tax periods beginning on and after July
16 1, 2009.

17 (2) The excise tax shall be:

18 (a) Two and eight-tenths cents per gallon through December 31, 2015;

19 (b) Five and six-tenths cents per gallon beginning on January 1,
20 2016, through December 31, 2020; and

21 (c) Two and eight-tenths cents per gallon beginning January 1, 2021.

22 Sec. 8. Section 66-4,146, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 66-4,146 (1) In addition to the tax imposed by sections 66-489,
25 66-489.02, 66-4,140, and 66-4,145, each producer, supplier, distributor,
26 wholesaler, and importer required by section 66-489 to pay motor fuels
27 taxes shall pay an excise tax in an amount set in subsection (2) of this
28 section of two and eight-tenths cents per gallon on all motor fuels used
29 in the State of Nebraska. The changes made to this section by Laws 2008,
30 LB 846, apply for tax periods beginning on and after July 1, 2009.

31 (2) The excise tax shall be:

1 (a) Two and eight-tenths cents per gallon through December 31, 2015;

2 (b) Five and six-tenths cents per gallon beginning on January 1,
3 2016, through December 31, 2020; and

4 (c) Two and eight-tenths cents per gallon beginning January 1, 2021.

5 Sec. 9. Section 66-4,148, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 66-4,148 (1)(a) The State Treasurer shall monthly distribute the
8 receipts accruing to the Highway Allocation Fund pursuant to section
9 66-4,147.

10 (b) An amount equal to one and four-tenths cents per gallon from
11 such receipts of the tax imposed beginning January 1, 2016, through

12 December 31, 2020, shall be distributed to the various counties and
13 municipal counties for purposes of bridges and culverts only. An amount
14 equal to one and four-tenths cents per gallon from such receipts of the
15 tax imposed beginning January 1, 2016, through December 31, 2020, shall
16 be distributed to the various municipalities and municipal counties for
17 purposes of bridges and culverts only.

18 (c) One-half of the remaining amount of such receipts from section
19 66-4,147 shall be distributed to the various counties and municipal
20 counties for road purposes and one-half of the remaining amount of such
21 receipts from section 66-4,147 shall be distributed to the various
22 municipalities and municipal counties for street purposes.

23 (2) The distribution of funds to the respective cities, counties,
24 and municipal counties under subsection (1) of this section shall be
25 based on ~~the provisions of Chapter 39, article 25, and sections 2, 3, 5,~~
26 and 6 of this act.

27 Sec. 10. Section 66-6,109, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 66-6,109 (1) In addition to the tax imposed by sections 66-6,107,
30 66-6,108, and 66-6,109.02, each retailer shall pay an excise tax in an
31 amount set in subsection (2) of this section ~~of two and eight tenths~~
1 cents per gallon or gallon equivalent on all compressed fuel sold for use
2 in registered motor vehicles. ~~The changes made to this section by Laws~~
3 2008, LB 846, apply for tax periods beginning on and after July 1, 2009.

4 (2) The tax shall be:

5 (a) Two and eight-tenths cents per gallon or gallon equivalent
6 through December 31, 2015;

7 (b) Five and six-tenths cents per gallon or gallon equivalent
8 beginning on January 1, 2016, through December 31, 2020; and

9 (c) Two and eight-tenths cents per gallon or gallon equivalent
10 beginning on January 1, 2021.

11 Sec. 11. Section 77-3,119, Revised Statutes Cumulative Supplement,
12 2014, is amended to read:

13 77-3,119 (1) The Tax Commissioner shall certify the population of
14 cities and villages to be used for purposes of calculations made pursuant
15 to subdivision (4) of section 18-2603, subdivisions (3)(a) and (b) of
16 section 35-1205, subdivision (1) of section 39-2517, subdivision (1) of
17 section 5 of this act, and sections 39-2513 and 77-27,139.02. The Tax
18 Commissioner shall transmit copies of such certification to all
19 interested parties upon request.

20 (2) The Tax Commissioner shall certify the population of each city
21 and village based upon the most recent federal census. The Tax
22 Commissioner shall determine the most recent federal census for each city
23 and village by using the most recent federal census figures available
24 from (a) the most recent federal decennial census, (b) the most recent
25 federal census update or recount certified by the United States Bureau of
26 the Census, or (c) the most recent federal census figure of the city or
27 village plus the population of territory annexed as calculated in
28 sections 18-1753 and 18-1754.

29 (3) The Tax Commissioner may adopt and promulgate rules and

30 regulations to carry out this section.

31 Sec. 12. Original sections 39-2509, 39-2519, 66-4,145, 66-4,146,
1 66-4,148, and 66-6,109, Reissue Revised Statutes of Nebraska, and section
2 77-3,119, Revised Statutes Cumulative Supplement, 2014, are repealed.

Pending.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 278. Placed on General File.

(Signed) Mike Gloor, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hansen filed the following amendment to LB67:

AM1085

1 1. On page 3, line 11, strike "city," and show as stricken.

Senator Kolowski filed the following amendment to LB67:

AM1163

1 1. On page 3, line 11, after "city" insert "except a city of the
2 metropolitan class".

Senator Kolowski filed the following amendment to LB67:

AM1084

1 1. On page 3, line 11, strike "school district," and show as
2 stricken.

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services

Room 1510

Thursday, April 30, 2015 12:00 p.m.

Courtney Phillips - Department of Health and Human Services

Calder Lynch - Division of Medicaid and Long Term Care-Department of
Health and Human Services

(Signed) Kathy Campbell, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 180. Introduced by Garrett, 3; Crawford, 45.

WHEREAS, the Bellevue Fraternal Order of Eagles Aerie 3912 is Bellevue's largest fraternal organization; and

WHEREAS, the Bellevue Fraternal Order of Eagles Aerie 3912 was established on March 23, 1980, and recently celebrated its 35th anniversary; and

WHEREAS, the fraternity, along with its auxiliary, has financially supported many programs including the Bellevue police and fire departments, the Bellevue Food Pantry, Nebraska's Official Veteran's Day Parade in Bellevue, the Salvation Army's angel trees, the Bellevue Public Library, the Bellevue Senior Community Center, and the Safe Haven Home of Bellevue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature commends the Bellevue Fraternal Order of Eagles Aerie 3912 for its service to the community.
2. That the Legislature congratulates the Bellevue Fraternal Order of Eagles Aerie 3912 on its 35th anniversary.
3. That a copy of this resolution be sent to the Bellevue Fraternal Order of Eagles Aerie 3912.

Laid over.

MESSAGE(S) FROM THE GOVERNOR

April 13, 2015

Patrick J. O'Donnell
Clerk of the Nebraska Legislature
2018 State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 33, 139, 139A, 242e, 242Ae, 356, 367, 431, and 627 were received in my office on April 7, 2015.

These bills were signed and delivered to the Secretary of State on April 13, 2015.

Sincerely,
(Signed) Pete Ricketts
Governor

PR/lhk

April 13, 2015

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 498 without my signature and with my objections.

LB 498 would place the duty for collection of sales tax on purchases of all-terrain vehicles ("ATVs") and utility-type ("UTVs") vehicles upon the dealer or seller of the vehicles. The bill would also impose a new registration requirement upon these vehicles. As presented to me, the bill would apply retroactively to all ATVs and UTVs in Nebraska.

The bill's introducer, Speaker Hadley, has requested that the bill be vetoed due to a structural flaw that would make the new requirements in the bill apply retroactively rather than only prospectively. Due to the structural defect in the bill and to accommodate the bill's introducer, I have vetoed the bill.

For these reasons, I respectfully urge you to sustain my veto of LB 498.

Sincerely,
(Signed) Pete Ricketts
Governor

SELECT FILE

LEGISLATIVE BILL 610. The Groene amendment, AM1158, found in this day's Journal, was renewed.

Senator McCollister moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Smith moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Senator Smith requested a roll call vote, in reverse order, on the Groene amendment.

Voting in the affirmative, 6:

| | | |
|------------|--------|---------|
| Bloomfield | Ebke | Kintner |
| Brasch | Groene | Murante |

Voting in the negative, 28:

| | | | | |
|----------|-----------|-------------|----------------|------------|
| Campbell | Haar, K. | Kolowski | Pansing Brooks | Stinner |
| Chambers | Hadley | Kolterman | Riepe | Sullivan |
| Coash | Hansen | Kuehn | Scheer | Watermeier |
| Davis | Hilkemann | McCollister | Schumacher | Williams |
| Friesen | Hughes | Morfeld | Seiler | |
| Gloor | Johnson | Nordquist | Smith | |

Present and not voting, 11:

| | | | |
|-----------|----------|-----------|---------|
| Baker | Crawford | Larson | Schilz |
| Bolz | Garrett | Lindstrom | Schnoor |
| Craighead | Krist | McCoy | |

Excused and not voting, 4:

| | | | |
|------|----------|--------|-------|
| Cook | Harr, B. | Howard | Mello |
|------|----------|--------|-------|

The Groene amendment lost with 6 ayes, 28 nays, 11 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Murante offered the following amendment:

AM1120

1 1. Insert the following new sections:

2 Sec. 7. 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;

17 (b) For returns filed reporting federal adjusted gross income of

18 twenty-nine thousand dollars or less, a refundable credit equal to a

19 percentage of the federal credit allowable under section 21 of the

20 Internal Revenue Code of 1986, as amended, whether or not the federal

21 credit was limited by the federal tax liability. The percentage of the

22 federal credit shall be one hundred percent for incomes not greater than

23 twenty-two thousand dollars, and the percentage shall be reduced by ten

24 percent for each one thousand dollars, or fraction thereof, by which the
25 reported federal adjusted gross income exceeds twenty-two thousand
26 dollars;

27 (c) A refundable credit as provided in section 77-5209.01 for
1 individuals who qualify for an income tax credit as a qualified beginning
2 farmer or livestock producer under the Beginning Farmer Tax Credit Act
3 for all taxable years beginning or deemed to begin on or after January 1,
4 2006, under the Internal Revenue Code of 1986, as amended;

5 (d) A refundable credit for individuals who qualify for an income
6 tax credit under the Angel Investment Tax Credit Act, the Nebraska
7 Advantage Microenterprise Tax Credit Act, or the Nebraska Advantage
8 Research and Development Act; and

9 (e) A refundable credit equal to ten percent of the federal credit
10 allowed under section 32 of the Internal Revenue Code of 1986, as
11 amended.

12 (3) There shall be allowed to all individuals as a nonrefundable
13 credit against the income tax imposed by the Nebraska Revenue Act of
14 1967:

15 (a) A credit for personal exemptions allowed under section
16 77-2716.01;

17 (b) A credit for contributions to certified community betterment
18 programs as provided in the Community Development Assistance Act. Each
19 partner, each shareholder of an electing subchapter S corporation, each
20 beneficiary of an estate or trust, or each member of a limited liability
21 company shall report his or her share of the credit in the same manner
22 and proportion as he or she reports the partnership, subchapter S
23 corporation, estate, trust, or limited liability company income;

24 (c) A credit for investment in a biodiesel facility as provided in
25 section 77-27,236;

26 (d) A credit as provided in the New Markets Job Growth Investment
27 Act; and

28 (e) A credit as provided in the Nebraska Job Creation and Mainstreet
29 Revitalization Act.

30 (4) There shall be allowed as a credit against the income tax
31 imposed by the Nebraska Revenue Act of 1967:

1 (a) A credit to all resident estates and trusts for taxes paid to
2 another state as provided in section 77-2730;

3 (b) A credit to all estates and trusts for contributions to
4 certified community betterment programs as provided in the Community
5 Development Assistance Act; and

6 (c) A refundable credit for individuals who qualify for an income
7 tax credit as an owner of agricultural assets under the Beginning Farmer
8 Tax Credit Act for all taxable years beginning or deemed to begin on or
9 after January 1, 2009, under the Internal Revenue Code of 1986, as
10 amended. The credit allowed for each partner, shareholder, member, or
11 beneficiary of a partnership, corporation, limited liability company, or
12 estate or trust qualifying for an income tax credit as an owner of
13 agricultural assets under the Beginning Farmer Tax Credit Act shall be
14 equal to the partner's, shareholder's, member's, or beneficiary's portion

15 of the amount of tax credit distributed pursuant to subsection (4) of
16 section 77-5211.

17 (5)(a) For all taxable years beginning on or after January 1, 2007,
18 and before January 1, 2009, under the Internal Revenue Code of 1986, as
19 amended, there shall be allowed to each partner, shareholder, member, or
20 beneficiary of a partnership, subchapter S corporation, limited liability
21 company, or estate or trust a nonrefundable credit against the income tax
22 imposed by the Nebraska Revenue Act of 1967 equal to fifty percent of the
23 partner's, shareholder's, member's, or beneficiary's portion of the
24 amount of franchise tax paid to the state under sections 77-3801 to
25 77-3807 by a financial institution.

26 (b) For all taxable years beginning on or after January 1, 2009,
27 under the Internal Revenue Code of 1986, as amended, there shall be
28 allowed to each partner, shareholder, member, or beneficiary of a
29 partnership, subchapter S corporation, limited liability company, or
30 estate or trust a nonrefundable credit against the income tax imposed by
31 the Nebraska Revenue Act of 1967 equal to the partner's, shareholder's,
1 member's, or beneficiary's portion of the amount of franchise tax paid to
2 the state under sections 77-3801 to 77-3807 by a financial institution.

3 (c) Each partner, shareholder, member, or beneficiary shall report
4 his or her share of the credit in the same manner and proportion as he or
5 she reports the partnership, subchapter S corporation, limited liability
6 company, or estate or trust income. If any partner, shareholder, member,
7 or beneficiary cannot fully utilize the credit for that year, the credit
8 may not be carried forward or back.

9 (6)(a) There shall be allowed to a qualified resident individual for
10 motor vehicle fuel taxes paid a refundable credit against the income tax
11 imposed by the Nebraska Revenue Act of 1967 in an amount set by
12 subdivision (b) of this subsection if the qualified resident individual's
13 federal adjusted gross income is less than twenty-five thousand dollars.
14 (b) The amount of the credit shall be:

15 (i) Eighteen dollars beginning on January 1, 2016, through December
16 31, 2016;

17 (ii) Thirty-six dollars beginning on January 1, 2017, through
18 December 31, 2017;

19 (iii) Fifty-four dollars beginning on January 1, 2018, through
20 December 31, 2018; and

21 (iv) Seventy-two dollars beginning on January 1, 2019.

22 Sec. 8. Sections 7, 8, and 9 of this act becomes operative for all
23 taxable years beginning or deemed to begin on or after January 1, 2016,
24 under the Internal Revenue Code of 1986, as amended. The other sections
25 of this act become operative on their effective date.

26 Sec. 9. Original section 77-2715.07, Revised Statutes Cumulative
27 Supplement, 2014, is repealed.

28 2. Renumber the remaining section accordingly.

Senator Gloor requested a ruling of the Chair on whether the Murante
amendment is germane to the bill.

The Chair ruled the Murante amendment is not germane to the bill.

Senator Murante challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Murante moved for a call of the house. The motion prevailed with 40 ayes, 1 nay, and 8 not voting.

Senator Murante requested a roll call vote on the motion to overrule the Chair.

Voting in the affirmative, 15:

| | | | | |
|----------|-----------|---------|-----------|------------|
| Bolz | Craighead | Groene | Lindstrom | Schilz |
| Brasch | Davis | Kintner | McCoy | Seiler |
| Chambers | Ebke | Larson | Murante | Watermeier |

Voting in the negative, 29:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Garrett | Hilkemann | Kuehn | Schumacher |
| Bloomfield | Gloor | Howard | McCollister | Smith |
| Campbell | Haar, K. | Hughes | Morfeld | Stinner |
| Coash | Hadley | Johnson | Nordquist | Sullivan |
| Crawford | Hansen | Kolowski | Pansing Brooks | Williams |
| Friesen | Harr, B. | Kolterman | Scheer | |

Present and not voting, 4:

| | | | |
|-------|-------|-------|---------|
| Krist | Mello | Riepe | Schnoor |
|-------|-------|-------|---------|

Excused and not voting, 1:

Cook

The Murante motion to overrule the Chair failed with 15 ayes, 29 nays, 4 present and not voting, and 1 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Pending.

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB67:
AM1162

1 1. On page 4, strike lines 6 through 12; in line 13 strike "(14)"
2 and insert "(13)"; and in line 16 strike "(15)" and insert "(14)".

- 3 2. On page 5, strike lines 2 through 4; in line 5 strike "(c)" and
 4 insert "(b)"; in line 10 strike "(d)" and insert "(c)"; in line 15 strike
 5 "(e)" and insert "(d)"; and in lines 28 through 31 strike the new matter.
 6 3. On page 6, strike lines 1 through 19; in line 20 strike "(c)" and
 7 insert "(2)"; and strike lines 23 through 31.
 8 4. On page 7, strike lines 1 through 23.

Senator Johnson filed the following amendment to LB67:

AM1165

- 1 1. Insert the following new section:
 2 Sec. 7. Any bond issuer must offer a discount rate under the
 3 Nebraska Governmental Unit Security Interest and Pledge Act at a rate of
 4 one point below the prime interest rate published by the Federal Reserve
 5 Board.
 6 2. On page 2, line 3, after "10-1106" insert "and section 7 of this
 7 act".
 8 3. Renumber the remaining sections accordingly.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 519. Placed on Select File with amendment.
 ER76 is available in the Bill Room.

LEGISLATIVE BILL 449. Placed on Select File with amendment.
 ER74

- 1 1. In the Standing Committee amendment, AM1035, on page 12, line 13,
 2 strike "shall"; and in line 14 after "after" insert "the".
 3 2. On page 1, strike beginning with "the" in line 1 through line 5
 4 and insert "state government; to amend sections 81-12,153, 81-12,157,
 5 81-12,158, 81-12,159, 81-12,160, 81-12,161, 81-12,162, 81-12,163,
 6 81-12,166, 81-3701, 81-3711, and 81-3714, Reissue Revised Statutes of
 7 Nebraska; to change provisions of the Business Innovation Act; to
 8 redefine a term; to change limitations on and requirements for funding
 9 projects, financial assistance, and microloans; to restate intent
 10 regarding appropriations; to provide for confidentiality of certain
 11 records; to change provisions of the Nebraska Visitors Development Act;
 12 to provide powers and duties for the Nebraska Tourism Commission; to
 13 provide for marketing assistance grants; to create a fund; to state
 14 intent regarding tourism; to provide operative dates; to repeal the
 15 original sections; and to declare an emergency."

LEGISLATIVE BILL 132. Placed on Select File with amendment.
 ER75

- 1 1. On page 1, line 2, strike "13-2530" and insert "13-2507"; in line
 2 3 after "bonds" insert "and levy a property tax"; and in line 4 after the
 3 semicolon insert "to provide for an election;"

LEGISLATIVE BILL 561. Placed on Select File with amendment.

ER77

1 1. On page 1, line 7, after the last semicolon insert "to provide an
2 operative date;".

LEGISLATIVE BILL 243. Placed on Select File with amendment.

ER78

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. It is the intent of the Legislature to:
4 (1) Promote kinship care and lifelong connections through the
5 process of family finding when a child has been removed from the legal
6 custody of the child's parents;
7 (2) Prevent recurrence of abuse, neglect, exploitation, or other
8 maltreatment of children;
9 (3) Reduce the length of time children spend in foster care;
10 (4) Reduce multiple placements of children in foster care;
11 (5) Remain in compliance with the federal Fostering Connections to
12 Success and Increasing Adoptions Act of 2008, Public Law 110-351; and
13 (6) Create a pilot project for the process of locating and engaging
14 family members in the life of a child who is a ward of the state or is
15 participating in the bridge to independence program as defined in section
16 43-4503, or both and in need of permanency through a lifelong network of
17 support.
18 Sec. 2. For purposes of sections 1 to 9 of this act:
19 (1) Department means the Department of Health and Human Services;
20 (2) Family finding means the process described in section 3 of this
21 act;
22 (3) Family member means:
23 (a) A person related to a child by blood, adoption, or affinity
24 within the fifth degree of kinship;
25 (b) A stepparent;
26 (c) A stepsibling;
27 (d) The spouse, widow, widower, former spouse, or domestic partner
1 of any of the persons described in subdivisions (a) through (c) of this
2 subdivision; and
3 (e) Fictive kin;
4 (4) Fictive kin means an individual, unrelated by birth or marriage
5 to a child, who has an emotionally significant relationship with the
6 child that takes on the characteristics of a family relationship;
7 (5) Provider means an organization providing services as a child-
8 placing agency; and
9 (6) Service area means a geographic area administered by the
10 department and designated pursuant to section 81-3116.
11 Sec. 3. The department, its contracted providers of family finding
12 services, and family members of children involved in cases which are part
13 of the pilot project created in section 4 of this act shall participate
14 in family finding. Family finding is the process of engagement,

15 searching, preparation, planning, decisionmaking, lifetime network
16 creation, healing, and permanency in order to:
17 (1) Search for and identify family members and engage them in
18 planning and decisionmaking;
19 (2) Gain commitments from family members to support a child through
20 nurturing relationships and to support the parent or parents, when
21 appropriate; and
22 (3) Achieve a safe, permanent legal home or lifelong connection for
23 the child, either through reunification or through permanent placement
24 through legal guardianship or adoption.
25 Sec. 4. A pilot project is created to provide family finding
26 services within at least two service areas. The department shall contract
27 with providers of family finding services or the case management lead
28 agency pilot project authorized under section 68-1212 to carry out the
29 family finding services pilot project. A provider may contract within
30 multiple service areas. Each contracting provider shall be trained in and
31 implement the steps described in section 3 of this act. The family
1 finding services pilot project shall terminate on June 30, 2019.
2 Sec. 5. (1) Under the pilot project created under section 4 of this
3 act, the department shall refer a portion of all cases involving children
4 who are wards of the state in foster care or participating in the bridge
5 to independence program as defined in section 43-4503, or both to
6 providers of family finding services who or which shall (a) locate family
7 members of the children, (b) engage and empower family members, and (c)
8 create an individualized plan to achieve a safe, permanent legal home for
9 the children when possible.
10 (2) The department shall provide administrative oversight of the
11 contracts entered into pursuant to the pilot program created under
12 section 4 of this act.
13 (3) A child's departmental case manager, the child's foster parents,
14 and the provider of family finding services shall collaborate together to
15 maximize success throughout the family finding process.
16 (4) The department shall carry out the requirements of the
17 Interstate Compact for the Placement of Children when achieving out-of-
18 state placement of a ward of the court, including prompt submission of
19 required paperwork to ensure that the family finding process moves
20 forward in a timely manner.
21 Sec. 6. It is the intent of the Legislature to appropriate one
22 million five hundred thousand dollars from the General Fund for each of
23 fiscal years 2015-16, 2016-17, 2017-18, and 2018-19, to the department
24 which shall pursue federal matching funds as applicable and allocate such
25 funds to contracting providers of family finding services who or which
26 shall use such funds to (1) provide family finding services pursuant to
27 contracts with the department, (2) create and coordinate training
28 initiatives for departmental case managers assigned to cases referred for
29 family finding services to promote provider and family engagement and to
30 train case managers on the principles of family finding services for
31 successful outcomes, and (3) provide contract monitoring and oversight of
1 the pilot project and pay evaluation costs.

2 Sec. 7. The department shall establish a data collection system and
3 collect data from participating providers annually. Such data shall be
4 divided by service area and shall include (1) the number of participating
5 children and youth, (2) the ages of the participating children and youth,
6 (3) the duration of each case, and (4) case outcomes, including
7 permanency, guardianship, and family support. Data involving incomplete
8 cases shall be included and identified as such.

9 Sec. 8. The department shall contract with an academic institution
10 to complete an independent evaluation of the pilot project created under
11 section 4 of this act. The evaluation shall assess the effectiveness of
12 the pilot project in achieving the purposes described in section 1 of
13 this act and the overall fiscal impact. The evaluation shall begin after
14 completion of the second year of the pilot project and shall be completed
15 in the third year of the pilot project. The department shall
16 electronically transmit the evaluation to the Health and Human Services
17 Committee of the Legislature.

18 Sec. 9. The department may adopt and promulgate rules and
19 regulations to carry out sections 1 to 8 of this act.

LEGISLATIVE BILL 243A. Placed on Select File.

LEGISLATIVE BILL 292. Placed on Select File.

LEGISLATIVE BILL 292A. Placed on Select File.

LEGISLATIVE BILL 265A. Placed on Select File with amendment.

ER80

1 1. On page 3, line 18, after "Institute" insert an underscored
2 comma.

LEGISLATIVE BILL 500A. Placed on Select File.

(Signed) Matt Hansen, Chairperson

SELECT FILE

LEGISLATIVE BILL 610. Senator McCoy offered the following amendment:

AM1118

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 84-612, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 84-612 (1) There is hereby created within the state treasury a fund
6 known as the Cash Reserve Fund which shall be under the direction of the
7 State Treasurer. The fund shall only be used pursuant to this section.

8 (2) The State Treasurer shall transfer funds from the Cash Reserve
9 Fund to the General Fund upon certification by the Director of
10 Administrative Services that the current cash balance in the General Fund
11 is inadequate to meet current obligations. Such certification shall
12 include the dollar amount to be transferred. Any transfers made pursuant

13 to this subsection shall be reversed upon notification by the Director of
14 Administrative Services that sufficient funds are available.

15 (3) In addition to receiving transfers from other funds, the Cash
16 Reserve Fund shall receive federal funds received by the State of
17 Nebraska for undesignated general government purposes, federal revenue
18 sharing, or general fiscal relief of the state.

19 (4) On July 7, 2009, the State Treasurer shall transfer five million
20 dollars from the Cash Reserve Fund to the Roads Operations Cash Fund. The
21 Department of Roads shall use such funds to provide the required state
22 match for federal funding made available to the state through
23 congressional earmarks.

24 (5) The State Treasurer shall transfer a total of sixty-eight
25 million dollars from the Cash Reserve Fund to the General Fund on or
26 before June 30, 2013, on such dates and in such amounts as directed by
27 the budget administrator of the budget division of the Department of
1 Administrative Services.

2 (6) The State Treasurer shall transfer ten million dollars from the
3 Cash Reserve Fund to the General Fund on or before June 30, 2013, on such
4 date as directed by the budget administrator of the budget division of
5 the Department of Administrative Services.

6 (7) The State Treasurer, at the direction of the budget
7 administrator of the budget division of the Department of Administrative
8 Services, shall transfer not to exceed forty-three million fifteen
9 thousand four hundred fifty-nine dollars in total from the Cash Reserve
10 Fund to the Nebraska Capital Construction Fund between July 1, 2013, and
11 June 30, 2017.

12 (8) The State Treasurer shall transfer fourteen million five hundred
13 thousand dollars from the Cash Reserve Fund to the Nebraska Capital
14 Construction Fund on or before June 30, 2015, on such date as directed by
15 the budget administrator of the budget division of the Department of
16 Administrative Services.

17 (9) The State Treasurer shall transfer fifty million five hundred
18 thousand dollars from the Cash Reserve Fund to the General Fund on or
19 before December 31, 2014, on such date as directed by the budget
20 administrator of the budget division of the Department of Administrative
21 Services.

22 (10) The State Treasurer shall transfer two million five hundred
23 thousand dollars from the Cash Reserve Fund to the Highway Cash Fund on
24 or before October 1, 2015, on such date as directed by the budget
25 administrator of the budget division of the Department of Administrative
26 Services.

27 (11) The State Treasurer shall transfer eight million five hundred
28 thousand dollars from the Cash Reserve Fund to the Highway Cash Fund on
29 or before October 1, 2016, on such date as directed by the budget
30 administrator of the budget division of the Department of Administrative
31 Services.

1 Sec. 2. Original section 84-612, Reissue Revised Statutes of
2 Nebraska, is repealed.

Senator McCoy withdrew his amendment.

Senator Smith moved for a call of the house. The motion prevailed with 45 ayes, 0 nays, and 4 not voting.

Senator Smith requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 27:

| | | | | |
|----------|----------|-------------|----------------|----------|
| Baker | Gloor | Johnson | Morfeld | Smith |
| Campbell | Haar, K. | Kolowski | Nordquist | Stinner |
| Coash | Hadley | Kolterman | Pansing Brooks | Williams |
| Crawford | Harr, B. | Kuehn | Scheer | |
| Ebke | Howard | Lindstrom | Schumacher | |
| Friesen | Hughes | McCollister | Seiler | |

Voting in the negative, 14:

| | | | | |
|------------|-----------|---------|---------|------------|
| Bloomfield | Chambers | Groene | Larson | Sullivan |
| Bolz | Craighead | Kintner | McCoy | Watermeier |
| Brasch | Davis | Krist | Murante | |

Present and not voting, 6:

| | | |
|-----------|-------|---------|
| Hansen | Mello | Schilz |
| Hilkemann | Riepe | Schnoor |

Excused and not voting, 2:

| | |
|------|---------|
| Cook | Garrett |
|------|---------|

Advanced to Enrollment and Review for Engrossment with 27 ayes, 14 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 610A. Advanced to Enrollment and Review for Engrossment.

VISITORS

Visitors to the Chamber were 23 fourth-grade students from Cedar Elementary, Beatrice; and 14 student pharmacists and pharmacists from Creighton University School of Pharmacy and UNMC College of Pharmacy, Omaha.

The Doctor of the Day was Dr. Jillian Fickenscher from Omaha.

ADJOURNMENT

At 5:18 p.m., on a motion by Senator Ebke, the Legislature adjourned until 9:00 a.m., Tuesday, April 14, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-THIRD DAY - APRIL 14, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

SIXTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 14, 2015

PRAYER

The prayer was offered by Senator Sullivan.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Campbell, Davis, Groene, Kintner, Kolowski, Kolterman, Mello, Morfeld, Schnoor, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-second day was approved.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 89. Placed on Final Reading.
ST23

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Mello amendment, AM1009:
 - a. On page 2, line 1, an underscored comma has been inserted after "programs";
 - b. On page 3, line 31, "2" has been struck and "5" inserted; and
 - c. On page 4, line 11, "to 3" has been struck and ", 2, 3," inserted.
2. On page 1, lines 1 and 2; and page 9, lines 4 and 5, "section 43-513, Reissue Revised Statutes of Nebraska, and" has been struck.
3. On page 1, lines 5 and 6, "provide an operative date" has been struck and "create the Intergenerational Poverty Task Force; to provide powers and duties; to require reports; to provide a termination date; to provide operative dates" inserted.

LEGISLATIVE BILL 89A. Placed on Final Reading.

LEGISLATIVE BILL 413. Placed on Final Reading.

LEGISLATIVE BILL 413A. Placed on Final Reading.

LEGISLATIVE BILL 641. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 181. Introduced by Kolterman, 24.

PURPOSE: The purpose of this resolution is to study how to build Nebraska's workforce, especially in high-need areas, and support personal responsibility and professional growth for all Nebraskans. A first step in accomplishing this purpose is to identify and, if applicable, propose changes to state policies that serve as barriers to full-time employment. Some Nebraskans are forced to continue dependency on state-funded benefits rather than risk losing these supports if their work hours or income levels exceed the limits for these programs. While these programs fill an important need for families across the state, there may be improvements that can be made in order to enable workers to stay and grow within the workforce.

The study shall include, but not be limited to, the following issues:

(1) Examining current state-funded financial assistance programs offered by the Department of Health and Human Services, including medicaid and other joint federal and state programs in which the state has discretion in setting limitations;

(2) Examining similar programs in other states; and

(3) Identifying potential improvements that can be made to current programs that would benefit Nebraska employers and employees, expand the available workforce in high-need areas, and contribute to the economic growth of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 182. Introduced by Kolterman, 24.

PURPOSE: LB531 was introduced in 2015 because of concerns regarding Nebraskans' lack of sufficient information when deciding which type of health insurance plan to purchase. Cost-sharing obligations, including deductibles, copayments, coinsurance, and excluded out-of-pocket expenses may be significantly greater than the total premiums paid for a health benefit

plan. Often Nebraskans are choosing health benefit plans based solely on premiums and a summary description of benefits without complete and accurate information about their own cost-sharing responsibilities under plans with differing premiums. The information currently presented on differing premiums may lead to an erroneous impression about which plan places the greater burden on the household budget. Nebraskans may be significantly disadvantaged by spending scarce resources on premiums for a benefit plan that fails to protect the household from the cost of medical care in a time of need. Several groups have tried to prevent such harm to consumers by creating tools and Internet-based calculators that reveal a more complete picture of the costs and benefits to consumers of competing health plans. Individuals may lack the time and expertise to find the relevant information themselves to make the best plan selection based on their household's medical and financial situation.

The purpose of this resolution is to investigate and make recommendations regarding what can be done to provide Nebraska consumers the necessary information to enable them to make informed decisions as to which health care plan to purchase.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB243:
AM1217

(Amendments to E and R amendments, ER78)

1 1. On page 1, line 16, after "both" insert an underscored comma; and
2 in line 27 after the third comma insert "or" and strike ", or domestic
3 partner".

4 2. On page 2, strike lines 3 through 6 and insert the following new
5 subdivisions:

6 "(e) Any individual who is a primary caretaker or trusted adult in a
7 kinship home and who, as a primary caretaker, has lived with the child
8 or, as a trusted adult, has a preexisting, significant relationship with
9 the child;

10 (4) Kinship home means a home in which a child receives foster care
11 and at least one of the primary caretakers has previously lived with or
12 is a trusted adult that has a preexisting, significant relationship with
13 the child;".

14 3. On page 3, line 5, after "both" insert an underscored comma.

Senator Hilkemann filed the following amendment to LB641:
AM1233

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 60-601, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 60-601 Sections 60-601 to 60-6,382 and sections 2 and 3 of this act
6 shall be known and may be cited as the Nebraska Rules of the Road.
7 Sec. 2. Any disabled person operating a manual or motorized
8 wheelchair on a sidewalk or across a roadway or shoulder in a crosswalk
9 shall have all the rights and duties applicable to a pedestrian under the
10 same circumstances.
11 Sec. 3. (1) Any person operating a bicycle on a sidewalk or across a
12 roadway or shoulder in a crosswalk shall have all the rights and duties
13 applicable to a pedestrian under the same circumstances subject to
14 subsection (2) of this section.
15 (2) A person operating a bicycle on a sidewalk shall not:
16 (a) Operate the bicycle so as to suddenly leave a curb or other
17 place of safety and move into the path of a vehicle that is so close as
18 to constitute an immediate hazard;
19 (b) Fail to give an audible warning before overtaking and passing a
20 pedestrian or fail to yield the right-of-way to all pedestrians on the
21 sidewalk;
22 (c) Operate the bicycle in a careless manner that endangers or would
23 be likely to endanger any person or property; or
24 (d) Operate the bicycle at a speed greater than an ordinary walk
25 when approaching or entering a crosswalk, approaching or crossing a
26 driveway, or crossing a curb cut or pedestrian ramp when a motor vehicle
27 is approaching the crosswalk, driveway, curb cut, or pedestrian ramp.
1 This subdivision does not require a reduced speed for a bicycle at a
2 place on a sidewalk or other pedestrian way other than a place where the
3 path for pedestrians or bicycle traffic approaches or crosses that for
4 motor vehicle traffic.
5 Sec. 4. Original section 60-601, Revised Statutes Cumulative
6 Supplement, 2014, is repealed.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 160, 161, 162, 163, 164, 165, 166, 167,
168, 169, and 170 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the
Speaker signed the following: LRs 160, 161, 162, 163, 164, 165, 166, 167,
168, 169, and 170.

MOTION(S) - Confirmation Report(s)

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1091:

Nebraska Environmental Trust Board
Rodney R. Christen

Voting in the affirmative, 27:

| | | | | |
|------------|-----------|-------------|----------------|----------|
| Bloomfield | Gloor | Johnson | Pansing Brooks | Stinner |
| Bolz | Haar, K. | Krist | Riepe | Sullivan |
| Crawford | Hadley | Kuehn | Scheer | Williams |
| Ebke | Hansen | Lindstrom | Schilz | |
| Friesen | Hilkemann | McCollister | Schumacher | |
| Garrett | Hughes | Nordquist | Smith | |

Voting in the negative, 0.

Present and not voting, 12:

| | | | |
|----------|-----------|----------|---------|
| Baker | Coash | Harr, B. | McCoy |
| Brasch | Cook | Howard | Murante |
| Chambers | Craighead | Larson | Seiler |

Excused and not voting, 10:

| | | | | |
|----------|---------|-----------|---------|------------|
| Campbell | Groene | Kolowski | Mello | Schnoor |
| Davis | Kintner | Kolterman | Morfeld | Watermeier |

The appointment was confirmed with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1091:

Department of Environmental Quality
James Reed Macy, Director

Voting in the affirmative, 34:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Bloomfield | Friesen | Howard | McCollister | Schumacher |
| Bolz | Garrett | Hughes | Nordquist | Seiler |
| Brasch | Gloor | Johnson | Pansing Brooks | Smith |
| Chambers | Haar, K. | Kintner | Riepe | Stinner |
| Craighead | Hadley | Krist | Scheer | Sullivan |
| Crawford | Hansen | Kuehn | Schilz | Williams |
| Ebke | Hilkemann | Lindstrom | Schnoor | |

Voting in the negative, 0.

Present and not voting, 7:

| | | | |
|-------|----------|--------|---------|
| Baker | Cook | Larson | Murante |
| Coash | Harr, B. | McCoy | |

Excused and not voting, 8:

| | | | |
|----------|----------|-----------|------------|
| Campbell | Groene | Kolterman | Morfeld |
| Davis | Kolowski | Mello | Watermeier |

The appointment was confirmed with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1091:

Nebraska Oil and Gas Conservation Commission
John Arley Rundel

Voting in the affirmative, 32:

| | | | | |
|------------|----------|-------------|-----------|------------|
| Baker | Gloor | Johnson | McCoy | Schumacher |
| Bloomfield | Groene | Kintner | Morfeld | Stinner |
| Bolz | Haar, K. | Kolowski | Nordquist | Sullivan |
| Campbell | Hadley | Kolterman | Riepe | Watermeier |
| Chambers | Hansen | Krist | Scheer | |
| Cook | Howard | Larson | Schilz | |
| Friesen | Hughes | McCollister | Schnoor | |

Voting in the negative, 0.

Present and not voting, 16:

| | | | |
|-----------|----------|-----------|----------|
| Brasch | Davis | Hilkemann | Murante |
| Coash | Ebke | Kuehn | Seiler |
| Craighead | Garrett | Lindstrom | Smith |
| Crawford | Harr, B. | Mello | Williams |

Excused and not voting, 1:

Pansing Brooks

The appointment was confirmed with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 265A. ER80, found on page 1155, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 500A. Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 623. Placed on General File with amendment.
AM1203

1 1. Insert the following new section:

2 Sec. 2. Section 60-484.05, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

4 60-484.05 (1) The department shall only issue an operator's license
5 or a state identification card that is temporary to any applicant who
6 presents documentation under sections 60-484 and 60-484.04 that shows his
7 or her authorized stay in the United States is temporary. An operator's
8 license or a state identification card that is temporary shall be valid
9 only during the period of time of the applicant's authorized stay in the
10 United States or, if there is no definite end to the period of authorized
11 stay, a period of one year.

12 (2) An operator's license or state identification card that is
13 temporary shall clearly indicate that it is temporary with a special
14 notation on the front of the license or card and shall state the date on
15 which it expires.

16 (3) An operator's license or state identification card that is
17 temporary may be renewed only upon presentation of valid documentary
18 evidence that the status by which the applicant qualified for the
19 operator's license or state identification card that is temporary has
20 been extended by the United States Department of Homeland Security.

21 (4) If an individual has an operator's license or a state
22 identification card issued based on approved lawful status granted under
23 section 202(c)(2)(B)(i) through (ix) of the federal REAL ID Act of 2005,
24 Public Law 109-13, and the basis for the approved lawful status is
25 terminated, the individual shall return the operator's license or state
26 identification card to the Department of Motor Vehicles.

27 2. Renumber the remaining sections and correct the repealer
1 accordingly.

(Signed) Jim Smith, Chairperson

Business and Labor

LEGISLATIVE BILL 276. Placed on General File with amendment.
AM1107

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. (1) For purposes of this section, construction work
4 means work on real property and annexations, including new work,
5 additions, alterations, reconstruction, installations, and repairs
6 performed at one or more different sites which may be dispersed
7 geographically.
8 (2) A person who regularly and customarily performs construction
9 work for others at a location other than the person's own fixed business
10 location shall apply to the administrator of the Nebraska Workers'
11 Compensation Court for certification as an independent contractor unless
12 the person has elected to bring himself or herself within the provisions
13 of the Nebraska Workers' Compensation Act in accordance with subdivision
14 (10) of section 48-115. A certified independent contractor is not
15 entitled to any benefits under the Nebraska Workers' Compensation Act.
16 (3)(a) To request certification as an independent contractor, a
17 person shall submit an application to the administrator of the
18 compensation court in a form and manner prescribed by the administrator.
19 The application shall include the following:
20 (i) The applicant's name, address, and telephone number;
21 (ii) The applicant's social security number and federal employer
22 identification number;
23 (iii) The applicant's regular trade, occupation, business, or
24 profession;
25 (iv) The applicant's business name, business address, and the type
26 of business entity;
27 (v) A completed and signed questionnaire developed by the
1 administrator;
2 (vi) A signed form developed by the administrator acknowledging
3 that, as a certified independent contractor, the applicant is not
4 entitled to any benefits under a policy of workers' compensation
5 insurance pursuant to the Nebraska Workers' Compensation Act;
6 (vii) Any other information required by the administrator; and
7 (viii) A fee to be set by the administrator in an amount sufficient
8 to cover the costs of administering this section. Fees collected pursuant
9 to this section shall be remitted to the State Treasurer for credit to
10 the Compensation Court Cash Fund.
11 (b) The administrator of the compensation court may, at his or her
12 discretion, require documentation or other evidence to support any
13 representations made on an application or questionnaire submitted
14 pursuant to this section.
15 (4) The administrator of the compensation court shall evaluate the
16 application and the applicant's answers to the questionnaire and
17 determine whether the applicant is qualified to be a certified
18 independent contractor. In making such determination, the administrator

19 shall consider the following factors:
20 (a) The extent of control which those for whom work is performed
21 exercise over the details of the work;
22 (b) Whether the applicant is engaged in a distinct business
23 providing services to multiple entities;
24 (c) Whether in the applicant's trade, occupation, business, or
25 profession the work is normally done under the direction of an employer
26 or by a specialist without supervision;
27 (d) The skill required in the applicant's trade, occupation,
28 business, or profession;
29 (e) Whether the applicant or those for whom work is performed supply
30 the instrumentalities, tools, and place of work;
31 (f) Whether the applicant is engaged on an ongoing basis or for a
1 specific project;
2 (g) Whether the applicant is paid on a completed project basis or
3 some other method;
4 (h) Whether the work of the applicant is part of the regular
5 business of those for whom work is performed;
6 (i) Whether the applicant and those for whom work is performed
7 intend the applicant to be an independent contractor and whether the work
8 of the applicant is subject to an agreement designating the applicant as
9 an independent contractor; and
10 (j) Whether those for whom work is performed are or are not in
11 business.
12 (5) If the administrator of the compensation court determines that
13 the applicant is qualified to be a certified independent contractor, the
14 administrator shall issue a certificate to that effect. The certificate
15 shall remain in effect for a period of two years. Any person desiring to
16 continue certification beyond the initial two-year certification period
17 shall submit a new application in accordance with subsection (3) of this
18 section. Such new application shall be evaluated in accordance with
19 subsection (4) of this section.
20 (6) If the administrator of the compensation court determines that
21 the applicant is not qualified to be a certified independent contractor,
22 or if the applicant fails to provide any information required under
23 subsection (3) of this section, the administrator shall deny the
24 application. Any applicant who refuses to accept such denial may request
25 reconsideration by a judge of the Nebraska Workers' Compensation Court.
26 Such request must be filed in the office of the clerk of the compensation
27 court within thirty days after notice of the denial. Appeal from an
28 action by a judge of the compensation court pursuant to this subsection
29 shall be in accordance with section 48-185.
30 (7)(a) A certificate issued by the administrator of the compensation
31 court shall be revoked prior to the expiration of the two-year
1 certification period if:
2 (i) The revocation is requested by the person certified;
3 (ii) The person certified provided false information on an
4 application or questionnaire which the administrator relied upon and the
5 reliance was a substantial factor in the decision to issue the

6 certificate;

7 (iii) The administrator determines that the person certified is no
8 longer qualified to be a certified independent contractor; or

9 (iv) The person certified elects to bring himself or herself within
10 the provisions of the Nebraska Workers' Compensation Act in accordance
11 with subsection (10) of this section.

12 (b) Any person who refuses to accept a revocation by the
13 administrator pursuant to subdivision (7)(a)(ii) or (7)(a)(iii) of this
14 section may request reconsideration by a judge of the Nebraska Workers'
15 Compensation Court. Such request must be filed in the office of the clerk
16 of the compensation court within thirty days after notice of the
17 revocation. Appeal from an action by a judge of the compensation court
18 pursuant to this subdivision shall be in accordance with section 48-185.

19 (8) Failure to apply for certification under this section or a
20 denial or revocation of certification shall not create a presumption that
21 the person is an employee for purposes of the Nebraska Workers'
22 Compensation Act unless such person has elected to bring himself or
23 herself within the provisions of the act in accordance with subdivision
24 (10) of section 48-115.

25 (9) Any person who knowingly provides false information on an
26 application or questionnaire submitted pursuant to this section shall be
27 guilty of a Class IV misdemeanor. Any person who requires an employee to
28 provide false information on an application or questionnaire in order for
29 the employee to obtain status as a certified independent contractor shall
30 be guilty of a Class IV misdemeanor.

31 (10) A certified independent contractor may, at any time, elect to
1 bring himself or herself within the provisions of the Nebraska Workers'
2 Compensation Act in accordance with subdivision (10) of section 48-115.
3 Such election shall automatically terminate certification. Notification
4 of such election shall be given to the administrator of the compensation
5 court by the person certified.

6 (11) The Nebraska Workers' Compensation Court may adopt and
7 promulgate rules and regulations necessary to implement this section.

8 Sec. 2. Section 48-106, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 48-106 (1) The Nebraska Workers' Compensation Act shall apply to the
11 State of Nebraska, to every governmental agency created by the state,
12 and, except as provided in this section, to every resident employer in
13 this state and nonresident employer performing work in this state who
14 employs one or more employees in the regular trade, business, profession,
15 or vocation of such employer.

16 (2) The act shall not apply to:

17 (a) A railroad company engaged in interstate or foreign commerce;

18 (b) Service performed by a worker who is a household domestic
19 servant in a private residence;

20 (c) Service performed by a worker when performed for an employer who
21 is engaged in an agricultural operation and employs only related
22 employees;

23 (d) Service performed by a worker when performed for an employer who

24 is engaged in an agricultural operation and employs unrelated employees
25 unless such service is performed for an employer who during any calendar
26 year employs ten or more unrelated, full-time employees, whether in one
27 or more locations, on each working day for thirteen calendar weeks,
28 whether or not such weeks are consecutive. The act shall apply to an
29 employer thirty days after the thirteenth such week; ~~and~~

30 (e) Service performed by a person who is engaged in an agricultural
31 operation, or performed by his or her related employees, when the service
1 performed is (i) occasional and (ii) for another person who is engaged in
2 an agricultural operation who has provided or will provide reciprocal or
3 similar service; and -

4 (f) Service performed by an independent contractor who is certified
5 pursuant to section 1 of this act.

6 (3) If the employer is the state or any governmental agency created
7 by the state, the exemption from the act under subdivision (2)(d) of this
8 section does not apply.

9 (4) If the act applies to an employer because the employer meets the
10 requirements of subdivision (2)(d) of this section, all unrelated
11 employees shall be covered under the act and such employees' wages shall
12 be considered for premium purposes.

13 (5) If an employer to whom the act applies because the employer
14 meets the requirements of subdivision (2)(d) of this section subsequently
15 does not employ ten or more unrelated, full-time employees, such employer
16 shall continue to provide workers' compensation insurance coverage for
17 the employees for the remainder of the calendar year and for the next
18 full calendar year. When the required coverage period has expired, such
19 employer may elect to return to exempt status by (a) posting,
20 continuously in a conspicuous place at the employment locations of the
21 employees for a period of at least ninety days, a written or printed
22 notice stating that the employer will no longer carry workers'
23 compensation insurance for the employees and the date such insurance will
24 cease and (b) thereafter no longer carrying a policy of workers'
25 compensation insurance. Failure to provide notice in accordance with this
26 subsection voids an employer's attempt to return to exempt status.

27 (6) An employer who is exempt from the act under subsection (2) of
28 this section may elect to bring the employees of such employer under the
29 act. Such election is made by the employer obtaining a policy of workers'
30 compensation insurance covering such employees. Such policy shall be
31 obtained from a corporation, association, or organization authorized and
1 licensed to transact the business of workers' compensation insurance in
2 this state. If such an exempt employer procures a policy of workers'
3 compensation insurance which is in full force and effect at the time of
4 an accident to an employee of such employer, such procurement is
5 conclusive proof of the employer's and employee's election to be bound by
6 the act. Such an exempt employer who has procured a policy of workers'
7 compensation insurance may elect to return to exempt status by (a)
8 posting, continuously in a conspicuous place at the employment locations
9 of the employees for a period of at least ninety days, a written or
10 printed notice stating that the employer will no longer carry workers'

11 compensation insurance for the employees and the date such insurance will
12 cease and (b) thereafter no longer carrying a policy of workers'
13 compensation insurance. Failure to provide notice in accordance with this
14 subsection voids an employer's attempt to return to exempt status.

15 (7) Every employer exempted under subdivision (2)(d) of this section
16 who does not elect to provide workers' compensation insurance under
17 subsection (6) of this section shall give all unrelated employees at the
18 time of hiring or at any time more than thirty calendar days prior to the
19 time of injury the following written notice which shall be signed by the
20 unrelated employee and retained by the employer: "In this employment you
21 will not be covered by the Nebraska Workers' Compensation Act and you
22 will not be compensated under the act if you are injured on the job or
23 suffer an occupational disease. You should plan accordingly." Failure to
24 provide the notice required by this subsection subjects an employer to
25 liability under and inclusion in the act for any unrelated employee to
26 whom such notice was not given.

27 (8) An exclusion from coverage in any health, accident, or other
28 insurance policy covering a person employed by an employer who is exempt
29 from the act under this section which provides that coverage under the
30 health, accident, or other insurance policy does not apply if such person
31 is entitled to workers' compensation coverage is void as to such person
1 if such employer has not elected to bring the employees of such employer
2 within the act as provided in subsection (6) of this section.

3 (9) For purposes of this section:

4 (a) Agricultural operation means (i) the cultivation of land for the
5 production of agricultural crops, fruit, or other horticultural products
6 or (ii) the ownership, keeping, or feeding of animals for the production
7 of livestock or livestock products;

8 (b) Full-time employee means a person who is employed to work one-
9 half or more of the regularly scheduled hours during each pay period; and

10 (c) Related employee means a spouse of an employer and an employee
11 related to the employer within the third degree by blood or marriage.
12 Relationship by blood or marriage within the third degree includes
13 parents, grandparents, great grandparents, children, grandchildren, great
14 grandchildren, brothers, sisters, uncles, aunts, nephews, nieces, and
15 spouses of the same. If the employer is a partnership, limited liability
16 company, or corporation in which all of the partners, members, or
17 shareholders are related within the third degree by blood or marriage,
18 then related employee means any employee related to any such partner,
19 member, or shareholder within the third degree by blood or marriage.

20 Sec. 3. Section 48-116, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 48-116 Any person, firm, or corporation creating or carrying into
23 operation any scheme, artifice, or device to enable him or her, them, or
24 it to execute work without being responsible to the workers for the
25 provisions of the Nebraska Workers' Compensation Act shall be included in
26 the term employer, and with the immediate employer shall be jointly and
27 severally liable to pay the compensation herein provided for and be
28 subject to all the provisions of such act. This section, however, shall

29 not be construed as applying to (1) an owner who lets a contract to a
30 contractor in good faith, or a contractor, who, in good faith, lets to a
31 subcontractor a portion of his or her contract, if the owner or principal
1 contractor, as the case may be, requires the contractor or subcontractor,
2 respectively, to procure a policy or policies of insurance from an
3 insurance company licensed to write such insurance in this state, which
4 policy or policies of insurance shall guarantee payment of compensation
5 according to the Nebraska Workers' Compensation Act to injured workers or
6 (2) service performed by an independent contractor who is certified
7 pursuant to section 1 of this act.

8 Sec. 4. Section 48-1,110, Revised Statutes Cumulative Supplement,
9 2014, is amended to read:
10 48-1,110 Sections 48-101 to 48-1,117 and section 1 of this act shall
11 be known and may be cited as the Nebraska Workers' Compensation Act.
12 Sec. 5. Section 48-1,116, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 48-1,116 The Compensation Court Cash Fund is hereby created. The
15 fund shall be used to aid in providing for the expense of administering
16 the Nebraska Workers' Compensation Act and the payment of the salaries
17 and expenses of the personnel of the Nebraska Workers' Compensation
18 Court, ~~except that transfers may be made from the fund to the General~~
19 ~~Fund at the direction of the Legislature through June 30, 2011.~~
20 All fees received pursuant to sections 48-120, 48-120.02, 48-138,
21 48-139, 48-145.04, and 48-165 and section 1 of this act shall be remitted
22 to the State Treasurer for credit to the Compensation Court Cash Fund.
23 The fund shall also consist of amounts credited to the fund pursuant to
24 sections 48-1,113, 48-1,114, and 77-912. The State Treasurer may receive
25 and credit to the fund any money which may at any time be contributed to
26 the state or the fund by the federal government or any agency thereof to
27 which the state may be or become entitled under any act of Congress or
28 otherwise by reason of any payment made from the fund.
29 Any money in the fund available for investment shall be invested by
30 the state investment officer pursuant to the Nebraska Capital Expansion
31 Act and the Nebraska State Funds Investment Act.
1 Sec. 6. Original sections 48-106, 48-116, and 48-1,116, Reissue
2 Revised Statutes of Nebraska, and section 48-1,110, Revised Statutes
3 Cumulative Supplement, 2014, are repealed.

LEGISLATIVE BILL 306. Placed on General File with amendment.
AM875

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 48-2503, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 48-2503 (1)(a) The Conveyance Advisory Committee is created. One
6 member shall be the state elevator inspector appointed pursuant to
7 section 48-2512.01. One member shall be the State Fire Marshal or his or
8 her designee. The Governor shall appoint the remaining members of the
9 committee as follows: One representative from a major elevator

10 manufacturing company; one representative from an elevator servicing
 11 company; one representative who is a building manager; one representative
 12 who is an elevator mechanic; one representative of labor involved in the
 13 elevator industry; and except as provided in subdivision (b) of this
 14 subsection, one representative of the general public from each county
 15 that has a population of more than one hundred thousand inhabitants. ~~The~~
 16 ~~committee shall be appointed within ninety days after January 1, 2008.~~

17 (b) On and after the operative date of this section, as the term of
 18 each representative of the general public from a county that has a
 19 population of more than one hundred thousand inhabitants expires, the
 20 Governor shall fill such expired terms with representatives from three
 21 different counties of the state, one of whom shall reside in a county
 22 containing a city of the metropolitan class, one of whom shall reside in
 23 a county that has a population of at least one hundred thousand
 24 inhabitants but less than four hundred thousand inhabitants, and one of
 25 whom shall reside in a county that has a population of less than one
 26 hundred thousand inhabitants. A representative of the general public who
 27 is serving on the committee on the operative date of this section may be
 1 eligible for reappointment when his or her term expires if he or she is
 2 eligible under the criteria established by this subdivision.

3 (2) The members of the committee appointed by the Governor shall
 4 serve for terms of three years, except that of the initial members
 5 appointed, two shall serve for terms of one year and three shall serve
 6 for terms of two years. The state elevator inspector and the State Fire
 7 Marshal or his or her designee shall serve continuously. The appointed
 8 members shall be reimbursed for their actual and necessary expenses for
 9 service on the committee as provided in sections 81-1174 to 81-1177. The
 10 members of the committee shall elect a chairperson who shall be the
 11 deciding vote in the event of a tie vote.

12 (3) ~~The committee shall meet and organize within thirty days after~~
 13 ~~the appointment of the members.~~ The committee shall meet quarterly at a
 14 time and place to be fixed by the committee for the consideration of code
 15 regulations and for the transaction of such other business as properly
 16 comes before it. Special meetings may be called by the chairperson or at
 17 the request of two or more members of the committee. Any appointed
 18 committee member absent from three consecutive meetings shall be
 19 dismissed.

20 Sec. 2. Section 48-2504, Reissue Revised Statutes of Nebraska, is
 21 amended to read:

22 48-2504 The committee:

23 (1) May consult with engineering authorities and organizations
 24 concerned with standard safety codes;

25 (2) Shall recommend to the commissioner rules and regulations
 26 governing the operation, maintenance, servicing, construction,
 27 alteration, installation, and inspection of conveyances;

28 (3) Shall recommend to the commissioner qualifications for licensure
 29 as an elevator mechanic or elevator contractor and conditions for
 30 disciplinary actions, including suspension or revocation of a license;

31 (4) Shall recommend to the commissioner rules and regulations for

1 temporary and emergency elevator mechanic ~~thirty-day~~ licenses;
2 (5) May recommend to the commissioner legislative changes to the
3 Conveyance Safety Act deemed appropriate by the committee;
4 (6) Shall recommend to the commissioner an enforcement program
5 which will ensure compliance with the Conveyance Safety Act and the rules
6 and regulations adopted and promulgated pursuant to the act. The
7 enforcement program shall include the identification of property
8 locations which are subject to the act, issuing notifications to
9 violating property owners or operators, random onsite inspections and
10 tests on existing installations, and assisting in development of public
11 awareness programs; and
12 (7) Shall make recommendations to the commissioner regarding
13 variances under section 48-2509, continuing education providers under
14 section 48-2526, and license disciplinary actions under section 48-2528.
15 Sec. 3. Section 48-2507, Reissue Revised Statutes of Nebraska, is
16 amended to read:
17 48-2507 (1) The Conveyance Safety Act applies to the construction,
18 operation, inspection, testing, maintenance, alteration, and repair of
19 conveyances. Conveyances include the following equipment, associated
20 parts, and hoistways which are not exempted under section 48-2508:
21 (a) Hoisting and lowering mechanisms equipped with a car which moves
22 between two or more landings. This equipment includes elevators;
23 (b) Power driven stairways and walkways for carrying persons between
24 landings. This equipment includes:
25 (i) Escalators; and
26 (ii) Moving sidewalks; and
27 (c) Hoisting and lowering mechanisms equipped with a car, which
28 serves two or more landings and is restricted to the carrying of material
29 by its limited size or limited access to the car. This equipment
30 includes:
31 (i) Dumbwaiters;
1 (ii) Material lifts and dumbwaiters with automatic transfer devices;
2 and
3 (iii) Conveyors and related equipment within the scope of American
4 Society of Mechanical Engineers B20.1.
5 (2) The act applies to the construction, operation, inspection,
6 maintenance, alteration, and repair of automatic guided transit vehicles
7 on guideways with an exclusive right-of-way. This equipment includes
8 automated people movers.
9 (3) The act applies to conveyances in private residences ~~located in~~
10 counties that have a population of more than one hundred thousand
11 inhabitants at the time of installation. Such conveyances are subject to
12 inspection at installation and upon the transfer of ownership of the
13 private residence but are not subject to periodic inspections.
14 Sec. 4. Section 48-2508, Reissue Revised Statutes of Nebraska, is
15 amended to read:
16 48-2508 The Conveyance Safety Act does not apply to:
17 (1) Conveyances under the jurisdiction and subject to inspection by
18 the United States Government;

19 (2) Conveyances used exclusively for agricultural purposes, except
 20 upon the written request of the property owner to the state elevator
 21 inspector;
 22 (3) Personnel hoists within the scope of American National Standards
 23 Institute A10.4;
 24 (4) Material hoists within the scope of American National Standards
 25 Institute A10.5;
 26 (5) Manlifts within the scope of American Society of Mechanical
 27 Engineers A90.1;
 28 (6) Mobile scaffolds, towers, and platforms within the scope of
 29 American National Standards Institute A92;
 30 (7) Powered platforms and equipment for exterior and interior
 31 maintenance within the scope of American National Standards Institute
 1 120.1;
 2 (8) Cranes, derricks, hoists, hooks, jacks, and slings within the
 3 scope of American Society of Mechanical Engineers B30;
 4 (9) Industrial trucks within the scope of American Society of
 5 Mechanical Engineers B56;
 6 (10) Portable equipment, except for portable escalators which are
 7 covered by American National Standards Institute A17.1;
 8 (11) Tiering or piling machines used to move materials to and from
 9 storage located and operating entirely within one story;
 10 (12) Equipment for feeding or positioning materials at machine
 11 tools, printing presses, and similar equipment;
 12 (13) Skip or furnace hoists;
 13 (14) Wharf ramps;
 14 (15) Railroad car lifts or dumpers;
 15 (16) Line jacks, false cars, shafters, moving platforms, and similar
 16 equipment used for installing a conveyance by an elevator contractor;
 17 (17) Manlifts, hoists, or conveyances used in grain elevators or
 18 feed mills;
 19 (18) Dock levelators; and
 20 (19) Except as provided in subsection (3) of section 48-2507,
 21 stairway Stairway chair lifts and platform lifts, ; and
 22 ~~(20) Conveyances in residences located in counties that have a~~
 23 ~~population of one hundred thousand or less inhabitants.~~
 24 Sec. 5. Section 48-2512, Reissue Revised Statutes of Nebraska, is
 25 amended to read:
 26 48-2512 (1) No person shall wire, alter, replace, remove, or
 27 dismantle an existing conveyance ~~contained within a building or structure~~
 28 ~~located in a county that has a population of more than one hundred~~
 29 ~~thousand inhabitants unless such person is a licensed elevator mechanic~~
 30 ~~or he or she is working under the direct supervision of a person who is a~~
 31 ~~licensed elevator mechanic. Neither a licensed elevator mechanic nor a~~
 1 ~~licensed elevator contractor is required to perform nonmechanical~~
 2 ~~maintenance of a conveyance. Neither a licensed elevator contractor nor a~~
 3 ~~licensed elevator mechanic is required for removing or dismantling~~
 4 ~~conveyances which are destroyed as a result of a complete demolition of a~~
 5 ~~secured building.~~

6 (2) It shall be the responsibility of licensed elevator mechanics
7 and licensed elevator contractors to ensure that installation and service
8 of a conveyance is performed in compliance with applicable fire and
9 safety codes. It shall be the responsibility of the owner of the
10 conveyance to ensure that the conveyance is maintained in compliance with
11 applicable fire and safety codes.

12 (3) All new conveyance installations shall be performed by a
13 licensed elevator mechanic under the control of a licensed elevator
14 contractor or by a licensed elevator contractor. Subsequent to
15 installation, a licensed elevator contractor shall certify compliance
16 with the Conveyance Safety Act.

17 Sec. 6. Section 48-2516, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 48-2516 Upon a conveyance passing an inspection under section
20 48-2513, 48-2514, or 48-2515 and receipt of the inspection fee, the
21 commissioner shall issue the owner or user of the conveyance a
22 certificate of inspection, upon forms prescribed by the commissioner. For
23 inspections conducted from January 1, 2016, through December 31, 2016, in
24 counties that have a population of one hundred thousand inhabitants or
25 less, the certificate of inspection shall notify the owner of the
26 licensure requirements provided in the Conveyance Safety Act.

27 Sec. 7. Section 48-2529, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 48-2529 The commissioner shall adopt and promulgate rules and
30 regulations establishing standards and procedures for the issuance of
31 temporary and emergency elevator mechanic ~~thirty-day~~ licenses and for the
1 extension of such licenses for good cause shown.

2 Sec. 8. Sections 1, 2, 3, 4, 5, 7, and 10 of this act become
3 operative on January 1, 2017. The other sections of this act become
4 operative on their effective date.

5 Sec. 9. Original section 48-2516, Reissue Revised Statutes of
6 Nebraska, is repealed.

7 Sec. 10. Original sections 48-2503, 48-2504, 48-2507, 48-2508,
8 48-2512, and 48-2529, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Burke Harr, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 183. Introduced by Harr, B., 8.

WHEREAS, the Nebraska State Chili Championship Cookoff is celebrating its 35th anniversary in 2015; and

WHEREAS, the Nebraska State Chili Championship Cookoff is the only chili cook-off sanctioned by the International Chili Society; and

WHEREAS, the Nebraska State Chili Championship Cookoff benefits charitable organizations and will be held on June 6-7, 2015, in Omaha.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes Sunday, June 7, 2015, as Nebraska's Official Chili Day.
2. That a copy of this resolution be sent to the Nebraska State Chili Championship Cookoff organizers, Sue and Bill Dudzik.

Laid over.

LEGISLATIVE RESOLUTION 184. Introduced by Harr, B., 8.

WHEREAS, the National Defense Act of 1916 established the Reserve Officer Training Corps (ROTC) and the Junior Reserve Officer Training Corps (JROTC); and

WHEREAS, the University of Nebraska and Creighton University were the first institutions in the state to charter ROTC programs; and

WHEREAS, the public schools in Bellevue, Lincoln, Omaha, Papillion-La Vista, and Plattsmouth were the first high schools in the state to charter JROTC programs; and

WHEREAS, ROTC and JROTC programs serve communities, provide military leadership, and motivate youth to become better citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature declares June 7, 2015, as Reserve Officer Training Corps Recognition Day in Nebraska.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 80. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 494. Title read. Considered.

Committee AM647, found on page 881, was offered.

Senator B. Harr moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator B. Harr requested a roll call vote, in reverse order, on the committee amendment.

Voting in the affirmative, 20:

| | | | | |
|------------|----------|----------|-------------|----------------|
| Bloomfield | Cook | Harr, B. | Kuehn | Nordquist |
| Bolz | Crawford | Howard | McCollister | Pansing Brooks |
| Campbell | Haar, K. | Kolowski | Mello | Schumacher |
| Chambers | Hansen | Krist | Morfeld | Sullivan |

Voting in the negative, 25:

| | | | | |
|-----------|-----------|-----------|-----------|------------|
| Baker | Friesen | Hughes | Lindstrom | Schnoor |
| Brasch | Garrett | Johnson | McCoy | Seiler |
| Coash | Groene | Kintner | Murante | Stinner |
| Craighead | Hadley | Kolterman | Riepe | Watermeier |
| Davis | Hilkemann | Larson | Scheer | Williams |

Present and not voting, 2:

Ebke Smith

Excused and not voting, 2:

Gloor Schilz

The committee amendment lost with 20 ayes, 25 nays, 2 present and not voting, and 2 excused and not voting.

Senator Nordquist requested a record vote on the advancement of the bill.

Voting in the affirmative, 18:

| | | | | |
|----------|----------|----------|-------------|----------------|
| Bolz | Crawford | Howard | McCollister | Pansing Brooks |
| Campbell | Haar, K. | Johnson | Mello | Schumacher |
| Chambers | Hansen | Kolowski | Morfeld | |
| Cook | Harr, B. | Krist | Nordquist | |

Voting in the negative, 27:

| | | | | |
|------------|-----------|-----------|---------|------------|
| Baker | Ebke | Hughes | Murante | Sullivan |
| Bloomfield | Friesen | Kintner | Riepe | Watermeier |
| Brasch | Garrett | Kolterman | Scheer | Williams |
| Coash | Groene | Larson | Schnoor | |
| Craighead | Hadley | Lindstrom | Seiler | |
| Davis | Hilkemann | McCoy | Stinner | |

Present and not voting, 2:

Kuehn Smith

Excused and not voting, 2:

Gloor Schilz

Failed to advance to Enrollment and Review Initial with 18 ayes, 27 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 320. Placed on Final Reading.

LEGISLATIVE BILL 320A. Placed on Final Reading.

LEGISLATIVE BILL 347. Placed on Final Reading.

LEGISLATIVE BILL 347A. Placed on Final Reading.

LEGISLATIVE BILL 500. Placed on Final Reading.

ST24

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 4, "and" has been struck and a comma inserted and ", and in-home family services model" has been inserted after the second "therapy".

LEGISLATIVE BILL 538. Placed on Final Reading.

LEGISLATIVE BILL 538A. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Krist filed the following amendment to LB15:

FA46

Strike the enacting clause.

Senator Crawford filed the following amendment to LB67:

AM1245

1 1. On page 3, strike beginning with "the" in line 10 through "Code"

2 in line 19, show the old matter as stricken, and insert "any sanitary and

3 improvement district".

VISITORS

Visitors to the Chamber were 7 twelfth-grade students and teacher from Sutherland; 24 fourth-grade students and teachers from Elmwood Murdock; 35 ninth- through twelfth-grade students and teachers from Northeast High School, Lincoln; 94 fourth-grade students and teachers from St. Vincent DePaul School, Omaha; 24 fourth-grade students and teachers from Ponca; and 56 fourth-grade students and teachers for La Vista West Elementary.

RECESS

At 12:04 p.m., on a motion by Senator Crawford, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senator Craighead who was excused; and Senators Davis, Gloor, Kintner, Schilz, Schumacher, and Watermeier who were excused until they arrive.

MESSAGE(S) FROM THE GOVERNOR

April 14, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the State Racing Commission:

Janelle Beveridge, 411 W. 2, P.O. Box 66, Paxton, NE 69155

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

April 14, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Commission of Industrial Relations:

William G. Blake, 6601 Park Crest Court, Lincoln, NE 68506

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

April 14, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Commission on Problem Gambling:

Matthew Anselmo, 321 Fort Crook Road, #103, Bellevue, NE 68005
Paul Leckband, 1606 Skyline Drive, Norfolk, NE 68701
Terry L. Scoville, 409 South Ash Street, North Platte, NE 69101

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

GENERAL FILE

LEGISLATIVE BILL 605. Title read. Considered.

Committee AM1010, found on page 1023, was offered.

Senator Seiler offered the following amendment to the committee amendment:

AM1242 is available in the Bill Room.

SPEAKER HADLEY PRESIDING

Senator Davis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Davis moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

The Seiler amendment was adopted with 36 ayes, 4 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator B. Harr offered the following amendment to the committee amendment:

AM1026

(Amendments to AM1010)

1 1. On page 12, line 13, strike "one hundred dollars fine", show as
2 stricken, and insert "none".

Senator B. Harr withdrew his amendment.

The committee amendment, as amended, was adopted with 32 ayes, 4 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 3 nays, 6 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 598. Title read. Considered.

Committee AM928, found on page 1003, was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 265. Placed on Final Reading.

ST26

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E and R amendments, ER61, on page 29, line 18, "and" has been inserted after the first comma and "on September 6, 2015" has been struck and "three calendar months after the adjournment of this legislative session" inserted.

LEGISLATIVE BILL 482. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Schumacher filed the following amendment to LB72:
AM1225

1 1. Strike original sections 4 and 5 and insert the following new
2 section:
3 Sec. 4. Section 68-919, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 68-919 (1) The recipient of medical assistance under the medical
6 assistance program shall be indebted to the department for the total
7 amount paid for medical assistance on behalf of the recipient if:
8 (a) The recipient was fifty-five years of age or older at the time
9 the medical assistance was provided; or
10 (b) The recipient resided in a medical institution and, at the time
11 of institutionalization or application for medical assistance, whichever
12 is later, the department determines that the recipient could not have
13 reasonably been expected to be discharged and resume living at home. For
14 purposes of this section, medical institution means a nursing facility,
15 an intermediate care facility for persons with developmental
16 disabilities, or an inpatient hospital.
17 (2) The debt accruing under subsection (1) of this section arises
18 during the life of the recipient but shall be held in abeyance until the
19 death of the recipient. Any such debt to the department that exists when
20 the recipient dies shall be recovered only after the death of the
21 recipient's spouse, if any, and only when the recipient is not survived
22 by a child who either is under twenty-one years of age or is blind or
23 totally and permanently disabled as defined by the Supplemental Security
24 Income criteria.
25 (3) The debt shall include the total amount of medical assistance
26 provided when the recipient was fifty-five years of age or older or
27 during a period of institutionalization as described in subsection (1) of
1 this section and shall not include interest.
2 (4) The debt may be recovered from the estate of a medical
3 assistance recipient, including any real property, personal property, or
4 other asset in which the recipient had any legal title or interest at the
5 time of the recipient's death, to the extent of such interests, including
6 interests in trusts.
7 (4) In any probate proceedings in which the department has filed a
8 claim under this section, no additional evidence of foundation shall be
9 required for the admission of the department's payment record supporting
10 its claim if the payment record bears the seal of the department, is
11 certified as a true copy, and bears the signature of an authorized
12 representative of the department.
13 (5) The department may waive or compromise its claim, in whole or
14 in part, if the department determines that enforcement of the claim would

15 not be in the best interests of the state or would result in undue
 16 hardship as provided in rules and regulations of the department.
 17 2. On page 2, lines 21 through 23; page 7, lines 6 through 8; and
 18 page 8, lines 11 through 13, strike "and" through "trustor".
 19 3. On page 2, line 28; page 7, line 13; and page 8, line 18, after
 20 the period insert "If there is no medicaid reimbursement due, the
 21 department shall waive the restriction within sixty days after receipt of
 22 the trustee's request for waiver and the deceased trustor's name and
 23 social security number and, if available upon reasonable investigation,
 24 the name and social security number of the trustor's spouse if such
 25 spouse is deceased.".
 26 4. On page 11, line 13, after the period insert "Notice to the
 27 department shall not be dispensed with pursuant to subsection (4) or (5)
 28 of this section.".
 29 5. Renumber the remaining sections and correct internal references
 30 and the repealer accordingly.

Senator Campbell filed the following amendment to LB89A:
 AM1251

(Amendments to Final Reading copy)

1 1. Strike section 1 and insert the following new section:
 2 Section 1. There is hereby appropriated (1) \$8,322,800 from federal
 3 funds for FY2015-16 and (2) \$8,322,800 from federal funds for FY2016-17
 4 to the Department of Health and Human Services, for Program 347, to aid
 5 in carrying out the provisions of Legislative Bill 89, One Hundred Fourth
 6 Legislature, First Session, 2015.
 7 No expenditures for permanent and temporary salaries and per diems
 8 for state employees shall be made from funds appropriated in this
 9 section.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Friesen, Garrett - LB623
 Mello - LR154

VISITORS

Visitors to the Chamber were Veronica LeDuc, UNL law student; 100 fourth-grade students from Standing Bear Elementary, Omaha; 9 eleventh- and twelfth-grade students and teachers from Papillion/La Vista; and 14 fourth-grade students and teachers from Red Cloud.

ADJOURNMENT

At 5:04 p.m., on a motion by Senator Hughes, the Legislature adjourned until 9:00 a.m., Wednesday, April 15, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-FOURTH DAY - APRIL 15, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****SIXTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 15, 2015

PRAYER

The prayer was offered by Senator Johnson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators B. Harr and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-third day was approved.

GENERAL FILE

LEGISLATIVE BILL 173. Title read. Considered.

Committee AM472, found on page 571, was offered.

Senator Seiler moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Seiler requested a roll call vote, in reverse order, on the committee amendment.

Voting in the affirmative, 31:

| | | | | |
|------------|----------|-------------|----------------|----------|
| Baker | Davis | Hughes | Morfeld | Stinner |
| Bloomfield | Ebke | Johnson | Nordquist | Sullivan |
| Campbell | Gloor | Kolowski | Pansing Brooks | Williams |
| Chambers | Haar, K. | Kolterman | Scheer | |
| Coash | Hadley | Krist | Schumacher | |
| Cook | Hansen | Kuehn | Seiler | |
| Crawford | Howard | McCollister | Smith | |

Voting in the negative, 11:

| | | | |
|-----------|-----------|---------|------------|
| Brasch | Kintner | McCoy | Schnoor |
| Craighead | Larson | Murante | Watermeier |
| Groene | Lindstrom | Riepe | |

Present and not voting, 5:

| | | | | |
|------|---------|---------|-----------|--------|
| Bolz | Friesen | Garrett | Hilkemann | Schilz |
|------|---------|---------|-----------|--------|

Excused and not voting, 2:

| | |
|----------|-------|
| Harr, B. | Mello |
|----------|-------|

The committee amendment was adopted with 31 ayes, 11 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 28 ayes, 9 nays, 10 present and not voting, and 2 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 185. Introduced by Crawford, 45; Campbell, 25.

PURPOSE: The purpose of this resolution is to examine issues faced by Nebraska's behavioral health workforce, particularly licensed mental health practitioners, doctoral-level graduate students, nurses, and psychiatrists. The study shall include, but not be limited to, an examination of the following:

- (1) What changes, if any, are needed to increase the number of licensed behavioral health providers in Nebraska;
- (2) Ways to assist provisionally licensed behavioral health providers in obtaining their credentials;
- (3) The barriers, if any, for obtaining approval from medicaid and Magellan Health Services for the billing for behavioral health services; and
- (4) A review of policies in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 186. Introduced by Morfeld, 46; Coash, 27; Ebke, 32; Krist, 10; Pansing Brooks, 28; Scheer, 19; Seiler, 33; Williams, 36.

PURPOSE: The purpose of this resolution is to study state services available to victims of human trafficking in Nebraska and shall include a comprehensive list of state services currently available for victims of human trafficking and a list of recommended state services that are currently unavailable to these victims.

The study shall consider best practices in other states and include recommendations of national experts, victim advocates, law enforcement, medical professionals, legal parties, the courts, and treatment providers to create a comprehensive approach to serving these victims.

The study shall also assess Nebraska's implementation of the federal Preventing Sex Trafficking and Strengthening Families Act relating to identifying and protecting at-risk children and youth, investigating collaborative and multidisciplinary models for identifying and protecting victims, and expanding and leveraging existing services for victims of domestic violence and other similar populations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB591:
AM1168

(Amendments to Standing Committee amendments, AM627)

- 1 1. Strike original sections 2, 6, 7, and 9 and insert the following
- 2 new sections:
- 3 Sec. 2. (1) For purposes of administering accounts established to
- 4 encourage and assist individuals and families in saving private funds for
- 5 the purpose of supporting individuals with disabilities, the State
- 6 Treasurer shall either establish the achieving a better life experience
- 7 program as provided in sections 3 to 9 of this act or contract with
- 8 another state with a qualified program. The State Treasurer may enter
- 9 into a contract with any contracting state to allow any resident of the
- 10 contracting state to participate in the program established by the State
- 11 Treasurer. Money from the Treasury Management Cash Fund may be
- 12 appropriated for a program pursuant to section 7 of this act and to

13 contract with another state with a qualified program under this section.
14 (2) Under a qualified program, one or more persons may make
15 contributions to an account to meet the qualified disability expenses of
16 the designated beneficiary of the account.
17 (3) If the State Treasurer establishes the program as authorized in
18 this section, sections 3 to 9 of this act apply.
19 Sec. 6. The State Treasurer and any designated administrator shall
20 provide investment options for the investment of amounts contributed to
21 an account, except that the state investment officer shall have fiduciary
22 responsibility to make all decisions regarding the investment of the
23 money in the expense fund and program fund created in section 7 of this
24 act and any money credited to the Treasury Management Cash Fund for
25 administrative expenses of the program, including the selection of all
26 investment options and the approval of all fees and other costs charged
1 to trust assets except costs for administration, operation, and
2 maintenance of the trust as appropriated by the Legislature, pursuant to
3 the directions, guidelines, and policies established by the Nebraska
4 Investment Council. The State Treasurer shall not adopt and promulgate
5 rules and regulations that in any way interfere with the fiduciary
6 responsibility of the state investment officer to make all decisions
7 regarding the investment of money in the expense fund and program fund or
8 money of the program credited to the Treasury Management Cash Fund. The
9 Nebraska Investment Council may adopt and promulgate rules and
10 regulations to provide for the prudent investment of the assets of the
11 program. The council or its designee also has the authority to select and
12 enter into agreements with individuals and entities to provide investment
13 advice and management of the assets held by the program, establish
14 investment guidelines, objectives, and performance standards with respect
15 to the assets held by the program, and approve any fees, commissions, and
16 expenses, which directly or indirectly affect the return on assets.
17 Sec. 7. (1) Funds contributed to the program shall be held in trust
18 by the State Treasurer. The State Treasurer shall credit money received
19 by the program into three funds: The ABLE Program Fund, the ABLE Expense
20 Fund, and the Treasury Management Cash Fund. The State Treasurer shall
21 credit money received into the appropriate fund. The State Treasurer and
22 Accounting Administrator of the Department of Administrative Services
23 shall determine the state fund types necessary to comply with section
24 529A and state policy. The money in the funds shall be invested by the
25 state investment officer pursuant to policies established by the Nebraska
26 Investment Council. The program fund, the expense fund, and the Treasury
27 Management Cash Fund shall be separately administered.
28 (2) The ABLE Program Fund is created. All money paid by participants
29 in connection with accounts and all investment income earned on such
30 money shall be deposited as received into separate accounts within the
31 program fund. Contributions to the program may only be made in the form
1 of cash. All funds generated in connection with accounts shall be
2 deposited into the appropriate accounts within the program fund. A
3 beneficiary shall not provide investment direction regarding
4 contributions or earnings held by the program. Money accrued by

5 designated beneficiaries in the program fund may be used for qualified
6 disability expenses. Any money in the program fund available for
7 investment shall be invested by the state investment officer pursuant to
8 the Nebraska Capital Expansion Act and the Nebraska State Funds
9 Investment Act.

10 (3) The ABLE Expense Fund is created. The expense fund shall be used
11 to pay costs associated with the program and shall be funded with fees
12 assessed to the program fund. The State Treasurer shall transfer from the
13 expense fund to the State Investment Officer's Cash Fund an amount equal
14 to the pro rata share of the budget appropriated to the Nebraska
15 Investment Council as permitted in section 72-1249.02, to cover
16 reasonable expenses incurred for investment management of the program.
17 Annually and prior to such transfer to the State Investment Officer's
18 Cash Fund, the State Treasurer shall report to the budget division of the
19 Department of Administrative Services and to the Legislative Fiscal
20 Analyst the amounts transferred during the previous fiscal year. The
21 report submitted to the Legislative Fiscal Analyst shall be submitted
22 electronically. Any money in the expense fund available for investment
23 shall be invested by the state investment officer pursuant to the
24 Nebraska Capital Expansion Act and the Nebraska State Funds Investment
25 Act.

26 (4) The costs of establishing, administering, operating, and
27 maintaining the program shall be paid from the Treasury Management Cash
28 Fund and, to the extent permitted by section 529A, from money transferred
29 from the expense fund to the Treasury Management Cash Fund, in an amount
30 authorized by an appropriation from the Legislature. The Treasury
31 Management Cash Fund shall not be credited with any money from the
1 program other than money transferred from the expense fund in an amount
2 authorized by an appropriation by the Legislature or any interest income
3 earned on the money from the program held in the Treasury Management Cash
4 Fund.

5 (5) The assets of the program, including the program fund and
6 excluding the expense fund and the Treasury Management Cash Fund, shall
7 at all times be preserved, invested, and expended solely and only for the
8 purposes of the program and shall be held in trust for the designated
9 beneficiaries. No property rights in the program shall exist in favor of
10 the state. Such assets of the program shall not be transferred or used by
11 the state for any purposes other than the purposes of the program.
12 Sec. 9. The State Treasurer may adopt and promulgate rules and
13 regulations, enter into contracts and agreements, charge fees and
14 expenses to the funds held under the program or to persons establishing
15 or owning accounts, make reports, retain designated administrators,
16 employees, experts, and consultants, and do all other things necessary or
17 convenient to implement sections 1 to 9 of this act.

18 Sec. 13. Section 84-618, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 84-618 (1) The Treasury Management Cash Fund is created. A pro rata
21 share of the budget appropriated for the treasury management functions of
22 the State Treasurer and for the administration of the achieving a better

23 life experience program as provided in sections 1 to 9 of this act shall
 24 be charged to the income of each fund held in invested cash, and such
 25 charges shall be transferred to the Treasury Management Cash Fund. The
 26 allocation of charges may be made by any method determined to be
 27 reasonably related to actual costs incurred by the State Treasurer in
 28 carrying out the treasury management functions under section 84-602 and
 29 in carrying out the achieving a better life experience program as
 30 provided in sections 1 to 9 of this act. Approval of the agencies,
 31 boards, and commissions administering these funds shall not be required.
 1 (2) It is the intent of this section to have funds held in invested
 2 cash be charged a pro rata share of ~~such expenses the treasury management~~
 3 ~~expense~~ when this is not prohibited by statute or the Constitution of
 4 Nebraska.
 5 (3) The Treasury Management Cash Fund shall be used for the treasury
 6 management functions of the State Treasurer and for the administration of
 7 the achieving a better life experience program as provided in sections 1
 8 to 9 of this act. To the extent permitted by section 529A as defined in
 9 section 1 of this act, the fund may receive gifts for administration,
 10 operation, and maintenance of a program established under sections 3 to 9
 11 of this act.
 12 (4) Transfers may be made from the Treasury Management Cash Fund to
 13 the General Fund at the direction of the Legislature. Any money in the
 14 Treasury Management Cash Fund available for investment shall be invested
 15 by the state investment officer pursuant to the Nebraska Capital
 16 Expansion Act and the Nebraska State Funds Investment Act.
 17 2. On page 16, line 2, strike "section 72-1239.01" and insert
 18 "sections 72-1239.01 and 84-618".
 19 3. Renumber the remaining sections accordingly.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Anselmo, Matthew - Nebraska Commission on Problem Gambling - General
 Affairs
 Beveridge, Janelle - State Racing Commission - General Affairs
 Blake, William G. - Commission of Industrial Relations - Business and
 Labor
 Leckband, Paul - Nebraska Commission on Problem Gambling - General
 Affairs
 Scoville, Terry L. - Nebraska Commission on Problem Gambling - General
 Affairs

(Signed) Bob Krist, Chairperson
 Executive Board

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 72A. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations to aid in carrying out the provisions of Legislative Bill 72, One Hundred Fourth Legislature, First Session, 2015.

GENERAL FILE

LEGISLATIVE BILL 264. Title read. Considered.

Committee AM798, found on page 920, was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 599. Title read. Considered.

Committee AM526, found on page 677, was offered.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 187. Introduced by Hilkemann, 4; Craighead, 6.

WHEREAS, Anne Ryschon, a junior at Omaha Burke High School, won a Nebraska Young Artist Award presented by the University of Nebraska-Lincoln Hixson-Lied College of Fine and Performing Arts; and

WHEREAS, the Nebraska Young Artists Awards are awarded annually to recognize 11th grade students from Nebraska who are gifted and talented in the areas of visual art, dance, music, theater, and film and new media; and

WHEREAS, Anne received the award for her extraordinary talent in music; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Anne Ryschon on winning a Nebraska Young Artist Award.
2. That a copy of this resolution be sent to Anne Ryschon.

Laid over.

LEGISLATIVE RESOLUTION 188. Introduced by Hilkemann, 4; McCoy, 39.

WHEREAS, Daelyn Chochon, a junior at Elkhorn South High School, won a Nebraska Young Artist Award presented by the University of Nebraska-Lincoln Hixson-Lied College of Fine and Performing Arts; and

WHEREAS, the Nebraska Young Artists Awards are awarded annually to recognize 11th grade students from Nebraska who are gifted and talented in the areas of visual art, dance, music, theater, and film and new media; and

WHEREAS, Daelyn received the award for her extraordinary talent in the visual arts; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Daelyn Chochon on winning a Nebraska Young Artist Award.
2. That a copy of this resolution be sent to Daelyn Chochon.

Laid over.

LEGISLATIVE RESOLUTION 189. Introduced by Hilkemann, 4.

WHEREAS, Claudia Holm, a junior at Millard North High School, won a Nebraska Young Artist Award presented by the University of Nebraska-Lincoln Hixson-Lied College of Fine and Performing Arts; and

WHEREAS, the Nebraska Young Artists Awards are awarded annually to recognize 11th grade students from Nebraska who are gifted and talented in the areas of visual art, dance, music, theater, and film and new media; and

WHEREAS, Claudia received the award for her extraordinary talent in music; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Claudia Holm on winning a Nebraska Young Artist Award.
2. That a copy of this resolution be sent to Claudia Holm.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Kolterman - LB623

VISITORS

Visitors to the Chamber were 50 fourth-grade students and teachers from St. Gerald School, Ralston; 5 students and supervisor of Norfolk Youth Leadership Council from Madison County high schools; Senator Bloomfield's wife, Dee, daughter and granddaughter, Beth and Kiersten Brader; 38 fourth-grade students and teachers from Pine Creek School, Bennington; and Senator Hilkemann's wife, Julie, and Jodeen Bradfield and Roxie Frazier from Omaha.

RECESS

At 11:55 a.m., on a motion by Senator Johnson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Gloor presiding.

ROLL CALL

The roll was called and all members were present except Senator McCoy who was excused; and Senators Mello, Morfeld, and Watermeier who were excused until they arrive.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 56. Placed on Final Reading.

LEGISLATIVE BILL 81. Placed on Final Reading.

ST25

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 1; and page 3, line 22, "81-3133, Reissue Revised Statutes of Nebraska, and section" has been inserted after "section".
2. On page 1, line 3, "to require reporting regarding transitional child care assistance programs;" has been inserted after the semicolon; and in line 4 "section" has been struck and "sections" inserted.
3. On page 3, line 23, "is" has been struck and "are" inserted.

LEGISLATIVE BILL 81A. Placed on Final Reading.

LEGISLATIVE BILL 106. Placed on Final Reading.

LEGISLATIVE BILL 106A. Placed on Final Reading.

LEGISLATIVE BILL 152. Placed on Final Reading.

LEGISLATIVE BILL 183. Placed on Final Reading.

LEGISLATIVE BILL 199. Placed on Final Reading.

LEGISLATIVE BILL 199A. Placed on Final Reading.

LEGISLATIVE BILL 265A. Placed on Final Reading.

LEGISLATIVE BILL 415. Placed on Final Reading.
LEGISLATIVE BILL 500A. Placed on Final Reading.
LEGISLATIVE BILL 610. Placed on Final Reading.
LEGISLATIVE BILL 610A. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
 Enrollment and Review

LEGISLATIVE BILL 80. Placed on Select File.

(Signed) Matt Hansen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 599. Committee AM526, found on page 677 and considered in this day's Journal, was renewed.

SENATOR WATERMEIER PRESIDING

Senator Ebke moved the previous question. The question is, "Shall the debate now close?" The motion failed with 20 ayes, 3 nays, and 26 not voting.

SPEAKER HADLEY PRESIDING

The committee amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Senator Ebke moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Ebke requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 32:

| | | | | |
|------------|-----------|-------------|---------|------------|
| Bloomfield | Friesen | Kintner | Murante | Stinner |
| Bolz | Garrett | Kolterman | Riepe | Sullivan |
| Brasch | Gloor | Krist | Scheer | Watermeier |
| Coash | Hadley | Kuehn | Schilz | Williams |
| Craighead | Hilkemann | Larson | Schnoor | |
| Davis | Hughes | Lindstrom | Seiler | |
| Ebke | Johnson | McCollister | Smith | |

Voting in the negative, 11:

| | | | |
|----------|----------|----------|-----------|
| Campbell | Crawford | Harr, B. | Morfeld |
| Chambers | Haar, K. | Kolowski | Nordquist |
| Cook | Hansen | Mello | |

Present and not voting, 3:

| | | |
|-------|--------|------------|
| Baker | Groene | Schumacher |
|-------|--------|------------|

Excused and not voting, 3:

| | | |
|--------|-------|----------------|
| Howard | McCoy | Pansing Brooks |
|--------|-------|----------------|

Advanced to Enrollment and Review Initial with 32 ayes, 11 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 72. Title read. Considered.

Committee AM604, found on page 1000, lost with 1 aye, 30 nays, 14 present and not voting, and 4 excused and not voting.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 190. Introduced by Davis, 43.

WHEREAS, Stapleton Public Schools ranked 2nd out of 249 school districts in math according to the Nebraska Performance Accountability System; and

WHEREAS, Stapleton Public Schools also ranked 27th in reading and 14th in science; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Stapleton Public Schools for its excellent rankings in the Nebraska Performance Accountability System.
2. That a copy of this resolution be sent to Stapleton Public Schools.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Morfeld filed the following amendment to LB67:

AM1253

1 1. On page 3, line 11, after "city" insert ", except a city of the

2 primary class".

Senator Schilz filed the following amendment to LB176:
AM1263

(Amendments to Standing Committee amendments, AM495)

- 1 1. On page 1, lines 8, 9, 13, and 20, after "ownership," insert
- 2 "care,"; and in line 14 after "own," insert "care for,".

Senator Schilz filed the following amendment to LB329:
AM1264

(Amendments to Standing Committee amendments, AM1042)

- 1 1. On page 1, lines 6 and 10, strike "damage" and insert "damages".

Senator Kintner filed the following amendment to LB268:
AM990

(Amendments to Standing Committee amendments, AM754)

- 1 1. Strike section 6.
- 2 2. Renumber the remaining sections and correct the repealer
- 3 accordingly.

Senator Kintner filed the following amendment to LB268:
AM991

(Amendments to Standing Committee amendments, AM754)

- 1 1. Strike section 23.
- 2 2. Renumber the remaining sections accordingly.

Senator Kintner filed the following amendment to LB268:
AM992

(Amendments to Standing Committee amendments, AM754)

- 1 1. Strike section 35.

CEREMONIES

The Speaker introduced a group from the Nebraska Association of Former State Legislators.

VISITORS

Visitors to the Chamber were 21 fourth-grade students, teacher, and sponsors from Humphrey; 40 fourth-grade students and teachers from Arlington; and 200 social work students and faculty from Chadron State College, Creighton University, The Grace Abbott School of Social Work at UNO, Nebraska Wesleyan University of Lincoln and Omaha, Union College, and the University of Nebraska at Kearney.

The Doctor of the Day was Dr. Michael Keralis from Lincoln.

ADJOURNMENT

At 4:14 p.m., on a motion by Senator Mello, the Legislature adjourned until 9:00 a.m., Thursday, April 16, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-FIFTH DAY - APRIL 16, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

SIXTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 16, 2015

PRAYER

The prayer was offered by Pastor Victor Diaz, Abundant Living Faith Center, Lexington.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Watermeier presiding.

The roll was called and all members were present except Senator Pansing Brooks who was excused; and Senators Garrett, Kolowski, Smith, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-fourth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 15, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Husch Blackwell LLP
Nebraska Families Collaborative

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

GENERAL FILE

LEGISLATIVE BILL 268. Title read. Considered.

Committee AM754, found on page 876, was offered.

Senator McCoy withdrew his amendments, AM916, AM917, and AM918, found on page 895.

Senator Kintner withdrew and refiled his amendment, AM926, found on page 938.

Senator Kintner offered his amendment, AM990, found on page 1196, to the committee amendment.

SPEAKER HADLEY PRESIDING

Pending.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 171, 172, 173, 175, 176, and 177 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 171, 172, 173, 175, 176, and 177.

GENERAL FILE

LEGISLATIVE BILL 268. The Kintner amendment, AM990, found on page 1196 and considered in this day's Journal, to the committee amendment, was renewed.

SENATOR KRIST PRESIDING

Senator Kintner withdrew his amendment.

Senator Kintner offered his amendment, AM991, found on page 1196, to the committee amendment.

Senator Kintner withdrew his amendment.

Senator Kintner withdrew his amendment, AM992, found on page 1196.

Committee AM754, found on page 876 and considered in this day's Journal, was renewed.

Senator Williams moved the previous question. The question is, "Shall the debate now close?"

Senator Williams moved for a call of the house. The motion prevailed with 43 ayes, 0 nays, and 6 not voting.

Senator Williams requested a roll call vote, in reverse order, on the motion to cease debate.

Voting in the affirmative, 33:

| | | | | |
|-----------|----------|-----------|-------------|------------|
| Baker | Crawford | Harr, B. | Krist | Nordquist |
| Bolz | Davis | Hilkemann | Larson | Schumacher |
| Campbell | Ebke | Howard | Lindstrom | Seiler |
| Chambers | Garrett | Johnson | McCollister | Sullivan |
| Coash | Haar, K. | Kintner | Mello | Williams |
| Cook | Hadley | Kolowski | Morfeld | |
| Craighead | Hansen | Kolterman | Murante | |

Voting in the negative, 7:

| | | | |
|------------|---------|--------|------------|
| Bloomfield | Friesen | Hughes | Watermeier |
| Brasch | Gloor | Scheer | |

Present and not voting, 7:

| | | | |
|--------|-------|---------|---------|
| Groene | McCoy | Schnoor | Stinner |
| Kuehn | Riepe | Smith | |

Excused and not voting, 2:

Pansing Brooks Schilz

The motion to cease debate prevailed with 33 ayes, 7 nays, 7 present and not voting, and 2 excused and not voting.

Senator Kintner requested a roll call vote on the committee amendment.

Voting in the affirmative, 31:

| | | | | |
|------------|----------|-----------|-------------|----------|
| Baker | Crawford | Harr, B. | Larson | Seiler |
| Bloomfield | Davis | Hilkemann | Lindstrom | Sullivan |
| Bolz | Ebke | Howard | McCollister | Williams |
| Campbell | Garrett | Johnson | Mello | |
| Chambers | Haar, K. | Kolowski | Morfeld | |
| Coash | Hadley | Kolterman | Nordquist | |
| Cook | Hansen | Krist | Schumacher | |

Voting in the negative, 13:

| | | | | |
|-----------|--------|---------|---------|------------|
| Brasch | Gloor | Kintner | Riepe | Watermeier |
| Craighead | Groene | Kuehn | Scheer | |
| Friesen | Hughes | McCoy | Schnoor | |

Present and not voting, 3:

| | | |
|---------|-------|---------|
| Murante | Smith | Stinner |
|---------|-------|---------|

Excused and not voting, 2:

Pansing Brooks Schilz

The committee amendment was adopted with 31 ayes, 13 nays, 3 present and not voting, and 2 excused and not voting.

Senator McCoy withdrew his motion, MO41, found on page 750, to indefinitely postpone.

Senator McCoy withdrew his amendments, AM720 and AM721, found on page 760.

Senator McCoy requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 30:

| | | | | |
|----------|----------|-----------|-------------|------------|
| Baker | Crawford | Hansen | Kolterman | Murante |
| Bolz | Davis | Harr, B. | Krist | Nordquist |
| Campbell | Ebke | Hilkemann | Lindstrom | Schumacher |
| Chambers | Garrett | Howard | McCollister | Seiler |
| Coash | Haar, K. | Johnson | Mello | Sullivan |
| Cook | Hadley | Kolowski | Morfeld | Williams |

Voting in the negative, 13:

| | | | | |
|-----------|--------|---------|---------|------------|
| Brasch | Gloor | Kintner | Riepe | Watermeier |
| Craighead | Groene | Kuehn | Scheer | |
| Friesen | Hughes | McCoy | Schnoor | |

Present and not voting, 4:

| | | | |
|------------|--------|-------|---------|
| Bloomfield | Larson | Smith | Stinner |
|------------|--------|-------|---------|

Excused and not voting, 2:

Pansing Brooks Schilz

Advanced to Enrollment and Review Initial with 30 ayes, 13 nays, 4 present

and not voting, and 2 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)
Judiciary

LEGISLATIVE BILL 483. Placed on General File.

(Signed) Les Seiler, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 575. Placed on General File with amendment.
AM1276 is available in the Bill Room.

(Signed) John Murante, Chairperson

AMENDMENT(S) - Print in Journal

Senator Campbell filed the following amendment to LB547:
AM1275

(Amendments to Standing Committee amendments, AM785)

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 43-2621, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 43-2621 (1) Funds provided to the State of Nebraska pursuant to the
- 6 Child Care and Development Block Grant Act of 1990, 42 U.S.C. 9857 et
- 7 seq., as such act and sections existed on January 1, 2015, shall be used
- 8 to implement the Quality Child Care Act, except as provided in
- 9 subsections (3) and (4) of this section.
- 10 (2) The Legislature finds that the reservations and allocations
- 11 contained in subsections (3) and (4) of this section are made pursuant to
- 12 the 2014 reauthorization of such federal act. The Legislature also finds
- 13 that such reservations and allocations are designed to improve the
- 14 quality of child care services and increase parental options for, and
- 15 access to, high-quality child care and are in alignment with its
- 16 comprehensive system of child care and early education programs.
- 17 (3)(a)(i) Beginning October 1, 2015, the Department of Health and
- 18 Human Services shall increase its reservation of federal funds received
- 19 from the child care and development block grant under such federal act
- 20 from four percent to seven percent for activities relating to the quality
- 21 of child care services.
- 22 (ii) Beginning October 1, 2017, the department shall increase its
- 23 reservation of federal funds received from such block grant from seven
- 24 percent to eight percent for activities relating to the quality of child
- 25 care services.
- 26 (iii) Beginning October 1, 2019, the department shall increase its

1 reservation of federal funds received from such block grant from eight
2 percent to nine percent for activities relating to the quality of child
3 care services.
4 (b) In addition to the percentages reserved in subdivision (3)(a) of
5 this section for activities relating to the quality of child care
6 services, beginning October 1, 2016, the department shall reserve three
7 percent of the federal funds received from such block grant for
8 activities relating to the quality of care for infants and toddlers.
9 (4)(a)(i) Beginning October 1, 2015, the increase from four percent
10 to seven percent in reservation of federal funds for activities relating
11 to the quality of child care services described in subdivision (3)(a)(i)
12 of this section shall be allocated for quality rating and improvement
13 system incentives and support under the Step Up to Quality Child Care
14 Act.
15 (ii) Beginning October 1, 2017, the increase from seven to eight
16 percent in the reservation of federal funds for activities relating to
17 the quality of child care services described in subdivision (3)(a)(ii) of
18 this section, plus the percentage allocated as described in subdivision
19 (4)(a)(i) of this section, which together total four percent, shall be
20 allocated for quality rating and improvement system incentives and
21 support under the Step Up to Quality Child Care Act.
22 (iii) Beginning October 1, 2019, the increase from eight percent to
23 nine percent in the reservation of federal funds for activities relating
24 to the quality of child care services described in subdivision (3)(a)
25 (iii) of this section, plus the percentage allocated as described in
26 subdivision (4)(a)(ii) of this section, which together total five
27 percent, shall be allocated for quality rating and improvement system
28 incentives and support under the Step Up to Quality Child Care Act.
29 (iv) After the federal fiscal year beginning on October 1, 2019,
30 five percent of federal funds provided to the State of Nebraska pursuant
31 to the Child Care and Development Block Grant Act of 1990, 42 U.S.C. 9857
1 et seq., as such act and sections existed on January 1, 2015, which have
2 been reserved for activities relating to the quality of child care
3 services as described in subdivision (3)(a)(iii) of this section, shall
4 be allocated for quality rating and improvement system incentives and
5 support under the Step Up to Quality Child Care Act.
6 (b) Beginning October 1, 2016, the three-percent reservation of
7 federal funds for activities relating to the quality of care for infants
8 and toddlers described in subdivision (3)(b) of this section shall be
9 allocated for providing grants to programs described in section
10 79-1104.02 that enter into agreements with child care providers.
11 (c) Funds distributed pursuant to this subsection shall comply with
12 federal regulations contained in 45 C.F.R. 98.11, as such regulations
13 existed on January 1, 2015.
14 (d) Nothing in this section shall prohibit the Department of Health
15 and Human Services from allocating additional percentages of the child
16 care and development block grant or other dollar amounts for activities
17 relating to the quality of child care services or the quality of care for
18 infants and toddlers.

19 Sec. 2. Section 79-1104.02, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 79-1104.02 (1) The Early Childhood Education Endowment Cash Fund,
22 consisting of the interest, earnings, and proceeds from the Early
23 Childhood Education Endowment Fund and the earnings from the private
24 endowment created by the endowment provider, funds transferred from the
25 Education Innovation Fund pursuant to section 9-812, and any additional
26 private donations made directly thereto, shall be used exclusively to
27 provide funds for the Early Childhood Education Grant Program for at-risk
28 children from birth to age three as set forth in this section.

29 (2) Grants provided by this section shall be to school districts and
30 cooperatives of school districts for early childhood education programs
31 for at-risk children from birth to age three, as determined by the board
1 of trustees pursuant to criteria set forth by the board of trustees.

2 School districts and cooperatives of school districts may establish
3 agreements with other public and private entities to provide services or
4 operate programs.

5 (3) Each program selected for a grant pursuant to this section may
6 be provided a grant for up to one-half of the total budget of such
7 program per year. Programs selected for grant awards may receive
8 continuation grants subject to the availability of funding and the
9 submission of a continuation plan which meets the requirements of the
10 board of trustees.

11 (4) Programs shall be funded across the state and in urban and rural
12 areas to the fullest extent possible.

13 (5) Each program selected for a grant pursuant to this section shall
14 meet the requirements described in subsection (2) of section 79-1103,
15 except that the periodic evaluations of the program are to be specified
16 by the board of trustees and the programs need not include continuity
17 with programs in kindergarten and elementary grades and need not include
18 instructional hours that are similar to or less than the instructional
19 hours for kindergarten. The programs may continue to serve at-risk
20 children who turn three years of age during the program year until the
21 end of the program year, as specified by the board of trustees.

22 (6) The board of trustees may issue grants to early childhood
23 education programs entering into agreements pursuant to subsection (2) of
24 this section with child care providers, if the child care provider
25 enrolls in the quality rating and improvement system described in the
26 Step Up to Quality Child Care Act prior to the beginning of the initial
27 grant period. Child care providers shall participate in training approved
28 by the Early Childhood Training Center which is needed for participation
29 or advancement in the quality rating and improvement system.

30 (7) The board of trustees shall require child care providers in
31 programs receiving grants under this section to obtain a step three
1 rating or higher on the quality scale described in section 71-1956 within
2 three years of the starting date of the initial grant period to continue
3 funding the program. The board of trustees shall require the child care
4 provider to maintain a step three rating or higher on such quality scale
5 after three years from the starting date of the initial grant period to

6 continue funding the program.
 7 (8) If a child care provider fails to achieve or maintain a step
 8 three rating or higher on the quality scale described in such section
 9 after three years from the starting date of the initial grant period, the
 10 child care provider shall obtain and maintain the step three rating on
 11 such quality scale before any new or continuing grants may be issued for
 12 programs in which such child care provider participates.
 13 (9) Any school district entering into agreements pursuant to
 14 subsection (2) of this section with child care providers must employ or
 15 contract with, either directly or indirectly, a program coordinator
 16 holding a certificate as defined in section 79-807.
 17 (10) Up to ten percent of the total amount deposited in the Early
 18 Childhood Education Endowment Cash Fund each fiscal year may be reserved
 19 by the board of trustees for evaluation and technical assistance for the
 20 Early Childhood Education Grant Program with respect to programs for at-
 21 risk children from birth to age three.
 22 Sec. 3. Original sections 43-2621 and 79-1104.02, Reissue Revised
 23 Statutes of Nebraska, are repealed.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Cook - LB268

VISITORS

Visitors to the Chamber were 15 fourth-grade students and teachers from Trinity Lutheran School, Lincoln; 46 fourth-grade students and teachers from Pierce; 8 tenth- through twelfth-grade students and teacher from Osceola; 16 fourth-grade students and teacher from St. John the Baptist Elementary, Plattsmouth; and 25 fourth-grade students and teacher from St. Bonaventure, Columbus.

The Doctor of the Day was Dr. Frank Weirman from Lincoln.

ADJOURNMENT

At 1:08 p.m., on a motion by Senator Sullivan, the Legislature adjourned until 10:00 a.m., Monday, April 20, 2015.

Patrick J. O'Donnell
 Clerk of the Legislature

SIXTY-SIXTH DAY - APRIL 20, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

SIXTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 20, 2015

PRAYER

The prayer was offered by Pastor Janice Heidlberger, St. John's Lutheran Church County Line, Scribner, and St. Paul's Lutheran Church, Uehling.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senators Campbell, B. Harr, Murante, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-fifth day was approved.

GENERAL FILE

LEGISLATIVE BILL 72. Senator Schumacher offered his amendment, AM1225, found on page 1182.

The Schumacher amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 72A. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

RESOLUTION(S)**LEGISLATIVE RESOLUTION 191.** Introduced by Craighead, 6.

WHEREAS, Evan English, Jacob Keller, Brian Magee, and Uy Nguyen, juniors at Creighton Prep High School in Omaha, each won a Nebraska Young Artist Award presented by the University of Nebraska-Lincoln Hixson-Lied College of Fine and Performing Arts; and

WHEREAS, the Nebraska Young Artists Awards are awarded annually to recognize 11th grade students from Nebraska who are gifted and talented in the areas of visual art, dance, music, theater, and film and new media; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Evan English, Jacob Keller, Brian Magee, and Uy Nguyen on each winning a Nebraska Young Artist Award.
2. That a copy of this resolution be sent to Creighton Prep High School.

Laid over.

LEGISLATIVE RESOLUTION 192. Introduced by Craighead, 6.

WHEREAS, Erin Troy, a junior at Westside High School in Omaha, won a Nebraska Young Artist Award presented by the University of Nebraska-Lincoln Hixson-Lied College of Fine and Performing Arts; and

WHEREAS, the Nebraska Young Artists Awards are awarded annually to recognize 11th grade students from Nebraska who are gifted and talented in the areas of visual art, dance, music, theater, and film and new media; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Erin Troy on winning a Nebraska Young Artist Award.
2. That a copy of this resolution be sent to Erin Troy.

Laid over.

LEGISLATIVE RESOLUTION 193. Introduced by Garrett, 3; Crawford, 45.

WHEREAS, Matt Lewis was named the 2015 Nebraska Champion Ambassador for Children's Miracle Network Hospitals; and

WHEREAS, Matt, a 12-year-old from Bellevue, has battled Crohn's disease for most of his life; and

WHEREAS, Matt uses his illness to educate others including fellow students and visitors to his school's science fair; and

WHEREAS, Matt is a straight-A student despite having to frequently miss school because of his illness; and

WHEREAS, as the Nebraska Champion Ambassador, Matt and his family will serve as local, state, and national spokespersons advocating for the needs of children's hospitals.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature commends Matt Lewis for bringing greater awareness to Crohn's disease and congratulates him on being named the 2015 Nebraska Champion Ambassador for Children's Miracle Network Hospitals.

2. That a copy of this resolution be sent to Matt Lewis.

Laid over.

LEGISLATIVE RESOLUTION 194. Introduced by Campbell, 25.

WHEREAS, April 2015 is National Child Abuse Prevention Month; and

WHEREAS, in Nebraska over 12 children every day experience some form of maltreatment. In 2013, 32,037 reports of alleged maltreatment were made to the child abuse and neglect hotline, and 2,892 of those reports were substantiated by the Department of Health and Human Services, including 635 cases of physical abuse, 402 cases of sexual abuse, and 49 cases of emotional abuse; and

WHEREAS, studies indicate that 95% of sexual abuse cases are never reported, and as few as 10% of all abuse cases are actually confirmed by social service agencies; and

WHEREAS, Nebraska state law requires any person to report suspected physical or sexual abuse or neglect of a child promptly to the Department of Health and Human Services, and one way to report such abuse or neglect is by calling the child abuse and neglect hotline at 1-800-652-1999; and

WHEREAS, exposure to childhood abuse and neglect hinders a child's healthy social, emotional, and cognitive development. If untreated, toxic stress makes it more likely that an abused or neglected child will adopt risky behaviors which negatively impact his or her future health and success; and

WHEREAS, Nebraska has an above average rate of out-of-home placements of children (3,219 in June 2014) and state wards (4,545 in June 2014). Studies show policies aimed at keeping families together, when supported by a successful service delivery system targeted to families in need before they become involved in the system, keeps children safer and helps them to become successful adults.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the significance of child abuse and its impact on children, families, and society at large.

2. That the Legislature encourages the elimination of child abuse and supports efforts to educate parents, teachers, caregivers, caseworkers, and others involved in the lives of children.

3. That the Legislature encourages the Department of Health and Human Services to institute and continue prevention practices such as early intervention, crisis intervention, access to trauma-informed services for the entire family, careful observation of home situations, parenting skills education, and ongoing review of family needs.

4. That the Legislature recognizes April 2015 as Child Abuse Prevention Month in Nebraska and encourages Nebraskans to become educated on how to prevent child abuse and to report observed abuse.

5. That a copy of this resolution be sent to the Department of Health and Human Services.

Laid over.

LEGISLATIVE RESOLUTION 195. Introduced by Morfeld, 46; Mello, 5; Nordquist, 7.

WHEREAS, Annie Himes, a junior at the University of Nebraska-Lincoln, was selected as one of approximately sixty students nationwide to receive the prestigious and highly competitive Truman Scholarship; and

WHEREAS, Truman Scholarships are given to students who demonstrate leadership potential and have an outstanding record of public service; and

WHEREAS, as a 2015 Truman Scholar, Annie will receive a \$30,000 scholarship to be used for graduate school; and

WHEREAS, in addition to her classwork and extensive extracurricular activities at college, Annie has also worked as a legislative intern and is currently a page at the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the academic and leadership achievements of Annie Himes and congratulates her on being selected as a 2015 Truman Scholar.

2. That a copy of this resolution be sent to Annie Himes.

Laid over.

NOTICE OF COMMITTEE HEARING(S)
Health and Human Services

Room 1510

Tuesday, May 5, 2015 12:00 p.m.

Frank R. Turk - Commission for the Deaf and Hard of Hearing

John Hogue - Commission for the Deaf and Hard of Hearing

Travis James Teetor - State Board of Health

Shane Fleming - State Board of Health
Russell Hopp - State Board of Health
Kevin Borchert - State Board of Health
Douglas Vander Broek - State Board of Health
Kevin C. Low - State Board of Health

(Signed) Kathy Campbell, Chairperson

GENERAL FILE

LEGISLATIVE BILL 469. Title read. Considered.

Committee AM833, found on page 876, was adopted with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

VISITORS

Visitors to the Chamber were Perciveranda and Steven Chase from Omaha; 45 fourth-grade students, teachers, and sponsors from St. Wenceslaus School, Wahoo; Senator Sullivan's daughter, granddaughters, and brother-in-law, Mollie, Clara, Nora Morrow from Omaha and David Sullivan from San Diego, CA; 41 fourth-grade students from Loveland Elementary, Omaha; and 11 third- and fourth-grade students from Friedel Jewish Academy, Omaha.

RECESS

At 11:52 a.m., on a motion by Speaker Hadley, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Krist presiding.

ROLL CALL

The roll was called and all members were present except Senator Stinner who was excused; and Senators Larson and Mello who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 85. Title read. Considered.

Senator Bloomfield offered his amendment, AM1112, found on page 1084.

The Bloomfield amendment was adopted with 29 ayes, 1 nay, 17 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 2 nays, 17 present and not voting, and 2 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 196. Introduced by Hansen, 26.

PURPOSE: The purpose of this resolution is to study current state statutes governing population thresholds for Nebraska counties. The study should specifically examine the public policy ramifications of increasing various statutory population thresholds for counties having three hundred thousand or more inhabitants. The study shall include, but not be limited to, an examination of the following:

- (1) The policy decisions which resulted in exemptions from certain population thresholds for counties;
- (2) The policy considerations for classifying counties based on population;
- (3) The projected population of Nebraska counties at the time of the upcoming 2020 United States Census; and
- (4) Whether legislation is needed to update current state statutes governing population thresholds for counties.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 197. Introduced by Brasch, 16.

WHEREAS, Quinton Z. Roeder, an 8th grader at Otte Middle School in Blair, 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, Quinton 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, Quinton designed and installed a

privacy fence to hide dumpsters and trash bins at the Living Hope Church in Blair; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Quinton, 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 Quinton Z. Roeder on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Quinton Z. Roeder.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 343. Title read. Considered.

SENATOR COASH PRESIDING

Committee AM913, found on page 941, was offered.

Senator Baker offered his amendment, AM987, found on page 953, to the committee amendment.

Senator Baker moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The Baker amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The committee amendment, as amended, was adopted with 25 ayes, 6 nays, 13 present and not voting, and 5 excused and not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Kolowski requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 24:

| | | | | |
|----------|----------|-----------|----------------|--------|
| Baker | Crawford | Hansen | McCollister | Riepe |
| Bolz | Davis | Hilkemann | Mello | Scheer |
| Campbell | Gloor | Johnson | Morfeld | Schilz |
| Chambers | Haar, K. | Kolowski | Nordquist | Seiler |
| Cook | Hadley | Krist | Pansing Brooks | |

Voting in the negative, 11:

| | | | |
|------------|---------|----------|------------|
| Bloomfield | Groene | Kuehn | Watermeier |
| Friesen | Hughes | Schnoor | Williams |
| Garrett | Kintner | Sullivan | |

Present and not voting, 9:

| | | | | |
|--------|-----------|-----------|------------|-------|
| Brasch | Ebke | Lindstrom | Murante | Smith |
| Coash | Kolterman | McCoy | Schumacher | |

Excused and not voting, 5:

| | | | | |
|-----------|----------|--------|--------|---------|
| Craighead | Harr, B. | Howard | Larson | Stinner |
|-----------|----------|--------|--------|---------|

Failed to advance to Enrollment and Review Initial with 24 ayes, 11 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 605. Placed on Select File with amendment. ER81 is available in the Bill Room.

LEGISLATIVE BILL 598. Placed on Select File with amendment. ER83 is available in the Bill Room.

LEGISLATIVE BILL 173. Placed on Select File with amendment. ER82 is available in the Bill Room.

LEGISLATIVE BILL 264. Placed on Select File.

LEGISLATIVE BILL 599. Placed on Select File with amendment. ER84

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:
 3 Section 1. Section 48-1203, Reissue Revised Statutes of Nebraska, as
 4 amended by section 1, Initiative Law 2014, No. 425, is amended to read:
 5 48-1203 (1) Except as otherwise provided in this section and section
 6 48-1203.01, every employer shall pay to each of his or her employees a
 7 minimum wage of:

8 (a) Seven dollars and twenty-five cents per hour through December
 9 31, 2014;
 10 (b) Eight dollars per hour on and after January 1, 2015, through
 11 December 31, 2015; and
 12 (c) Nine dollars per hour on and after January 1, 2016.
 13 (2) For persons compensated by way of gratuities such as waitresses,
 14 waiters, hotel bellhops, porters, and shoeshine persons, the employer
 15 shall pay wages at the minimum rate of two dollars and thirteen cents per
 16 hour, plus all gratuities given to them for services rendered. The sum of
 17 wages and gratuities received by each person compensated by way of
 18 gratuities shall equal or exceed the minimum wage rate provided in
 19 subsection (1) of this section. In determining whether or not the
 20 individual is compensated by way of gratuities, the burden of proof shall
 21 be upon the employer.
 22 (3) Any employer employing student-learners as part of a bona fide
 23 vocational training program shall pay such student-learners' wages at a
 24 rate of at least seventy-five percent of the minimum wage rate which
 25 would otherwise be applicable.
 26 (4)(a) Any employer employing young student workers shall pay such
 27 young student workers wages at a rate of at least eight dollars per hour.
 1 No more than one-fourth of the total hours paid by the employer shall be
 2 at the wage rate prescribed in this subsection.
 3 (b) For purposes of this subsection, young student worker means any
 4 person who (i) is eighteen years of age or younger, (ii) attends any
 5 public or private high school, and (iii) does not qualify for the wage
 6 rate prescribed in subsection (3) of this section or section 48-1203.01.
 7 Sec. 2. This act becomes operative on January 1, 2016.
 8 Sec. 3. Original section 48-1203, Reissue Revised Statutes of
 9 Nebraska, as amended by section 1, Initiative Law 2014, No. 425, is
 10 repealed.
 11 2. On page 1, line 4, after the semicolon insert "to provide an
 12 operative date;".

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 198. Introduced by Krist, 10.

PURPOSE: The unemployment rate among persons with disabilities in Nebraska is extraordinarily high relative to that of the general population. Nebraska should develop and adopt policies that encourage job opportunities for persons with disabilities. Jobs provided by public agencies offer another option to help persons with disabilities become more self-sufficient. Such jobs also provide a real advantage for these individuals because they are earning wages and paying taxes rather than being recipients of public assistance programs such as medicaid.

State Use programs are modeled after the federal AbilityOne program. Forty-six states currently have State Use programs but only twenty-four

states have a strong program currently in operation. State Use programs create meaningful employment opportunities for one of the most vulnerable segments of our population while continuing to provide them with the support and services they need to succeed. Just last year, seventeen State Use programs across the country employed 39,500 individuals with disabilities who worked almost 20 million hours and earned \$176 million in wages. Almost \$700 million of their products and services were sold to state government departments and agencies, as well as to local county and city governments, school districts, and universities.

The purpose of this resolution is to study how the state can assist individuals who are blind or who have other disabilities to achieve maximum personal independence through useful, productive, and gainful employment and ensure an extended and constant market for their commodities and services, thereby enhancing their dignity and capacity for self-support through meaningful employment. The study shall bring together all parties in Nebraska who are interested in encouraging employment opportunities for persons with disabilities and examine State Use programs in other states to develop recommendations for how Nebraska could move forward with a State Use program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 348. Title read. Considered.

Committee AM1013, found on page 1131, was offered.

SENATOR WATERMEIER PRESIDING

The committee amendment was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 643. Placed on General File with amendment.
AM1254 is available in the Bill Room.

(Signed) Les Seiler, Chairperson

AMENDMENT(S) - Print in Journal

Senator Larson filed the following amendment to LB330:
AM613

(Amendments to Standing Committee amendments, AM113)

- 1 1. Insert the following new section:
- 2 Sec. 8. Section 53-123.11, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 53-123.11 (1) A farm winery license shall entitle the holder to:
- 5 (a) Sell wines produced at the farm winery onsite at wholesale and
- 6 retail and to sell wines produced at the farm winery at off-premises
- 7 sites holding the appropriate retail license;
- 8 (b) Sell wines produced at the farm winery at retail for consumption
- 9 on the premises;
- 10 (c)(i) Permit a customer to remove one unsealed bottle of wine for
- 11 consumption off the premises. The licensee or his or her agent shall (A)
- 12 securely reseal such bottle and place the bottle in a bag designed so
- 13 that it is visibly apparent that the resealed bottle of wine has not been
- 14 opened or tampered with and (B) provide a dated receipt to the customer
- 15 and attach to such bag a copy of the dated receipt for the resealed
- 16 bottle of wine.
- 17 (ii) If the resealed bottle of wine is transported in a motor
- 18 vehicle, it must be placed in the trunk of the motor vehicle or the area
- 19 behind the last upright seat of such motor vehicle if the area is not
- 20 normally occupied by the driver or a passenger and the motor vehicle is
- 21 not equipped with a trunk;
- 22 (d) Ship wines produced at the farm winery by common carrier and
- 23 sold at retail to recipients in and outside the State of Nebraska, if the
- 24 output of such farm winery for each calendar year as reported to the
- 25 commission by December 31 of each year does not exceed thirty thousand
- 26 gallons. In the event such amount exceeds thirty thousand gallons, the
- 1 farm winery shall be required to use a licensed wholesaler to distribute
- 2 its wines for the following calendar year, except that this requirement
- 3 shall not apply to wines produced and sold onsite at the farm winery
- 4 pursuant to subdivision (1)(a) of this section;
- 5 (e) Allow sampling of the wine at the farm winery and at one branch
- 6 outlet in the state in reasonable amounts;
- 7 (f) Sell wines produced at the farm winery to other Nebraska farm
- 8 winery licensees, in bulk, bottled, labeled, or unlabeled, in accordance
- 9 with 27 C.F.R. 24.308, 27 C.F.R. 24.309, and 27 C.F.R. 24.314, as such
- 10 regulations existed on January 1, 2008;

11 (g) Purchase distilled spirits from licensed microdistilleries in
 12 Nebraska, in bulk or bottled, made entirely from Nebraska-licensed farm
 13 winery wine to be used in the production of fortified wine at the
 14 purchasing licensed farm winery; and
 15 (h) Store and warehouse products produced at the farm winery in a
 16 designated, secure, offsite storage facility if the holder of the farm
 17 winery license notifies the commission of the location of the facility
 18 and maintains, at the farm winery and at the facility, a separate
 19 perpetual inventory of the product stored at the facility. Consumption of
 20 alcoholic liquor at the facility is strictly prohibited.
 21 (2) No farm winery shall manufacture wine in excess of fifty
 22 thousand gallons per year.
 23 (3) A farm winery may manufacture and sell hard cider on its
 24 licensed premises. A farm winery shall not otherwise distribute the hard
 25 cider it manufactures except by sale to a wholesaler licensed under the
 26 Nebraska Liquor Control Act.
 27 ~~(4)~~ A holder of a farm winery license may obtain a special
 28 designated license pursuant to section 53-124.11.
 29 ~~(5)~~ (4) A holder of a farm winery license may obtain an annual
 30 catering license pursuant to section 53-124.12.
 31 2. Renumber the remaining sections and correct internal references
 1 and the repealer accordingly.

Senator Nordquist filed the following amendment to LB330:
 AM581 is available in the Bill Room.

Senator Morfeld filed the following amendment to LB629:
 FA47
 Amend AM1075
 Strike Section 34.

Senator Lindstrom filed the following amendment to LB629:
 AM1300

(Amendments to Standing Committee amendments, AM1075)

1 1. Insert the following new section:
 2 Section 1. Section 60-2907, Revised Statutes Cumulative Supplement,
 3 2014, is amended to read:
 4 60-2907 The department and any officer, employee, agent, or
 5 contractor of the department having custody of a motor vehicle record
 6 shall, upon the verification of identity and purpose of a requester,
 7 disclose and make available the requested motor vehicle record, including
 8 the personal information in the record, for the following purposes:
 9 (1) For use by any federal, state, or local governmental agency,
 10 including any court or law enforcement agency, in carrying out the
 11 agency's functions or by a private person or entity acting on behalf of a
 12 governmental agency in carrying out the agency's functions;
 13 (2) For use in connection with matters of motor vehicle or driver
 14 safety and theft; motor vehicle emissions; motor vehicle product
 15 alterations, recalls, or advisories; performance monitoring of motor

16 vehicles, motor vehicle parts, and dealers; motor vehicle market research
17 activities, including survey research; and removal of nonowner records
18 from the original owner records of motor vehicle manufacturers;
19 (3) For use in the normal course of business by a legitimate
20 business or its agents, employees, or contractors but only:
21 (a) To verify the accuracy of personal information submitted by the
22 individual to the business or its agents, employees, or contractors; and
23 (b) If such information as so submitted is not correct or is no
24 longer correct, to obtain the correct information, but only for the
25 purposes of preventing fraud by, pursuing legal remedies against, or
26 recovering on a debt or security interest against, the individual;
27 (4) For use in connection with any civil, criminal, administrative,
28 or arbitral proceeding in any federal, state, or local court or
29 governmental agency or before any self-regulatory body, including service
30 of process, investigation in anticipation of litigation, and execution or
31 enforcement of judgments and orders, or pursuant to an order of a
32 federal, state, or local court, an administrative agency, or a self-
33 regulatory body;
34 (5) For use in research activities, and for use in producing
35 statistical reports, so long as the personal information is not
36 published, redisclosed, or used to contact individuals;
37 (6) For use by any insurer or insurance support organization, or by
38 a self-insured entity, or its agents, employees, or contractors, in
39 connection with claims investigation activities, anti-fraud activities,
40 rating, or underwriting;
41 (7) For use in providing notice to the owners of abandoned, towed,
42 or impounded vehicles;
43 (8) For use only for a purpose permitted under this section either
44 by a private detective, plain clothes investigator, or private
45 investigative agency licensed under sections 71-3201 to 71-3213;
46 (9) For use by an employer or the employer's agent or insurer to
47 obtain or verify information relating to a holder of a commercial
48 driver's license or CLP-commercial learner's permit that is required
49 under the Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31301 et
50 seq., or pursuant to sections 60-4,132 and 60-4,141;
51 (10) For use in connection with the operation of private toll
52 transportation facilities;
53 (11) For bulk distribution for surveys of, marketing to, or
54 solicitations of persons who have expressly consented to such disclosure
55 if the requester has obtained the notarized written consent of the
56 individual who is the subject of the personal information being requested
57 and has provided proof of receipt of such written consent to the
58 department or an officer, employee, agent, or contractor of the
59 department on a form prescribed by the department;
60 (12) For any use if the requester has obtained the notarized written
61 consent of the individual who is the subject of the personal information
62 being requested and has provided proof of receipt of such written consent
63 to the department or an officer, employee, agent, or contractor of the
64 department;

8 (13) For use, including redisclosure through news publication, of a
9 member of a medium of communication as defined in section 20-145 who
10 requests such information in connection with preparing, researching,
11 gathering, or confirming news information involving motor vehicle or
12 driver safety or motor vehicle theft;

13 (14) For use by the federally designated organ procurement
14 organization for Nebraska to establish and maintain the Donor Registry of
15 Nebraska as provided in section 71-4822;~~and~~

16 (15) For use by a transportation network company to determine if
17 there is a lien on a personal vehicle as provided in subsection (2) of
18 section 8 of this act; and

19 ~~(16 45)~~ For any other use specifically authorized by law that is
20 related to the operation of a motor vehicle or public safety.

21 2. On page 3, line 9, strike "uses" and insert "owns, leases, or is
22 otherwise authorized to use"; and in line 14 after "hail" insert "
23 Prearranged ride does not include shared expense carpool or vanpool
24 arrangements or transportation provided using a taxi, limousine, or other
25 for-hire vehicle".

26 3. On page 9, after line 30, insert the following new subsection:
27 "(2) Prior to permitting a person to act as a participating driver,
28 the transportation network company shall conduct a record search to
29 determine if there is a lien against a personal vehicle to be operated in
30 connection with the transportation network company. If such a lien
31 exists, the transportation network company shall provide written notice
1 to such lienholder by certified mail, return receipt requested, at the
2 address reflected on the certificate of title or electronic certificate
3 of title record for such vehicle. The written notice required under this
4 subsection shall be provided at least seven business days prior to the
5 transportation network company allowing the person to act as a
6 participating driver and shall indicate that the personal vehicle will be
7 operated in connection with the transportation network company."; and in
8 line 31 strike "(2)" and insert "(3)".

9 4. On page 10, line 24, strike "(3)" and insert "(4)"; and in line
10 28 strike "(4)" and insert "(5)".

11 5. On page 12, line 15, strike "A" and insert "Beginning on
12 September 1, 2015, a".

13 6. On page 13, line 8, strike "The" and insert "Beginning on
14 September 1, 2015, the".

15 7. On page 14, strike beginning with the comma in line 20 through
16 "payment" in line 27 and insert "and if such personal vehicle is subject
17 to a lien, the transportation network company insurance carrier shall
18 make payment for a claim covered under collision physical damage coverage
19 or comprehensive physical damage coverage".

20 8. On page 15, line 2, after the first "coverage" insert "for
21 transportation network company activity".

22 9. Renumber the remaining sections and correct internal references
23 and the repealer accordingly.

Senator Crawford filed the following amendment to LB67:

AM1236

1 1. On page 3, line 11, after "city" insert ", except a city of the
2 first class".

VISITORS

Visitors to the Chamber were 140 third-grade students from Norris Intermediate School, Firth; 22 third- and fourth-grade students from Zion Lutheran School, Pierce; and 40 fourth-grade students from Grant Elementary, Norfolk.

The Doctor of the Day was Dr. Jason Bespalec from Geneva.

ADJOURNMENT

At 4:41 p.m., on a motion by Senator Baker, the Legislature adjourned until 9:00 a.m., Tuesday, April 21, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-SEVENTH DAY - APRIL 21, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

SIXTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 21, 2015

PRAYER

The prayer was offered by Senator Brasch.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Kolowski, Krist, McCoy, and Stinner who were excused; and Senators Groene, Hadley, Kintner, and Kuehn who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-sixth day was approved.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 178, 179, 180, 183, and 184 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 178, 179, 180, 183, and 184.

MOTION - Return LB89A to Select File

Senator Campbell moved to return LB89A to Select File for her specific amendment, AM1251, found on page 1183.

The Campbell motion to return prevailed with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 89A. The Campbell specific amendment, AM1251, found on page 1183, was adopted with 39 ayes, 0 nays, 1 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

GENERAL FILE

LEGISLATIVE BILL 629. Title read. Considered.

Committee AM1075, found on page 1083, was offered.

Senator Morfeld offered his amendment, FA47, found on page 1218, to the committee amendment.

Senator Morfeld withdrew his amendment.

Senator Lindstrom offered his amendment, AM1300, found on page 1218, to the committee amendment.

Senator Lindstrom withdrew his amendment.

SPEAKER HADLEY PRESIDING

The committee amendment was adopted with 34 ayes, 3 nays, 5 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 1 nay, 2 present and not voting, and 7 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 469A. Introduced by Smith, 14; Schilz, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 469, One Hundred Fourth Legislature, First Session, 2015.

NOTICE OF COMMITTEE HEARING(S)
Government, Military and Veterans Affairs

Room 1510

Wednesday, April 29, 2015 12:00 p.m.

Byron L. Diamond - Department of Administrative Services
Bradley Rice - Nebraska State Patrol

(Signed) John Murante, Chairperson

COMMITTEE REPORT(S)
Business and Labor

LEGISLATIVE BILL 480. Placed on General File with amendment.
AM1274 is available in the Bill Room.

(Signed) Burke Harr, Chairperson

GENERAL FILE

LEGISLATIVE BILL 360. Title read. Considered.

Committee AM1151, found on page 1090, was offered.

Senator Johnson offered his amendment, AM1193, found on page 1137, to the committee amendment.

The Johnson amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Pending.

AMENDMENT(S) - Print in Journal

Senator Cook filed the following amendment to LB81:
AM1303

(Amendments to Final Reading copy)

1 1. On page 2, lines 23 and 27, strike "forty" and insert "thirty".

VISITORS

Visitors to the Chamber were 60 fourth-grade students and teachers from Birchcrest Elementary, Bellevue; Miss Nebraska, Megan Swanson, and her brother, Ian; 45 fourth-grade students and teachers from Walt Disney Elementary, Omaha; members of the Alzheimer's Association: Natalie Nickel, Brad Anderson, and Kathy Nannen; and 24 fourth-grade students and teacher from Sacred Heart Elementary, Lincoln.

RECESS

At 11:57 a.m., on a motion by Senator Pansing Brooks, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Hadley presiding.

ROLL CALL

The roll was called and all members were present except Senators Friesen, Kolowski, Krist, McCoy, and Stinner who were excused; and Senators Coash, Hansen, Hughes, Kintner, Larson, Mello, Morfeld, Schnoor, and Sullivan who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 360. Senator Kolterman offered the Johnson amendment, AM1194, found on page 1138, to the committee amendment.

The Johnson amendment was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Committee AM1151, found on page 1090 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 7 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 330. Title read. Considered.

Committee AM113, found on page 602, was offered.

Senator Larson offered his amendment, AM613, found on page 1217, to the committee amendment.

The Larson amendment was adopted with 28 ayes, 1 nay, 13 present and not voting, and 7 excused and not voting.

Senator Nordquist offered his amendment, AM581, found on page 1218, to the committee amendment.

The Nordquist amendment was adopted with 27 ayes, 1 nay, 14 present and not voting, and 7 excused and not voting.

Senator Larson offered the following amendment to the committee amendment:

AM1310

(Amendments to Standing Committee amendments, AM113)

1 1. On page 3, line 20, strike the second comma and insert "or"; and
2 in line 21 strike beginning with the comma through "beer".

The Larson amendment was adopted with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

The committee amendment, as amended, was adopted with 27 ayes, 1 nay, 14 present and not voting, and 7 excused and not voting.

Senator Kolterman offered the following amendment:

AM1316

1 1. Strike original sections 3 and 4 and insert the following new

2 sections:

3 Sec. 5. Powdered alcohol means alcohol prepared in a powdered form

4 for either direct use or consumption after the powder is combined with a

5 liquid.

6 Sec. 6. (1) Except as otherwise provided in subsection (4) of this

7 section, a person shall not possess, purchase, sell, offer to sell, or

8 use powdered alcohol.

9 (2) A person holding a license under the Nebraska Liquor Control Act

10 shall be subject to having the license suspended, canceled, or revoked

11 pursuant to the act for a violation of this section.

12 (3) Any person, other than a person licensed under the act, who

13 sells a powdered alcohol product shall be guilty of a Class I

14 misdemeanor.

15 (4) This section does not apply to a hospital that operates

16 primarily for the purpose of conducting scientific research, a state

17 institution conducting bona fide research, a private college or

18 university conducting bona fide research, or a pharmaceutical company or

19 biotechnology company conducting bona fide research.

20 2. On page 2, line 3, strike "section 6" and insert "sections 4 to

21 6".

22 3. Renummer the remaining sections and correct internal references,

23 the operative date, and the repealer so that the sections added by this

24 amendment become operative on their effective date with the emergency

25 clause.

SENATOR WATERMEIER PRESIDING

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 89A. Placed on Final Reading Second.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 268. Placed on Select File with amendment.
ER85

1 1. In the Standing Committee amendments, AM754:
2 a. On page 5, line 19, strike "nine", show as stricken, and insert
3 "eight"; and
4 b. On page 12, strike beginning with the comma in line 5 through the
5 comma in line 6 and show as stricken; and in line 23 strike the comma and
6 show as stricken.
7 2. On page 1, strike lines 2 through 21 and insert "23-3406,
8 23-3408, 24-1106, 25-1140.09, 28-104, 28-202, 28-303, 29-1602, 29-1822,
9 29-2004, 29-2005, 29-2006, 29-2020, 29-2027, 29-2407, 29-2801, 29-3205,
10 29-3920, 29-3928, 29-3929, 29-3930, 55-480, 83-1,110.02, and 83-4,143,
11 Reissue Revised Statutes of Nebraska, and sections 28-105, 28-201,
12 28-1356, 29-1603, 29-2204, 29-2261, and 29-3922, Revised Statutes
13 Cumulative Supplement, 2014; to eliminate the death penalty; to change
14 and eliminate provisions relating to murder in the first degree,
15 presentence reports, indeterminate sentences, the Commission on Public
16 Advocacy, and the authority of courts and the Department of Correctional
17 Services; to state intent; to eliminate a homicide-case report,
18 provisions on capital punishment, proportionality review provisions, and
19 obsolete provisions; to harmonize provisions; to repeal the original
20 sections; and to outright repeal sections 24-1105, 29-2519, 29-2521,
21 29-2521.01, 29-2521.03, 29-2521.04, 29-2521.05, 29-2523, 29-2524.01,
22 29-2524.02, 29-2525, 29-2527, 29-2528, 29-2811, 83-1,105.01, 83-1,132,
23 83-964, 83-965, 83-966, 83-967, 83-968, 83-969, 83-970, 83-971, and
24 83-972, Reissue Revised Statutes of Nebraska, and sections 28-105.01,
25 29-2520, 29-2521.02, 29-2522, 29-2524, 29-2537, 29-2538, 29-2539,
26 29-2540, 29-2541, 29-2542, 29-2543, and 29-2546, Revised Statutes
27 Cumulative Supplement, 2014."

LEGISLATIVE BILL 72. Placed on Select File with amendment.
ER88 is available in the Bill Room.

LEGISLATIVE BILL 72A. Placed on Select File.

LEGISLATIVE BILL 469. Placed on Select File with amendment.
ER86

1 1. In the Standing Committee amendments, AM833:
2 a. On page 6, line 31, strike "adopt" and insert "adapt"; and
3 b. On page 7, line 9, after the semicolon insert "and".
4 2. On page 1, strike beginning with "the" in line 1 through line 4
5 and insert "energy; to amend sections 81-1601, 81-1602, 81-1603, 81-1605,
6 81-1606, and 81-1607.01, Reissue Revised Statutes of Nebraska; to define

7 terms; to provide procedures and reporting requirements relating to a
 8 state plan regarding carbon dioxide emissions; to provide and change
 9 duties of the State Energy Office; to require a strategic state energy
 10 plan as prescribed; to harmonize provisions; and to repeal the original
 11 sections."

LEGISLATIVE BILL 85. Placed on Select File with amendment.

ER87

1 1. On page 1, line 3, strike "brand inspection fee" and insert
 2 "maximum brand inspection fee amount that may be established by the
 3 Nebraska Brand Committee".

LEGISLATIVE BILL 348. Placed on Select File with amendment.

ER89

1 1. In the Standing Committee amendments, AM1013:
 2 a. On page 3, line 13, strike the first comma and show as stricken;
 3 b. On page 4, line 21, reinstate the stricken "and"; and
 4 c. On page 7, line 26, strike "from".
 5 2. On page 1, line 1, strike "banks and banking" and insert
 6 "financial institutions"; in lines 3 and 4 strike "redefine a term" and
 7 insert "define and redefine terms"; and in line 6 after the second
 8 semicolon insert "to provide severability;"

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Sullivan filed the following amendment to LB519:
 AM1307

(Amendments to E and R amendments, ER76)

1 1. On page 7, lines 1 and 2, strike "No" through "percent" and
 2 insert "A portion".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 199. Introduced by Davis, 43.

WHEREAS, Moni Hourt has retired after over 20 years of teaching in the
 Nebraska Panhandle; and

WHEREAS, Moni started her career as a photographer for the Sports Car
 Club of America and moved on to be a photographer for ProRodeo Sports
 News, the Farm Journal, the Rapid City Journal, and the Denver Post; and

WHEREAS, in 1991, Moni began teaching at the Sioux County School
 District's Pink School near Crawford. After six years at the Pink School, she
 spent nearly 10 years teaching at Glen Public School; and

WHEREAS, in 2006, Moni became the interim education director at the
 Mari Sandoz High Plains Heritage Center's C.F. Coffee Gallery in Chadron;
 and

WHEREAS, in 2008, she began teaching at Crawford Public Schools; and
WHEREAS, Moni has mentored many students through the National
History Day competition; and

WHEREAS, Moni was selected by the National History Day program as a
Behring Teacher Ambassador in 2014.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST
SESSION:

1. That the Legislature congratulates Moni Hourt on her retirement and
commends her service and dedication as a teacher.
2. That a copy of this resolution be sent to Moni Hourt.

Laid over.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 547A. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
aid in carrying out the provisions of Legislative Bill 547, One Hundred
Fourth Legislature, First Session, 2015.

LEGISLATIVE BILL 519A. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
aid in carrying out the provisions of Legislative Bill 519, One Hundred
Fourth Legislature, First Session, 2015.

GENERAL FILE

LEGISLATIVE BILL 330. Senator Chambers offered the following
motion:

MO89

Bracket until June 5, 2015.

SENATOR GLOOR PRESIDING

Senator Chambers withdrew his motion to bracket.

The Kolterman amendment, AM1316, found in this day's Journal, was
renewed.

Senator Kolterman moved for a call of the house. The motion prevailed with
30 ayes, 0 nays, and 19 not voting.

The Kolterman amendment was adopted with 27 ayes, 8 nays, 6 present and
not voting, and 8 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 32 ayes, 3 nays, 6 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 253. Title read. Considered.

Committee AM278, found on page 568, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 423. Title read. Considered.

SPEAKER HADLEY PRESIDING

Committee AM1103, found on page 1049, was offered.

Senator Schumacher offered the following amendment to the committee amendment:

FA48

Amend AM1103

After the period in line 15 of page 12 add the following new language: "No credit shall be sold at a discount of more than three percent. No commission shall be paid for the marketing of credits issued pursuant to Section 77-27,235."

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 200. Introduced by Mello, 5; Bolz, 29; Haar, K., 21; Hilkemann, 4; Kintner, 2; Kuehn, 38; Nordquist, 7; Stinner, 48; Watermeier, 1; Williams, 36.

PURPOSE: The purpose of this resolution is to study the history and development of the Nebraska Innovation Campus (NIC) at the University of Nebraska - Lincoln. The University of Nebraska indicates that to move the NIC forward, additional state financial support will be required in terms of both operations and facility construction. The study of the NIC shall include, but not be limited to, the following:

- (1) The history of funding, both public and private;
- (2) The governance structure and management systems;
- (3) The business development plans and recruitment efforts;
- (4) The branding and marketing strategies;
- (5) The partnerships with private corporations, government agencies, and other academic institutions;
- (6) University of Nebraska commercialization activities;

- (7) The competitiveness of lease rates;
- (8) The utilization of space;
- (9) The current availability of other sources of funds for expansion including federal and private funding;
- (10) An investigation of successful university research park and technology commercialization programs across the nation;
- (11) The development of successful strategies for the future including economic development opportunities, workforce development opportunities, and incentive strategies; and
- (12) The development of measurable outcomes to evaluate progress.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 201. Introduced by Sullivan, 41; Baker, 30; Brasch, 16; Cook, 13; Gloor, 35; Groene, 42; Hadley, 37; Harr, B., 8; Hilkemann, 4; Kolowski, 31; Mello, 5; Morfeld, 46; Pansing Brooks, 28; Scheer, 19; Schnoor, 15; Schumacher, 22; Smith, 14.

WHEREAS, providing quality education through Nebraska's public schools is essential to the quality of life for all citizens of the state; and

WHEREAS, school finance is a complex combination of education and tax issues; and

WHEREAS, the first recommendation by the 2013 Tax Modernization Committee regarding property taxes was to increase the state aid commitment to schools to offset property tax use and reduce property taxes as a share of total state and local taxes; and

WHEREAS, the need to continually review and update policy in response to changing circumstances also applies to the interaction between school funding and tax policies in the state; and

WHEREAS, the Legislature is the appropriate forum for discourse and community involvement to develop school finance and tax policy to enhance Nebraska's system of quality education within the context of state priorities and fiscal limitations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. The School Finance Modernization Committee is created as a special legislative committee and shall comprise:

- (a) The members of the Education Committee;
- (b) The members of the Revenue Committee;

(c) The chairperson and vice-chairperson of the Appropriations Committee;

(d) The chairperson of the Legislature's Planning Committee; and

(e) The Speaker of the Legislature.

2. The chairperson of the Education Committee shall serve as the chairperson and the chairperson of the Revenue Committee shall serve as the vice-chairperson of the School Finance Modernization Committee, which shall meet as often as is deemed necessary in order to accomplish the objectives expressed in this resolution. At least one meeting shall be held concurrently with a meeting of the Legislative Council convened by the chairperson of the Executive Board.

3. The School Finance Modernization Committee shall continue the work of the Tax Modernization Committee with respect to examining the financing of public schools in Nebraska and developing recommendations for improving school finance in Nebraska. The committee shall consider, but not be limited to, the following issues:

(a) Efficiency and effectiveness in the availability and the use of tax resources necessary to successfully educate the public school students of Nebraska;

(b) Fairness and equity for taxpayers and public school students in all parts of the state;

(c) Competitiveness for the state in terms of the state's ability to attract and keep well-paying jobs and investments based on the economic climate and a workforce educated for success;

(d) Stability in the resources available to school districts and the tax expectations for citizens of the state, particularly in times of economic volatility; and

(e) Simplicity, to the extent practical, to meet the wide variances in the circumstances of students and taxpayers across the state.

4. The School Finance Modernization Committee shall examine school finance and taxing systems in other states and relevant studies and literature with a focus on the mix of taxable resources used to support education, strategies for addressing economic volatility, and other issues as determined by the committee.

5. The School Finance Modernization Committee may require any state agency or political subdivision to provide information relevant to the committee's work, and the state agency or political subdivision shall provide the information requested to the committee within thirty days after the request. All such requests shall be made only by the chairperson or vice-chairperson of the committee. The committee may hold public hearings and may, pursuant to section 50-406 and the rules of the Legislature, exercise its authority to administer oaths, issue subpoenas, compel attendance of witnesses and the production of documents, and cause depositions of witnesses to be taken in the manner prescribed by law for taking depositions in civil actions in the district court.

6. The School Finance Modernization Committee shall utilize the services of an outside facilitator with expertise in neutral facilitation who does not have a professional or financial interest in school or tax policy in Nebraska to assist the committee with the study. The facilitator shall be selected by

the chairperson and vice-chairperson of the committee in consultation with the chairperson of the Executive Board of the Legislative Council.

7. The School Finance Modernization Committee shall issue a report to the Executive Board of the Legislative Council and to the Governor not later than December 15, 2015, containing any recommendations and proposed language for any needed legislation. The report to the Legislature shall be submitted electronically.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR201 was referred to the Reference Committee.

AMENDMENT(S) - Print in Journal

Senator Morfeld filed the following amendment to LB294:
AM1305

(Amendments to Standing Committee amendments, AM1104)

1 1. On page 6, lines 17 and 18, reinstate the stricken matter.

VISITORS

Visitors to the Chamber were 110 third-grade students from Norris Intermediate School; and 75 Classical Conversations Home School students from across the state.

The Doctor of the Day was Dr. Aaron Lanik from Geneva.

ADJOURNMENT

At 4:57 p.m., on a motion by Senator Hughes, the Legislature adjourned until 9:00 a.m., Wednesday, April 22, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-EIGHTH DAY - APRIL 22, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****SIXTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 22, 2015

PRAYER

The prayer was offered by Senator Watermeier.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Kolowski who was excused; and Senators Bolz, Davis, Garrett, Hilkemann, Krist, Morfeld, Murante, and Pansing Brooks who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-seventh day was approved.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 202. Introduced by Scheer, 19.

WHEREAS, Alcohol Awareness Month, sponsored by the National Council on Alcoholism and Drug Dependence, has been celebrated in April since 1987; and

WHEREAS, nationally, 1 in 13 women report that they drink alcohol while they are pregnant; and

WHEREAS, in Nebraska, 23.8% of women between the ages of 18 and 44 report that they engage in binge drinking; and

WHEREAS, Fetal Alcohol Spectrum Disorders (FASD) describes a spectrum of significant physical, mental, behavioral, and learning effects that can occur in individuals whose mothers consume alcohol during pregnancy; and

WHEREAS, FASD is a lifelong disability that is completely preventable; and

WHEREAS, the first step in preventing FASD is making sure that potential parents are aware of the dangers of alcohol consumption during pregnancy; and

WHEREAS, Project CHOICES, funded by the United States Centers for Disease Control and Prevention, found that women who receive both information and motivational intervention are at least twice as likely to have a reduced risk of an alcohol exposed pregnancy.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature designates April 2015 as Alcohol Awareness Month in Nebraska.

2. That the Legislature encourages individuals, organizations, and communities to engage in discussions and activities that raise awareness about alcoholism, particularly the dangers of FASD and consuming alcohol during pregnancy.

Laid over.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 187, 188, 189, and 190 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 187, 188, 189, and 190.

GENERAL FILE

LEGISLATIVE BILL 469A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 519A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 423. Senator Schumacher renewed his amendment, FA48, found on page 1231, to the committee amendment.

SPEAKER HADLEY PRESIDING

Senator Davis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Senator Schumacher moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Senator Schumacher requested a roll call vote on the amendment.

Voting in the affirmative, 13:

| | | | | |
|------------|---------|-----------|-------------|------------|
| Bloomfield | Ebke | Groene | McCollister | Watermeier |
| Brasch | Friesen | Hughes | Schnoor | |
| Craighead | Garrett | Lindstrom | Schumacher | |

Voting in the negative, 25:

| | | | | |
|----------|----------|-----------|----------------|----------|
| Baker | Crawford | Hansen | Krist | Scheer |
| Bolz | Davis | Harr, B. | Mello | Seiler |
| Campbell | Gloor | Hilkemann | Morfeld | Stinner |
| Chambers | Haar, K. | Howard | Nordquist | Sullivan |
| Cook | Hadley | Johnson | Pansing Brooks | Williams |

Present and not voting, 6:

| | | |
|-----------|---------|--------|
| Kolterman | Murante | Schilz |
| McCoy | Riepe | Smith |

Excused and not voting, 5:

| | | | | |
|-------|---------|----------|-------|--------|
| Coash | Kintner | Kolowski | Kuehn | Larson |
|-------|---------|----------|-------|--------|

The Schumacher amendment lost with 13 ayes, 25 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator McCollister offered the following amendment to the committee amendment:

AM1328

(Amendments to Standing Committee amendments, AM1103)

1 1. On page 14, after line 28 insert the following new subsections:

2 "(14) The Department of Revenue shall provide an annual report to

3 the Legislature beginning on July 1, 2017, and each July 1 thereafter.

4 The report shall include (a) the number of facilities receiving credits

5 under this section, (b) the amount of credits earned, (c) the amount of

6 credits claimed, and (d) the amount of credits outstanding.

7 (15) This section terminates on December 31, 2021, unless extended

8 by the Legislature.".

The McCollister amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

SENATOR SULLIVAN PRESIDING

Committee AM1103, found on page 1049 and considered on page 1231, as

amended, was renewed.

The committee amendment, as amended, was adopted with 29 ayes, 2 nays, 12 present and not voting, and 6 excused and not voting.

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

| | |
|--------------|------------------|
| LB/LR | Committee |
| LR201 | Executive Board |

(Signed) Bob Krist, Chairperson
Executive Board

RESOLUTION(S)

LEGISLATIVE RESOLUTION 203. Introduced by Mello, 5; Gloor, 35; Johnson, 23; Nordquist, 7; Schumacher, 22; Stinner, 48; Williams, 36.

WHEREAS, Hispanic Heritage Month was started in 1988 by President Ronald Reagan after he expanded National Hispanic Heritage Week, first signed into law by President Lyndon Johnson in 1968, into a full 30 days; and

WHEREAS, Hispanic Heritage Month is observed from September 15 through October 15 and covers the independence days of Costa Rica, Nicaragua, Chile, Mexico, Honduras, and El Salvador, and includes Columbus Day which is known as Dia de la Raza (Day of the Race) or Dia de Las Americas (Day of the Americas) in Latin-American countries; and

WHEREAS, Hispanic Heritage Month is a celebration and commemoration of Latin-American history and culture honoring how Hispanic culture has dramatically impacted American society; and

WHEREAS, the Hispanic population has not historically been a large segment of the American population, but has grown over the past two decades along with Hispanic contributions to American culture; and

WHEREAS, the Hispanic community in Nebraska has made tremendously positive impacts in business, education, and civic engagement; and

WHEREAS, Hispanic men and women play an integral role in American society, and it is vitally important that we honor and celebrate their contributions to our culture and to the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature designates September 15 through October 15, 2015, as Hispanic Heritage Month in the State of Nebraska.

2. That during that time, Nebraskans are encouraged to come together to recognize, commemorate, and celebrate the Hispanic men and women of

Nebraska, past and present, who have worked tirelessly to overcome obstacles of language, culture, and tradition to positively impact American society and become an integral part of our local communities.

3. That Nebraskans are also encouraged to study Hispanic culture and history, recognize Hispanic contributions in their communities, and strive for appreciation and equality year-round in order to celebrate our past and brighten our future in the State of Nebraska.

Laid over.

VISITORS

Visitors to the Chamber were Senator Sullivan's brother-in-law, David Sullivan, from San Diego, CA; 42 fourth-grade students and teachers from Louisville; 10 FCCLA high school students and sponsor from Ord; 8 eleventh- and twelfth-grade students and teachers from District 47 schools; 5 eleventh- and twelfth-grade students and teacher from District 40 schools; and 19 fourth-grade students and teacher from St. Patrick's School, Lincoln.

RECESS

At 12:00 p.m., on a motion by Senator Bolz, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Watermeier presiding.

ROLL CALL

The roll was called and all members were present except Senators Ebke and Kolowski who were excused; and Senators Coash, Garrett, Kuehn, Lindstrom, Mello, Smith, and Sullivan who were excused until they arrive.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 629. Placed on Select File with amendment.

ER91

- 1 1. On page 1, line 5, after "to" insert "provide and"; in line 6
- 2 after the last semicolon insert "to provide requirements for insurance
- 3 coverage; to require an annual report to the Legislature;" in line 7
- 4 strike "and" and insert "to provide a duty for the Revisor of Statutes;"
- 5 and in line 8 after "sections" insert "; and to declare an emergency".
- 6 2. In the Standing Committee amendments, AM1075:
- 7 a. On page 5, line 6, strike the first "subdivision" and insert
- 8 "subdivisions"; and
- 9 b. On page 21, line 6, strike "3" and insert "2".

(Signed) Matt Hansen, Chairperson

MESSAGE(S) FROM THE GOVERNOR

April 22, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Liquor Control Commission:

Janice Wiebusch, 2712 Central Avenue, Kearney, NE 68847

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

April 15, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Public Employees Retirement Board:

Dennis W. Leonard, 3828 Rochdale Circle, Grand Island, NE 68803
Denis Blank, 2451 Winchester South, Lincoln, NE 68512

Contingent upon your approval, the following individual is being appointed to the Public Employees Retirement Board:

Kelli Ackerman, 1115 Brown Street, Holdrege, NE 68949

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are

included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

April 22, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Commission for the Deaf and Hard of Hearing:

Stacie L. Ray, Au.D., CCC-A, 7325 Englewood Drive, Lincoln, NE 68510
Norman B. Weverka, 2422 31 Road, Brainard, NE 68626
Jeremy Fitzpatrick, 3605 S. 95 Street, Omaha, NE 68124

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

April 22, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Foster Care Advisory Committee:

Sheree L. Keely, 5111 Dodge Street, Omaha, NE 68132
Craig A. Timm, 15753 Hartman Avenue, Omaha, NE 68116
Michelle Marie Hynes, 1900 Willow, P.O. Box 733, Dakota City, NE 68731

The aforementioned appointees are respectfully submitted for your

consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

April 22, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Emergency Response Commission:

Richard Grauerholz, 508 N. 17 Street, Ashland, NE 68003

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

GENERAL FILE

LEGISLATIVE BILL 423. Considered.

Senator Nordquist requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

| | | | | |
|----------|-----------|-----------|----------------|------------|
| Baker | Craighead | Hadley | McCoy | Schilz |
| Bolz | Crawford | Hansen | Morfeld | Seiler |
| Brasch | Davis | Hilkemann | Nordquist | Stinner |
| Campbell | Gloor | Howard | Pansing Brooks | Watermeier |
| Cook | Haar, K. | Krist | Scheer | Williams |

Voting in the negative, 3:

McCollister Schnoor Schumacher

Present and not voting, 12:

| | | | |
|------------|----------|-----------|---------|
| Bloomfield | Groene | Johnson | Larson |
| Chambers | Harr, B. | Kintner | Murante |
| Friesen | Hughes | Kolterman | Riepe |

Excused and not voting, 9:

| | | | | |
|-------|----------|-----------|-------|----------|
| Coash | Garrett | Kuehn | Mello | Sullivan |
| Ebke | Kolowski | Lindstrom | Smith | |

Advanced to Enrollment and Review Initial with 25 ayes, 3 nays, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 294. Title read. Considered.

Committee AM1104, found on page 1125, was offered.

Senator Morfeld withdrew his amendment, AM1305, found on page 1234.

Senator Morfeld offered the following amendment to the committee amendment:

AM1323

(Amendments to Standing Committee amendments, AM1104)

- 1 1. On page 6, lines 17 and 18, reinstate the stricken matter.
- 2 2. On page 25, strike beginning with "State" in line 12 through
- 3 "Fund" in line 13 and insert "county treasurer of the county in which the
- 4 seizure was made. The county treasurer shall remit all such proceeds from
- 5 property forfeited pursuant to this section to the State Treasurer for
- 6 distribution in accordance with Article VII, section 5, of the
- 7 Constitution of Nebraska".
- 8 3. On page 26, strike beginning with "the" in line 2 through "and"
- 9 in line 3.

The Morfeld amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 371. Placed on General File with amendment.

AM1268

- 1 1. On page 2, line 4, strike "co-chairperson" and insert
 2 "chairperson"; and in line 7 strike "who" through "council".
 3 2. On page 3, line 1, after "following" insert "ex-officio"; in
 4 line 6 strike "(13)" and insert "(12)"; and in line 9 after the period
 5 insert "Members of the council shall elect a member of the council to
 6 serve as the co-chairperson of the council each year.".
 7 3. On page 4, strike beginning with the comma in line 6 through
 8 "Education" in line 7.
 9 4. On page 6, line 11, after "committees" insert "which utilize the
 10 expertise of individuals and organizations the committee believes can
 11 provide relevant information"; and in line 13 after the period insert "At
 12 a minimum, the council shall establish committees to study: College and
 13 career readiness; postsecondary education affordability and access; and
 14 business and education innovation. Such committees may utilize the
 15 expertise of individuals and organizations the committee believes can
 16 provide relevant information.".

(Signed) Kate Sullivan, Chairperson

AMENDMENT(S) - Print in JournalSenator Nordquist filed the following amendment to LB599:

AM1319

(Amendments to E and R amendments, ER84)

- 1 1. On page 2, line 4, strike "attends" and insert "does not attend".

Senator Nordquist filed the following amendment to LB599:

AM1318

(Amendments to E and R amendments, ER84)

- 1 1. On page 1, line 12, after "2016" insert ", through December 31,
 2 2016. Beginning January 1, 2017, and each January 1 thereafter, the
 3 minimum wage required under this subsection shall be adjusted by the
 4 percentage change in the Consumer Price Index for All Urban Consumers
 5 published by the United States Department of Labor, Bureau of Labor
 6 Statistics, for the twelve-month period preceding the adjustment date, as
 7 determined by the Commissioner of Labor"; and in line 27 after "hour"
 8 insert "through December 31, 2016. Beginning January 1, 2017, and each
 9 January 1 thereafter, the minimum wage rate required under this
 10 subsection shall be adjusted by the percentage change in the Consumer
 11 Price Index for All Urban Consumers published by the United States
 12 Department of Labor, Bureau of Labor Statistics, for the twelve-month
 13 period preceding the adjustment date, as determined by the Commissioner
 14 of Labor".

GENERAL FILE

LEGISLATIVE BILL 67. Title read. Considered.

Senator Nordquist offered his amendment, AM1080, found on page 1129.

SENATOR GLOOR PRESIDING

Senator Nordquist asked unanimous consent to withdraw his amendment, AM1080, found on page 1129, and replace it with his substitute amendment, FA50. No objections. So ordered.

FA50

Page 2, line 12 before the period insert: "except security interests in any retirement accounts, pension funds and any other vested post-employment benefit whether said benefit is then payable or payable in the future contingent upon a future qualifying event."

Pending.

AMENDMENT(S) - Print in Journal

Senator Lindstrom filed the following amendment to LB317:
AM1287

(Amendments to Standing Committee amendments, AM483)

- 1 1. Strike section 3.
- 2 2. On page 1, line 1, strike "sections" and insert "section"; and in
- 3 line 2 strike "2015" and insert "2018".

Senator B. Harr filed the following amendment to LB605:
AM1330

(Amendments to E and R amendments, ER81)

- 1 1. Strike sections 6 and 61 and insert the following new sections:
- 2 Sec. 6. 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 and ninety days post-
- 12 release supervision for each year of imprisonment
- 13 Minimum — twenty years imprisonment
- 14 Class IC felony Maximum — fifty years imprisonment and ninety days
- 15 post-release supervision for each year of
- 16 imprisonment
- 17 Mandatory minimum — five years imprisonment
- 18 Class ID felony Maximum — fifty years imprisonment and ninety days

- 19 post-release supervision for each year of
 20 imprisonment
 21 Mandatory minimum — three years imprisonment
 22 Class II felony Maximum — fifty years imprisonment and ninety days
 23 post-release supervision for each year of
 24 imprisonment
 25 Minimum — one year imprisonment
 1 Class IIA felony Maximum — twenty years imprisonment and ninety days
 2 post-release supervision for each year of
 3 imprisonment
 4 Minimum — none
 5 Class III felony Maximum — four years imprisonment and two years
 6 post-release supervision or
 7 twenty-five thousand dollars fine, or both
 8 Minimum — none for imprisonment and nine months
 9 post-release supervision if imprisonment is imposed
 10 Class IIIA felony Maximum — three years imprisonment
 11 and eighteen months post-release supervision or
 12 ten thousand dollars fine, or both
 13 Minimum — none for imprisonment and nine months
 14 post-release supervision if imprisonment is imposed
 15 Class IV felony Maximum — two years imprisonment and twelve
 16 months post-release supervision or
 17 ten thousand dollars fine, or both
 18 Minimum — none for imprisonment and nine months
 19 post-release supervision if imprisonment is imposed
 20 Class IIII felony Maximum — twenty years imprisonment, or
 21 twenty-five thousand dollars fine, or both
 22 Minimum — one year imprisonment
 23 Class IIIA felony Maximum — five years imprisonment, or
 24 ten thousand dollars fine, or both
 25 Minimum — none
 26 Class IVI felony Maximum — five years imprisonment, or
 27 ten thousand dollars fine, or both
 28 Minimum — none
 29 (2) All sentences of imprisonment for Class IA, IB, IC, ID, II, and
 1 III felonies and sentences of one year or more for Class IIIA and IV
 2 felonies shall be served in institutions under the jurisdiction of the
 3 Department of Correctional Services. All sentences of imprisonment
 4 sentences of less than one year shall be served in the county jail except
 5 as provided in this subsection. If the department certifies that it has
 6 programs and facilities available for persons sentenced to terms of less
 7 than one year, the court may order that any sentence of six months or
 8 more be served in any institution under the jurisdiction of the
 9 department. Any such certification shall be given by the department to
 10 the State Court Administrator, who shall forward copies thereof to each
 11 judge having jurisdiction to sentence in felony cases.
 12 (3) Nothing in this section shall limit the authority granted in
 13 sections 29-2221 and 29-2222 to increase sentences for habitual

14 criminals.

15 (4) A person convicted of a felony for which a mandatory minimum
16 sentence is prescribed shall not be eligible for probation.

17 (5) All sentences of post-release supervision shall be served under
18 the jurisdiction of the Office of Probation Administration, shall be
19 subject to conditions imposed pursuant to section 29-2262 and subject to
20 sanctions authorized pursuant to section 29-2266, and may be concurrent
21 with or consecutive to parole supervision.

22 Sec. 61. Section 29-2204, Revised Statutes Cumulative Supplement,
23 2014, is amended to read:

24 29-2204 (1) Except when a term of life imprisonment is required by
25 law, in imposing an indeterminate sentence upon an offender for a Class
26 IB, IC, ID, II, or IIA felony:

27 (a) ~~The~~ the court shall fix the minimum and the maximum terms of the
28 sentence to be served within the limits provided by law. The maximum term
29 shall not be greater than the maximum limit provided by law, and the
30 minimum term shall not be less than the minimum limit provided by law;
31 and :

1 (b) In fixing the minimum term, the minimum term shall not be more
2 than one-third of the maximum term imposed by the court or the length of
3 time between the minimum term and the maximum term shall be at least
4 three years, whichever results in the shorter length of time between the
5 minimum term and the maximum term.

6 (2) When a maximum term of life is imposed by the court for a Class
7 IB felony, the minimum term fixed by the court shall be:

8 (a) Any term of years not less than the minimum limit provided by
9 law; or

10 (b) A term of life imprisonment.

11 (3) When a maximum term of life is imposed by the court for a Class
12 IA felony, the minimum term fixed by the court shall be:

13 (a) A term of life imprisonment; or

14 (b) Any term of years not less than the minimum limit provided by
15 law whenever the defendant was under eighteen years of age at the time he
16 or she committed the crime for which he or she was convicted.

17 (a)(i) ~~Until July 1, 1998, fix the minimum and maximum limits of the~~
18 ~~sentence to be served within the limits provided by law, except that when~~
19 ~~a maximum limit of life is imposed by the court for a Class IB felony,~~
20 ~~the minimum limit may be any term of years not less than the statutory~~
21 ~~mandatory minimum; and~~

22 (ii) Beginning July 1, 1998:

23 (A) Fix the minimum and maximum limits of the sentence to be served
24 within the limits provided by law for any class of felony other than a
25 Class IV felony, except that when a maximum limit of life is imposed by
26 the court for a Class IB felony, the minimum limit may be any term of
27 years not less than the statutory mandatory minimum. If the criminal
28 offense is a Class IV felony, the court shall fix the minimum and maximum
29 limits of the sentence, but the minimum limit fixed by the court shall
30 not be less than the minimum provided by law nor more than one third of
31 the maximum term and the maximum limit shall not be greater than the

1 maximum provided by law; or
2 ~~(B) Impose a definite term of years, in which event the maximum term~~
3 ~~of the sentence shall be the term imposed by the court and the minimum~~
4 ~~term shall be the minimum sentence provided by law;~~
5 ~~(b) Advise the offender on the record the time the offender will~~
6 ~~serve on his or her minimum term before attaining parole eligibility~~
7 ~~assuming that no good time for which the offender will be eligible is~~
8 ~~lost; and~~
9 ~~(c) Advise the offender on the record the time the offender will~~
10 ~~serve on his or her maximum term before attaining mandatory release~~
11 ~~assuming that no good time for which the offender will be eligible is~~
12 ~~lost.~~
13 ~~If any discrepancy exists between the statement of the minimum limit~~
14 ~~of the sentence and the statement of parole eligibility or between the~~
15 ~~statement of the maximum limit of the sentence and the statement of~~
16 ~~mandatory release, the statements of the minimum limit and the maximum~~
17 ~~limit shall control the calculation of the offender's term. If the court~~
18 ~~imposes more than one sentence upon an offender or imposes a sentence~~
19 ~~upon an offender who is at that time serving another sentence, the court~~
20 ~~shall state whether the sentences are to be concurrent or consecutive.~~
21 ~~(4) (2)(a) When the court is of the opinion that imprisonment may be~~
22 ~~appropriate but desires more detailed information as a basis for~~
23 ~~determining the sentence to be imposed than has been provided by the~~
24 ~~presentence report required by section 29-2261, the court may shall~~
25 ~~commit an offender to the Department of Correctional Services for a~~
26 ~~period not exceeding ninety days. During that time, the ~~The~~ department~~
27 ~~shall conduct a complete study of the offender as provided in section 63~~
28 ~~of this act during that time, inquiring into such matters as his or her~~
29 ~~previous delinquency or criminal experience, social background,~~
30 ~~capabilities, and mental, emotional, and physical health and the~~
31 ~~rehabilitative resources or programs which may be available to suit his~~
1 ~~or her needs. By the expiration of the period of commitment or by the~~
2 ~~expiration of such additional time as the court shall grant, not~~
3 ~~exceeding a further period of ninety days, the offender shall be returned~~
4 ~~to the court for sentencing and the court shall be provided with a~~
5 ~~written report of the results of the study, including whatever~~
6 ~~recommendations the department believes will be helpful to a proper~~
7 ~~resolution of the case. After receiving the report and the~~
8 ~~recommendations, the court shall proceed to sentence the offender in~~
9 ~~accordance with subsection (1) of this section. The term of the sentence~~
10 ~~shall run from the date of original commitment under this subsection.~~
11 ~~(b) In order to encourage the use of this procedure in appropriate~~
12 ~~eases, all costs incurred during the period the defendant is held in a~~
13 ~~state institution under this subsection shall be a responsibility of the~~
14 ~~state and the county shall be liable only for the cost of delivering the~~
15 ~~defendant to the institution and the cost of returning him or her to the~~
16 ~~appropriate court for sentencing or such other disposition as the court~~
17 ~~may then deem appropriate.~~
18 ~~(5 3) Except when a term of life is required by law, whenever the~~

19 defendant was under eighteen years of age at the time he or she committed
 20 the crime for which he or she was convicted, the court may, in its
 21 discretion, instead of imposing the penalty provided for the crime, make
 22 such disposition of the defendant as the court deems proper under the
 23 Nebraska Juvenile Code. ~~Until October 1, 2013, prior to making a~~
 24 ~~disposition which commits the juvenile to the Office of Juvenile~~
 25 ~~Services, the court shall order the juvenile to be evaluated by the~~
 26 ~~office if the juvenile has not had an evaluation within the past twelve~~
 27 ~~months.~~

28 (6)(a) When imposing an indeterminate sentence upon an offender
 29 under this section, the court shall:

30 (i) Advise the offender on the record the time the offender will
 31 serve on his or her minimum term before attaining parole eligibility
 1 assuming that no good time for which the offender will be eligible is
 2 lost; and

3 (ii) Advise the offender on the record the time the offender will
 4 serve on his or her maximum term before attaining mandatory release
 5 assuming that no good time for which the offender will be eligible is
 6 lost.

7 (b) If any discrepancy exists between the statement of the minimum
 8 limit of the sentence and the statement of parole eligibility or between
 9 the statement of the maximum limit of the sentence and the statement of
 10 mandatory release, the statements of the minimum limit and the maximum
 11 limit shall control the calculation of the offender's term.

12 (c) If the court imposes more than one sentence upon an offender or
 13 imposes a sentence upon an offender who is at that time serving another
 14 sentence, the court shall state whether the sentences are to be
 15 concurrent or consecutive.

16 2. On page 12, line 13, strike "one hundred dollars fine", show as
 17 stricken, and insert "none".

18 3. On page 70, after line 14, insert:

19 "(6) The court shall state whether post-release supervision shall be
 20 concurrent with or consecutive to parole supervision."

Senator Scheer filed the following amendment to LB294:
 AM1349

1 1. Insert the following new section:

2 Sec. 25. Since an emergency exists, this act takes effect when
 3 passed and approved according to law.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Ackerman, Kelli - Public Employees Retirement Board - Nebraska
 Retirement Systems

Blank, Denis - Public Employees Retirement Board - Nebraska Retirement
 Systems

Fitzpatrick, Jeremy - Commission for the Deaf and Hard of Hearing - Health and Human Services
Grauerholz, Richard - State Emergency Response Commission - Government, Military and Veterans Affairs
Hynes, Michelle Marie - Foster Care Advisory Committee - Health and Human Services
Keely, Sheree L. - Foster Care Advisory Committee - Health and Human Services
Leonard, Dennis W. - Public Employees Retirement Board - Nebraska Retirement Systems
Ray, Stacie L. - Commission for the Deaf and Hard of Hearing - Health and Human Services
Timm, Craig A. - Foster Care Advisory Committee - Health and Human Services
Weverka, Norman B. - Commission for the Deaf and Hard of Hearing - Health and Human Services
Wiebusch, Janice - Nebraska Liquor Control Commission - General Affairs

(Signed) Bob Krist, Chairperson
Executive Board

VISITORS

Visitors to the Chamber were 7 second- through seventh-grade students and teacher from Jansen Christian Academy, Jansen; and 24 fourth-grade students and teacher from Bloomfield.

The Doctor of the Day was Dr. Hilary Miller from Spalding.

ADJOURNMENT

At 4:47 p.m., on a motion by Senator Campbell, the Legislature adjourned until 9:00 a.m., Thursday, April 23, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-NINTH DAY - APRIL 23, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

SIXTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 23, 2015

PRAYER

The prayer was offered by Father Paul Rutten, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Kolowski and Smith who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-eighth day was approved.

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 525. Placed on General File with amendment.
AM1306 is available in the Bill Room.

(Signed) Kate Sullivan, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 22, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Abboud, Chris - Public Affairs Group
Omaha Police Officers Association (Withdrawn 04/20/2015)
Bruning Law Group
Nebraska Appropriated Basin Coalition

Hyden, Marc

Equal Justice USA

Martinez, Larry M.

GlaxoSmithKline (Withdrawn 04/20/2015)

Radcliffe, Walter H. of Radcliffe and Associates

Nebraska Renewable Energy Association

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:

<http://www.nebraskalegislature.gov/agencies/view.php>

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 56. With Emergency Clause.

A BILL FOR AN ACT relating to state property; to provide procedures for disposition of property comprising the Norfolk Regional Center; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | McCollister | Schnoor |
| Bloomfield | Ebke | Howard | McCoy | Schumacher |
| Bolz | Friesen | Hughes | Mello | Seiler |
| Brasch | Garrett | Johnson | Morfeld | Stinner |
| Campbell | Gloor | Kintner | Murante | Sullivan |
| Chambers | Groene | Kolterman | Nordquist | Watermeier |
| Coash | Haar, K. | Krist | Pansing Brooks | Williams |
| Cook | Hadley | Kuehn | Riepe | |
| Craighead | Hansen | Larson | Scheer | |
| Crawford | Harr, B. | Lindstrom | Schilz | |

Voting in the negative, 0.

Excused and not voting, 2:

Kolowski Smith

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB89 with 37 ayes, 7 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 89. With Emergency Clause.

A BILL FOR AN ACT relating to public assistance; to amend sections 43-512, 68-1713, and 68-1726, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to aid to dependent children; to change provisions related to an earned income disregard; to create the Intergenerational Poverty Task Force; to provide powers and duties; to require reports; to provide a termination date; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 31:

| | | | | |
|----------|----------|-----------|----------------|----------|
| Baker | Davis | Hilkemann | McCollister | Seiler |
| Bolz | Friesen | Howard | Mello | Stinner |
| Campbell | Gloor | Hughes | Morfeld | Sullivan |
| Chambers | Haar, K. | Johnson | Nordquist | |
| Coash | Hadley | Kolterman | Pansing Brooks | |
| Cook | Hansen | Krist | Scheer | |
| Crawford | Harr, B. | Kuehn | Schumacher | |

Voting in the negative, 16:

| | | | |
|------------|---------|-----------|------------|
| Bloomfield | Garrett | Lindstrom | Schilz |
| Brasch | Groene | McCoy | Schnoor |
| Craighead | Kintner | Murante | Watermeier |
| Ebke | Larson | Riepe | Williams |

Excused and not voting, 2:

| | |
|----------|-------|
| Kolowski | Smith |
|----------|-------|

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 30:

| | | | | |
|----------|----------|-----------|-------------|----------------|
| Baker | Crawford | Hansen | Krist | Pansing Brooks |
| Bolz | Davis | Harr, B. | Kuehn | Scheer |
| Campbell | Friesen | Hilkemann | McCollister | Schumacher |
| Chambers | Gloor | Howard | Mello | Seiler |
| Coash | Haar, K. | Johnson | Morfeld | Stinner |
| Cook | Hadley | Kolterman | Nordquist | Sullivan |

Voting in the negative, 15:

| | | | | |
|------------|---------|-----------|---------|----------|
| Bloomfield | Ebke | Kintner | McCoy | Schilz |
| Brasch | Garrett | Larson | Murante | Schnoor |
| Craighead | Groene | Lindstrom | Riepe | Williams |

Present and not voting, 2:

| | |
|--------|------------|
| Hughes | Watermeier |
|--------|------------|

Excused and not voting, 2:

| | |
|----------|-------|
| Kolowski | Smith |
|----------|-------|

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 89A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 89, One Hundred Fourth Legislature, First Session, 2015; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 28:

| | | | | |
|----------|----------|-----------|----------------|------------|
| Baker | Crawford | Harr, B. | Kuehn | Scheer |
| Bolz | Friesen | Hilkemann | McCollister | Schumacher |
| Campbell | Gloor | Howard | Mello | Seiler |
| Chambers | Haar, K. | Johnson | Morfeld | Sullivan |
| Coash | Hadley | Kolterman | Nordquist | |
| Cook | Hansen | Krist | Pansing Brooks | |

Voting in the negative, 16:

| | | | |
|-----------|-----------|---------|------------|
| Brasch | Groene | McCoy | Schnoor |
| Craighead | Kintner | Murante | Stinner |
| Ebke | Larson | Riepe | Watermeier |
| Garrett | Lindstrom | Schilz | Williams |

Present and not voting, 3:

| | | |
|------------|-------|--------|
| Bloomfield | Davis | Hughes |
|------------|-------|--------|

Excused and not voting, 2:

| | |
|----------|-------|
| Kolowski | Smith |
|----------|-------|

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 29:

| | | | | |
|----------|----------|-----------|-------------|----------------|
| Baker | Crawford | Hansen | Krist | Pansing Brooks |
| Bolz | Davis | Harr, B. | Kuehn | Scheer |
| Campbell | Friesen | Hilkemann | McCollister | Schumacher |
| Chambers | Gloor | Howard | Mello | Seiler |
| Coash | Haar, K. | Johnson | Morfeld | Sullivan |
| Cook | Hadley | Kolterman | Nordquist | |

Voting in the negative, 16:

| | | | |
|------------|---------|-----------|----------|
| Bloomfield | Garrett | Lindstrom | Schilz |
| Brasch | Groene | McCoy | Schnoor |
| Craighead | Kintner | Murante | Stinner |
| Ebke | Larson | Riepe | Williams |

Present and not voting, 2:

| | |
|--------|------------|
| Hughes | Watermeier |
|--------|------------|

Excused and not voting, 2:

| | |
|----------|-------|
| Kolowski | Smith |
|----------|-------|

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 152.

A BILL FOR AN ACT relating to cities and villages; to authorize cities and villages to borrow from state-chartered or federally chartered financial institutions as prescribed; and to provide a duty for the Revisor of Statutes.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Ebke | Howard | McCoy | Schumacher |
| Bloomfield | Friesen | Hughes | Mello | Seiler |
| Bolz | Garrett | Johnson | Morfeld | Stinner |
| Brasch | Gloor | Kintner | Murante | Sullivan |
| Campbell | Groene | Kolterman | Nordquist | Watermeier |
| Chambers | Haar, K. | Krist | Pansing Brooks | Williams |
| Coash | Hadley | Kuehn | Riepe | |
| Cook | Hansen | Larson | Scheer | |
| Craighead | Harr, B. | Lindstrom | Schilz | |
| Crawford | Hilkemann | McCollister | Schnoor | |

Voting in the negative, 0.

Present and not voting, 1:

Davis

Excused and not voting, 2:

Kolowski Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 245.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2102, 29-2103, and 29-4120, Reissue Revised Statutes of Nebraska; to change provisions relating to motions for new trial and DNA testing of biological material; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

| | | | | |
|-----------|-----------|-------------|----------------|------------|
| Baker | Ebke | Howard | Mello | Schumacher |
| Bolz | Friesen | Hughes | Morfeld | Seiler |
| Brasch | Garrett | Johnson | Murante | Stinner |
| Campbell | Gloor | Kolterman | Nordquist | Sullivan |
| Chambers | Haar, K. | Krist | Pansing Brooks | Watermeier |
| Coash | Hadley | Kuehn | Riepe | Williams |
| Cook | Hansen | Larson | Scheer | |
| Craighead | Harr, B. | Lindstrom | Schilz | |
| Crawford | Hilkemann | McCollister | Schnoor | |

Voting in the negative, 4:

Davis Groene Kintner McCoy

Present and not voting, 1:

Bloomfield

Excused and not voting, 2:

Kolowski Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB324 with 42 ayes, 1 nay, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 324.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-727, 31-727.03, 31-729, 31-740, 31-763, and 31-766, Reissue Revised Statutes of Nebraska; to provide authorization to contract for solid waste collection services; to provide additional powers for certain sanitary and improvement districts subject to approval as prescribed; to require acknowledgments to be obtained from purchasers of real estate within sanitary and improvement districts as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Crawford | Hansen | Larson | Schilz |
| Bloomfield | Davis | Harr, B. | McCollister | Schnoor |
| Bolz | Ebke | Hilkemann | Mello | Schumacher |
| Brasch | Friesen | Howard | Morfeld | Seiler |
| Campbell | Garrett | Hughes | Murante | Stinner |
| Chambers | Gloor | Johnson | Nordquist | Sullivan |
| Coash | Groene | Kolterman | Pansing Brooks | Watermeier |
| Cook | Haar, K. | Krist | Riepe | Williams |
| Craighead | Hadley | Kuehn | Scheer | |

Voting in the negative, 3:

Kintner Lindstrom McCoy

Excused and not voting, 2:

Kolowski Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB413 with 40 ayes, 1 nay, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 413.

A BILL FOR AN ACT relating to environmental protection; to amend sections 81-1504, 81-1505, 81-1532, and 81-15,153, Reissue Revised Statutes of Nebraska; to provide powers and duties for the Department of Environmental Quality and the Environmental Quality Council; to provide for an evaluation as prescribed when issuing permits to political subdivisions under the federal Clean Water Act; to create a fund; to provide for procedures, fees, and costs; to provide funding assistance under the Wastewater Treatment Facilities Construction Assistance Act; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Harr, B. | Larson | Scheer |
| Bloomfield | Ebke | Hilkemann | Lindstrom | Schilz |
| Bolz | Friesen | Howard | McCollister | Schnoor |
| Brasch | Garrett | Hughes | McCoy | Schumacher |
| Campbell | Gloor | Johnson | Mello | Seiler |
| Chambers | Groene | Kintner | Morfeld | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Craighead | Hadley | Krist | Pansing Brooks | Watermeier |
| Crawford | Hansen | Kuehn | Riepe | Williams |

Voting in the negative, 0.

Present and not voting, 2:

Cook Murante

Excused and not voting, 2:

Kolowski Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 413A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 413, One Hundred Fourth Legislature, First Session, 2015.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

| | | | | |
|-----------|-----------|-----------|----------------|------------|
| Baker | Davis | Howard | McCollister | Schnoor |
| Bolz | Friesen | Hughes | McCoy | Schumacher |
| Brasch | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Stinner |
| Chambers | Haar, K. | Kolterman | Nordquist | Sullivan |
| Coash | Hadley | Krist | Pansing Brooks | Watermeier |
| Cook | Hansen | Kuehn | Riepe | Williams |
| Craighead | Harr, B. | Larson | Scheer | |
| Crawford | Hilkemann | Lindstrom | Schilz | |

Voting in the negative, 2:

Ebke Groene

Present and not voting, 2:

Bloomfield Murante

Excused and not voting, 2:

Kolowski Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB415 with 41 ayes, 1 nay, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 415. With Emergency Clause.

A BILL FOR AN ACT relating to the Uniform Interstate Family Support Act; to amend sections 42-701, 42-702, 42-703, 42-704, 42-705, 42-707, 42-708, 42-710, 42-711, 42-712, 42-713, 42-713.01, 42-713.02, 42-714, 42-717, 42-718, 42-719, 42-720, 42-721, 42-723, 42-724, 42-726, 42-729, 42-730, 42-731, 42-732, 42-733, 42-734.03, 42-734.04, 42-734.05, 42-735, 42-736, 42-737, 42-738, 42-739, 42-740, 42-741, 42-742, 42-743, 42-744, 42-745, 42-746, 42-747.01, and 42-747.03, Reissue Revised Statutes of Nebraska; to define, redefine, and eliminate terms; to provide for and change provisions relating to tribunals, proceedings, enforcement, support orders, payment, pleadings and documents, parentage of children, registration of orders, choice of law, procedures to contest, confirmation, and modification of support orders; to provide for proceedings under the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance as prescribed; to harmonize provisions; to provide for applicability; to provide severability; to repeal the original sections; to outright repeal section 42-748, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Crawford | Harr, B. | Lindstrom | Scheer |
| Bloomfield | Davis | Hilkemann | McCollister | Schilz |
| Bolz | Friesen | Howard | McCoy | Schnoor |
| Brasch | Garrett | Hughes | Mello | Schumacher |
| Campbell | Gloor | Johnson | Morfeld | Seiler |
| Chambers | Groene | Kolterman | Murante | Stinner |
| Coash | Haar, K. | Krist | Nordquist | Sullivan |
| Cook | Hadley | Kuehn | Pansing Brooks | Watermeier |
| Craighead | Hansen | Larson | Riepe | Williams |

Voting in the negative, 2:

Ebke Kintner

Excused and not voting, 2:

Kolowski Smith

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 482.

A BILL FOR AN ACT relating to juveniles; to amend section 43-252, Reissue Revised Statutes of Nebraska, and sections 43-251.01, 43-276, and 43-2,129, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to placements, commitments, fingerprints, and petitions; to provide for assistance for certain juveniles; to regulate the use of restraints; to define a term; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|------------|----------|-----------|-------------|----------------|
| Baker | Crawford | Hansen | Kuehn | Pansing Brooks |
| Bloomfield | Davis | Harr, B. | Larson | Scheer |
| Bolz | Ebke | Hilkemann | Lindstrom | Schilz |
| Brasch | Friesen | Howard | McCollister | Schnoor |
| Campbell | Garrett | Hughes | McCoy | Seiler |
| Chambers | Gloor | Johnson | Mello | Stinner |
| Coash | Groene | Kintner | Morfeld | Sullivan |
| Cook | Haar, K. | Kolterman | Murante | Williams |
| Craighead | Hadley | Krist | Nordquist | |

Voting in the negative, 2:

Riepe Watermeier

Present and not voting, 1:

Schumacher

Excused and not voting, 2:

Kolowski Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB15 to Select File

Senator Krist moved to return LB15 to Select File for his specific amendment, FA46, found on page 1178.

Senator Krist withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 15. With Emergency Clause.

A BILL FOR AN ACT relating to juveniles; to amend section 43-272, Reissue Revised Statutes of Nebraska, and section 43-272.01, Revised Statutes Cumulative Supplement, 2014; to require the Supreme Court to provide standards for guardians ad litem; to provide and change duties for guardians ad litem; to provide for compensation of guardians ad litem; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | McCollister | Schnoor |
| Bloomfield | Ebke | Howard | McCoy | Schumacher |
| Bolz | Friesen | Hughes | Mello | Seiler |
| Brasch | Garrett | Johnson | Morfeld | Sinner |
| Campbell | Gloor | Kintner | Murante | Sullivan |
| Chambers | Groene | Kolterman | Nordquist | Watermeier |
| Coash | Haar, K. | Krist | Pansing Brooks | Williams |
| Cook | Hadley | Kuehn | Riepe | |
| Craighead | Hansen | Larson | Scheer | |
| Crawford | Harr, B. | Lindstrom | Schilz | |

Voting in the negative, 0.

Excused and not voting, 2:

Kolowski Smith

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB641 to Select File

Senator Hilkemann moved to return LB641 to Select File for his specific amendment, AM1233, found on page 1162.

Senator Hilkemann withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 641.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Revised Statutes Cumulative Supplement, 2014; to provide rights and duties for a person operating a manual or motorized wheelchair on a sidewalk or across a roadway or shoulder in a crosswalk; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Crawford | Hansen | Larson | Riepe |
| Bloomfield | Davis | Harr, B. | Lindstrom | Scheer |
| Bolz | Ebke | Hilkemann | McCollister | Schilz |
| Brasch | Friesen | Howard | McCoy | Schumacher |
| Campbell | Garrett | Hughes | Mello | Seiler |
| Chambers | Gloor | Johnson | Morfeld | Stinner |
| Coash | Groene | Kintner | Murante | Sullivan |
| Cook | Haar, K. | Kolterman | Nordquist | Watermeier |
| Craighead | Hadley | Kuehn | Pansing Brooks | Williams |

Voting in the negative, 0.

Present and not voting, 1:

Schnoor

Excused and not voting, 3:

Kolowski Krist Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

COMMITTEE REPORT(S)

Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: LB89 and LB89A.

(Signed) Matt Hansen, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 56, 89, 89A, 152, 245, 324, 413, 413A, 415, 482, 15, and 641.

COMMUNICATION(S)

April 23, 2015

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Consistent with our rules, I am forwarding LB498 for deposit in your office. Legislative rules require us to deliver the bill to your office

following the receipt of a veto message when no motion to override has been offered.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO;jk

GENERAL FILE

LEGISLATIVE BILL 67. Senator Nordquist renewed his amendment, FA50, found on page 1245.

SENATOR SULLIVAN PRESIDING

SPEAKER HADLEY PRESIDING

The Nordquist amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Nordquist withdrew his amendment, AM1081, found on page 1129.

Senator K. Haar withdrew his amendments, AM1083 and AM1086, found on page 1138.

Senator Hansen withdrew his amendment, AM1085, found on page 1145.

Senator Crawford withdrew her amendment, AM1162, found on page 1151.

Senator Johnson withdrew his amendment, AM1165, found on page 1152.

Senator Crawford withdrew her amendment, AM1245, found on page 1178.

Senator Morfeld withdrew his amendment, AM1253, found on page 1195.

Senator Crawford withdrew her amendment, AM1236, found on page 1221.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 642. Title read. Considered.

Committee AM402, found on page 596, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 317. Title read. Considered.

Committee AM483, found on page 766, was offered.

Senator Lindstrom offered his amendment, AM1287, found on page 1245, to the committee amendment.

SENATOR GLOOR PRESIDING

The Lindstrom amendment was adopted with 31 ayes, 4 nays, 10 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 3 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 566. Title read. Considered.

Committee AM1021, found on page 1088, was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 575. Title read. Considered.

Committee AM1276, found on page 1203, was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 330A. Introduced by Larson, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 330, One Hundred Fourth Legislature, First Session, 2015; and to declare an emergency.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 23, 2015, at 10:15 a.m. were the following: LBs 56e, 89, 89A, 152, 245, 324, 413, 413A, 415e, 482, 15e, and 641.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

AMENDMENT(S) - Print in Journal

Senator Ebke filed the following amendment to LB132:
AM1327

(Amendments to Standing Committee amendments, AM582)

1 1. On page 2, after line 16 insert the following new subdivision:
2 "(c) A joint public agency may issue refunding bonds as authorized
3 in section 13-2537 which are payable from the same security and tax levy
4 authority as bonds being refunded without holding an election as required
5 by this subsection if the issuance of the refunding bonds does not allow
6 additional principal and does not allow extension of the final maturity
7 date of the indebtedness.".

Senator Gloor filed the following amendment to LB259:
AM1252 is available in the Bill Room.

Senator Mello filed the following amendment to LB629:
AM1344

(Amendments to Standing Committee amendments, AM1075)

1 1. On page 3, line 9, strike "uses" and insert "owns, leases, or is
2 otherwise authorized to use"; and in line 14 after "hail" insert ".
3 Prearranged ride does not include shared-expense carpool or vanpool
4 arrangements".
5 2. On page 11, line 14, after "commission" insert "except when
6 publicly disclosed as evidence in a civil penalty proceeding pursuant to
7 section 75-156 or in a criminal proceeding prosecuted by the state".
8 3. On page 12, line 15, strike "A" and insert "Beginning on
9 September 1, 2015, a".
10 4. On page 13, line 8, strike "The" and insert "Beginning on
11 September 1, 2015, the".
12 5. On page 14, strike beginning with the comma in line 20 through
13 "payment" in line 27 and insert "and if such personal vehicle is subject
14 to a lien, the transportation network company insurance carrier shall
15 make payment for a claim covered under collision physical damage coverage
16 or comprehensive physical damage coverage".
17 6. On page 15, line 2, after the first "coverage" insert "for
18 transportation network company activity".

NOTICE OF COMMITTEE HEARING(S)

Executive Board

Room 1113

Friday, May 1, 2015 8:00 a.m.

LR201

(Signed) Bob Krist, Chairperson

RESOLUTION(S)**LEGISLATIVE RESOLUTION 204.** Introduced by Kintner, 2.

WHEREAS, Cass County has implemented a new countywide emergency medical service; and

WHEREAS, two full-time paramedics have been hired to respond to emergency calls in Cass County under a new partnership with the University of Nebraska Medical Center; and

WHEREAS, the program is designed to support the existing community rescue squads in addition to offering a higher level of emergency care; and

WHEREAS, previously in Cass County, volunteers filled the role of emergency responders; and

WHEREAS, several communities in Cass County have signed the paramedic agreement; and

WHEREAS, Nebraska emergency services officials are viewing Cass County's system as a model for other counties to follow.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature commends Cass County for implementing a new countywide emergency medical service.
2. That a copy of this resolution be sent to the Cass County Board of Commissioners.

Laid over.

LEGISLATIVE RESOLUTION 205. Introduced by Craighead, 6.

WHEREAS, Albert and Myrlene Wheat celebrated their 60th wedding anniversary on March 25, 2015; and

WHEREAS, Albert and Myrlene were married in 1955 at First Christian Church in Omaha; and

WHEREAS, Albert and Myrlene became parents to two sons, Alan and Stuart, and grandparents to three grandchildren, Allison, Zachary, and Melissa; and

WHEREAS, after Albert's heart attack in 1982, Albert and Myrlene committed to walking every day for better health. As of April 21, 2015, they

have walked more than the circumference of the earth with 25,902 miles recorded; and

WHEREAS, Albert worked his entire career in the insurance industry and Myrlene was a homemaker in addition to being a print and design business owner. Both are now retired; and

WHEREAS, after 60 years of marriage, Albert and Myrlene are still the best of friends and find comfort and joy in time spent with each other, family, and friends.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Albert and Myrlene Wheat on their 60th wedding anniversary.
2. That a copy of this resolution be sent to Albert and Myrlene Wheat.

Laid over.

LEGISLATIVE RESOLUTION 206. Introduced by Craighead, 6.

WHEREAS, Megan Swanson, who grew up in Omaha and graduated from Millard North High School, was crowned Miss Nebraska 2014 at the Miss Nebraska Pageant held in North Platte; and

WHEREAS, Megan is majoring in commercial voice and music business at Belmont University in Nashville, Tennessee; and

WHEREAS, Megan's community service platform is called "Total Body Wellness: Mind, Body and Spirit" promoting outer and inner wellness; and

WHEREAS, Megan organized the Queens of the Kingdom event, a one night mini-conference for teenage girls and women to learn more about wellness of spirit, soul, and body through the eyes of faith and identity; and

WHEREAS, as part of the many responsibilities of being Miss Nebraska, Megan serves as a goodwill ambassador for the Children's Miracle Network Hospitals, specifically working through Children's Hospital and Medical Center in Omaha.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Megan Swanson on being crowned Miss Nebraska 2014.
2. That a copy of this resolution be sent to Megan Swanson.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Mello, Nordquist - LB268

VISITORS

Visitors to the Chamber were 80 fourth-grade students and teachers from Engleman Elementary, Grand Island; 10 fourth-grade students and teachers from Faith Christian School, Kearney; 17 twelfth-grade students from Lincoln Northeast; and 85 fourth-grade students and teachers from Willa Cather Elementary, Omaha.

ADJOURNMENT

At 12:00 p.m., on a motion by Senator McCoy, the Legislature adjourned until 10:00 a.m., Tuesday, April 28, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTIETH DAY - APRIL 28, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

SEVENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 28, 2015

PRAYER

The prayer was offered by Pastor Char Cobbs, New Beginnings Worship Center, Bellevue.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Kolowski and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-ninth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 360. Placed on Select File with amendment.
ER90 is available in the Bill Room.

LEGISLATIVE BILL 330. Placed on Select File with amendment.
ER92 is available in the Bill Room.

LEGISLATIVE BILL 253. Placed on Select File.
LEGISLATIVE BILL 469A. Placed on Select File.
LEGISLATIVE BILL 519A. Placed on Select File.

LEGISLATIVE BILL 423. Placed on Select File with amendment.
ER93 is available in the Bill Room.

(Signed) Matt Hansen, Chairperson

ATTORNEY GENERAL'S OPINIONOpinion 15-005

SUBJECT: LB 414 – Interpretation of the Property Tax Exemption for Fraternal Benefit Societies.

REQUESTED BY: Senator Burke Harr
Nebraska Legislature

WRITTEN BY: Doug Peterson, Attorney General
L. Jay Bartel, Assistant Attorney General

INTRODUCTION

A "fraternal benefit society" is defined to include "[a]ny incorporated society, order, or supreme lodge, without capital stock, including one exempted under subdivision (1)(b) of section 44-10,109 whether incorporated or not, conducted solely for the benefit of its members and their beneficiaries and not for profit, operated on a lodge system with ritualistic form of work, having a representative form of government, and which provides benefits in accordance with sections 44-1072 to 44-10,109...." Neb. Rev. Stat. § 44-1072 (2010). A fraternal benefit society "shall operate for the benefit of its members and their beneficiaries by: (a) Providing benefits as specified in section 44-1087; and (b) Operating for one or more social, intellectual, educational, charitable, benevolent, moral, fraternal, patriotic, or religious purposes for the benefit of its members, which may also be extended to others." Neb. Rev. Stat. § 44-1076(1) (2010). Fraternal benefit societies may enter into contractual obligations to provide benefits to their members and their dependents, including, among others, death, endowment, annuity, disability, medical, and life insurance benefits. Neb. Rev. Stat. § 44-1087 (2010).

Currently, Neb. Rev. Stat. § 44-1095 (2010) provides: "Every society organized or licensed under sections 44-1072 to 44-10,109 shall be a charitable and benevolent institution, and all its funds shall be exempt from all and every state, county, district, municipal, and school tax other than taxes on real estate and office equipment." Also, Neb. Rev. Stat. § 77-202(1)(d) (Cum. Supp. 2014) allows an exemption for "[p]roperty owned by educational, religious, charitable, or cemetery organizations, or any organization for the exclusive benefit of any such educational, religious, charitable, or cemetery organization, and used exclusively for educational, religious, charitable, or cemetery purposes,...." Section 77-202(1)(d) further states that, "[f]or purposes of this subdivision, charitable organization means an organization operated exclusively for the purpose of the mental, social, or physical benefit of the public or an indefinite number of persons;...." *Id.* In light of questions which have arisen as to whether fraternal benefit societies are subject to property taxes under § 44-1095, or whether property of fraternal benefit societies is eligible for exemption

under § 77-202(1)(d) as property owned and used for charitable purposes, LB 414 was introduced for "[t]he purpose of...exempt[ing] a society organized or licensed under sections 44-1072 to 44-10,109 (fraternal benefit organizations) from paying taxes on property." Committee Statement on LB 414, 104th Leg., 1st Sess. 1 (March 5, 2014) (Introducer's Statement of Intent). To that end, LB 414 proposes to amend § 44-1095 to provide that "[e]very society organized or licensed under sections 44-1072 to 44-10,109 shall be a charitable and benevolent institution, and all of its funds and property shall be exempt from all and every state, county, district, municipal, and school tax." LB 414, § 1. In addition, the bill would amend § 77-202(1)(d) to provide that, "[f]or purposes of this subdivision, charitable organization means an organization operated exclusively for the purpose of the mental, social, or physical benefit of the public or an indefinite number of persons and a fraternal benefit society organized and licensed under sections 44-1072 to 44-10,109;...." LB 414, § 2.

You advise that, during floor debate, a question arose regarding whether LB 414 would exempt all property owned by a fraternal benefit society from taxation, including any property owned by a fraternal benefit society which is not used for charitable purposes. Apparently, the question concerns the language in LB 414, § 1, which states "all of [a fraternal benefit society's] funds and property shall be exempt from all and every state, county, district, municipal, or school tax....," indicating that "all" property of such societies is exempt, regardless of whether it is used for charitable purposes. For the reasons explained below, the bill cannot be interpreted in this manner, as it would be unconstitutional if construed to exempt all property of fraternal benefit societies regardless of its use. To be constitutional, this subsection must be construed, together with the language in section 2 of the bill including fraternal benefit societies as a charitable organization for purposes of applying the exemption in § 77-202(1)(d), to mean that a fraternal benefit society is eligible to seek exemption as a charitable organization only for property it owns and uses exclusively for charitable purposes. Any property owned by a fraternal benefit society not used for charitable purposes would be taxable.

You also ask us to address whether LB 414 would exempt fraternal benefit societies from payment of sales tax. As the bill's stated intent is to exempt such societies from paying property taxes, it does not affect liability of a fraternal benefit society for payment of Nebraska sales and use taxes. To the extent you ask us to opine as to whether fraternal benefit societies are presently exempt from payment of sales and use taxes, we cannot provide an opinion, as we do not give opinions to members of the Legislature construing existing statutes.

ANALYSIS

Neb. Const. art. VIII, § 1, provides, in pertinent part: "(1) Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or

permitted by this Constitution;..." Further, "[t]angible personal property, as defined by the Legislature, not exempted by this Constitution or by legislation, shall all be taxed at its depreciated cost using the same depreciation method with reasonable class lives, as determined by the Legislature, or shall all be taxed by valuation uniformly and proportionately;..." Neb. Const. art. VIII, § (2). Article VIII, § 2(2), of the Nebraska Constitution provides, in part: "[T]he Legislature by general law may classify and exempt from taxation...property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user;..." Article VIII, § 2(10), further provides that "no property shall be exempt from taxation except as permitted by or as provided in this Constitution;..."

"Like statutes, constitutional provisions are not open to construction as a matter of course; construction is appropriate only when it has been demonstrated that the meaning of the provision is not clear and therefore construction is necessary." *Hall v. Progress Pig, Inc.*, 259 Neb. 407, 413, 610 N.W.2d 420, 427 (2000). "In ascertaining the intent of a constitutional provision from its language, the words must be interpreted and understood in their most natural and obvious meaning unless the subject indicates or the text suggests that they are used in a technical sense." *Id.* "If the meaning is clear, the court will give to it the meaning that obviously would be accepted and understood by the layperson." *Id.*

Article VIII, § 1, requires that "[t]axes shall be levied by valuation uniformly and proportionately upon all real property...except as otherwise provided in or permitted by [the] Constitution...", and that "tangible personal property...not exempted by this Constitution or by legislation...shall all be taxed at depreciated cost...or shall all be taxed by valuation uniformly and proportionately...." Neb. Const. art. VIII, § 1(1) and (2). Exemptions from property taxation are authorized in art. VIII, § 2, including the exemption for "property owned by and used exclusively for...educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user...." This subsection further provides that "no property shall be exempt from taxation except as permitted by or as provided in this Constitution." Neb. Const. art. VIII, § 2(10). Thus, the plain meaning of these constitutional provisions is that all property is subject to taxation unless an exemption is provided in or permitted by the Constitution.

If section 1 of LB 414 were construed to exempt all property of a fraternal benefit society from taxation, regardless of its use, it would be unconstitutional, as no basis for such an exemption would exist under the Constitution. "If possible, [however], a statute should be construed in such a way as to negative any constitutional infirmity." *Prendergast v. Nelson*, 199 Neb. 97, 111, 256 N.W.2d 657, 667 (1977). Thus, the language in section 1 amending § 44-1095 to exempt property of fraternal benefit societies from taxation must be construed together with the language in

section 2 of the bill including fraternal benefit societies as a charitable organization for purposes of applying the exemption in § 77-202(1)(d), meaning that a fraternal benefit society is eligible to seek exemption as a charitable organization only for property it owns and uses exclusively for charitable purposes. Any property owned by a fraternal benefit society not used for charitable purposes would be taxable.¹

Indeed, it has long been recognized "[t]hat part of a building owned by a religious, charitable and educational institution, but leased and used by the tenant for business purposes, is not exempt from taxation." *Masonic Temple Craft v. Lincoln County Bd. of Equal.*, 129 Neb. 293, 296, 261 N.W. 569, 570 (1935). *Accord Young Men's Christian Ass'n of City of Lincoln v. Lancaster County*, 106 Neb. 105, 182 N.W. 593 (1921); *Young Men's Christian Ass'n of Omaha v. Douglas County*, 60 Neb. 642, 83 N.W. 924 (1900). This principle is recognized in regulations promulgated by the Property Assessment Division of the Nebraska Department of Revenue, which provide that, "[i]f the property, when considered as a whole, is not used exclusively for exempt purposes, but the property has a separate and distinct exempt use portion, an exemption for the value of the portion used for exempt purposes will be allowed." 350 Neb. Admin. Code ch. 40, § 005.03A. One of the examples included in the regulations discussing the "exclusive use" requirement involves "[a] qualifying organization [that] owns a building, which is used for its office space, and leases a portion of the building to a private law firm." 350 Neb. Admin. Code ch. 40, § 005.04E. In that situation, "[t]he portion leased to the private law firm is not used exclusively for exempt purposes and is not eligible for the exemption." *Id.*

Finally, you also ask us to address whether LB 414 would exempt fraternal benefit societies from payment of sales tax. LB 414 was introduced for "[t]he purpose of...exempt[ing] a society organized or licensed under sections 44-1072 to 44-10,109 (fraternal benefit organizations) from paying taxes on property." Committee Statement on LB 414, 104th Leg., 1st Sess. 1 (March 5, 2014) (Introducer's Statement of Intent). As the bill's stated intent is to exempt fraternal benefit societies from paying property taxes, it does not impact the liability of such societies for payment of Nebraska sales and use taxes. We have long taken the position that the Attorney General cannot issue opinions to members of the Legislature on the interpretation of existing statutes. *Op. Att'y Gen. No. 157* (December 20, 1985). To the extent responding to your question would require us to opine whether fraternal benefit societies are exempt from sales and use taxes under existing statutes, we cannot provide an opinion as to the liability of fraternal benefit societies for payment of sales and use taxes.

CONCLUSION

In conclusion, LB 414 cannot be interpreted to exempt from taxation all property of fraternal benefit societies regardless of its use, as such a construction would be unconstitutional. To be constitutional, section 1 of

the bill must be construed, together with the language in section 2 including fraternal benefit societies as a charitable organization for purposes of applying the exemption in § 77-202(1)(d), to mean that a fraternal benefit society is eligible to seek exemption as a charitable organization only for property it owns and uses exclusively for charitable purposes. Any property owned by a fraternal benefit society not used for charitable purposes would be taxable. To clarify this intent, language could be added to section 1 referencing the exemption for property of charitable organizations in section 2 of the bill which includes fraternal benefit societies as charitable organizations.

Further, as the bill's stated intent is to exempt such societies from paying property taxes, it does not affect the liability of a fraternal benefit society for payment of Nebraska sales and use taxes. To the extent you ask us to opine as to whether fraternal benefit societies are presently exempt from sales and use taxes, we cannot provide an opinion, as we do not give opinions to members of the Legislature construing existing statutes.

¹ This would apply to both real and personal property owned by a fraternal benefit society. In addition to the exemption for property owned and used exclusively for educational, religious, charitable, or cemetery purposes, art. VIII, § 2, also permits "the Legislature to define and classify personal property in such manner as it sees fit, whether by type, use, user, or owner, and may exempt any such class or classes of property from taxation if such an exemption is reasonable or may exempt all personal property from taxation;..." Neb. Const. art. VIII, § 2(9). LB 414 does not attempt to classify personal property of fraternal benefit societies as a separate class for purposes of exemption, and we express no view on whether such a classification, if attempted, would be "reasonable."

Very truly yours,
(Signed) DOUG PETERSON
Attorney General
L. Jay Bartel
Assistant Attorney General

pc Patrick J. O'Donnell
Clerk of the Nebraska Legislature
07-942-29

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 191, 192, 193, 194, 195, 197, and 199 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 191, 192, 193, 194, 195, 197, and 199.

GENERAL FILE

LEGISLATIVE BILL 330A. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 141. ER73, found on page 1125, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 519. ER76, found on page 1152, was adopted.

Senator Sullivan offered her amendment, AM1307, found on page 1229.

The Sullivan amendment was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Senator Davis offered the following amendment:
AM1376

(Amendments to E and R amendments, ER76)

- 1 1. Insert the following new section:
- 2 Sec. 25. Section 79-1337, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 79-1337 (1) For fiscal years 2007-08 through ~~2020-21~~ ~~2015-16~~, the
- 5 State Department of Education shall provide distance education incentives
- 6 ~~from the Education Innovation Fund~~ to school districts and educational
- 7 service units for qualified distance education courses coordinated
- 8 through the ~~Distance Education Council until July 1, 2008, and the~~
- 9 ~~Educational Service Unit Coordinating Council on and after July 1, 2008,~~
- 10 as provided in this section. Through fiscal year 2015-16, funding for
- 11 such distance education incentives shall come from the Education
- 12 Innovation Fund. For fiscal years 2016-17 through 2020-21, funding for
- 13 such distance education incentives shall come from the Nebraska Education
- 14 Improvement Fund.
- 15 (2) School districts and educational service units shall apply for
- 16 incentives annually through calendar year ~~2020~~ ~~2015~~ to the department on
- 17 or before August 1 on a form specified by the department. The application
- 18 shall:
- 19 (a) For school districts, specify (i) the qualified distance
- 20 education courses which were received by students in the membership of
- 21 the district in the then-current school fiscal year and which were not
- 22 taught by a teacher employed by the school district and (ii) for each
- 23 such course (A) the number of students in the membership of the district
- 24 who received the course, (B) the educational entity employing the
- 25 teacher, and (C) whether the course was a two-way interactive video
- 26 distance education course; and

1 (b) For school districts and educational service units, specify (i)
2 the qualified distance education courses which were received by students
3 in the membership of another educational entity in the then-current
4 school fiscal year and which were taught by a teacher employed by the
5 school district or educational service unit, (ii) for each such course
6 for school districts, the number of students in the membership of the
7 district who received the course, and (iii) for each such course (A) the
8 other educational entities in which students received the course and how
9 many students received the course at such educational entities, (B) any
10 school district that is sparse or very sparse as such terms are defined
11 in section 79-1003 that had at least one student in the membership who
12 received the course, and (C) whether the course was a two-way interactive
13 video distance education course.

14 (3) On or before September 1 of each year through calendar year 2020
15 ~~2015~~, the department shall certify the incentives for each school
16 district and educational service unit which shall be paid on or before
17 October 1 of such year. The incentives for each district shall be
18 calculated as follows:

19 (a) Each district shall receive distance education units for each
20 qualified distance education course as follows:

21 (i) One distance education unit for each qualified distance
22 education course received as reported pursuant to subdivision (2)(a) of
23 this section if the course was a two-way interactive video distance
24 education course;

25 (ii) One distance education unit for each qualified distance
26 education course sent as reported pursuant to subdivision (2)(b) of this
27 section if the course was not received by at least one student who was in
28 the membership of another school district which was sparse or very
29 sparse;

30 (iii) One distance education unit for each qualified distance
31 education course sent as reported pursuant to subdivision (2)(b) of this
1 section if the course was received by at least one student who was in the
2 membership of another school district which was sparse or very sparse,
3 but the course was not a two-way interactive video distance education
4 course; and

5 (iv) Two distance education units for each qualified distance
6 education course sent as reported pursuant to subdivision (2)(b) of this
7 section if the course was received by at least one student who was in the
8 membership of another school district which was sparse or very sparse and
9 the course was a two-way interactive video distance education course;

10 (b) The difference of the amount available for distribution in the
11 Education Innovation Fund on the August 1 when the applications were due
12 minus any amount to be paid to school districts pursuant to section
13 79-1336 shall be divided by the number of distance education units to
14 determine the incentive per distance education unit, except that the
15 incentive per distance education unit shall not equal an amount greater
16 than one thousand dollars; and

17 (c) The incentives for each school district shall equal the number
18 of distance education units calculated for the school district multiplied

19 by the incentive per distance education unit.

20 (4) If there are additional funds available for distribution after
21 equipment reimbursements pursuant to section 79-1336 and incentives
22 calculated pursuant to subsections (1) through (3) of this section,
23 school districts and educational service units may qualify for additional
24 incentives for elementary distance education courses. Such incentives
25 shall be calculated for sending and receiving school districts and
26 educational service units as follows:

27 (a) The per-hour incentives shall equal the funds available for
28 distribution after equipment reimbursements pursuant to section 79-1336
29 and incentives calculated pursuant to subsections (1) through (3) of this
30 section divided by the sum of the hours of elementary distance education
31 courses sent or received for each school district and educational service
1 unit submitting an application, except that the per-hour incentives shall
2 not be greater than ten dollars; and

3 (b) The elementary distance education incentives for each school
4 district and educational service unit shall equal the per-hour incentive
5 multiplied by the hours of elementary distance education courses sent or
6 received by the school district or educational service unit.

7 (5) The department may verify any or all application information
8 using annual curriculum reports and may request such verification from
9 the council.

10 (6) On or before October 1 of each year through calendar year 2020
11 ~~2015~~, a school district or educational service unit may appeal the denial
12 of incentives for any course by the department to the State Board of
13 Education. The board shall allow a representative of the school district
14 or educational service unit an opportunity to present information
15 concerning the appeal to the board at the November board meeting. If the
16 board finds that the course meets the requirements of this section, the
17 department shall pay the district from the Education Innovation Fund as
18 soon as practical in an amount for which the district or educational
19 service unit should have qualified based on the incentive per distance
20 education unit used in the original certification of incentives pursuant
21 to this section.

22 (7) The State Board of Education shall adopt and promulgate rules
23 and regulations to carry out this section.

24 2. On page 7, strike lines 23 through 31 and insert the following
25 new subdivisions:

26 "(a) One percent of the allocated funds to the Expanded Learning
27 Opportunity Grant Fund to carry out the Expanded Learning Opportunity
28 Grant Program Act;

29 (b) Seventeen percent of the allocated funds to the Department of
30 Education Innovative Grant Fund for competitive innovation grants
31 pursuant to section 2 of this act;

1 (c) Nine percent of the allocated funds to the Community College Gap
2 Assistance Program Fund to carry out the community college gap assistance
3 program;

4 (d) Eight percent of the allocated funds to the Excellence in
5 Teaching Cash Fund to carry out the Excellence in Teaching Act;

- 6 (e) Sixty-two percent of the allocated funds to the Nebraska
 7 Opportunity Grant Fund to carry out the Nebraska Opportunity Grant Act in
 8 conjunction with appropriations from the General Fund; and
 9 (f) Three percent of the allocated funds to fund distance education
 10 incentives pursuant to section 79-1337."
 11 3. On page 8, strike lines 1 through 5.
 12 4. Renumber the remaining sections, correct internal references, and
 13 amend the repealer accordingly.

The Davis amendment was adopted with 27 ayes, 4 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 519A. Senator Sullivan offered the following amendment:

AM1372

- 1 1. Insert the following new section:
 2 Sec. 6. There is hereby appropriated \$487,749 from the Nebraska
 3 Education Improvement Fund for FY2016-17, to the State Department of
 4 Education, for Program 161, to aid in carrying out the provisions of
 5 Legislative Bill 519, One Hundred Fourth Legislature, First Session,
 6 2015.
 7 Total expenditures for permanent and temporary salaries and per
 8 diems from funds appropriated in this section shall not exceed \$18,350
 9 for FY2016-17.
 10 There is included in the amount shown for this program \$459,749 Cash
 11 Funds provided as state aid for FY2016-17 for distance education
 12 incentives.
 13 2. On page 2, line 17, strike "\$1,390,085" and insert "\$1,351,047";
 14 in line 20 strike "\$3,251,660" and insert "\$2,763,911"; and in line 28
 15 strike "\$3,122,800" and insert "\$2,635,051".
 16 3. On page 3, line 7, strike "\$1,235,631" and insert "\$1,229,642".

The Sullivan amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 449. ER74, found on page 1152, was adopted.

Senator Brasch offered the following amendment:

AM1383

(Amendments to AM1035)

- 1 1. Insert the following new sections:
 2 Sec. 11. Section 81-3703, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 81-3703 For purposes of the Nebraska Visitors Development Act,
 5 unless the context otherwise requires, the definitions found in sections

6 81-3704 to 81-3709 and section 12 of this act apply.

7 Sec. 12. Highway tourism marker means a marker of a particular style
 8 authorized by the commission to designate tourism attractions.

9 Sec. 13. (1) The commission may mark significant tourism
 10 attractions in Nebraska.

11 (2) The commission may (a) determine what tourism attractions are
 12 significant to the State of Nebraska, (b) expend funds for the purchase
 13 of highway tourism markers, (c) designate the approximate location of
 14 highway tourism markers, (d) preserve, replace, or modify highway tourism
 15 markers, and (e) accept gifts and encourage local participation in and
 16 contribution to the erection of highway tourism markers through the use
 17 of gifts and matching-fund agreements. Such funds shall be deposited into
 18 the State Visitors Promotion Cash Fund. The commission shall not expend
 19 funds for the purchase of highway tourism markers until funding has been
 20 secured through gifts or otherwise.

21 (3) The commission may appoint and delegate to a special committee
 22 the duties of research and investigation to assist in the determination
 23 of tourism attractions that should be designated by highway tourism
 24 markers. The Department of Roads shall erect and maintain highway tourism
 25 markers and shall determine the exact location of highway tourism markers
 26 with consideration given for the safety and welfare of the public.

1 (4) The commission may secure payment to the state for the actual
 2 replacement cost of any highway tourism markers damaged or destroyed,
 3 accidentally or otherwise. Any funds so collected shall be remitted to
 4 the State Treasurer for credit to the State Visitors Promotion Cash Fund
 5 for the procurement of highway tourism markers.

6 (5) Nothing in this section shall be construed to restrict the
 7 placement of any marker or signage on private property.

8 2. On page 9, line 26, strike "13 and 14" and insert "12, 13, 16,
 9 and 17".

10 3. On page 10, line 17, strike "and" and show as stricken; in line
 11 20 strike the period, show as stricken, and insert "; and

12 (11) Have authority to mark significant tourism attractions as
 13 provided in section 13 of this act."; and in line 31 after the comma
 14 insert "to erect and replace highway tourism markers.".

15 4. Correct the operative date section and repealer so that the
 16 sections added by this amendment become operative three calendar months
 17 after adjournment of this legislative session.

18 5. Renumber the remaining sections accordingly.

Pending.

LEGISLATIVE BILL 559. Advanced to Enrollment and Review for
 Engrossment.

LEGISLATIVE BILL 156. ER71, found on page 1096, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 561. ER77, found on page 1153, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 458. ER70, found on page 1057, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 80. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 264. Advanced to Enrollment and Review for Engrossment.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 423A. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 423, One Hundred Fourth Legislature, First Session, 2015.

LEGISLATIVE BILL 566A. Introduced by Coash, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 566, One Hundred Fourth Legislature, First Session, 2015.

COMMITTEE REPORT(S)

Appropriations

LEGISLATIVE BILL 657. Placed on General File with amendment. AM829 is available in the Bill Room.

LEGISLATIVE BILL 656. Placed on General File with amendment. AM828 is available in the Bill Room.

LEGISLATIVE BILL 658. Placed on General File.

LEGISLATIVE BILL 659. Placed on General File with amendment. AM1191 is available in the Bill Room.

LEGISLATIVE BILL 660. Placed on General File with amendment. AM830 is available in the Bill Room.

LEGISLATIVE BILL 661. Placed on General File with amendment.
AM831 is available in the Bill Room.

LEGISLATIVE BILL 662. Placed on General File with amendment.
AM1246

1 1. On page 3, after line 26 insert the following:
2 (12) The State Treasurer shall transfer twenty-five million dollars
3 from the Cash Reserve Fund to the Nebraska Capital Construction Fund on
4 or after July 1, 2015, but before July 15, 2015, on such date as directed
5 by the budget administrator of the budget division of the Department of
6 Administrative Services for the Global Center for Advanced
7 Interprofessional Learning.
8 (13) The State Treasurer shall transfer eight million dollars from
9 the Cash Reserve Fund to the Oral Health Training and Services Fund, on
10 or after July 1, 2015, but before July 15, 2015, on such date as directed
11 by the budget administrator of the budget division of the Department of
12 Administrative Services.

(Signed) Heath Mello, Chairperson

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 56, 89, 89A, 152, 245, 324, 413, 413A, 415, 482, 15, and 641.

(Signed) Jim Smith

AMENDMENT(S) - Print in Journal

Senator Mello filed the following amendment to LB412:
AM1367

1 1. On page 2, line 11, after "support" insert "or zoning approval".
2 2. On page 3, line 21, strike "70-1001.01", show as stricken, and
3 insert "70-1014.02"; in line 22 after "that" insert "qualified"; and in
4 line 25 strike "ownership" and show as stricken.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Coash - LB357

VISITORS

Visitors to the Chamber were 65 fourth-grade students from Hill Rise Elementary, Elkhorn; 23 eighth-grade students from Omaha Nathan Hale Middle School; Kay Huber from South Padre Island, TX; 17 fourth-grade students from Karen Western Elementary, Omaha; 42 fourth-grade students

from Woodrow Wilson School, Council Bluffs, IA; 14 fourth-grade students from St. Francis Elementary, Humphrey; 45 fourth-grade students from Mockingbird Elementary, Omaha; and 55 fourth-grade students from Skyline Elementary, Elkhorn.

RECESS

At 11:57 a.m., on a motion by Senator Howard, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Hadley presiding.

ROLL CALL

The roll was called and all members were present except Senator McCoy who was excused; and Senators Bolz, K. Haar, Morfeld, Schilz, and Watermeier who were excused until they arrive.

MESSAGE(S) FROM THE GOVERNOR

April 28, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Board of Emergency Medical Services:

Michael D. Bailey, 80135 Hwy 183, Westerville, NE 68814

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

April 28, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Accountability and Disclosure Commission:

Warren Arganbright, 806 Desirae Drive, Valentine, NE 69201

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

April 28, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Board of Health:

Jim Trebbien, 15906 Military Road, Bennington, NE 68007

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

SELECT FILE

LEGISLATIVE BILL 449. Senator Brasch renewed her amendment, AM1383, found in this day's Journal.

The Brasch amendment was adopted with 31 ayes, 1 nay, 13 present and not voting, and 4 excused and not voting.

PRESIDENT FOLEY PRESIDING

Senator Krist 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 Chambers requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 31 ayes, 5 nays, 9 present and not voting, and 4 excused and not voting.

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 96. Indefinitely postponed.

LEGISLATIVE BILL 392. Indefinitely postponed.

LEGISLATIVE BILL 421. Indefinitely postponed.

LEGISLATIVE BILL 481. Indefinitely postponed.

LEGISLATIVE BILL 529. Indefinitely postponed.

LEGISLATIVE BILL 582. Indefinitely postponed.

(Signed) Kate Sullivan, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Arganbright, Warren - Nebraska Accountability and Disclosure Commission
- Government, Military and Veterans Affairs

Bailey, Michael D. - Board of Emergency Medical Services - Health and
Human Services

Trebbien, Jim - State Board of Health - Health and Human Services

(Signed) Bob Krist, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARING(S)

Agriculture

Room 2102

Tuesday, May 5, 2015 12:30 p.m.

R.M. (Matt) Joeckel - Climate Assessment Response Committee

(Signed) Jerry Johnson, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 294. Placed on Select File with amendment.
ER96 is available in the Bill Room.

LEGISLATIVE BILL 67. Placed on Select File with amendment.
ER95

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 10-1101, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 10-1101 Sections 10-1101 to 10-1106 shall be known and may be cited
6 as the Nebraska Governmental Unit Security Interest and Pledge Act.
7 Sec. 2. Section 10-1102, Reissue Revised Statutes of Nebraska, is
8 amended to read:
9 10-1102 Except as otherwise provided in the Nebraska Governmental
10 Unit Security Interest and Pledge Act, the ~~The~~ creation of security
11 interests and pledges by governmental units is controlled by other
12 provisions of law. ~~The act Nebraska Governmental Unit Security Interest~~
13 ~~Act~~ governs the perfection, priority, and enforcement of all security
14 interests created by governmental units except security interests in any
15 retirement accounts, pension funds, and any other vested post-employment
16 benefit whether such benefit is then payable or payable in the future
17 contingent upon a future qualifying event.
18 Sec. 3. Section 10-1103, Reissue Revised Statutes of Nebraska, is
19 amended to read:
20 10-1103 For purposes of the Nebraska Governmental Unit Security
21 Interest and Pledge Act:
22 (1) Ad valorem taxes means all ad valorem taxes levied by
23 governmental units on property;
24 (2) Authorizing statute means any statute which authorizes the
25 issuance of bonds;
26 (3) Bond means any bond, including any general obligation bonds,
27 note, warrant, loan agreement, lease, lease-purchase agreement, pledge
1 agreement, or other evidence of indebtedness for which a security
2 interest is granted or a pledge made upon revenue or other property,
3 including any bond-pledged ~~limited tax~~ revenue sources, whether limited

4 or not, to provide for payment or security of any bond;

5 (4) Bond-pledged revenue sources means all ad valorem taxes, local
6 option sales and use taxes, special assessments, system revenue,
7 collateral assets, and other revenue sources of a governmental unit
8 pledged under the terms of the act or any authorizing statute to provide
9 for or secure the payment of any bonds and all accounts and rights to
10 receive the bond-pledged revenue sources in the general fund revenue or
11 any other fund revenue and of any such revenue as and when received;
12 (5) Collateral asset means any lease, loan agreement, note,
13 mortgage, or other agreement made by any person which is not a
14 governmental unit;

15 (6) General obligation bond means any bond for which the full faith
16 and credit and unlimited taxing power of a governmental unit represent
17 the source of payment under an authorizing statute or its related
18 authorizing measure;

19 (7) Governmental unit means the State of Nebraska, any independent
20 agency of the State of Nebraska, any county, school district, city,
21 village, public power district, sanitary and improvement district,
22 educational service unit, community college area, natural resources
23 district, airport authority, fire protection district, hospital
24 authority, joint entity created under the Interlocal Cooperation Act,
25 joint public agency, instrumentality, or any other district, authority,
26 or political subdivision of the State of Nebraska and governmental units
27 as defined in subdivision (a)(45) of section 9-102, Uniform Commercial
28 Code;

29 (8) Limited tax bond means any bond whose source for payment is
30 limited by an authorizing statute or its related authorizing measure;
31 (9) Local option sales and use taxes means all sales and use taxes
1 levied by governmental units in accordance with the Local Option Revenue
2 Act;

3 (10) Measure means any ordinance, resolution, or other enactment
4 authorizing the issuance of bonds or authorizing an indenture with
5 respect to bonds pursuant to an authorizing statute; and
6 (11) Other revenue sources means all other taxes, including
7 occupation taxes, fees, assessments, charges, receipts, and other monies,
8 made the source of payment for any bonds by an authorizing statute or
9 measure related to any bond, including unrestricted fund balances or
10 sinking funds created for the redemption of bonds, derived from any
11 source, to the extent that such monies are deposited or required to be
12 deposited to the general fund or any other fund of the governmental unit;
13 (12) Owner means any holder, registered owner, or beneficial owner
14 of a bond; -

15 (13) Pledge means a lien on, and the grant of a security interest
16 in, any bond-pledged revenue source or sources as received and held or to
17 be received by a governmental unit. Any such source or sources are
18 declared to constitute sources levied or otherwise devoted to finance one
19 or more projects or systems as determined by each governmental unit and
20 are not available for the financing of the general purposes of the
21 governmental unit;

22 (14) Special assessments means all assessments levied upon
23 properties benefited by local improvements by any governmental unit on
24 property; and

25 (15) System revenue means revenue or receipts derived from the
26 ownership and operation or disposition of projects or systems of a
27 governmental unit that are primarily used or intended to be used
28 primarily to provide public utility services, public transportation
29 services, or other public services.

30 Sec. 4. Section 10-1104, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 10-1104 (1) Any security interest created by a governmental unit in
2 one or more bond-pledged revenue sources pursuant to an authorizing
3 statute is perfected by the adoption of the measure or measures from the
4 date on which the measure takes effect without the need for any physical
5 delivery, filing, or recording in any office.

6 (2)(a) Notwithstanding any other provision of law, the pledge of any
7 bond-pledged revenue source by a governmental unit to the payment of the
8 principal, premium, and interest on bonds is valid and binding and deemed
9 continuously perfected from the time the bonds or notes or other
10 financing obligations are issued.

11 (b) No filing need be made under the Uniform Commercial Code or
12 otherwise to perfect the lien on any bond-pledged revenue source in favor
13 of any bonds.

14 (c) Unless otherwise specifically provided in a measure authorizing
15 general obligation bonds or limited tax bonds or the authorizing
16 statutes, all such bonds shall be of equal priority as to pledge and lien
17 upon the related bond-pledged revenue sources, specifically including
18 related ad valorem taxes.

19 (d) Nothing in the Nebraska Governmental Unit Security Interest and
20 Pledge Act shall change the respective payment priorities of bonds,
21 including general obligation bonds, construction fund warrants, and other
22 warrants of sanitary and improvement districts, as provided for in
23 sections 31-727 to 31-793, and other measures related to such bonds.

24 (e) Nothing in the Nebraska Governmental Unit Security Interest and
25 Pledge Act shall alter the pledging of or security interest in special
26 assessments provided for any bond under the terms of any authorizing
27 statute.

28 Sec. 5. Section 10-1105, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 10-1105 (1) Except as otherwise provided in subsection (2) of this
31 section with respect to general obligation bonds and limited tax bonds,

1 the ~~The~~ priority of any security interest created by a governmental unit
2 shall be governed by the contractual terms set forth in such bonds and
3 the measure or measures, including the terms of any indenture or any
4 other agreement approved by the measure or measures, adopted by the
5 governmental unit. No security interest having priority over an existing
6 security interest may be created in violation of the terms of an existing
7 measure governing outstanding bonds. ~~The~~ pledge and security interest in
8 favor of any bonds, other than general obligation bonds and limited tax

9 bonds (a) shall not require any security agreement apart from the related
10 authorizing measure or measures, (b) are subject to the lien of the
11 pledge without delivery, and (c) in appropriate cases as determined by
12 the related measure, may be without segregation. The lien on such bond-
13 pledged revenue sources is valid, binding, and prior against all parties
14 having claims of contract or tort or otherwise against the governmental
15 unit, whether or not the parties have notice thereof.
16 (2)(a) The pledge of ad valorem taxes and any other bond-pledged
17 revenue sources with respect to general obligation bonds and limited tax
18 bonds, including, but not limited to, any such taxes or sources, which
19 may be considered general fund revenue sources for any other provision of
20 law, is subject to the lien of the pledge without delivery or
21 segregation, and the lien on ad valorem taxes and other such bond-pledged
22 revenue sources is valid, binding, and prior against all parties having
23 claims of contract or tort or otherwise against the governmental unit,
24 whether or not the parties have notice thereof.
25 (b) All pledges made by any governmental unit with respect to
26 general obligation bonds and any limited tax bonds shall be a statutory
27 lien effective by operation of law and shall apply to all bonds of
28 governmental units heretofore or hereafter issued and shall not require a
29 security agreement to be effective.
30 (c) Any and all agreements made in any bonds or in any measure
31 authorizing bonds which have been previously issued and remain
1 outstanding are confirmed.
2 (d) Any bond previously issued which, by its terms, or under the
3 terms of the authorizing measure for which there has been pledged the
4 full faith and credit or the unlimited taxing power of the governmental
5 unit, is hereby granted a first lien on ad valorem taxes, levied and to
6 be levied, securing payments of principal, interest, and premium, if any.
7 (e) Any limited tax bond previously issued which, by its terms, or
8 under the terms of the authorizing measure, for which there has been
9 pledged the limited taxing power of the governmental unit is hereby
10 granted a first lien on the limited ad valorem taxes, limited local
11 option sales and use taxes, special assessments, or other limited revenue
12 sources, levied and to be levied, securing payments of principal,
13 interest, and premium, if any.
14 (f) Any general obligation bonds previously issued or issued on or
15 after the effective date of this act shall be equally and ratably secured
16 by ad valorem taxes levied and to be levied from year to year by the
17 governmental unit.
18 (g) Any bonds for which limited ad valorem taxes, limited local
19 option sales and use taxes, special assessments, or other limited revenue
20 sources represent the source of payment under the related authorizing
21 measure or authorizing statutes is hereby granted a first lien on such
22 limited ad valorem taxes or local option sales and use taxes, special
23 assessments, or limited other revenue sources, levied and to be levied,
24 securing payments of principal, interest, and premium, if any. Unless
25 otherwise provided in the related authorizing measure, any such bonds
26 previously issued or issued on or after the effective date of this act

27 shall be equally and ratably secured by such limited ad valorem taxes,
28 limited local option sales and use taxes, special assessments, or limited
29 other revenue sources levied and to be levied from year to year by the
30 governmental unit.

31 (h) Pledges and liens in favor of bonds issued pursuant to the
1 Community Development Law shall be governed by the terms of the Community
2 Development Law.

3 Sec. 6. Section 10-1106, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 10-1106 The terms of any applicable authorizing statute shall govern
6 the enforcement of any security interest to the extent that the
7 authorizing statute contains express provisions relating to enforcement
8 or authorizes a governmental unit to contract with respect to
9 enforcement. In the absence of any such express provisions in an
10 authorizing statute, the following provisions apply:

11 (1) Any measure may include provisions determining what events
12 constitute events of default. In the absence of any express provision
13 relating to default in any measure, the governmental unit is in default
14 so long as any default in payment with respect to principal, interest, or
15 premium on a bond has occurred and remains uncured;

16 (2) Any trustee designated in or under the terms of a measure shall
17 have the right, if a default has occurred, to have a receiver appointed
18 for the collection of any revenue or property in which a security
19 interest is granted, and if the revenue is from any revenue-producing
20 undertaking, any such receiver may also be appointed to operate and
21 manage such revenue-producing undertaking for the benefit of the owners
22 of the bonds in accordance with the terms of the measure or measures
23 authorizing their issuance;

24 (3) If there is no trustee designated in or under the terms of a
25 measure, any owner of a bond shall have the right, if a default has
26 occurred, to have a receiver appointed for the collection of any revenue
27 or property in which a security interest is granted and, if the revenue
28 is from any revenue-producing undertaking, any such receiver may also be
29 appointed to operate and manage such revenue-producing undertaking for
30 the benefit of the owners of the bonds in accordance with the terms of
31 the measure or measures authorizing their issuance;

1 (4) Any trustee designated in or under the terms of any measure or
2 any owner of a bond, if there is no trustee designated, shall have the
3 right to bring proceedings against the governing body of the governmental
4 unit to order the imposing of rates or charges with respect to any
5 revenue-producing undertaking or taxes sufficient to provide for payment
6 of principal, interest, and premium on a bond or bonds as the same fall
7 due; and

8 (5) Any trustee designated in or under the terms of any measure or
9 any owner of a bond shall have the right to exercise any other remedy
10 provided by law.

11 Sec. 7. Section 70-1813, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 70-1813 (1) A public entity has the authority to issue mandated

14 project bonds, including refunding bonds, in one or more series. Mandated
 15 project charges to which the public entity may at any time be entitled
 16 shall be pledged, without any necessity for specific authorization of the
 17 pledge by the public entity, to the mandated project bonds. Each such
 18 series of mandated project bonds shall be secured by and payable from a
 19 first lien on mandated project charges pledged for such purpose. Any
 20 separate consensual lien or security interest shall be created in
 21 accordance with and governed by the Nebraska Governmental Unit Security
 22 Interest and Pledge Act. The proceeds of such bonds shall be applied
 23 exclusively to payment of mandated project costs and financing costs and,
 24 in the case of proceeds of refunding bonds, the retirement or defeasance
 25 of mandated project bonds.

26 (2) The public entity and any successor or assignee of the public
 27 entity shall be obligated to impose and collect the mandated project
 28 charges in amounts sufficient to pay debt service on the mandated project
 29 bonds as due. The pledge of mandated project charges shall be
 30 irrevocable, and the state, the public entity, or any successor or
 31 assignee of the public entity may not reduce, impair, or otherwise adjust
 1 mandated project charges, except that the public entity and any successor
 2 or assignee thereof shall implement the periodic adjustment method
 3 established by the authorizing resolution pursuant to subdivision (1)(d)
 4 of section 70-1812. Revenue from mandated project charges shall be deemed
 5 special revenue and shall not constitute revenue of the public entity for
 6 purposes of any pledge of revenue, receipts, or other income that such
 7 public entity has made or will make for the security of debt other than
 8 the mandated project bonds to which the revenue from the mandated project
 9 charges is expressly pledged.

10 Sec. 8. Original sections 10-1101, 10-1102, 10-1103, 10-1104,
 11 10-1105, 10-1106, and 70-1813, Reissue Revised Statutes of Nebraska, are
 12 repealed.

13 2. On page 1, line 4, after the first semicolon insert "to change
 14 applicability of the act;"

LEGISLATIVE BILL 642. Placed on Select File with amendment.

ER97

1 1. In the Standing Committee amendments, AM402, on page 3, line 5;
 2 and page 4, line 20, strike "registration" and insert "a certificate of
 3 title".

LEGISLATIVE BILL 317. Placed on Select File with amendment.

ER94

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:

3 Section 1. This act becomes operative on July 1, 2018.

4 Sec. 2. The following sections are outright repealed: Sections
 5 74-1601, 74-1602, and 74-1603, Reissue Revised Statutes of Nebraska.

6 2. On page 1, line 2, after the semicolon insert "to provide an
 7 operative date;"

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 207. Introduced by Kolterman, 24.

WHEREAS, Glenda Maury, executive director of the Milford Housing Authority, was named the 2015 Nebraska Manager of the Year for Elderly Housing by the United States Department of Agriculture Rural Development Agency; and

WHEREAS, Glenda has held the executive director position for the past ten years; and

WHEREAS, Glenda offers tours of the Milford Housing Authority facilities, encourages youth groups to become involved with building upkeep, invites 4-H groups to plant flowers, and organizes elementary school students to read to the residents on a monthly basis.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Glenda Maury on being named the 2015 Nebraska Manager of the Year for Elderly Housing by the United States Department of Agriculture Rural Development Agency.
2. That a copy of this resolution be sent to Glenda Maury.

Laid over.

LEGISLATIVE RESOLUTION 208. Introduced by Kolterman, 24.

WHEREAS, Bob and Bev Naber of Waco celebrated their 50th wedding anniversary on April 25, 2015; and

WHEREAS, Bob and Bev celebrated their golden anniversary with family.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Bob and Bev Naber on their 50th wedding anniversary.
2. That a copy of this resolution be sent to Bob and Bev Naber.

Laid over.

SELECT FILE

LEGISLATIVE BILL 132. ER75, found on page 1152, was adopted.

Senator Ebke offered her amendment, AM1327, found on page 1267.

The Ebke amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 419. ER72, found on page 1096, was adopted.

Senator Schnoor offered the following amendment:

AM1401

(Amendments to AM984)

1 1. On page 1, strike beginning with the first "or" in line 2 through
2 the first "by" in line 3.

The Schnoor amendment lost with 5 ayes, 18 nays, 23 present and not voting, and 3 excused and not voting.

Senator Ebke offered the following amendment:

AM1385

(Amendments to AM984)

1 1. On page 1, line 3, strike "zoo or aquarium operated by a"; and in
2 line 4 after "corporation" insert "operating".

Senator Ebke withdrew her amendment.

Senator Friesen offered the following amendment:

AM1406

(Amendments to AM984)

1 1. On page 1, line 5, after the underscored period insert "This
2 section terminates on December 31, 2020.".

SENATOR KRIST PRESIDING

Senator Friesen moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Friesen requested a roll call vote on the amendment.

Voting in the affirmative, 10:

| | | | | |
|------------|---------|--------|---------|---------|
| Bloomfield | Friesen | Groene | Johnson | Kuehn |
| Ebke | Garrett | Hughes | Kintner | Schnoor |

Voting in the negative, 35:

| | | | | |
|----------|-----------|-------------|----------------|------------|
| Baker | Davis | Howard | Morfeld | Schumacher |
| Bolz | Gloor | Kolowski | Murante | Seiler |
| Brasch | Haar, K. | Kolterman | Nordquist | Smith |
| Chambers | Hadley | Krist | Pansing Brooks | Stinner |
| Coash | Hansen | Lindstrom | Riepe | Sullivan |
| Cook | Harr, B. | McCollister | Scheer | Watermeier |
| Crawford | Hilkemann | Mello | Schilz | Williams |

Excused and not voting, 4:

Campbell Craighead Larson McCoy

The Friesen amendment lost with 10 ayes, 35 nays, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 414. Senator Schumacher offered the following amendment:

AM1368

1 1. On page 2, line 5, strike the new matter and insert "and such
2 property, or part thereof, that is used exclusively as a lodge by its
3 members and their beneficiaries in the performance of ritualistic forms
4 of work which do not inure to either increasing the difference between
5 the revenues and expenses of the society or enhancing the compensation of
6 its officers".

Senator Schumacher moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Schumacher requested a roll call vote, in reverse order, on the amendment.

Voting in the affirmative, 13:

| | | | | |
|----------|---------|---------|------------|--------|
| Chambers | Ebke | Groene | Schilz | Seiler |
| Cook | Friesen | Hughes | Schnoor | |
| Davis | Gloor | Kintner | Schumacher | |

Voting in the negative, 32:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Garrett | Johnson | Mello | Stinner |
| Bloomfield | Haar, K. | Kolowski | Morfeld | Sullivan |
| Bolz | Hadley | Kolterman | Nordquist | Watermeier |
| Brasch | Hansen | Krist | Pansing Brooks | Williams |
| Coash | Harr, B. | Kuehn | Riepe | |
| Craighead | Hilkemann | Lindstrom | Scheer | |
| Crawford | Howard | McCollister | Smith | |

Present and not voting, 2:

Campbell Murante

Excused and not voting, 2:

Larson McCoy

The Schumacher amendment lost with 13 ayes, 32 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Kolterman offered the following amendment:

AM1071

1 1. Insert the following new sections:

2 Sec. 2. Section 77-201, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 77-201 (1) Except as provided in subsections (2) through (4) of this
5 section, all real property in this state, not expressly exempt therefrom,
6 shall be subject to taxation and shall be valued at its actual value.

7 (2) Agricultural land and horticultural land as defined in section
8 77-1359 shall constitute a separate and distinct class of property for
9 purposes of property taxation, shall be subject to taxation, unless
10 expressly exempt from taxation, and shall be valued at sixty-five
11 ~~seventy-five~~ percent of its actual value.

12 (3) Agricultural land and horticultural land actively devoted to
13 agricultural or horticultural purposes which has value for purposes other
14 than agricultural or horticultural uses and which meets the
15 qualifications for special valuation under section 77-1344 shall
16 constitute a separate and distinct class of property for purposes of
17 property taxation, shall be subject to taxation, and shall be valued for
18 taxation at sixty-five ~~seventy-five~~ percent of its special value as
19 defined in section 77-1343.

20 (4) Historically significant real property which meets the
21 qualifications for historic rehabilitation valuation under sections
22 77-1385 to 77-1394 shall be valued for taxation as provided in such
23 sections.

24 (5) Tangible personal property, not including motor vehicles
25 registered for operation on the highways of this state, shall constitute
26 a separate and distinct class of property for purposes of property
27 taxation, shall be subject to taxation, unless expressly exempt from
1 taxation, and shall be valued at its net book value. Tangible personal
2 property transferred as a gift or devise or as part of a transaction
3 which is not a purchase shall be subject to taxation based upon the date
4 the property was acquired by the previous owner and at the previous
5 owner's Nebraska adjusted basis. Tangible personal property acquired as
6 replacement property for converted property shall be subject to taxation
7 based upon the date the converted property was acquired and at the
8 Nebraska adjusted basis of the converted property unless insurance
9 proceeds are payable by reason of the conversion. For purposes of this
10 subsection, (a) converted property means tangible personal property which
11 is compulsorily or involuntarily converted as a result of its destruction
12 in whole or in part, theft, seizure, requisition, or condemnation, or the

13 threat or imminence thereof, and no gain or loss is recognized for
14 federal or state income tax purposes by the holder of the property as a
15 result of the conversion and (b) replacement property means tangible
16 personal property acquired within two years after the close of the
17 calendar year in which tangible personal property was converted and which
18 is, except for date of construction or manufacture, substantially the
19 same as the converted property.

20 Sec. 4. Section 77-5023, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 77-5023 (1) Pursuant to section 77-5022, the commission shall have
23 the power to increase or decrease the value of a class or subclass of
24 real property in any county or taxing authority or of real property
25 valued by the state so that all classes or subclasses of real property in
26 all counties fall within an acceptable range.

27 (2) An acceptable range is the percentage of variation from a
28 standard for valuation as measured by an established indicator of central
29 tendency of assessment. Acceptable ranges are: (a) For agricultural land
30 and horticultural land as defined in section 77-1359, ~~fifty-nine to~~
31 ~~sixty-five~~ ~~sixty-nine to seventy-five~~ percent of actual value; (b) for
1 lands receiving special valuation, ~~fifty-nine to sixty-five~~ ~~sixty-nine to~~
2 ~~seventy-five~~ percent of special valuation as defined in section 77-1343;
3 and (c) for all other real property, ninety-two to one hundred percent of
4 actual value.

5 (3) Any increase or decrease shall cause the level of value
6 determined by the commission to be at the midpoint of the applicable
7 acceptable range.

8 (4) Any decrease or increase to a subclass of property shall also
9 cause the level of value determined by the commission for the class from
10 which the subclass is drawn to be within the applicable acceptable range.

11 (5) Whether or not the level of value determined by the commission
12 falls within an acceptable range or at the midpoint of an acceptable
13 range may be determined to a reasonable degree of certainty relying upon
14 generally accepted mass appraisal techniques.

15 Sec. 5. Section 79-1016, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 79-1016 (1) On or before August 25, the county assessor shall
18 certify to the Property Tax Administrator the total taxable value by
19 school district in the county for the current assessment year on forms
20 prescribed by the Tax Commissioner. The county assessor may amend the
21 filing for changes made to the taxable valuation of the school district
22 in the county if corrections or errors on the original certification are
23 discovered. Amendments shall be certified to the Property Tax
24 Administrator on or before September 30.

25 (2) On or before October 10, the Property Tax Administrator shall
26 compute and certify to the State Department of Education the adjusted
27 valuation for the current assessment year for each class of property in
28 each school district and each local system. The adjusted valuation of
29 property for each school district and each local system, for purposes of
30 determining state aid pursuant to the Tax Equity and Educational

31 Opportunities Support Act, shall reflect as nearly as possible state aid
1 value as defined in subsection (3) of this section. The Property Tax
2 Administrator shall notify each school district and each local system of
3 its adjusted valuation for the current assessment year by class of
4 property on or before October 10. Establishment of the adjusted valuation
5 shall be based on the taxable value certified by the county assessor for
6 each school district in the county adjusted by the determination of the
7 level of value for each school district from an analysis of the
8 comprehensive assessment ratio study or other studies developed by the
9 Property Tax Administrator, in compliance with professionally accepted
10 mass appraisal techniques, as required by section 77-1327. The Tax
11 Commissioner shall adopt and promulgate rules and regulations setting
12 forth standards for the determination of level of value for state aid
13 purposes.

14 (3) For purposes of this section, state aid value means:

15 (a) For real property other than agricultural and horticultural

16 land, ninety-six percent of actual value;

17 (b) For agricultural and horticultural land, ~~sixty-two seventy-two~~
18 percent of actual value as provided in sections 77-1359 and ~~to~~ 77-1363.

19 For agricultural and horticultural land that receives special valuation
20 pursuant to section 77-1344, ~~sixty-two seventy-two~~ percent of special
21 valuation as defined in section 77-1343; and

22 (c) For personal property, the net book value as defined in section
23 77-120.

24 (4) On or before November 10, any local system may file with the Tax
25 Commissioner written objections to the adjusted valuations prepared by
26 the Property Tax Administrator, stating the reasons why such adjusted
27 valuations are not the valuations required by subsection (3) of this
28 section. The Tax Commissioner shall fix a time for a hearing. Either
29 party shall be permitted to introduce any evidence in reference thereto.
30 On or before January 1, the Tax Commissioner shall enter a written order
31 modifying or declining to modify, in whole or in part, the adjusted
1 valuations and shall certify the order to the State Department of
2 Education. Modification by the Tax Commissioner shall be based upon the
3 evidence introduced at hearing and shall not be limited to the
4 modification requested in the written objections or at hearing. A copy of
5 the written order shall be mailed to the local system within seven days
6 after the date of the order. The written order of the Tax Commissioner
7 may be appealed within thirty days after the date of the order to the Tax
8 Equalization and Review Commission in accordance with section 77-5013.

9 (5) On or before November 10, any local system or county official
10 may file with the Tax Commissioner a written request for a nonappealable
11 correction of the adjusted valuation due to clerical error as defined in
12 section 77-128 or, for agricultural and horticultural land, assessed
13 value changes by reason of land qualified or disqualified for special use
14 valuation pursuant to sections 77-1343 to 77-1347.01. On or before the
15 following January 1, the Tax Commissioner shall approve or deny the
16 request and, if approved, certify the corrected adjusted valuations
17 resulting from such action to the State Department of Education.

18 (6) On or before May 31 of the year following the certification of
19 adjusted valuation pursuant to subsection (2) of this section, any local
20 system or county official may file with the Tax Commissioner a written
21 request for a nonappealable correction of the adjusted valuation due to
22 changes to the tax list that change the assessed value of taxable
23 property. Upon the filing of the written request, the Tax Commissioner
24 shall require the county assessor to recertify the taxable valuation by
25 school district in the county on forms prescribed by the Tax
26 Commissioner. The recertified valuation shall be the valuation that was
27 certified on the tax list, pursuant to section 77-1613, increased or
28 decreased by changes to the tax list that change the assessed value of
29 taxable property in the school district in the county in the prior
30 assessment year. On or before the following July 31, the Tax Commissioner
31 shall approve or deny the request and, if approved, certify the corrected
1 adjusted valuations resulting from such action to the State Department of
2 Education.

3 (7) No injunction shall be granted restraining the distribution of
4 state aid based upon the adjusted valuations pursuant to this section.

5 (8) A school district whose state aid is to be calculated pursuant
6 to subsection (5) of this section and whose state aid payment is
7 postponed as a result of failure to calculate state aid pursuant to such
8 subsection may apply to the state board for lump-sum payment of such
9 postponed state aid. Such application may be for any amount up to one
10 hundred percent of the postponed state aid. The state board may grant the
11 entire amount applied for or any portion of such amount. The state board
12 shall notify the Director of Administrative Services of the amount of
13 funds to be paid in a lump sum and the reduced amount of the monthly
14 payments. The Director of Administrative Services shall, at the time of
15 the next state aid payment made pursuant to section 79-1022, draw a
16 warrant for the lump-sum amount from appropriated funds and forward such
17 warrant to the district.

18 2. Renumber the remaining sections and correct the repealer
19 accordingly.

Senator Kolterman withdrew his amendment.

Senator Chambers offered the following motion:

MO91

Bracket until June 5, 2015.

Senator Chambers moved for a call of the house. The motion prevailed with
32 ayes, 0 nays, and 17 not voting.

Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 13:

| | | | | |
|----------|---------|--------|---------|------------|
| Chambers | Davis | Gloor | Johnson | Schumacher |
| Cook | Ebke | Groene | Kintner | |
| Crawford | Friesen | Hughes | Schnoor | |

Voting in the negative, 30:

| | | | | |
|------------|-----------|-------------|-----------|------------|
| Baker | Craighead | Kolowski | Mello | Seiler |
| Bloomfield | Garrett | Kolterman | Morfeld | Smith |
| Bolz | Haar, K. | Krist | Nordquist | Stinner |
| Brasch | Hadley | Kuehn | Riepe | Sullivan |
| Campbell | Hansen | Lindstrom | Scheer | Watermeier |
| Coash | Harr, B. | McCollister | Schilz | Williams |

Present and not voting, 3:

| | | |
|-----------|---------|----------------|
| Hilkemann | Murante | Pansing Brooks |
|-----------|---------|----------------|

Excused and not voting, 3:

| | | |
|--------|--------|-------|
| Howard | Larson | McCoy |
|--------|--------|-------|

The Chambers motion to bracket failed with 13 ayes, 30 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB591:

AM1352

(Amendments to Standing Committee amendments, AM627)

- 1 1. Strike original sections 2, 6, 7, and 9 and insert the following
- 2 new sections:
- 3 Sec. 2. (1) For purposes of administering accounts established to
- 4 encourage and assist individuals and families in saving private funds for
- 5 the purpose of supporting individuals with disabilities, the State
- 6 Treasurer shall either establish the achieving a better life experience
- 7 program as provided in sections 3 to 9 of this act or contract with
- 8 another state with a qualified program. The State Treasurer may enter
- 9 into a contract with any contracting state to allow any resident of the
- 10 contracting state to participate in the program established by the State
- 11 Treasurer. Money from the Treasury Management Cash Fund may be
- 12 appropriated for a program pursuant to section 7 of this act and to
- 13 contract with another state with a qualified program under this section.
- 14 (2) Under a qualified program, one or more persons may make
- 15 contributions to an account to meet the qualified disability expenses of
- 16 the designated beneficiary of the account.

17 (3) If the State Treasurer establishes the program as authorized in
18 this section, sections 3 to 9 of this act apply.
19 Sec. 6. The State Treasurer and any designated administrator shall
20 provide investment options for the investment of amounts contributed to
21 an account, except that the state investment officer shall have fiduciary
22 responsibility to make all decisions regarding the investment of the
23 money in the expense fund and program fund created in section 7 of this
24 act and any money credited to the Treasury Management Cash Fund for
25 administrative expenses of the program, including the selection of all
26 investment options and the approval of all fees and other costs charged
1 to trust assets except costs for administration, operation, and
2 maintenance of the trust as appropriated by the Legislature, pursuant to
3 the directions, guidelines, and policies established by the Nebraska
4 Investment Council. The State Treasurer shall not adopt and promulgate
5 rules and regulations that in any way interfere with the fiduciary
6 responsibility of the state investment officer to make all decisions
7 regarding the investment of money in the expense fund and program fund or
8 money of the program credited to the Treasury Management Cash Fund. The
9 Nebraska Investment Council may adopt and promulgate rules and
10 regulations to provide for the prudent investment of the assets of the
11 program. The council or its designee also has the authority to select and
12 enter into agreements with individuals and entities to provide investment
13 advice and management of the assets held by the program, establish
14 investment guidelines, objectives, and performance standards with respect
15 to the assets held by the program, and approve any fees, commissions, and
16 expenses, which directly or indirectly affect the return on assets.
17 Sec. 7. (1) Funds contributed to the program shall be held in trust
18 by the State Treasurer. The State Treasurer shall credit money received
19 by the program into three funds: The ABLE Program Fund, the ABLE Expense
20 Fund, and the Treasury Management Cash Fund. The State Treasurer shall
21 credit money received into the appropriate fund. The State Treasurer and
22 Accounting Administrator of the Department of Administrative Services
23 shall determine the state fund types necessary to comply with section
24 529A and state policy. The money in the funds shall be invested by the
25 state investment officer pursuant to policies established by the Nebraska
26 Investment Council. The program fund, the expense fund, and the Treasury
27 Management Cash Fund shall be separately administered.
28 (2) The ABLE Program Fund is created. All money paid by participants
29 in connection with accounts and all investment income earned on such
30 money shall be deposited as received into separate accounts within the
31 program fund. Contributions to the program may only be made in the form
1 of cash. All funds generated in connection with accounts shall be
2 deposited into the appropriate accounts within the program fund. A
3 beneficiary shall not provide investment direction regarding
4 contributions or earnings held by the program. Money accrued by
5 designated beneficiaries in the program fund may be used for qualified
6 disability expenses. Any money in the program fund available for
7 investment shall be invested by the state investment officer pursuant to
8 the Nebraska Capital Expansion Act and the Nebraska State Funds

9 Investment Act.

10 (3)(a) The ABLÉ Expense Fund is created. The expense fund shall be
11 used to pay costs associated with the program and shall be funded with
12 fees assessed to the program fund.

13 (b) The State Treasurer shall transfer from the expense fund to the
14 State Investment Officer's Cash Fund an amount equal to the pro rata
15 share of the budget appropriated to the Nebraska Investment Council as
16 permitted in section 72-1249.02, to cover reasonable expenses incurred
17 for investment management of the program. Annually and prior to such
18 transfer to the State Investment Officer's Cash Fund, the State Treasurer
19 shall report to the budget division of the Department of Administrative
20 Services and to the Legislative Fiscal Analyst the amounts transferred
21 during the previous fiscal year. The report submitted to the Legislative
22 Fiscal Analyst shall be submitted electronically.

23 (c) When the State Treasurer determines that the ABLÉ Program Fund
24 is generating enough fees to make the program self-sustaining, it is the
25 intent of the Legislature to reimburse the Treasury Management Cash Fund
26 for startup costs of the program from the expense fund.

27 (d) Any money in the expense fund available for investment shall be
28 invested by the state investment officer pursuant to the Nebraska Capital
29 Expansion Act and the Nebraska State Funds Investment Act.

30 (4) Until the State Treasurer determines that the ABLÉ Program Fund
31 is generating enough fees to make the program self-sustaining, the costs
1 of establishing, administering, operating, and maintaining the program
2 shall be paid from the Treasury Management Cash Fund and, to the extent
3 permitted by section 529A, from money transferred from the expense fund
4 to the Treasury Management Cash Fund, in an amount authorized by an
5 appropriation from the Legislature. The Treasury Management Cash Fund
6 shall not be credited with any money from the program other than money
7 transferred from the expense fund in an amount authorized by an
8 appropriation by the Legislature or any interest income earned on the
9 money from the program held in the Treasury Management Cash Fund.

10 (5) The assets of the program, including the program fund and
11 excluding the expense fund and the Treasury Management Cash Fund, shall
12 at all times be preserved, invested, and expended solely and only for the
13 purposes of the program and shall be held in trust for the designated
14 beneficiaries. No property rights in the program shall exist in favor of
15 the state. Such assets of the program shall not be transferred or used by
16 the state for any purposes other than the purposes of the program.
17 Sec. 9. The State Treasurer may adopt and promulgate rules and
18 regulations, enter into contracts and agreements, charge fees and
19 expenses to the funds held under the program or to persons establishing
20 or owning accounts, make reports, retain designated administrators,
21 employees, experts, and consultants, and do all other things necessary or
22 convenient to implement sections 1 to 9 of this act.

23 Sec. 13. Section 84-618, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 84-618 (1) The Treasury Management Cash Fund is created. A pro rata
26 share of the budget appropriated for the treasury management functions of

27 the State Treasurer and for the administration of the achieving a better
 28 life experience program as provided in sections 1 to 9 of this act shall
 29 be charged to the income of each fund held in invested cash, and such
 30 charges shall be transferred to the Treasury Management Cash Fund. The
 31 allocation of charges may be made by any method determined to be
 1 reasonably related to actual costs incurred by the State Treasurer in
 2 carrying out the treasury management functions under section 84-602 and
 3 in carrying out the achieving a better life experience program as
 4 provided in sections 1 to 9 of this act. Approval of the agencies,
 5 boards, and commissions administering these funds shall not be required.
 6 (2) It is the intent of this section to have funds held in invested
 7 cash be charged a pro rata share of such expenses ~~the treasury management~~
 8 ~~expense~~ when this is not prohibited by statute or the Constitution of
 9 Nebraska.
 10 (3) The Treasury Management Cash Fund shall be used for the treasury
 11 management functions of the State Treasurer and for the administration of
 12 the achieving a better life experience program as provided in sections 1
 13 to 9 of this act. To the extent permitted by section 529A as defined in
 14 section 1 of this act, the fund may receive gifts for administration,
 15 operation, and maintenance of a program established under sections 3 to 9
 16 of this act.
 17 (4) Transfers may be made from the Treasury Management Cash Fund to
 18 the General Fund at the direction of the Legislature. Any money in the
 19 Treasury Management Cash Fund available for investment shall be invested
 20 by the state investment officer pursuant to the Nebraska Capital
 21 Expansion Act and the Nebraska State Funds Investment Act.
 22 2. On page 16, line 2, strike "section 72-1239.01" and insert
 23 "sections 72-1239.01 and 84-618".
 24 3. Renumber the remaining sections accordingly.

Senator Bolz filed the following amendment to LB243A:

AM1363

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) \$1,316,074 from the
 12 General Fund for FY2015-16 and (2) \$1,286,834 from the General Fund for
 13 FY2016-17 to the Department of Health and Human Services, for Program
 14 354, to aid in carrying out the provisions of Legislative Bill 243, One
 15 Hundred 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.

19 Sec. 3. There is hereby appropriated (1) \$63,450 from the General
 20 Fund for FY2015-16 and (2) \$61,450 from the General Fund for FY2016-17 to
 21 the Department of Health and Human Services, for Program 359, to aid in
 22 carrying out the provisions of Legislative Bill 243, One Hundred Fourth
 23 Legislature, First Session, 2015.
 24 Total expenditures for permanent and temporary salaries and per
 25 diems from funds appropriated in this section shall not exceed \$37,295
 26 for FY2015-16 or \$37,295 for FY2016-17.

Senator Kuehn filed the following amendment to LB599:
 AM1412

(Amendments to AM1319)

1 1. Strike amendment 1 and insert the following new amendments:
 2 1. On page 1, line 27, after "hour" insert "or eighty-five percent
 3 of the federal minimum wage, whichever is higher".
 4 2. On page 2, strike beginning with "attends" in line 4 through
 5 "(iii)" in line 5 and insert "does not have a high school diploma, (iii)
 6 does not have a dependent child as defined in section 43-504, and (iv)".

Senator Crawford filed the following amendment to LB599:
 AM1348

(Amendments to E and R amendments, ER84)

1 1. On page 2, line 5, after "school" insert "or any school which
 2 elects pursuant to section 79-1601 not to meet accreditation or approval
 3 requirements".

Senator Hansen filed the following amendment to LB599:
 AM1296

(Amendments to E and R amendments, ER84)

1 1. On page 1, line 26, after "workers" insert "in any county with a
 2 population of less than one hundred thousand inhabitants".

Senator Hansen filed the following amendment to LB599:
 AM1281

(Amendments to E and R amendments, ER84)

1 1. On page 1, line 26, after "workers" insert "in any county with a
 2 population of less than two hundred thousand inhabitants".

Senator McCollister filed the following amendment to LB104:
 AM642

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 70-1605, Revised Statutes Cumulative Supplement,
 4 2014, is amended to read:
 5 70-1605 No public or private utility company, other than a municipal
 6 utility owned and operated by a village, furnishing water, natural gas,
 7 or electricity at retail in this state shall discontinue service to any
 8 domestic subscriber for nonpayment of any past-due account unless the

9 utility company first gives notice ~~by first-class mail or in person~~ to
 10 any subscriber whose service is proposed to be terminated. Such notice
 11 shall be given in person, by first-class mail, or by electronic delivery,
 12 except that electronic delivery shall only be used if the subscriber has
 13 specifically elected to receive such notices by electronic delivery. If
 14 notice is given by first-class mail or electronic delivery, such notice
 15 ~~mail~~ shall be conspicuously marked as to its importance. Service shall
 16 not be discontinued for at least seven days after notice is sent or
 17 given. Holidays and weekends shall be excluded from the seven days.
 18 Sec. 2. Original section 70-1605, Revised Statutes Cumulative
 19 Supplement, 2014, is repealed.

Senator Davis filed the following amendment to LB414:
 AM1447

1 1. On page 2, line 5, strike the new matter and insert "and such
 2 property that is used exclusively for a charitable use to the general
 3 public and not the financial gain of a society or officers of the
 4 society".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 209. Introduced by Garrett, 3;
 Crawford, 45; Kintner, 2; Murante, 49; Smith, 14.

WHEREAS, Sarpy County Adult Diversion is a voluntary pretrial diversion program founded on the commitment to assist people in preventing continued or repeated criminal behaviors; and

WHEREAS, Sarpy County Adult Diversion is generally 18 months in duration and is used in cases such as first offense driving under the influence or minor in possession. It includes several educational components as well as accountability requirements; and

WHEREAS, in addition to the adult diversion program, Sarpy County Attorney Lee Polikov also helped create a mental health diversion program to divert mentally ill individuals who commit low-level crimes out of jail and into appropriate treatment programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature commends the Sarpy County Attorney's office under the leadership of Sarpy County Attorney Lee Polikov for seeking innovative ways to lower recidivism and discourage people from further criminal involvement in the justice system.

2. That a copy of this resolution be sent to Sarpy County Attorney Lee Polikov.

Laid over.

VISITORS

Visitors to the Chamber were 25 eighth-grade students being honored for academic achievement from across the state; 29 twelfth-grade students from Burwell; 27 fifth- and sixth-grade students from Loomis; 9 fifth-grade students, teachers, and sponsors from Kimball; and 10 third-grade students and teachers from City Impact Bible Club.

ADJOURNMENT

At 6:32 p.m., on a motion by Senator Craighead, the Legislature adjourned until 9:00 a.m., Wednesday, April 29, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-FIRST DAY - APRIL 29, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

SEVENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 29, 2015

PRAYER

The prayer was offered by Pastor Earl Fuoss, Lutheran Church - Missouri Synod, Wayne.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Davis, Friesen, K. Haar, B. Harr, Kintner, Kolowski, Larson, Schilz, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventieth day was approved.

GENERAL FILE

LEGISLATIVE BILL 423A. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 566A. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 138. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 55. Title read. Considered.

Committee AM78, found on page 507, was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 334. Title read. Considered.

Committee AM283, found on page 511, was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 257. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 342. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 456. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 464. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 104. Title read. Considered.

Senator McCollister offered his amendment, AM642, found on page 1304.

The McCollister amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 206. Title read. Considered.

Committee AM170, found on page 536, was adopted with 35 ayes, 0 nays,

11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 455. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 123. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 246. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 277. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 283. Title read. Considered.

Senator Baker offered his amendment, AM631, found on page 754.

The Baker amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 566. Placed on Select File with amendment. ER98 is available in the Bill Room.

LEGISLATIVE BILL 575. Placed on Select File with amendment. ER99

1 1. On page 1, strike lines 2 through 9 and insert "23-148, 23-2,100,
2 32-227, 32-228, 32-330, 32-528, 32-569, 32-612, 32-813, 32-952, 32-1032,
3 32-1037, 32-1308, and 81-2901, Reissue Revised Statutes of Nebraska, and
4 sections 10-703.01, 32-101, 32-208, 32-304, 32-567, 32-607, 32-615,
5 32-710, 32-941, 32-942, 32-947, 32-953, and 32-1203, Revised Statutes
6 Cumulative Supplement, 2014; to change provisions relating to election

7 expenses, filling vacancies, election commissioners, payment and service
 8 of election workers, implementation of the electronic voter registration
 9 application process, the voter registration register, county
 10 commissioners, candidate filings, deadlines for write-in candidates,
 11 political party conventions, statewide general election ballots, ballots
 12 for early voting, special elections by mail, inspection of election
 13 materials, and the board of state canvassers; to eliminate obsolete
 14 provisions; to harmonize provisions; to provide operative dates; to
 15 repeal the original sections; and to declare an emergency."

LEGISLATIVE BILL 330A. Placed on Select File.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Mello filed the following amendment to LB629:
 AM1448

(Amendments to Standing Committee amendments, AM1075)

1 1. Strike section 11 and insert the following new section:
 2 Sec. 11. (1) Prior to permitting a person to act as a driver, a
 3 transportation network company shall disclose in writing to each
 4 participating driver:
 5 (a) The insurance coverage, the limits of liability, and any
 6 deductible amounts that the transportation network company maintains
 7 while the driver uses a personal vehicle in connection with a
 8 transportation network company's online-enabled application or platform;
 9 (b) That in most personal automobile insurance policies, the
 10 driver's policy does not provide coverage for damage to the vehicle used
 11 by the driver, uninsured and underinsured motorist coverage, and other
 12 first-party claims from the moment the driver logs on to the
 13 transportation network company's online-enabled application or platform
 14 to the moment the driver logs off the transportation network company's
 15 online-enabled application or platform. The driver should contact his or
 16 her insurer to determine coverage;
 17 (c) That if the driver is planning to use a vehicle that has a lien
 18 against it to provide service in connection with a transportation network
 19 company, the driver of the vehicle must notify the lienholder at least
 20 seven days prior to using the vehicle to provide such service that the
 21 driver intends to use the vehicle to provide service in connection with a
 22 transportation network company by complying with subsection (3) of this
 23 section; and
 24 (d) That the driver is responsible to know the laws, rules, and
 25 regulations that govern the service he or she provides in connection with
 26 a transportation network company.
 1 (2) The transportation network company shall make the disclosure
 2 required by subdivision (1)(c) of this section a distinctive part of the
 3 driver's terms of service and shall require a separate acknowledgment of
 4 this disclosure by each driver by electronic or handwritten signature.

5 (3) The commission shall adopt and promulgate rules and regulations
6 to establish a procedure to confirm that drivers have notified
7 lienholders as required by subdivision (1)(c) of this section. The
8 commission shall keep a record of such confirmation for at least five
9 years and shall make such record available to lienholders.
10 2. On page 22, line 19, strike "twenty" and insert "twenty-five".

GENERAL FILE

LEGISLATIVE BILL 365. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 375. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 515. Title read. Considered.

Committee AM380, found on page 614, was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 570. Title read. Considered.

Committee AM398, found on page 623, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 477. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 513. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 640. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 291. Title read. Considered.

Committee AM553, found on page 693, was adopted with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 408. Title read. Considered.

SENATOR COASH PRESIDING

Committee AM586, found on page 716, was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 310. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Schumacher filed the following amendment to LB72:
AM1420 is available in the Bill Room.

Senator Schumacher filed the following amendment to LB598:
AM1407

(Amendments to E and R amendments, ER83)

- 1 1. Strike sections 32, 33, and 35 and insert the following new
- 2 sections:
- 3 Sec. 22. Section 83-170, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 83-170 As used in the Nebraska Treatment and Corrections Act, unless
- 6 the context otherwise requires:
- 7 (1) Administrator means ~~shall mean~~ the Parole Administrator;
- 8 (2) Board means ~~shall mean~~ the Board of Parole;
- 9 (3) Committed offender means ~~shall mean~~ any person who, under any
- 10 provision of law, is sentenced or committed to a facility operated by the
- 11 department or is sentenced or committed to the department other than a
- 12 person adjudged to be as described in subdivision (1), (2), (3)(b), or
- 13 (4) of section 43-247 by a juvenile court;
- 14 (4) Department means ~~shall mean~~ the Department of Correctional
- 15 Services;
- 16 (5) Director means ~~shall mean~~ the Director of Correctional Services;
- 17 (6) Facility means ~~shall mean~~ any prison, reformatory, training

18 school, reception center, community guidance center, group home, or other
19 institution operated by the department;

20 (7) Good time ~~means shall mean~~ any reduction of sentence granted

21 pursuant to sections 83-1,107 and 83-1,108;

22 (8) Maximum term ~~means shall mean~~ the maximum sentence provided by

23 law or the maximum sentence imposed by a court, whichever is shorter;

24 (9) Minimum term ~~means shall mean~~ the minimum sentence provided by

25 law or the minimum sentence imposed by a court, whichever is longer;

26 (10) Pardon authority ~~means shall mean~~ the power to remit fines and

1 forfeitures and to grant respites, reprieves, pardons, or commutations;

2 (11) Parole term ~~means shall mean~~ the time from release on parole to

3 the completion of the maximum term, reduced by good time; and

4 (12) Person committed to the department ~~means shall mean~~ any person

5 sentenced or committed to a facility within the department; and -

6 (13) Restrictive housing means conditions of confinement that

7 provide limited contact with other offenders, strictly controlled
8 movement while out of cell, and out-of-cell time of less than twenty-four
9 hours per week.

10 Sec. 33. The director shall issue a report to the Governor and the

11 Legislature no later than July 1, 2016. The report to the Legislature

12 shall be issued electronically. The report shall contain a long-term plan

13 for the use of restrictive housing with the explicit goal of reducing the

14 use of restrictive housing.

15 Sec. 34. (1) Beginning July 1, 2016, no inmate in the adult

16 division shall be placed in solitary confinement. In addition, no inmate

17 shall be held in restrictive housing unless done in the least restrictive

18 manner consistent with maintaining order in the facility and pursuant to

19 rules and regulations adopted and promulgated by the department pursuant

20 to the Administrative Procedure Act.

21 (2) The department shall adopt and promulgate rules and regulations

22 pursuant to the Administrative Procedure Act establishing levels of

23 restrictive housing as may be necessary to administer the correctional

24 system. Rules and regulations shall establish behavior, conditions, and

25 mental health status under which an inmate may be placed in each

26 confinement level as well as procedures for making such determinations.

27 Rules and regulations shall also provide for individualized transition

28 plans, developed with the active participation of the committed offender,

29 for each confinement level back to the general population or to society.

30 (3) On or after July 1, 2016, no inmate who is a member of a

31 vulnerable population shall be housed in solitary confinement. Vulnerable

1 population shall be designated as any inmate who is eighteen years of age

2 or younger, pregnant, or diagnosed with a mental illness as defined in

3 section 71-907. However, in line with the least restrictive framework,

4 inmates who are members of vulnerable populations may be assigned to

5 restrictive housing to address risk. The department shall also adopt and

6 promulgate rules and regulations pursuant to the Administrative Procedure

7 Act regarding restrictive housing to address risk for inmates who are

8 members of vulnerable populations.

9 (4) Rules and regulations may authorize the director to issue

10 written directives, guidance documents, and operational manuals not
11 inconsistent with law, rules, and regulations. Such directives, guidance
12 documents, and operational manuals shall be made available to the public
13 in the same manner that rules and regulations are made available unless
14 the safety and security of a correctional institution would be placed at
15 substantial risk by such publication. If any directive, guidance
16 document, or operational manual is not made available to the public,
17 notice shall be given to the deputy public counsel for corrections and to
18 the Inspector General of the Nebraska Correctional System. The notice
19 shall identify all documents not publicly available by title, number of
20 pages, and date adopted. All directives, guidance documents, and
21 operational manuals shall be made available to any member of the
22 Legislature upon request. Security manuals shall be made available to the
23 Legislature for inspection upon request, but shall not be copied or
24 removed from secure locations as designated by the director.
25 Sec. 36. Section 83-4,114, Reissue Revised Statutes of Nebraska, is
26 amended to read:
27 83-4,114 (1) There shall be no corporal punishment or disciplinary
28 restrictions on diet.
29 (2) Disciplinary restrictions on clothing, bedding, mail,
30 visitations, use of toilets, washbowls, or scheduled showers shall be
31 imposed only as authorized by written directives, guidance documents, and
1 operational manuals for abuse of such privilege or facility.
2 No person in the adult division shall be placed in solitary
3 confinement for disciplinary reasons for more than fifteen consecutive
4 days, or more than thirty days out of any forty five day period, except
5 in cases of violence or attempted violence committed against another
6 person or property when an additional period of isolation for
7 disciplinary reasons is approved by the warden. This provision shall not
8 apply to segregation or isolation of persons for purposes of
9 institutional control.
10 (3) The director shall issue an annual report to the Governor and
11 the Clerk of the Legislature. The report to the Clerk of the Legislature
12 shall be issued electronically. For all inmates who were held in
13 restrictive housing during the prior year, the report shall contain the
14 race, gender, age, and length of time each inmate has continuously been
15 held in restrictive housing. The report shall also contain:
16 (a) The number of inmates held in restrictive housing;
17 (b) The reason or reasons each inmate was held in restrictive
18 housing;
19 (c) The number of inmates held in restrictive housing who have been
20 diagnosed with a mental illness as defined in section 71-907 and the type
21 of mental illness by inmate;
22 (d) The number of inmates who were released from restrictive housing
23 directly to parole or into the general public and the reason for such
24 release;
25 (e) The number of inmates who were placed in restrictive housing for
26 his or her own safety and the underlying circumstances for each
27 placement;

28 (f) To the extent reasonably ascertainable, comparable statistics
 29 for the nation and each of the states that border Nebraska pertaining to
 30 subdivisions (3)(a) through (e) of this section; and
 31 (g) The mean and median length of time for all inmates held in
 1 restrictive housing.
 2 (4)(a) There is hereby established within the department a long-term
 3 restrictive housing work group. The work group shall consist of:
 4 (i) The director and all deputy directors. The director shall
 5 convene and serve as the chairperson of the work group;
 6 (ii) The director of health services within the department;
 7 (iii) The behavioral health administrator within the department;
 8 (iv) Two employees of the department who currently work with inmates
 9 held in restrictive housing; and
 10 (v) Four members as follows appointed by the Governor:
 11 (A) Two representatives from a nonprofit prisoners' rights advocacy
 12 group, including at least one former inmate; and
 13 (B) Two mental health professionals independent from the department
 14 with particular knowledge of prisons and conditions of confinement.
 15 (b) The work group shall advise the department on policies and
 16 procedures related to the proper treatment and care of offenders in long-
 17 term restrictive housing.
 18 (c) The director shall convene the work group's first meeting no
 19 later than September 15, 2015, and the work group shall meet at least
 20 semiannually thereafter. The chairperson shall schedule and convene the
 21 work group's meetings.
 22 (d) The director shall provide the work group with quarterly updates
 23 on the department's policies related to the work group's subject matter.
 24 2. Renumber the remaining sections and correct internal references
 25 and the repealer accordingly.

GENERAL FILE

LEGISLATIVE BILL 412. Title read. Considered.

Senator Mello offered his amendment, AM1367, found on page 1283.

The Mello amendment was adopted with 28 ayes, 1 nay, 18 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 2 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 479. Title read. Considered.

Committee AM485, found on page 753, was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 296. Title read. Considered.

Committee AM447, found on page 758, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 216. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 217. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 218. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 424. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 287. Title read. Considered.

Committee AM730, found on page 801, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 541. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 195. Title read. Considered.

Committee AM499, found on page 836, was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 511. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 422. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

VISITORS

Visitors to the Chamber were 18 fourth-grade students and teacher from Pawnee City Elementary; 26 fourth-grade students, teachers, and sponsors from St. Mary's School, David City; 15 college students and teachers from Nebraska Christian College, Papillion; 38 fourth-grade students and teachers from Pine Creek School, Bennington; 14 third- and fourth-grade students and teacher from St. Paul Lutheran Elementary, Arlington; and 51 fourth-grade students and teachers from Betz Elementary, Bellevue.

RECESS

At 11:49 a.m., on a motion by Senator Krist, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Craighead, K. Haar, Kintner, McCoy, Pansing Brooks, Schilz, and Watermeier who were excused until they arrive.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 210. Introduced by Davis, 43.

WHEREAS, Maria Swenson of Alliance was awarded the Women's Business Center Entrepreneur of the Year by the Center for Rural Affairs Rural Enterprise Assistance Project; and

WHEREAS, Maria started a successful business called MLCS Family and Youth Services through the help of the Women's Business Center which provides contracted services to the Department of Health and Human Services and services to juveniles on probation and their families; and

WHEREAS, Maria currently has offices in Alliance, Chadron, Sidney, and Gering and has an average of 12 to 15 employees.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Maria Swenson on being awarded the Women's Business Center Entrepreneur of the Year.
2. That a copy of this resolution be sent to Maria Swenson.

Laid over.

SELECT FILE

LEGISLATIVE BILL 414. Senator Davis offered his amendment, AM1447, found on page 1305.

Senator B. Harr moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

Senator Davis moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Senator Davis requested a roll call vote, in reverse order, on the amendment.

Voting in the affirmative, 18:

| | | | | |
|-------|---------|-----------|----------------|------------|
| Baker | Ebke | Hilkemann | McCoy | Schnoor |
| Coash | Friesen | Hughes | Murante | Schumacher |
| Cook | Gloor | Kintner | Pansing Brooks | |
| Davis | Groene | Kolowski | Schilz | |

Voting in the negative, 23:

| | | | | |
|------------|-----------|-------------|---------|------------|
| Bloomfield | Hadley | Larson | Riepe | Sullivan |
| Brasch | Hansen | Lindstrom | Scheer | Watermeier |
| Campbell | Harr, B. | McCollister | Seiler | Williams |
| Garrett | Johnson | Morfeld | Smith | |
| Haar, K. | Kolterman | Nordquist | Stinner | |

Present and not voting, 7:

| | | | |
|----------|-----------|--------|-------|
| Bolz | Craighead | Howard | Mello |
| Chambers | Crawford | Kuehn | |

Excused and not voting, 1:

Krist

The Davis amendment lost with 18 ayes, 23 nays, 7 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO92

Reconsider the vote taken on AM1447.

SPEAKER HADLEY PRESIDING

Senator B. Harr offered the following motion:

MO93

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator B. Harr moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator B. Harr requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 33:

| | | | | |
|------------|-----------|-------------|-----------|------------|
| Baker | Garrett | Kolowski | Mello | Smith |
| Bloomfield | Haar, K. | Kolterman | Morfeld | Stinner |
| Bolz | Hadley | Krist | Murante | Sullivan |
| Brasch | Hansen | Kuehn | Nordquist | Watermeier |
| Campbell | Harr, B. | Larson | Riepe | Williams |
| Coash | Hilkemann | Lindstrom | Scheer | |
| Craighead | Johnson | McCollister | Schilz | |

Voting in the negative, 13:

| | | | | |
|----------|---------|--------|------------|--------|
| Chambers | Davis | Gloor | Kintner | Seiler |
| Cook | Ebke | Groene | Schnoor | |
| Crawford | Friesen | Hughes | Schumacher | |

Present and not voting, 2:

McCoy Pansing Brooks

Excused and not voting, 1:

Howard

The B. Harr motion to invoke cloture prevailed with 33 ayes, 13 nays, 2 present and not voting, and 1 excused and not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 13:

| | | | | |
|----------|---------|---------|----------------|------------|
| Chambers | Ebke | Groene | Pansing Brooks | Schumacher |
| Cook | Friesen | Hughes | Schilz | |
| Davis | Gloor | Kintner | Schnoor | |

Voting in the negative, 34:

| | | | | |
|------------|-----------|-------------|-----------|------------|
| Baker | Garrett | Kolowski | McCoy | Seiler |
| Bloomfield | Haar, K. | Kolterman | Mello | Smith |
| Bolz | Hadley | Krist | Morfeld | Stinner |
| Brasch | Hansen | Kuehn | Murante | Sullivan |
| Campbell | Harr, B. | Larson | Nordquist | Watermeier |
| Coash | Hilkemann | Lindstrom | Riepe | Williams |
| Craighead | Johnson | McCollister | Scheer | |

Present and not voting, 1:

Crawford

Excused and not voting, 1:

Howard

The Chambers motion to reconsider failed with 13 ayes, 34 nays, 1 present and not voting, and 1 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 29:

| | | | | |
|------------|-----------|-------------|-----------|------------|
| Bloomfield | Hadley | Kolterman | Morfeld | Smith |
| Bolz | Hansen | Krist | Murante | Stinner |
| Brasch | Harr, B. | Larson | Nordquist | Sullivan |
| Coash | Hilkemann | Lindstrom | Riepe | Watermeier |
| Garrett | Johnson | McCollister | Scheer | Williams |
| Haar, K. | Kolowski | Mello | Schilz | |

Voting in the negative, 13:

| | | | | |
|----------|---------|--------|------------|--------|
| Chambers | Davis | Gloor | Kintner | Seiler |
| Cook | Ebke | Groene | Schnoor | |
| Crawford | Friesen | Hughes | Schumacher | |

Present and not voting, 6:

| | | |
|----------|-----------|----------------|
| Baker | Craighead | McCoy |
| Campbell | Kuehn | Pansing Brooks |

Excused and not voting, 1:

Howard

Advanced to Enrollment and Review for Engrossment with 29 ayes, 13 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 80. Placed on Final Reading.

LEGISLATIVE BILL 141. Placed on Final Reading.

LEGISLATIVE BILL 156. Placed on Final Reading.

LEGISLATIVE BILL 264. Placed on Final Reading.

LEGISLATIVE BILL 458. Placed on Final Reading.

LEGISLATIVE BILL 519. Placed on Final Reading.

ST27

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E and R amendments, ER76:
 - a. On page 40, line 26, "26 to 36" has been struck and "27 to 37" inserted;
 - b. On page 41, line 2, "28" has been struck and "29" inserted; and
 - c. On page 46, lines 1 and 8, "79-1337," has been inserted after "79-1017.01,"; and in line 13 "distance education incentives," has been inserted after the second comma.

LEGISLATIVE BILL 519A. Placed on Final Reading.

LEGISLATIVE BILL 559. Placed on Final Reading.

LEGISLATIVE BILL 561. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

MESSAGE(S) FROM THE GOVERNOR

April 29, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Please withdraw the following individual from consideration for confirmation of appointment to the Nebraska Accountability and Disclosure Commission:

Warren Arganbright, 806 Desirae Drive, Valentine, NE 69201

Mr Arganbright is unable to serve on the Nebraska Accountability and Disclosure Commission at this time.

Sincerely,
(Signed) Pete Ricketts
Governor

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Byron L. Diamond, Director - Department of Administrative Services

Aye: 8 Bloomfield, Craighead, Garrett, Groene, Hansen, Larson, McCoy, Murante. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) John Murante, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 360A. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 360, One Hundred Fourth Legislature, First Session, 2015.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 211. Introduced by McCoy, 39.

PURPOSE: The purpose of this resolution is to study synthetic recreational drugs that are marketed and sold as incense. The study shall include, but not be limited to, the following:

- (1) Examining new approaches to ban and control access to these drugs;
- (2) How to raise awareness of these drugs with the general population;
- (3) Reviewing current penalties in state law relating to these drugs;
- (4) Examining the medical outcomes of users of synthetic recreational drugs, particularly those users who overdose on these drugs; and
- (5) Working with school districts to determine how best to communicate with students about the dangers of synthetic recreational drugs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 212. Introduced by Johnson, 23.

PURPOSE: The purpose of this resolution is to examine the utilization of authority given to various state commodity development programs to make expenditures for the purpose of influencing federal legislation.

The goals of this study include:

- (1) Developing an understanding of the types of federal legislative issues and appropriations that are germane to the role and mission of the state commodity promotion programs; and
- (2) Gathering information regarding the extent and manner in which state programs participate in the federal legislative process and the nature and amount of expenditures for that purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 213. Introduced by Johnson, 23.

PURPOSE: The purpose of this resolution is to study development of a reference manual for the state commodity promotion programs, the federal beef, pork, and soybean programs, and any other federal commodity programs that are significant to Nebraska agriculture. It is the goal of this study to identify and describe key structural elements of such programs and to provide a graphic and narrative description and comparison of these program elements.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 214. Introduced by Johnson, 23.

PURPOSE: In accordance with LB 941 enacted in 2014, the Department of Agriculture produced the Dairy Growth and Development Study Report. The purpose of this resolution is to review the information in the Dairy Growth and Development Study Report and to study the following:

- (1) Developing options to implement key recommendations of the report;
- (2) Supporting public and private efforts to promote growth of the state's dairy industry; and
- (3) Exploring interventions available to state government to stimulate private investment in dairy production and processing in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 215. Introduced by Johnson, 23.

PURPOSE: The purpose of this resolution is to study implementation of the recommendations of the interim study report produced as a result of LR 309 (2013). The report recommended that the Agriculture Committee explore the value and feasibility of creating a program modeled after the buffer strip program created by the Buffer Strip Act to enlist landowners in the vicinity of specialty or sensitive crops experiencing frequent herbicide drift damage to adopt drift or volatility avoidance and integrated management practices. It is intended that the study will also examine the potential for such a program to access and coordinate with federal funding initiatives to restore and enhance butterfly and pollinator habitat in agricultural settings through the federal Conservation Reserve Program and other federal initiatives.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 216. Introduced by Johnson, 23.

PURPOSE: The purpose of this resolution is to study implementation of a specific study recommendation of the interim study report produced as a result of LR 309 (2013). The report recommended that the Agriculture Committee investigate whether alternative models for compensating specialty or sensitive crop growers incurring herbicide drift damages are feasible and practical and whether the models would improve upon existing means for compensating specialty or sensitive crop growers for losses due to herbicide drift incidents.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 217. Introduced by Johnson, 23.

PURPOSE: The purpose of this study resolution is to complete the work of the LR 309 interim study conducted in 2013 to investigate ways to avoid and mitigate conflicts arising from herbicide and drift damage to sensitive crops. The study shall seek to incorporate information gathered from related interim studies and finalize recommendations for the consideration of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 218. Introduced by Johnson, 23.

PURPOSE: The Grain Warehouse Act creates an in-store transfer to document the establishment of a post-direct delivery storage position in favor of producers and other grain owners as a means of satisfaction of a direct delivery obligation of the warehouse licensee to a producer or other

grain owner. The in-store transfer method was created by LB 439 (Laws 2005).

The purpose of this resolution is to examine the utility of the in-store transfer method by producers and grain warehouses as an option to meet direct delivery obligations. The goal of this study is to gain an understanding of the extent to which in-store transfers are used in direct delivery transactions, the constraints of their use, and the extent to which producers and warehouses are aware of such transfers. The study shall further examine the extent to which the producer community is aware of the marketing risks and different statutory provisions governing producer recourse to security and other protections that apply in direct delivery transactions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 243. ER78, found on page 1153, was adopted.

Senator Bolz offered her amendment, AM1045, found on page 1044.

The Bolz amendment was adopted with 25 ayes, 1 nay, 21 present and not voting, and 2 excused and not voting.

Senator Bolz offered her amendment, AM1217, found on page 1161.

The Bolz amendment was adopted with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 243A. Senator Bolz withdrew her amendment, AM1363, found on page 1303.

Senator Bolz offered the following amendment:

AM1414

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) \$1,316,074 from the
12 General Fund for FY2015-16 and (2) \$1,286,834 from the General Fund for
13 FY2016-17 to the Department of Health and Human Services, for Program
14 354, to aid in carrying out the provisions of Legislative Bill 243, One
15 Hundred 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.
19 Sec. 3. There is hereby appropriated (1) \$214,395 from the General
20 Fund and \$75,231 from federal funds for FY2015-16 and (2) \$217,976 from
21 the General Fund and \$80,876 from federal funds for FY2016-17 to the
22 Department of Health and Human Services, for Program 359, to aid in
23 carrying out the provisions of Legislative Bill 243, One Hundred Fourth
24 Legislature, First Session, 2015.
25 Total expenditures for permanent and temporary salaries and per
26 diems from funds appropriated in this section shall not exceed \$111,884
27 for FY2015-16 or \$111,884 for FY2016-17.

The Bolz amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 292. Senator Crawford offered her amendment, AM899, found on page 1073.

Senator Crawford withdrew her amendment.

Senator Coash offered his amendment, AM849, found on page 1129.

The Coash amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 292A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 240. Senator Schumacher offered his amendment, AM1143, found on page 1074.

Senator Morfeld moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 7 nays, and 17 not voting.

The Schumacher amendment was adopted with 26 ayes, 9 nays, 12 present and not voting, and 2 excused and not voting.

Senator Kintner offered the following amendment:

FA52

Strike lines 24 on page 2 to line 3 on page 3.

SENATOR WATERMEIER PRESIDING

Senator Bloomfield offered the following motion:

MO94

Bracket until June 5, 2015.

SPEAKER HADLEY PRESIDING

Senator Bloomfield moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Bloomfield requested a roll call vote on the motion to bracket.

Voting in the affirmative, 14:

| | | | | |
|------------|---------|---------|-------------|---------|
| Bloomfield | Friesen | Hughes | Lindstrom | Schnoor |
| Brasch | Garrett | Kintner | McCollister | Stinner |
| Ebke | Groene | Kuehn | McCoy | |

Voting in the negative, 31:

| | | | | |
|-----------|-----------|-----------|----------------|------------|
| Baker | Davis | Johnson | Nordquist | Sullivan |
| Campbell | Gloor | Kolowski | Pansing Brooks | Watermeier |
| Chambers | Haar, K. | Kolterman | Scheer | Williams |
| Coash | Hadley | Krist | Schilz | |
| Cook | Harr, B. | Mello | Schumacher | |
| Craighead | Hilkemann | Morfeld | Seiler | |
| Crawford | Howard | Murante | Smith | |

Present and not voting, 2:

| | |
|--------|-------|
| Hansen | Riepe |
|--------|-------|

Excused and not voting, 2:

| | |
|------|--------|
| Bolz | Larson |
|------|--------|

The Bloomfield motion to bracket failed with 14 ayes, 31 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Kintner withdrew his amendment, FA52.

Senator Murante requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 26 ayes, 14 nays, 7 present and not voting, and 2 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB662:
AM1435

(Amendments to Standing Committee amendments, AM1246)

1 Purpose: To strike provisions regarding the Oral Health Training
2 and Services Fund.

3 Amendment:

4 1. On page 1, strike lines 8 through 12.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Crawford has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

SENATOR KRIST PRESIDING

SELECT FILE

LEGISLATIVE BILL 599. ER84, found on page 1214, was adopted.

Senator Nordquist offered his amendment, AM1319, found on page 1244.

Senator Kuehn offered his amendment, AM1412, found on page 1304, to the Nordquist amendment.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 132. Placed on Final Reading.

LEGISLATIVE BILL 419. Placed on Final Reading.

LEGISLATIVE BILL 449. Placed on Final Reading.

ST28

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E and R amendments, ER74, on page 1, line 6, "81-3703," has been inserted after "81-3701,"; and in line 13 "highway tourism markers and" has been inserted after "for".

2. In the Standing Committee amendments, AM1035:

a. Section 16 and all amendments thereto have been struck and the following new section inserted: Sec. 19. Sections 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 21 of this act become operative three calendar months after the adjournment of this legislative session. Sections 7, 8, and 20 of this act become operative on July 1, 2015. The other sections of this act become operative on their effective date.;

b. On page 11, line 22, the first "the" has been struck and "than" inserted; and

c. On page 12, line 18, "81-3703," has been inserted after "81-3701,".

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 423A. Placed on Select File.

LEGISLATIVE BILL 566A. Placed on Select File.

LEGISLATIVE BILL 138. Placed on Select File.

LEGISLATIVE BILL 55. Placed on Select File.

LEGISLATIVE BILL 334. Placed on Select File with amendment.

ER100

1 1. On page 1, line 4, strike "and"; and in line 8 after "2014"

2 insert "; and to declare an emergency".

LEGISLATIVE BILL 257. Placed on Select File with amendment.

ER101

1 1. On page 2, line 24, after the period insert paragraphing and

2 "(3)".

LEGISLATIVE BILL 342. Placed on Select File.

LEGISLATIVE BILL 456. Placed on Select File.

LEGISLATIVE BILL 464. Placed on Select File.

(Signed) Matt Hansen, Chairperson

SELECT FILE

LEGISLATIVE BILL 599. The Kuehn amendment, AM1412, found on page 1304 and considered in this day's Journal, to the Nordquist amendment, was renewed.

Senator Cook moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Kuehn moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Senator Kuehn requested a roll call vote on the amendment.

Voting in the affirmative, 32:

| | | | | |
|------------|-----------|-----------|------------|------------|
| Bloomfield | Garrett | Kintner | Riepe | Stinner |
| Brasch | Gloor | Kolterman | Scheer | Sullivan |
| Coash | Groene | Krist | Schilz | Watermeier |
| Craighead | Hadley | Kuehn | Schnoor | Williams |
| Davis | Hilkemann | Lindstrom | Schumacher | |
| Ebke | Hughes | McCoy | Seiler | |
| Friesen | Johnson | Murante | Smith | |

Voting in the negative, 13:

| | | | | |
|----------|----------|----------|-----------|----------------|
| Baker | Cook | Harr, B. | Mello | Pansing Brooks |
| Campbell | Crawford | Howard | Morfeld | |
| Chambers | Haar, K. | Kolowski | Nordquist | |

Present and not voting, 1:

Hansen

Excused and not voting, 3:

| | | |
|------|--------|-------------|
| Bolz | Larson | McCollister |
|------|--------|-------------|

The Kuehn amendment was adopted with 32 ayes, 13 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Hansen offered the following motion:

MO95

Reconsider the vote taken on AM1412.

SENATOR WATERMEIER PRESIDING

Senator Hansen asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

The Nordquist amendment, AM1319, found on page 1244 and considered in this day's Journal, as amended, was renewed.

Senator Ebke moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

The Nordquist amendment, as amended, was adopted with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Nordquist offered his amendment, AM1318, found on page 1244.

Senator Ebke offered the following motion:

MO96

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Ebke moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Ebke requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 33:

| | | | | |
|------------|-----------|-----------|---------|------------|
| Bloomfield | Garrett | Kintner | McCoy | Smith |
| Brasch | Gloor | Kolowski | Murante | Sinner |
| Coash | Groene | Kolterman | Riepe | Sullivan |
| Craighead | Hadley | Krist | Scheer | Watermeier |
| Davis | Hilkemann | Kuehn | Schilz | Williams |
| Ebke | Hughes | Larson | Schnoor | |
| Friesen | Johnson | Lindstrom | Seiler | |

Voting in the negative, 14:

| | | | | |
|----------|----------|----------|-----------|----------------|
| Baker | Cook | Hansen | Mello | Pansing Brooks |
| Campbell | Crawford | Harr, B. | Morfeld | Schumacher |
| Chambers | Haar, K. | Howard | Nordquist | |

Excused and not voting, 2:

Bolz McCollister

The Ebke motion to invoke cloture prevailed with 33 ayes, 14 nays, and 2 excused and not voting.

The Nordquist amendment lost with 10 ayes, 33 nays, 4 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment with 31 ayes, 13 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

MESSAGE(S) FROM THE GOVERNOR

April 29, 2015

Patrick J. O'Donnell
Clerk of the Nebraska Legislature
2018 State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 15e, 56e, 152, 245, 324, 413, 413A, 415e, 482, and 641 were received in my office on April 23, 2015.

These bills were signed and delivered to the Secretary of State on April 29, 2015.

Sincerely,
(Signed) Pete Ricketts
Governor

PR/lhk

April 29, 2015

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 89 and LB 89A without my signature and with my objections.

Clearly, the bill is well intentioned. The issues some proponents have described to me about the ADC funds have merit. However, this bill is unsustainable. LB 89 creates an ongoing and increasing liability that exceeds the amount of federal block grant funds the state receives. The bill will exhaust the Temporary Assistance for Needy Families Block Grant (TANF) reserve by 2020.

Under current law, those who qualify for cash assistance under the ADC program can be paid a maximum of \$300 per month for a family of two plus \$75 per month for each additional household member. LB 89 not only increases the maximum payments but also permanently indexes future payments to not less than 70% of a Standard of Need calculation which itself is an indexed factor.

Supporters of the bill assert that ADC benefit payments should be paid from the Temporary Assistance for Needy Families Block Grant (TANF). Our state already uses TANF for ADC cash benefit payments.

The benefit enhancements made by LB 89 will cause a budget funding shortfall. Beginning in FY 2020-21, existing TANF balances will be exhausted and nearly \$19 million in General Funds will be required each year to maintain the ADC payments authorized in LB 89. As demonstrated in the attached chart, this is unsustainable. Future Legislatures will have to solve the problem these bills create today by adding new General Fund spending in the amount of nearly \$38 million in each biennial budget or cutting assistance under this program.

As to the argument that the ADC benefit has not been raised in many years, it is important to note the context of the funding expansion proposed by the bill. Families who qualify for the ADC benefit also qualify for food stamps, subsidized child care services, job and education training programs. In addition, ADC families who become ineligible for cash assistance due to an increase in pay can become eligible for extended ADC assistance which also includes six or more months of Medicaid program coverage.

I remain open to a solution that will provide continuing and lasting support for families. The broad expansions proposed by LB 89 come at a time when our state faces potential budget uncertainties. Now is not the time to enact such a broad expansion of public assistance benefits.

The bill is not sustainable nor does it consider a comprehensive view of assistance to families. Those are my goals in having an effective, efficient, and accountable health and human services delivery system.

While I am vetoing this bill, I recognize the merit of working toward a long-term solution. I would sign a similar bill this session with a four year sunset provision. That would give the executive and legislative branches time to work together to find a mutually agreeable and sustainable solution to this issue.

For each of these reasons, I respectfully urge you to sustain my veto of LB 89 and LB 89A.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

VISITORS

Visitors to the Chamber were 51 fourth-grade students from Bennington; and 40 fourth-grade students and teachers from Wood River.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 9:56 p.m., on a motion by Senator Bloomfield, the Legislature adjourned until 9:00 a.m., Thursday, April 30, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-SECOND DAY - APRIL 30, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****SEVENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, April 30, 2015

PRAYER

The prayer was offered by Father Ryan Lewis, St. Thomas More Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Coash presiding.

The roll was called and all members were present except Senators Baker, Cook, Davis, Groene, Kolowski, Morfeld, Pansing Brooks, Schnoor, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-first day was approved.

AMENDMENT(S) - Print in Journal

Senator Riepe filed the following amendment to LB599:
AM1461

(Amendments to E and R amendments, ER84)

- 1 1. On page 2, line 5, strike "and"; and in line 6 after "48-1203.01"
- 2 insert ", (iv) has not been determined by a court to be an emancipated
- 3 minor, and (v) has not had his or her minority end due to marriage
- 4 pursuant to section 43-2101".

GENERAL FILE

LEGISLATIVE BILL 360A. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 658. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 659. Title read. Considered.

Committee AM1191, found on page 1282, was offered.

Senator Chambers offered the following amendment to the committee amendment:

FA55

Amend AM1191

On page 3, strike lines 13 and 14 and insert:

| | | |
|------------------|---------|---------|
| 13 General Fund | 145,625 | 146,874 |
| 14 Program Total | 145,625 | 146,874 |

SENATOR GLOOR PRESIDING

SENATOR COASH PRESIDING

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment to the committee amendment:

FA56

Amend AM1191

On page 4, strike lines 8 and 9 and insert:

| | | |
|-----------------|---------|---------|
| 8 General Fund | 132,512 | 133,680 |
| 9 Program Total | 132,512 | 133,680 |

Senator Chambers withdrew his amendment.

The committee amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 104. Placed on Select File.

LEGISLATIVE BILL 206. Placed on Select File with amendment.

ER102

1 1. On page 1, line 6, after "exemptions" insert "and obsolete
2 provisions".

LEGISLATIVE BILL 455. Placed on Select File.

LEGISLATIVE BILL 123. Placed on Select File.

LEGISLATIVE BILL 246. Placed on Select File.

LEGISLATIVE BILL 277. Placed on Select File with amendment.

ER103

1 1. On page 2, line 6, after "acknowledged" insert an underscored
2 comma.

3 2. On page 3, line 8, after the new matter insert an underscored
4 comma.

LEGISLATIVE BILL 283. Placed on Select File with amendment.

ER104

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 81-829.49, Reissue Revised Statutes of Nebraska,

4 is amended to read:

5 81-829.49 Each local government, school district, or educational
6 service unit shall have the power to make appropriations in the manner
7 provided by law for making appropriations for the ordinary expenses of
8 such local government, school district, or educational service unit for
9 the payment of expenses of its city, village, county, school district,
10 educational service unit, or interjurisdictional emergency management
11 organization and in furthering the purposes of the Emergency Management
12 Act.

13 Sec. 2. Section 81-829.51, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 81-829.51 In the event of a disaster, emergency, or civil defense
16 emergency, each local government, school district, or educational service
17 unit may make emergency expenditures, enter into contracts, and incur
18 obligations for emergency management purposes regardless of existing
19 statutory limitations and requirements pertaining to appropriation,
20 budgeting, levies, or the manner of entering into contracts. If any such
21 expenditure, contract, or obligation will be in excess of or in violation
22 of existing statutory limitations or requirements, then before any such
23 expenditure, contract, or obligation is undertaken it shall be approved
24 by a vote of the governing body of such local government, school
25 district, or educational service unit. The and such governing body may
26 not vote its approval unless it has secured a copy of the proclamation as
27 provided in section 81-829.50 from the certificate of the city, village,
1 county, or interjurisdictional emergency management director serving such
2 local government, school district, or educational service unit. For
3 school districts and educational service units, the proclamation shall be
4 secured from the county in which the school district or principal office
5 of the educational service unit is located that such action is necessary
6 in the public interest for emergency management purposes.

7 Sec. 3. Original sections 81-829.49 and 81-829.51, Reissue Revised
8 Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 365. Placed on Select File.

LEGISLATIVE BILL 375. Placed on Select File.

LEGISLATIVE BILL 515. Placed on Select File.

LEGISLATIVE BILL 570. Placed on Select File with amendment.

ER105

1 1. On page 1, line 4, strike "a penalty" and insert "and change

2 ordinance authority relating to operation of golf car vehicles".

LEGISLATIVE BILL 477. Placed on Select File.

LEGISLATIVE BILL 513. Placed on Select File with amendment.

ER106

1 1. On page 2, line 5, after the comma insert "of".

LEGISLATIVE BILL 640. Placed on Select File.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 219. Introduced by Davis, 43.

WHEREAS, Fred Hlava is retiring after serving as the Gordon city manager for nearly 30 years; and

WHEREAS, Fred is the longest serving city manager in Nebraska history; and

WHEREAS, prior to serving as city manager, Fred served on the city council of Gordon for 7 years. He also chaired the Environmental Quality Council for 15 years and served on the council for 20 years; and

WHEREAS, two of Fred's major accomplishments as city manager include overseeing the water distribution project and the development of the Solid Waste Agency of Northwest Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Fred Hlava on his retirement and recognizes his many years of service as the Gordon city manager.

2. That a copy of this resolution be sent to Fred Hlava.

Laid over.

LEGISLATIVE RESOLUTION 220. Introduced by Kuehn, 38.

WHEREAS, Dylan Jake Buschow of Troop 207 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, Dylan 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; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Dylan, 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 Dylan Jake Buschow on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Dylan Jake Buschow.

Laid over.

VISITORS

Visitors to the Chamber were 75 fourth-grade students and teachers from Reagan Elementary, Omaha; 23 eighth-grade students from Beveridge Middle School, Omaha; and 40 fourth-grade students and teachers from St. Cecilia School, Omaha.

RECESS

At 11:49 a.m., on a motion by Senator Scheer, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Hadley presiding.

ROLL CALL

The roll was called and all members were present except Senators Davis, Morfeld, and Sullivan who were excused until they arrive.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 291. Placed on Select File with amendment.

ER107

- 1 1. On page 1, line 5, strike "and" and after "sections" insert ";
- 2 and to declare an emergency".

LEGISLATIVE BILL 408. Placed on Select File with amendment.
ER108

1 1. On page 1, strike lines 2 and 3 and insert "77-1744, Reissue
2 Revised Statutes of Nebraska; to eliminate provisions relating to
3 penalties for corporations and companies that fail to pay taxes; to
4 harmonize provisions; to repeal the original section; and to outright
5 repeal section 77-1726, Reissue Revised Statutes of Nebraska."

LEGISLATIVE BILL 310. Placed on Select File with amendment.
ER109

1 1. On page 1, line 3, strike "membership of" and insert "provisions
2 relating to".

LEGISLATIVE BILL 412. Placed on Select File with amendment.
ER110

1 1. On page 1, strike beginning with "Rural" in line 1 through line 5
2 and insert "the Rural Community-Based Energy Development Act; to amend
3 section 70-1907, Reissue Revised Statutes of Nebraska, and section
4 70-1903, Revised Statutes Cumulative Supplement, 2014; to redefine terms;
5 to change requirements for project developers; and to repeal the original
6 sections."

LEGISLATIVE BILL 479. Placed on Select File.

LEGISLATIVE BILL 296. Placed on Select File with amendment.
ER111

1 1. On page 1, line 4, strike beginning with "and" through "sections"
2 and insert "to provide an operative date; to repeal the original
3 sections; and to declare an emergency".

LEGISLATIVE BILL 216. Placed on Select File.

LEGISLATIVE BILL 217. Placed on Select File.

LEGISLATIVE BILL 218. Placed on Select File.

LEGISLATIVE BILL 424. Placed on Select File.

(Signed) Matt Hansen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 656. Title read. Considered.

Committee AM828, found on page 1282, was adopted with 36 ayes, 0 nays,
10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present
and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 657. Title read. Considered.

Committee AM829, found on page 1282, was offered.

Senator Chambers offered the following amendment to the committee amendment:

AM1433

(Amendments to Standing Committee amendments, AM829)

1 Purpose: To strike provisions regarding the Oral Health Training and Services Fund.

3 Amendment:

4 1. Strike section 173.

5 2. Renumber the remaining sections and correct internal references.

Senator Chambers offered the following motion:

MO97

Bracket until June 5, 2015.

Senator Chambers withdrew his motion to bracket.

Senator Chambers withdrew his amendment, AM1433.

Senator B. Harr offered the following amendment to the committee amendment:

AM1481

(Amendments to Standing Committee amendments, AM829)

1 1. On page 10, strike lines 26 through 28 and insert:

2 GENERAL FUND x,xxx,xxx x,xxx,xxx

3 PROGRAM TOTAL x,xxx,xxx x,xxx,xxx

4 SALARY LIMIT xxx,xxx xxx,xxx

SENATOR KRIST PRESIDING

Senator B. Harr withdrew his amendment.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 287. Placed on Select File with amendment.

ER112

1 1. On page 1, line 3, after the semicolon insert "to define and

2 redefine terms;"; and in line 6 after the first semicolon insert "to

3 provide for civil penalties for unlicensed practice; to provide

4 exceptions as prescribed;".

LEGISLATIVE BILL 541. Placed on Select File.

LEGISLATIVE BILL 195. Placed on Select File.

LEGISLATIVE BILL 511. Placed on Select File.

LEGISLATIVE BILL 422. Placed on Select File.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 221. Introduced by Crawford, 45.

WHEREAS, Laurie Konrad has been named national president of Kappa Kappa Iota, Inc.; and

WHEREAS, the purpose of Kappa Kappa Iota is to promote the advancement of education by providing an effective network for the exchange of education and teaching practices by educators; and

WHEREAS, Laurie served in the United States Navy for 8 years, rising to the rank of Petty Officer, First Class; and

WHEREAS, Laurie received her baccalaureate degree in elementary and middle school education from Peru State College and her master of science degree in library media from the University of Nebraska; and

WHEREAS, Laurie taught in the Omaha Public School system for 11 years before retiring in 2013; and

WHEREAS, Laurie began her career in Kappa Kappa Iota in 2009 as recording secretary.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Laurie Konrad on being named national president of Kappa Kappa Iota, Inc.
2. That a copy of this resolution be sent to Laurie Konrad.

Laid over.

LEGISLATIVE RESOLUTION 222. Introduced by Crawford, 45.

PURPOSE: The purpose of this resolution is to examine issues related to family and medical leave. This study shall include, but not be limited to, an examination of the following:

- (1) The current availability of paid and unpaid family and medical leave in Nebraska;
- (2) Policies in other states that establish or encourage paid family and medical leave;
- (3) The costs of state family and medical leave policies;
- (4) The interaction between state family and medical leave policies and private insurance options;
- (5) The availability of paid sick leave in Nebraska;
- (6) The consequences of paid family and medical leave policies for families and employers;
- (7) The consequences of paid sick leave for families and employers; and

(8) The interaction between paid sick leave and paid family and medical leave policies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 223. Introduced by Crawford, 45.

PURPOSE: The purpose of this resolution is to study strategies and ideas to ensure more adults have the education and skills needed to fill positions for in demand industries in Nebraska. The study shall include, but not be limited to, an examination of the following:

(1) The population of adult learners who complete adult basic education who move on to postsecondary education and those who do not;

(2) The barriers adult learners face to moving on to postsecondary education and remedies to those barriers;

(3) The best practices utilized in other states to ensure more adult learners complete postsecondary education or training; and

(4) The fields or sectors of employment that are facing employee shortages and ways to ensure adults have the education and skills needed to fill jobs in those fields or sectors.

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.

GENERAL FILE

LEGISLATIVE BILL 657. Senator Groene offered the following amendment to the committee amendment:

AM1469

(Amendments to Standing Committee amendments, AM829)

1 1. On page 92, lines 14 and 15, strike each occurrence of

2 "563,885,541" and insert "562,635,541" and strike each occurrence of

3 "583,068,732" and insert "581,818,732".

4 2. On page 93, strike lines 26 through 31.

5 3. On page 94, strike lines 1 through 4.

Senator Groene withdrew his amendment.

Senator Mello offered the following amendment to the committee amendment:

AM1484

(Amendments to Standing Committee amendments, AM829)

1 1. On page 93, line 28, after the period insert "It is the intent of
2 the Legislature that funds appropriated for the Yeutter Institute for
3 International Trade and Finance are to be matched with at least
4 \$2,500,000 of private funds."

The Mello amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Committee AM829, found on page 1282 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 660. Title read. Considered.

Committee AM830, found on page 1282, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 661. Title read. Considered.

Committee AM831, found on page 1283, was offered.

Senator Mello offered the following amendment to the committee amendment:

AM1486

(Amendments to Standing Committee amendments, AM831)

1 1. On page 26, strike beginning with "at" in line 6 through
2 "annually" in line 7 and insert "dental students at a Nebraska dental
3 college"; in line 22 strike "at least ten thousand"; and in line 23
4 strike "annually".

5 2. On page 27, line 10, after the period insert "If there are
6 multiple applicants desiring to enter into a contract pursuant to this
7 section and if the amount needed to fulfill each contract exceeds the

8 amount appropriated for contracts under this section based on the
9 matching funds proposed for each contract, the amount appropriated shall
10 be allocated to each contract proportionally based on the amount of the
11 proposed matching funds for each contract.".

The Mello amendment was adopted with 25 ayes, 4 nays, 16 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 2 nays, 10 present and not voting, and 4 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB661:

AM1434

(Amendments to Standing Committee amendments, AM831)

1 Purpose: To strike provisions regarding the Oral Health Training
2 and Services Fund.

3 Amendment:

4 1. Strike sections 37 and 38.

5 2. Renumber the remaining sections and correct internal references
6 and the repealer accordingly.

Senator McCoy filed the following amendment to LB661:

AM1488

(Amendments to Standing Committee amendments, AM831)

1 1. On page 1, line 25; and page 2, line 2, strike each occurrence of
2 "\$198,000,000" and insert "\$202,850,000".

GENERAL FILE

LEGISLATIVE BILL 662. Title read. Considered.

Committee AM1246, found on page 1283, was offered.

Senator Schnoor offered the following amendment to the committee amendment:

AM1465

(Amendments to Standing Committee amendments, AM1246)

1 1. On page 1, strike lines 8 through 12 and insert:

2 "(13) The State Treasurer shall transfer eight million dollars from
3 the Cash Reserve Fund to the Property Tax Credit Cash Fund on or before
4 December 15, 2015, on such date as directed by the budget administrator
5 of the budget division of the Department of Administrative Services.".

Senator Schnoor moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

The Schnoor amendment lost with 13 ayes, 22 nays, 12 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Schnoor offered the following amendment to the committee amendment:

AM1463

(Amendments to Standing Committee amendments, AM1246)

1 1. On page 1, strike lines 2 through 7 and insert:

2 "(12) The State Treasurer shall transfer twenty-five million dollars
3 from the Cash Reserve Fund to the Property Tax Credit Cash Fund on or
4 before December 15, 2015, on such date as directed by the budget
5 administrator of the budget division of the Department of Administrative
6 Services.".

The Schnoor amendment lost with 14 ayes, 20 nays, 14 present and not voting, and 1 excused and not voting.

The committee amendment was adopted with 37 ayes, 1 nay, 10 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 3 nays, 6 present and not voting, and 1 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator K. Haar filed the following amendment to LB175:

AM1409

1 1. On page 2, line 4, after "Livestock" insert "and Renewable
2 Energy"; in lines 5, 8, and 21 after "livestock" insert "and renewable
3 energy"; in lines 8 and 21 strike "sector", show as stricken, and insert
4 "sectors"; in line 11 strike "industry" and insert "and renewable energy
5 industries"; in lines 12 and 14 after "livestock" insert "and renewable
6 energy"; and in line 21 after the period insert the following new
7 paragraph:
8 "For purposes of the Livestock and Renewable Energy Growth Act,
9 renewable energy includes, but is not limited to, wind, hydropower,
10 solar, biomass, geothermal, fuel cells, landfill gas, methane gas, and
11 photovoltaic technology.".
12 2. On page 3, line 24, after "Livestock" insert "and Renewable
13 Energy"; and in line 27 after "livestock" insert "and renewable energy".
14 3. On page 4, lines 2, 7, 8, 11, 16, 20, and 22, after "livestock"
15 and after the first "livestock" in line 13 insert "or renewable energy";
16 and in lines 27, 29, and 30 after "Livestock" insert "and Renewable
17 Energy".

18 4. On page 5, line 8, after "Livestock" insert "and Renewable
19 Energy".

Senator Baker filed the following amendment to LB525:

AM1476

(Amendments to Standing Committee amendments, AM1306)

- 1 1. Strike section 2.
- 2 2. Renumber the remaining sections, correct internal references, and
- 3 amend the repealer accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 224. Introduced by Crawford, 45;
Garrett, 3.

WHEREAS, the science olympiad team at Bellevue Mission Middle School, led by Coach Suzanne Nolte, placed first in the middle school division at the 2015 Nebraska Science Olympiad; and

WHEREAS, the win gave the Braves their eleventh consecutive state title;
and

WHEREAS, with the win, the Braves will represent Nebraska at the 2015 Science Olympiad National Tournament in Lincoln; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Bellevue Mission Middle School's science olympiad team on winning the middle school division at the 2015 Nebraska Science Olympiad and extends its best wishes to the Braves in representing Nebraska at the 2015 Science Olympiad National Tournament.

2. That a copy of this resolution be sent to the science olympiad team at Bellevue Mission Middle School and Coach Suzanne Nolte.

Laid over.

LEGISLATIVE RESOLUTION 225. Introduced by Crawford, 45;
Garrett, 3.

WHEREAS, the science olympiad team at Logan Fontenelle Middle School in Bellevue, led by Coach Christine Daniels, placed second in the middle school division at the 2015 Nebraska Science Olympiad; and

WHEREAS, the impressive finish gives the Warriors their fifth consecutive top-five finish; and

WHEREAS, with the second place finish, the Warriors will represent Nebraska at the 2015 Science Olympiad National Tournament in Lincoln;
and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Logan Fontenelle Middle School's science olympiad team on placing second in the middle school division at the 2015 Nebraska Science Olympiad and extends its best wishes to the Warriors in representing Nebraska at the 2015 Science Olympiad National Tournament.

2. That a copy of this resolution be sent to the science olympiad team at Logan Fontenelle Middle School and Coach Christine Daniels.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 663. Title read. Considered.

Committee AM885, found on page 955, was adopted with 41 ayes, 3 nays, 4 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 2 nays, 4 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 663A. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 2 nays, 8 present and not voting, and 1 excused and not voting.

VISITORS

Visitors to the Chamber were Makensi Blum, Stacie, Chloe, and Ellie Higgins from Nebraska City; 50 fourth-grade students from Norfolk Catholic Elementary; 46 fourth-grade students from Woodland Park School, Norfolk; 9 sixth-grade students and sponsors from Sandhills Elementary, Halsey; and 25 kindergarten through twelfth-grade students from Lonetree Christian School, Central City.

ADJOURNMENT

At 8:00 p.m., on a motion by Senator Bolz, the Legislature adjourned until 9:00 a.m., Friday, May 1, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-THIRD DAY - MAY 1, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

SEVENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 1, 2015

PRAYER

The prayer was offered by Senator Bloomfield.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Coash presiding.

The roll was called and all members were present except Senators Campbell, Davis, Groene, Hadley, Hansen, Hughes, Krist, Larson, Mello, Morfeld, Murante, Smith, Sullivan, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-second day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 414. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 30, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Baird Holm LLP
Geronimo Energy, LLC
Husch Blackwell LLP
Nebraska Intergovernmental Risk Management Association

Koch, Brandon
Farmers Group, Inc.
Lautenbaugh, Scott
Convention of States Action
SMART-TD
Litt, Matthew J.
Americans for Prosperity
McDonald, Sarah
Werner Enterprises, Inc. and Subsidiaries
Nielsen, Coleen J.
AHIP - America's Health Insurance Plans
Radcliffe, Walter H. of Radcliffe and Associates
Kissel/E&S Associates, LLC
Williams, Susan Darst
Williams, Susan Darst

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

GENERAL FILE

LEGISLATIVE BILL 554. Title read. Considered.

Committee AM744, found on page 896, was offered.

Senator B. Harr offered his amendment, AM1182, found on page 1118, to the committee amendment.

The B. Harr amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARING(S)

Natural Resources

Room 1525

Thursday, May 14, 2015 8:30 a.m.

Jim Hellbusch - Nebraska Environmental Trust Board
Robert F. Krohn - Nebraska Environmental Trust Board

(Signed) Ken Schilz, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 360A. Placed on Select File.

(Signed) Matt Hansen, Chairperson

MESSAGE(S) FROM THE GOVERNOR

May 1, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Accountability and Disclosure Commission:

Timothy G. Hruza, 2007 West 1st Street, Grand Island, NE 68803

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

May 1, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Board of Public Roads Classifications and Standards:

Lisa Kramer, 13263 County Road 38, Kennard, NE 68034

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

May 1, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Motor Vehicle Industry Licensing Board:

Ricky Pearson, 88230 568 Avenue, Hartington, NE 68739

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

SENATOR SCHEER PRESIDING

GENERAL FILE

LEGISLATIVE BILL 468. Title read. Considered.

Committee AM1172, found on page 1121, was offered.

Senator Chambers offered the following motion:

MO98

Bracket until June 5, 2015.

Senator Chambers withdrew his motion to bracket.

The committee amendment was adopted with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Pending.

COMMITTEE REPORT(S)
Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Calder Lynch, Director - Division of Medicaid and Long Term Care-
Department of Health and Human Services

Aye: 7 Baker, Campbell, Cook, Crawford, Howard, Kolterman, Riepe. Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Courtney Phillips, Chief Executive Officer - Department of Health and
Human Services

Aye: 7 Baker, Campbell, Cook, Crawford, Howard, Kolterman, Riepe. Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

John Hilgert, Director - Division of Veterans Homes-Department of Health
and Human Services

Aye: 7 Baker, Campbell, Cook, Crawford, Howard, Kolterman, Riepe. Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Joseph Acierno, Chief Medical Officer, Director - Division of Public
Health-Department of Health and Human Services

Aye: 5 Baker, Campbell, Cook, Kolterman, Riepe. Nay: 0. Absent: 0. Present and not voting: 2 Crawford, Howard.

(Signed) Kathy Campbell, Chairperson

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Bradley Rice, Superintendent - Nebraska State Patrol

Aye: 8 Bloomfield, Craighead, Garrett, Groene, Hansen, Larson, McCoy, Murante. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) John Murante, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 240. Placed on Final Reading.

ST30

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "sections" in line 1 through line 5 has been struck and "section 71-8512, Revised Statutes Cumulative Supplement, 2014; to change the termination date of the Behavioral Health Screening and Referral Pilot Program; and to repeal the original section." inserted.

LEGISLATIVE BILL 243. Placed on Final Reading.

ST31

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Bolz amendment, AM1045:
 - a. On page 3, line 9, an underscored comma has been inserted after "program"; and in line 11 an underscored comma has been inserted after "appointed";
 - b. On page 9, line 9, "12" has been struck and "21" inserted;
 - c. On page 10, line 8, the comma has been struck and shown as stricken; and in line 28 "(4)" has been struck;
 - d. On page 16, line 20, an underscored comma has been inserted after "request";
 - e. On page 18, line 26, "if" has been inserted after "and";
 - f. On page 20, line 11, "who" has been inserted after "and";
 - g. On page 21, line 20, "participation in" has been inserted after "including"; and in line 23 "participation" has been struck and shown as stricken;
 - h. On page 22, line 20, "and" has been struck; and
 - i. On page 25, line 10, "to" has been struck and ", 2, 3, 4, 5, 6, 7, 8, and" inserted and "becomes" has been struck and "become" inserted.

2. In the E and R amendments, ER78, on page 3, line 11, "program" has been struck and "project" inserted.

3. On page 1, the matter beginning with "state" in line 1 through line 5 has been struck and "amend sections 43-284.02, 43-285, 43-905, 43-1312.01, 43-4501, 43-4503, 43-4504, 43-4505, 43-4506, 43-4508, 43-4511, 43-4512, 43-4513, 43-4514, and 71-824, Revised Statutes Cumulative Supplement, 2014; to create a pilot project relating to family finding services; to state intent; to define and redefine terms; to provide and change duties for the Department of Health and Human Services; to state intent relating to appropriations; to provide for rules and regulations; to require juvenile courts to hold an independence hearing for certain children; to provide for health care and medical assistance for certain children as prescribed; to change provisions relating to services and support provided under the bridge to independence program and permanency review hearings; to provide for guardianship assistance and adoption assistance as prescribed; to require certain documents and proceedings to be confidential as prescribed; to provide duties for the Nebraska Children's Commission and the Bridge to Independence Advisory Committee; to adopt federal law by reference; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 243A. Placed on Final Reading.

LEGISLATIVE BILL 292. Placed on Final Reading.

ST29

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "the" in line 1 through line 5 has been struck and "public welfare and safety; to amend sections 28-713.01, 28-720, 28-720.01, 28-721, 29-4001.01, 29-4006, and 29-4007, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the central registry of child protection cases; to eliminate certain registration and notification requirements under the Sex Offender Registration Act; to eliminate the offense of unlawful use of the Internet by a prohibited sex offender; to harmonize provisions; to repeal the original sections; and to outright repeal section 28-322.05, Revised Statutes Cumulative Supplement, 2014." inserted.

2. On page 5, line 26, "and" has been struck and "29-4001.01, 29-4006, and 29-4007," has been inserted after the last comma.

LEGISLATIVE BILL 292A. Placed on Final Reading.

LEGISLATIVE BILL 599. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Johnson filed the following amendment to LB360:
AM1478

(Amendments to E and R amendments, ER90)

1 1. Strike sections 22 and 23 and insert the following new sections:

2 Sec. 20. Section 54-632, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 54-632 (1) Any notice or order provided for in the Commercial Dog
5 and Cat Operator Inspection Act shall be properly served when it is
6 personally served on the applicant, licensee, or violator or on the
7 person authorized by the applicant or licensee to receive notices and
8 orders of the department or when it is sent by certified or registered
9 mail, return receipt requested, to the last-known address of the
10 applicant, licensee, or violator or the person authorized ~~by the licensee~~
11 to receive such notices and orders. A copy of the notice and the order
12 shall be filed in the records of the department.

13 (2) A notice to comply with the act or the rules and regulations
14 adopted and promulgated pursuant to the act ~~conditions set out in the~~
15 ~~order of the director provided in section 54-631~~ shall set forth the acts
16 or omissions with which the applicant, licensee, or violator is charged.

17 (3) A notice of the ~~licensee's~~ right to a hearing ~~provided for in~~
18 ~~sections 54-630 and 54-631~~ shall set forth the time and place of the
19 hearing except as otherwise provided in subsection (4) of this section
20 and section 54-631. A notice of the ~~licensee's~~ right to such hearing
21 shall include notice that such right to a hearing may be waived pursuant
22 to subsection (6) of this section. A notice of the licensee's right to a
23 hearing shall include notice to the licensee that the license may be
24 subject to sanctions as provided in section 54-631.

25 (4) A request for a hearing under subsection (2) of section
26 54-628.01 shall request that the director set forth the time and place of
1 the hearing. The director shall consider the interests of the violator in
2 establishing the time and place of the hearing. Within three business
3 days after receipt by the director of the hearing request, the director
4 shall set forth the time and place of the hearing on the stop-movement
5 order. A notice of the violator's right to such hearing shall include
6 notice that such right to a hearing may be waived pursuant to subsection
7 (6) of this section.

8 (5) The hearings provided for in the act shall be conducted by the
9 director at the time and place he or she designates. The director shall
10 make a final finding based on the complete hearing record and issue an
11 order. If the director has suspended a license pursuant to subsection (4)
12 of section 54-631, the director shall sustain, modify, or rescind the
13 order after the hearing. If the department has issued a stop-movement
14 order under section 54-628.01, the director may sustain, modify, or
15 rescind the order after the hearing. All hearings shall be in accordance
16 with the Administrative Procedure Act.

17 (6) A applicant, licensee, or violator waives the right to a hearing
18 if such applicant, licensee, or violator does not attend the hearing at

19 the time and place set forth in the notice described in subsection (3) or
20 (4) of this section, without requesting that the director, at least two
21 days before the designated time, change the time and place for the
22 hearing, except that before an order of the director becomes final, the
23 director may designate a different time and place for the hearing if the
24 applicant, licensee, or violator shows the director that the applicant,
25 licensee, or violator had a justifiable reason for not attending the
26 hearing and not timely requesting a change of the time and place for such
27 hearing. If the applicant, licensee, or violator waives the right to a
28 hearing, the director shall make a final finding based upon the available
29 information and issue an order. If the director has suspended a license
30 pursuant to subsection (4) of section 54-631, the director may sustain,
31 modify, or rescind the order after the hearing. If the department has
1 issued a stop-movement order under section 54-628.01, the director may
2 sustain, modify, or rescind the order after the hearing.

3 (7) Any person aggrieved by the finding of the director has ten days
4 after the entry of the director's order to request a new hearing if such
5 person can show that a mistake of fact has been made which affected the
6 director's determination. Any order of the director becomes final upon
7 the expiration of ten days after its entry if no request for a new
8 hearing is made.

9 Sec. 23. Sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 25 of
10 this act become operative on December 1, 2015. The other sections of this
11 act become operative on their effective date.

12 Sec. 24. Original sections 28-1011 and 54-603, Reissue Revised
13 Statutes of Nebraska, and sections 28-1006, 28-1008, 28-1012, 28-1013,
14 28-1014, 28-1015, 28-1016, 28-1019, and 29-818, Revised Statutes
15 Cumulative Supplement, 2014, are repealed.

16 Sec. 25. Original sections 54-628, 54-628.01, 54-632, and 54-633,
17 Reissue Revised Statutes of Nebraska, and sections 54-625, 54-626,
18 54-627, and 54-630, Revised Statutes Cumulative Supplement, 2014, are
19 repealed.

20 2. On page 10, line 27, strike "on", show as stricken, and insert
21 "in".

22 3. On page 16, line 28, strike "a licensee, an applicant," and
23 insert "an applicant, a licensee,".

24 4. On page 17, line 3, strike "or" and the second "facility" and
25 insert "an" before each incidence of "animal"; and in line 4 insert "a"
26 before each incidence of "commercial" and before "dealer" and "pet".

27 5. On page 18, line 5, strike "or removal" and show as stricken and
28 after "cat" insert "onto or".

29 6. On page 20, line 22, strike "license"; in line 25 strike "housed"
30 and insert "owned or harbored" and strike "annual licensure" and insert
31 "twelve-month"; and in line 26 after "cats" insert "subject to
1 subdivision (g) of this section".

2 7. On page 21, line 1, strike the second "license", show as
3 stricken, and insert "annual"; in line 6 after "dollars" insert "times
4 the number of dogs or cats harbored by the licensee over the previous
5 twelve-month period numbering more than ten dogs or cats"; in line 22

6 strike "A licensee" and show as stricken and strike "an applicant" and
 7 insert "An applicant, a licensee,"; and in line 24 strike "its", show as
 8 stricken, and insert "any applicable".
 9 8. On page 25, line 14, after "exists" insert "(a)"; in line 16
 10 strike "reasonable cause to believe" and show as stricken; in line 17
 11 strike "(a)", "exist", and "(b)" and show the old matter as stricken; in
 12 line 19 strike "(c)" and strike "(d)" and insert "or"; in line 20 strike
 13 "(e)" and insert "(b)"; in line 21 strike "exists that" and insert
 14 "that,"; and in line 23 after "intervention" insert an underscored comma.
 15 9. On page 26, line 9, strike ", or that any management
 16 intervention" and insert "or if any management intervention imposed by
 17 the stop-movement order is being implemented"; in lines 11 and 12 strike
 18 "imposed by the stop-movement order is being implemented"; in line 21
 19 strike "A" and insert "If applicable, a"; in line 26 strike "and" and
 20 insert "or, if applicable,"; in line 29 after the first "or" insert
 21 "any"; and in line 30 strike "persist" and "if".
 22 10. On page 30, line 31, after "that" insert "any".
 23 11. On page 31, strike "violations" in lines 1, 2, and 3 and insert
 24 "violation" and before "alleged" in lines 1 and 2 insert "any"; in line 3
 25 after "or" insert "any" and strike "conditions" and insert "condition";
 26 and in line 5 strike "constitute" and insert "constitutes".
 27 12. Renumber the remaining sections and correct internal references
 28 accordingly.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Coash, Howard, Krist, McCollister - LB643
 Campbell, Cook, Johnson, Nordquist, Schumacher - LB643
 Chambers - LB643

VISITORS

Visitors to the Chamber were 82 fourth-grade students and teachers from Dodge Elementary, Grand Island; 21 fourth-grade students and teacher from Plainview; 45 fourth-grade students and teachers from King Elementary School, Omaha; and 13 fifth- and sixth-grade students and teacher from Bible Baptist Christian School, Columbus.

The Doctor of the Day was Dr. Brad Bohn from Kearney.

ADJOURNMENT

At 12:19 p.m., on a motion by Senator Kolowski, the Legislature adjourned until 10:00 a.m., Monday, May 4, 2015.

Patrick J. O'Donnell
 Clerk of the Legislature

SEVENTY-FOURTH DAY - MAY 4, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

SEVENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 4, 2015

PRAYER

The prayer was offered by Pastor Les Parmenter, Trinity UMC/UCC Church, West Point.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Krist presiding.

The roll was called and all members were present except Senators Coash, Hughes, Kolowski, Larson, Mello, Morfeld, and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-third day was approved.

SELECT FILE

LEGISLATIVE BILL 72. ER88, found on page 1228, was adopted.

Senator Schumacher withdrew his amendment, AM1420, found on page 1312.

Senator Schumacher offered the following amendment:
AM1473 is available in the Bill Room.

The Schumacher amendment was adopted with 31 ayes, 1 nay, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 72A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 469. ER86, found on page 1228, was adopted.

Senator K. Haar offered the following amendment:

AM1499

(Amendments to Standing Committee amendments, AM833)

1 1. On page 2, line 18, strike "and jobs lost".

The K. Haar amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Senator Schilz offered the following amendment:

AM1491

(Amendments to AM833)

1 1. Insert the following new sections:

2 Sec. 5. Section 3-402, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 3-402 As used in sections 3-401 to 3-409 and section 6 of this act,

5 unless the context otherwise requires:

6 (1) Structure ~~means shall mean~~ any manmade object which is built,
7 constructed, projected, or erected upon, from, and above the surface of
8 the earth, including, but not limited to, towers, antennas, buildings,
9 wires, cables, and chimneys;

10 (2) Meteorological evaluation tower means an anchored structure,
11 including all guy wires and accessory facilities, on which one or more
12 meteorological instruments are mounted for the purpose of meteorological
13 data collection;

14 ~~(3) Obstruction means shall mean~~ any structure which obstructs the
15 air space required for the flight of aircraft and in the landing and
16 taking off of aircraft at any airport or restricted landing area; and

17 ~~(4) Person means shall mean~~ any public utility, public district,
18 or other governmental division or subdivision or any person, corporation,
19 partnership, or limited liability company.

20 Sec. 6. (1) A meteorological evaluation tower, the height of which
21 is at least fifty feet above the surface of the ground at point of
22 installation, shall be marked according to subsection (2) of this
23 section. This section applies to a meteorological evaluation tower that
24 is located outside the corporate limits of a city or village.

25 (2) A meteorological evaluation tower described in subsection (1) of
26 this section shall: (a) Be painted in seven equal-width and alternating
1 bands of aviation orange and white beginning with orange at the top of
2 the tower and ending with orange at the base; (b) have two or more
3 spherical marker balls at least twenty-one inches in diameter that are
4 aviation orange in color and attached to each outer guy wire connected to
5 the tower with the top ball no further than twenty feet from the top wire
6 connection and the remaining ball or balls at or below the mid-point of
7 the tower on the outer guy wires; and (c) have yellow safety sleeves
8 installed on each outer guy wire extending at least fourteen feet above
9 the anchor point of the guy wire.

10 (3) The owner of a meteorological evaluation tower subject to this

11 section shall, not less than ten business days prior to erecting the
12 tower, register with the Department of Aeronautics the name and address
13 of the owner, the height and location of the tower, and any other
14 information that the department deems necessary for aviation safety. The
15 owner of a tower subject to this section shall also report the removal of
16 the tower to the department not more than thirty business days after its
17 removal. The department shall make the information received pursuant to
18 this subsection available to the public within five business days.

19 (4) The owner of a meteorological evaluation tower described in
20 subsection (1) of this section that was erected prior to the operative
21 date of this section and which is either lighted, marked with balls at
22 least twenty-one inches in diameter, painted, or modified in some other
23 manner so it is recognizable in clear air during daylight hours from a
24 distance of not less than two thousand feet, shall mark the tower as
25 required by subsection (2) of this section within two years after the
26 operative date of this section or at such time the tower is taken down
27 for maintenance or other purposes, whichever comes first, except that the
28 owner of a tower erected prior to the operative date of this section
29 which is not lighted, marked, painted, or modified as described in this
30 subsection shall mark such tower as required by subsection (2) of this
31 section within ninety days after the operative date of this section. The
1 registration requirements of subsection (3) of this section shall be
2 performed by the owner of a tower erected prior to the operative date of
3 this section within fifteen business days after the operative date of
4 this section.

5 (5) A material failure to comply with the marking and registration
6 requirements of this section shall be admissible as evidence of
7 negligence on the part of an owner of a meteorological evaluation tower
8 in an action in tort for property damage, bodily injury, or death
9 resulting from an aerial collision with such unmarked or unregistered
10 tower.

11 (6) The department may adopt and promulgate rules and regulations
12 for carrying out the purposes of this section.

13 Sec. 7. Section 3-408, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 3-408 Any person, firm, or corporation (1) violating any of the
16 provisions of sections 3-401 to 3-409 and section 6 of this act, (2)
17 submitting false information in the application for a permit, (3)
18 violating any rule or regulation adopted and promulgated by the
19 Department of Aeronautics pursuant to sections 3-401 to 3-409 and section
20 6 of this act hereto, as authorized by section 3-407, (4) failing to do
21 and perform any act required by sections 3-401 to 3-409 and section 6 of
22 this act hereby, or (5) violating the terms of any permit issued pursuant
23 to the provisions of sections 3-401 to 3-409 and section 6 of this act,
24 shall be guilty of a Class III misdemeanor. Each day any violation
25 continues or any structure erected in violation of the provisions of
26 sections 3-401 to 3-409 and section 6 of this act shall continue in
27 existence, shall constitute a separate offense.

28 Sec. 15. The Revisor of Statutes shall assign section 6 of this act

29 within sections 3-401 to 3-409.

30 Sec. 16. Sections 1 to 4, 8 to 14, and 18 of this act become
31 operative three calendar months after adjournment of this legislative
1 session. The other sections of this act become operative on their
2 effective date.

3 Sec. 17. Original sections 3-402 and 3-408, Reissue Revised
4 Statutes of Nebraska, are repealed.

5 Sec. 19. The following section is outright repealed: Section
6 66-1901, Revised Statutes Cumulative Supplement, 2014.

7 Sec. 20. Since an emergency exists, this act takes effect when
8 passed and approved according to law.

9 2. Renumber the remaining sections and correct internal references
10 accordingly.

The Schilz amendment was adopted with 28 ayes, 1 nay, 19 present and not
voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 469A. Advanced to Enrollment and Review for
Engrossment.

LEGISLATIVE BILL 85. ER87, found on page 1229, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 253. Advanced to Enrollment and Review for
Engrossment.

LEGISLATIVE BILL 423. ER93, found on page 1271, was adopted.

Senator Nordquist offered the following amendment:
AM1498

(Amendments to E & R amendments, ER93)

1 1. Strike section 4 and insert the following new section:

2 Sec. 4. Section 77-27,235, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

4 77-27,235 (1) For purposes of this section, renewable electric
5 generation facility means an electrical generating facility that is
6 located in this state and is approved by the Department of Revenue as a
7 community-based energy development project as defined in section 70-1903.

8 (2) The Legislature hereby finds and declares that it is the policy
9 of this state to make revisions in Nebraska's tax structure to encourage
10 renewable electric generation facilities to locate in this state. Such
11 facilities will:

12 (a) Contribute to a diverse state economy;

13 (b) Increase state and county revenue through taxes paid by the
14 producer of electricity, the owner of the land on which the facility is

15 located, and others who sell products and services needed by the
 16 facility;

17 (c) Increase investment in the state through designation of
 18 renewable electric generation facilities as community-based energy
 19 development projects, which must invest twenty-five percent of their
 20 income in the state, and through the purchase of goods and services in
 21 the state by others impacted by the facilities; and

22 (d) Create jobs in this state.

23 (3 4) Any producer of electricity generated by a new renewable
 24 electric generation facility placed into commercial operation on or after
 25 the effective date of this act may claim ~~shall earn~~ a renewable energy
 26 tax credit as provided in this section. The credit may be used to offset
 1 up to one hundred percent of the producer's income tax due under the
 2 Nebraska Revenue Act of 1967 or any tax due under sections 77-907 to
 3 77-918 or 77-3801 to 77-3807 in the year the renewable electric
 4 generation facility is placed into commercial operation and in subsequent
 5 years until all credits have been utilized, subject to the limitations in
 6 subsection (8) of this section. The credit shall be calculated under one
 7 of the following two methods:

8 (a) A credit based on each kilowatt-hour of electricity generated by
 9 a renewable electric generation facility that begins commercial operation
 10 on or after the effective date of this act. The credit allowed under this
 11 subdivision shall be earned for electricity generated during the first
 12 ten years of commercial operation of the renewable electric generation
 13 facility and shall be calculated as follows:

14 (i) For the first two years of commercial operation, the credit
 15 shall be equal to one cent for each kilowatt-hour of electricity
 16 generated by the renewable electric generation facility;

17 (ii) For the next two years of commercial operation, the credit
 18 shall be equal to 0.9 cent for each kilowatt-hour of electricity
 19 generated by the renewable electric generation facility;

20 (iii) For the next two years of commercial operation, the credit
 21 shall be equal to 0.8 cent for each kilowatt-hour of electricity
 22 generated by the renewable electric generation facility;

23 (iv) For the next two years of commercial operation, the credit
 24 shall be equal to 0.7 cent for each kilowatt-hour of electricity
 25 generated by the renewable electric generation facility; and

26 (v) For the next two years of commercial operation, the credit shall
 27 be equal to 0.6 cent for each kilowatt-hour of electricity generated by
 28 the renewable electric generation facility; or

29 (b) A one-time credit equal to thirty percent of the total cost of
 30 construction of any renewable electric generation facility that begins
 31 commercial operation on or after the effective date of this act. The
 1 credit allowed under this subdivision shall not exceed two million
 2 dollars.

3 (4) A renewable electric generation facility may generate
 4 electricity using fuel sources other than those listed in subdivision (1)
 5 of section 70-1903, but only electricity generated from the fuel sources
 6 listed in such subdivision shall be eligible for the credit allowed under

7 subdivision (3)(a) of this section.

8 (5) The producer earning the credit shall select which of the
9 methods described in subsection (3) of this section will be used to
10 calculate the credit prior to placing the renewable electric generation
11 facility into commercial operation. The producer shall notify the
12 Department of Revenue in writing of its selection.

13 (6) On or before March 1 of each year after placing the renewable
14 electric generation facility into commercial operation, the producer of a
15 facility claiming credits under this section shall file with the
16 Department of Revenue a report on the following information:

17 (a) The amount of property taxes paid by such producer during the
18 previous calendar year on the property on which the renewable electric
19 generation facility is located;

20 (b) The number of full-time jobs created at the renewable electric
21 generation facility since placing the facility into commercial operation;
22 and

23 (c) For any producer seeking credits under subdivision (3)(a) of
24 this section, the actual production of the facility for the previous
25 calendar year.

26 (7)(a) If the renewable electric generation facility has a nameplate
27 capacity of twenty megawatts or less, the credit allowed under this
28 section may be transferred, sold, pledged, or assigned one or more times,
29 either in whole or in part, by or to any person or legal entity. For
30 purposes of the nameplate capacity limitation in this subsection, all
31 generating equipment located within one mile of any other generating
1 equipment using the same fuel source and interconnecting to such other
2 generating equipment shall be considered part of a single facility.

3 (b) The person transferring, selling, pledging, or assigning the
4 credit under this subsection shall notify the Department of Revenue in
5 writing within fifteen calendar days following the effective date of the
6 transfer, sale, pledge, or assignment.

7 (c) The person acquiring the credit under this subsection may claim
8 the credit against up to one hundred percent of the person's income tax
9 due under the Nebraska Revenue Act of 1967 or any tax due under sections
10 77-907 to 77-918 or 77-3801 to 77-3807 in the year the renewable electric
11 generation facility is placed into commercial operation and in subsequent
12 years until all credits have been utilized, subject to the limitations in
13 subsection (8) of this section.

14 (8) Any credits under this section which are unused may be carried
15 forward for up to five years after the first tax year in which the
16 credits may be claimed.

17 (9) If the recipient of the credit under this section is a
18 corporation having an election in effect under subchapter S of the
19 Internal Revenue Code of 1986, as amended, a partnership, or a limited
20 liability company, the credit may be distributed to the shareholders of
21 the subchapter S corporation, the partners of the partnership, or the
22 members of the limited liability company in the same manner as those
23 shareholders, partners, or members account for their proportionate shares
24 of the income or losses of the subchapter S corporation, partnership, or

25 limited liability company, or as provided in the bylaws or other executed
26 agreement of the subchapter S corporation, partnership, or limited
27 liability company.

28 (10) The Department of Revenue shall develop a system to track the
29 transfer, sale, pledge, and assignment of credits and to certify the
30 ownership of the credits.

31 (11) Credits allowed under this section may be claimed for tax years
1 beginning or deemed to begin on or after January 1, 2017, under the
2 Internal Revenue Code of 1986, as amended.

3 (12) Any tax credit claimed under this section shall be considered a
4 payment of tax for purposes of subsection (1) of section 77-2734.03.

5 For electricity generated on or after July 14, 2006, and before
6 October 1, 2007, the credit shall be .075 cent for each kilowatt hour of
7 electricity generated by a new renewable electric generation facility.

8 For electricity generated on or after October 1, 2007, and before January
9 1, 2010, the credit shall be .1 cent for each kilowatt hour of
10 electricity generated by a new renewable electric generation facility.

11 For electricity generated on or after January 1, 2010, and before January
12 1, 2013, the credit shall be .075 cent per kilowatt hour for electricity
13 generated by a new renewable electric generation facility. For

14 electricity generated on or after January 1, 2013, the credit shall be
15 .05 cent per kilowatt hour for electricity generated by a new renewable
16 electric generation facility. The credit may be earned for production of
17 electricity for ten years after the date that the facility is placed in
18 operation on or after July 14, 2006.

19 (2) For purposes of this section:

20 (a) Electricity generated by a new renewable electric generation
21 facility means electricity that is exclusively produced by a new
22 renewable electric generation facility;

23 (b) Eligible renewable resources means wind, moving water, solar,
24 geothermal, fuel cell, methane gas, or photovoltaic technology; and

25 (c) New renewable electric generation facility means an electrical
26 generating facility located in this state that is first placed into
27 service on or after July 14, 2006, which utilizes eligible renewable
28 resources as its fuel source.

29 (3) The credit allowed under this section may be used to reduce the
30 producer's Nebraska income tax liability or to obtain a refund of state
31 sales and use taxes paid by the producer of electricity generated by a
1 new renewable electric generation facility. A claim to use the credit for
2 refund of the state sales and use taxes paid, either directly or
3 indirectly, by the producer may be filed quarterly for electricity
4 generated during the previous quarter by the twentieth day of the month
5 following the end of the calendar quarter. The credit may be used to
6 obtain a refund of state sales and use taxes paid during the quarter
7 immediately preceding the quarter in which the claim for refund is made,
8 except that the amount refunded under this subsection shall not exceed
9 the amount of the state sales and use taxes paid during the quarter.

10 (13 4) The Department of Revenue may adopt and promulgate rules and
11 regulations to carry out this section and to permit verification of the

12 validity and timeliness of any renewable energy tax credit claimed.

13 (14) The Department of Revenue shall have, with respect to the
 14 credits authorized under this section, all authority granted to it in
 15 section 77-27.119.

16 (15) The Department of Revenue shall electronically submit an annual
 17 report to the Legislature beginning on July 1, 2018, and each July 1
 18 thereafter. The report shall include (a) the number of renewable electric
 19 generation facilities receiving credits under this section, (b) the
 20 amount of credits earned, (c) the amount of credits claimed, (d) the
 21 amount of credits outstanding, (e) the amount of property taxes paid by
 22 producers during the previous calendar year on the properties on which
 23 renewable electric generation facilities are located, as reported
 24 pursuant to subsection (6) of this section, and (f) the number of full-
 25 time jobs created at renewable electric generation facilities receiving
 26 credits under this section, as reported pursuant to subsection (6) of
 27 this section.

28 (16) No renewable electric generation facility for which an
 29 application for sales tax exemption under section 77-2704.57 is filed
 30 after December 31, 2021, shall be eligible for the tax credits authorized
 31 under this section.

1 (17) The tax credit program authorized under this section shall be
 2 subject to tax incentive performance audits conducted pursuant to the
 3 Legislative Performance Audit Act.

4 ~~(5) The total amount of renewable energy tax credits that may be~~
 5 ~~used by all taxpayers shall be limited to fifty thousand dollars without~~
 6 ~~further authorization from the Legislature.~~

7 ~~(6) The credit allowed under this section may not be claimed by a~~
 8 ~~producer who received a sales tax exemption under section 77-2704.57 for~~
 9 ~~the new renewable electric generation facility.~~

Senator Nordquist offered the following amendment to his amendment:
 AM1507

(Amendments to AM1498)

1 1. On page 2, strike beginning with "calculated" in line 13 through
 2 line 28 and insert "equal to 0.75 cent for each kilowatt-hour of
 3 electricity generated by the renewable electric generation facility; or".
 4 2. On page 3, line 1, strike "two" and insert "one".

Senator Nordquist asked unanimous consent to withdraw his amendment,
 AM1507, found in this day's Journal, and replace it with his substitute
 amendment, AM1525, to his amendment. No objections. So ordered.
 AM1525

(Amendments to AM1498)

1 1. On page 2, strike beginning with "calculated" in line 13 through
 2 line 28 and insert "equal to 0.75 cent for each kilowatt-hour of
 3 electricity generated by the renewable electric generation facility; or".
 4 2. On page 3, line 1, strike "two" and insert "one".
 5 3. On page 5, line 2, after the period insert "The Tax Commissioner
 6 shall limit the monetary amount of tax credits permitted under this

7 section to a level necessary to limit tax credit utilization at no more
 8 than seventy-five million dollars of new tax credits. Such limitation on
 9 tax credits shall be based on the anticipated utilization of credits
 10 without regard to the potential for taxpayers to carry forward tax
 11 credits to later tax years."

Pending.

LEGISLATIVE BILL 348. ER89, found on page 1229, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 317. ER94, found on page 1292, was adopted.

Advanced to Enrollment and Review for Engrossment.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Hruza, Timothy G. - Nebraska Accountability and Disclosure Commission -
 Government, Military and Veterans Affairs
 Kramer, Lisa - Board of Public Roads Classifications and Standards -
 Transportation and Telecommunications
 Pearson, Ricky - Motor Vehicle Licensing Board - Transportations and
 Telecommunications

(Signed) Bob Krist, Chairperson
 Executive Board

AMENDMENT(S) - Print in Journal

Senator Schumacher filed the following amendment to LB67:
 AM1379

(Amendments to E and R amendments, ER95)

- 1 1. On page 2, line 29, after "payment" insert "includes an ad
 2 valorem tax, which".
- 3 2. On page 3, line 8, after "any" insert "general obligation bonds
 4 or limited tax"; and in line 9, after "any" insert "general obligation
 5 bond or limited tax".
- 6 3. On page 6, line 18, after "Any" insert "general obligation bonds
 7 or limited tax"; and in line 25 after "such" insert "general obligation
 8 bonds or limited tax".

Senator Crawford filed the following amendment to LB67:
 AM1164

- 1 1. On page 5, lines 7 and 8, strike "to pledge and lien upon the
 2 related bond-pledged revenue sources" and insert "pension obligations".

Senator Scheer filed the following amendment to LB294:
AM1454 is available in the Bill Room.

Senator Nordquist filed the following amendment to LB423A:
AM1509

1 1. On page 2, line 1, strike "\$54,106" and insert "\$137,308"; and in
2 line 7 strike "\$36,922" and insert "\$99,480".

Senator Schumacher filed the following amendment to LB330:
FA57

Amend ER92

1. On page 2, line 13 strike "possess;" and insert "or" immediately before the word "offer"
2. Strike starting with the final comma in line 13, page 2 through the word "use" in line 14.
3. Add after the period in line 14 the following: "No person under the age of 21 shall possess or use powdered alcohol."
4. Add a new Section 27: "If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions." Renumber accordingly.

Senator Schumacher filed the following amendment to LB575:
AM1424 is available in the Bill Room.

Senator Murante filed the following amendment to LB575:
AM1510

(Amendments to Standing Committee amendments, AM1276)

- 1 1. Insert the following new section:
- 2 Sec. 29. Section 60-4,144, Revised Statutes Cumulative Supplement,
- 3 2014, is amended to read:
- 4 60-4,144 (1) An applicant for issuance of any original or renewal
- 5 commercial driver's license or an applicant for a change of class of
- 6 commercial motor vehicle, endorsement, or restriction shall demonstrate
- 7 his or her knowledge and skills for operating a commercial motor vehicle
- 8 as prescribed in the Motor Vehicle Operator's License Act. An applicant
- 9 for a commercial driver's license shall provide the information and
- 10 documentation required by this section and section 60-4,144.01. Such
- 11 information and documentation shall include any additional information
- 12 required by 49 C.F.R. parts 383 and 391 and also include:
- 13 (a) Certification that the commercial motor vehicle in which the
- 14 applicant takes any driving skills examination is representative of the
- 15 class of commercial motor vehicle that the applicant operates or expects
- 16 to operate; and
- 17 (b) The names of all states where the applicant has been licensed to
- 18 operate any type of motor vehicle in the ten years prior to the date of
- 19 application.
- 20 (2)(a) Before being issued a CLP-commercial learner's permit or

21 commercial driver's license, the applicant shall provide (i) his or her
22 full legal name, date of birth, mailing address, gender, race or
23 ethnicity, and social security number, (ii) two forms of proof of address
24 of his or her principal residence unless the applicant is a program
25 participant under the Address Confidentiality Act, except that a
26 nondomiciled applicant for a CLP-commercial learner's permit or
1 nondomiciled commercial driver's license holder does not have to provide
2 proof of residence in Nebraska, (iii) evidence of identity as required by
3 this section, and (iv) a brief physical description of himself or
4 herself.

5 (b) The applicant's social security number shall not be printed on
6 the CLP-commercial learner's permit or commercial driver's license and
7 shall be used only (i) to furnish information to the United States
8 Selective Service System under section 60-483, (ii) with the permission
9 of the director in connection with the certification of the status of an
10 individual's driving record in this state or any other state, (iii) for
11 purposes of child support enforcement pursuant to section 42-358.08 or
12 43-512.06, (iv) to furnish information regarding an applicant for or
13 holder of a commercial driver's license with a hazardous materials
14 endorsement to the Transportation Security Administration of the United
15 States Department of Homeland Security or its agent, ~~or~~ (v) to furnish
16 information to the Department of Revenue under section 77-362.02, or (vi)
17 to furnish information to the Secretary of State for purposes of the
18 Election Act.

19 (c) No person shall be a holder of a CLP-commercial learner's permit
20 or commercial driver's license and a state identification card at the
21 same time.

22 (3) Before being issued a CLP-commercial learner's permit or
23 commercial driver's license, an applicant, except a nondomiciled
24 applicant, shall provide proof that this state is his or her state of
25 residence. Acceptable proof of residence is a document with the person's
26 name and residential address within this state.

27 (4)(a) Before being issued a CLP-commercial learner's permit or
28 commercial driver's license, an applicant shall provide proof of
29 identity.

30 (b) The following are acceptable as proof of identity:

31 (i) A valid, unexpired United States passport;

1 (ii) A certified copy of a birth certificate filed with a state
2 office of vital statistics or equivalent agency in the individual's state
3 of birth;

4 (iii) A Consular Report of Birth Abroad issued by the United States
5 Department of State;

6 (iv) A valid, unexpired permanent resident card issued by the United
7 States Department of Homeland Security or United States Citizenship and
8 Immigration Services;

9 (v) An unexpired employment authorization document issued by the
10 United States Department of Homeland Security;

11 (vi) An unexpired foreign passport with a valid, unexpired United
12 States visa affixed accompanied by the approved form documenting the

13 applicant's most recent admittance into the United States;
14 (vii) A Certificate of Naturalization issued by the United States
15 Department of Homeland Security;
16 (viii) A Certificate of Citizenship issued by the United States
17 Department of Homeland Security;
18 (ix) A driver's license or identification card issued in compliance
19 with the standards established by the REAL ID Act of 2005, Public Law
20 109-13, division B, section 1, 119 Stat. 302; or
21 (x) Such other documents as the director may approve.
22 (c) If an applicant presents one of the documents listed under
23 subdivision (b)(i), (ii), (iii), (iv), (vii), or (viii) of this
24 subsection, the verification of the applicant's identity will also
25 provide satisfactory evidence of lawful status.
26 (d) If the applicant presents one of the identity documents listed
27 under subdivision (b)(v), (vi), or (ix) of this subsection, the
28 verification of the identity documents does not provide satisfactory
29 evidence of lawful status. The applicant must also present a second
30 document from subdivision (4)(b) of this section, a document from
1 subsection (5) of this section, or documentation issued by the United
2 States Department of Homeland Security or other federal agencies
3 demonstrating lawful status as determined by the United States
4 Citizenship and Immigration Services.
4 (e) An applicant may present other documents as designated by the
5 director as proof of identity. Any documents accepted shall be recorded
6 according to a written exceptions process established by the director.
7 (5)(a) Whenever a person is renewing, replacing, upgrading,
8 transferring, or applying as a nondomiciled individual to this state for
9 a CLP-commercial learner's permit or commercial driver's license, the
10 Department of Motor Vehicles shall verify the citizenship in the United
11 States of the person or the lawful status in the United States of the
12 person.
13 (b) The following are acceptable as proof of citizenship or lawful
14 status:
15 (i) A valid, unexpired United States passport;
16 (ii) A certified copy of a birth certificate filed with a state
17 office of vital statistics or equivalent agency in the individual's state
18 of birth, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the
19 Commonwealth of the Northern Mariana Islands;
20 (iii) A Consular Report of Birth Abroad issued by the United States
21 Department of State;
22 (iv) A Certificate of Naturalization issued by the United States
23 Department of Homeland Security;
24 (v) A Certificate of Citizenship issued by the United States
25 Department of Homeland Security; or
26 (vi) A valid, unexpired Permanent Resident Card issued by the United
27 States Department of Homeland Security or United States Citizenship and
28 Immigration Services.
29 (6) An applicant may present other documents as designated by the
30 director as proof of lawful status. Any documents accepted shall be

31 recorded according to a written exceptions process established by the
1 director.

2 (7)(a) An applicant shall obtain a nondomiciled CLP-commercial
3 driver's license or nondomiciled CLP-commercial learner's permit:

4 (i) If the applicant is domiciled in a foreign jurisdiction and the
5 Federal Motor Carrier Safety Administrator has not determined that the
6 commercial motor vehicle operator testing and licensing standards of that
7 jurisdiction meet the standards contained in subparts G and H of 49
8 C.F.R. part 383; or

9 (ii) If the applicant is domiciled in a state that is prohibited
10 from issuing commercial learners' permits and commercial drivers'
11 licenses in accordance with 49 C.F.R. 384.405. Such person is eligible to
12 obtain a nondomiciled CLP-commercial learner's permit or nondomiciled
13 commercial driver's license from Nebraska that complies with the testing
14 and licensing standards contained in subparts F, G, and H of 49 C.F.R.
15 part 383.

16 (b) An applicant for a nondomiciled CLP-commercial learner's permit
17 and nondomiciled commercial driver's license must do the following:

18 (i) Complete the requirements to obtain a CLP-commercial learner's
19 permit or a commercial driver's license under the Motor Vehicle
20 Operator's License Act, except that an applicant domiciled in a foreign
21 jurisdiction must provide an unexpired employment authorization document
22 issued by the United States Citizenship and Immigration Services or an
23 unexpired foreign passport accompanied by an approved I-94 form
24 documenting the applicant's most recent admittance into the United
25 States. No proof of domicile is required;

26 (ii) After receipt of the nondomiciled CLP-commercial learner's
27 permit or nondomiciled commercial driver's license and, for as long as
28 the permit or license is valid, notify the Department of Motor Vehicles
29 of any adverse action taken by any jurisdiction or governmental agency,
30 foreign or domestic, against his or her driving privileges. Such adverse
31 actions include, but are not limited to, license disqualification or
1 disqualification from operating a commercial motor vehicle for the
2 convictions described in 49 C.F.R. 383.51. Notifications must be made
3 within the time periods specified in 49 C.F.R. 383.33; and

4 (iii) Provide a mailing address to the Department of Motor Vehicles.

5 If the applicant is applying for a foreign nondomiciled CLP-commercial
6 learner's permit or foreign nondomiciled commercial driver's license, he
7 or she must provide a Nebraska mailing address and his or her employer's
8 mailing address to the Department of Motor Vehicles.

9 (c) An applicant for a nondomiciled CLP-commercial learner's permit
10 or nondomiciled commercial driver's license is not required to surrender
11 his or her foreign license.

12 (8) Any person applying for a CLP-commercial learner's permit or
13 commercial driver's license may answer the following:

14 (a) Do you wish to register to vote as part of this application
15 process?

16 (b) Do you wish to have the word "veteran" displayed on the front of
17 your operator's license to show that you served in the armed forces of

18 the United States? (To be eligible you must register with the Nebraska
 19 Department of Veterans' Affairs registry.)
 20 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING
 21 QUESTIONS:
 22 (c) Do you wish to be an organ and tissue donor?
 23 (d) Do you wish to receive any additional specific information
 24 regarding organ and tissue donation and the Donor Registry of Nebraska?
 25 (e) Do you wish to donate \$1 to promote the Organ and Tissue Donor
 26 Awareness and Education Fund?
 27 (9) Any person applying for a CLP-commercial learner's permit or
 28 commercial driver's license must make one of the certifications in
 29 section 60-4,144.01 and any certification required under section 60-4,146
 30 and must provide such certifications to the Department of Motor Vehicles
 31 in order to be issued a CLP-commercial learner's permit or a commercial
 1 driver's license.
 2 (10) Every person who holds any commercial driver's license must
 3 provide to the department medical certification as required by section
 4 60-4,144.01. The department may provide notice and prescribe medical
 5 certification compliance requirements for all holders of commercial
 6 drivers' licenses. Holders of commercial drivers' licenses who fail to
 7 meet the prescribed medical certification compliance requirements may be
 8 subject to downgrade.
 9 2. On page 5, line 18, reinstate the stricken "or within", before
 10 the stricken "six" insert "thirty days", and reinstate the stricken
 11 "after leaving office".
 12 3. On page 6, line 11, after the period insert "To be eligible to
 13 enter into such a contract, the organization shall be exempt for federal
 14 tax purposes under section 501(c)(3) of the Internal Revenue Code, as
 15 defined in section 49-801.01.".
 16 4. Renumber the remaining sections and correct the operative date
 17 section and the repealer so that the section added by this amendment
 18 becomes operative on its effective date with the emergency clause.

Senator Coash filed the following amendment to LB566:
 AM1456

(Amendments to E and R amendments, ER98)

1 1. On page 7, line 3, strike "their attempts" and insert "its
 2 attempt"; and in line 9 strike beginning with "The" through "of" and
 3 insert "Using".
 4 2. On page 11, line 26, strike "such", show as stricken, and insert
 5 "the primary".
 6 3. On page 12, strike lines 11 through 21 and insert the following
 7 new subdivisions:
 8 "(a) The applicable Indian tribes shall enter into a unanimous
 9 agreement designating which Indian tribe is the Indian child's primary
 10 tribe for the underlying state court proceeding within thirty days after
 11 intervention by one or more additional Indian tribes, after consultation,
 12 if practicable, with the parents of the Indian child and with the Indian
 13 child if he or she is twelve years of age or older; or

14 (b) If unanimous agreement is not possible within the thirty-day
 15 period, the state court in which the proceeding is pending shall
 16 determine the Indian child's primary tribe based upon the amount and
 17 significance of the contacts between each Indian tribe and the Indian
 18 child.".
 19 4. On page 18, line 22, strike the commas and reinstate the stricken
 20 "or".

Senator Groene filed the following amendment to LB423:
 AM1521

(Amendments to AM1498)

1 1. On page 1, line 24, strike "placed into commercial operation" and
 2 insert "that has been approved for construction".
 3 2. On page 2, line 9, strike "begins commercial operation" and
 4 insert "has been approved for construction"; and in lines 30 and 31
 5 strike "begins commercial operation" and insert "has been approved for
 6 construction".

Senator Johnson filed the following amendment to LB360:
 AM1520

(Amendments to E & R amendments, ER90)

1 1. Insert the following new section:
 2 Sec. 20. Section 54-632, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 54-632 (1) Any notice or order provided for in the Commercial Dog
 5 and Cat Operator Inspection Act shall be properly served when it is
 6 personally served on the applicant, licensee, or violator or on the
 7 person authorized by the applicant or licensee to receive notices and
 8 orders of the department or when it is sent by certified or registered
 9 mail, return receipt requested, to the last-known address of the
 10 applicant, licensee, or violator or the person authorized ~~by the licensee~~
 11 to receive such notices and orders. A copy of the notice and the order
 12 shall be filed in the records of the department.
 13 (2) A notice to comply with the act or the rules and regulations
 14 adopted and promulgated pursuant to the act ~~conditions set out in the~~
 15 ~~order of the director provided in section 54-631~~ shall set forth the acts
 16 or omissions with which the applicant, licensee, or violator is charged.
 17 (3) A notice of the ~~licensee's~~ right to a hearing ~~provided for in~~
 18 ~~sections 54-630 and 54-631~~ shall set forth the time and place of the
 19 hearing except as otherwise provided in subsection (4) of this section
 20 and section 54-631. A notice of the ~~licensee's~~ right to such hearing
 21 shall include notice that such right to a hearing may be waived pursuant
 22 to subsection (6) of this section. A notice of the licensee's right to a
 23 hearing shall include notice to the licensee that the license may be
 24 subject to sanctions as provided in section 54-631.
 25 (4) A request for a hearing under subsection (2) of section
 26 54-628.01 shall request that the director set forth the time and place of
 1 the hearing. The director shall consider the interests of the violator in
 2 establishing the time and place of the hearing. Within three business

3 days after receipt by the director of the hearing request, the director
4 shall set forth the time and place of the hearing on the stop-movement
5 order. A notice of the violator's right to such hearing shall include
6 notice that such right to a hearing may be waived pursuant to subsection
7 (6) of this section.

8 (5) The hearings provided for in the act shall be conducted by the
9 director at the time and place he or she designates. The director shall
10 make a final finding based on the complete hearing record and issue an
11 order. If the director has suspended a license pursuant to subsection (4)
12 of section 54-631, the director shall sustain, modify, or rescind the
13 order after the hearing. If the department has issued a stop-movement
14 order under section 54-628.01, the director may sustain, modify, or
15 rescind the order after the hearing. All hearings shall be in accordance
16 with the Administrative Procedure Act.

17 (6) An applicant, A licensee, or violator waives the right to a
18 hearing if such applicant, licensee, or violator does not attend the
19 hearing at the time and place set forth in the notice described in
20 subsection (3) or (4) of this section, without requesting that the
21 director, at least two days before the designated time, change the time
22 and place for the hearing, except that before an order of the director
23 becomes final, the director may designate a different time and place for
24 the hearing if the applicant, licensee, or violator shows the director
25 that the applicant, licensee, or violator had a justifiable reason for
26 not attending the hearing and not timely requesting a change of the time
27 and place for such hearing. If the applicant, licensee, or violator
28 waives the right to a hearing, the director shall make a final finding
29 based upon the available information and issue an order. If the director
30 has suspended a license pursuant to subsection (4) of section 54-631, the
31 director may sustain, modify, or rescind the order after the hearing. If
1 the department has issued a stop-movement order under section 54-628.01,
2 the director may sustain, modify, or rescind the order after the hearing.

3 (7) Any person aggrieved by the finding of the director has ten days
4 after the entry of the director's order to request a new hearing if such
5 person can show that a mistake of fact has been made which affected the
6 director's determination. Any order of the director becomes final upon
7 the expiration of ten days after its entry if no request for a new
8 hearing is made.

9 2. On page 5, line 31, after "seized" insert "pursuant to section
10 28-1006 or 28-1012".

11 3. On page 10, line 27, strike "on", show as stricken, and insert
12 "in".

13 4. On page 16, line 28, strike "a licensee, an applicant," and
14 insert "an applicant, a licensee".

15 5. On page 17, line 3, strike "or" and the second "facility" and
16 insert "an" before each incidence of "animal"; and in line 4 insert "a"
17 before each incidence of "commercial" and before "dealer" and "pet".

18 6. On page 18, line 5, strike "or removal" and show as stricken and
19 after "cat" insert "onto or".

20 7. On page 20, line 22, strike "license"; in line 25 strike "housed"

- 21 and insert "owned or harbored" and strike "annual licensure" and insert
 22 "twelve-month"; and in line 26 after "cats" insert "subject to
 23 subdivision (g) of this section".
- 24 8. On page 21, line 1, strike the second "license", show as
 25 stricken, and insert "annual"; in line 6 after "dollars" insert "times
 26 the number of dogs or cats harbored by the licensee over the previous
 27 twelve-month period numbering more than ten dogs or cats"; in line 22
 28 strike "A licensee" and show as stricken and strike ", an applicant," and
 29 insert "An applicant, a licensee,"; and in line 24 strike "its", show as
 30 stricken, and insert "any applicable".
- 31 9. On page 25, line 14, after "exists" insert "(a)"; in line 16
 1 strike "reasonable cause to believe" and show as stricken; in line 17
 2 strike "(a)", "exist", and "(b)" and show the old matter as stricken; in
 3 line 19 strike "(c)" and strike "(d)" and insert "or"; in line 20 strike
 4 "(e)" and insert "(b)"; in line 21 strike "exists that" and insert
 5 "that"; and in line 23 after "intervention" insert an underscored comma.
 6 10. On page 26, line 9, strike ", or that any management
 7 intervention" and insert "or if any management intervention imposed by
 8 the stop-movement order is being implemented"; in lines 11 and 12 strike
 9 "imposed by the stop-movement order is being implemented"; in line 21
 10 strike "A" and insert "If applicable, a"; in line 26 strike "and" and
 11 insert "or, if applicable,"; in line 29 after the first "or" insert
 12 "any"; and in line 30 strike "persist" and "if".
- 13 11. On page 30, line 31, after "that" insert "any".
- 14 12. On page 31, strike "violations" in lines 1, 2, and 3 and insert
 15 "violation" and before "alleged" in lines 1 and 2 insert "any"; in line 3
 16 after "or" insert "any" and strike "conditions" and insert "condition";
 17 in line 5 strike "constitute" and insert "constitutes"; and strike
 18 beginning with "The" in line 12 through "with" in line 13 and insert "Any
 19 assignment of a special investigator by the director or referral to
 20 another law enforcement officer pursuant to this section shall be in
 21 cooperation and coordination with appropriate".
- 22 13. Renumber the remaining sections and correct internal references
 23 and the repealer accordingly.

Senator Krist filed the following amendment to LB347:
 AM1490

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
 2 Sec. 14. Section 43-4319, Revised Statutes Cumulative Supplement,
 3 2014, is amended to read:
 4 43-4319 (1) The office shall have access to all information and
 5 personnel necessary to perform the duties of the office.
 6 (2) A full investigation conducted by the office shall consist of
 7 retrieval of relevant records through subpoena, request, or voluntary
 8 production, review of all relevant records, and interviews of all
 9 relevant persons.
 10 (3) For a request for confidential record information pursuant to
 11 subsection (5) of section 43-2,108 involving death or serious injury, the

- 12 office may submit a written request to the probation administrator. The
13 record information shall be provided to the office within five days after
14 approval of the request by the Supreme Court.
15 2. On page 1, line 4, after the first comma insert "43-4319,".
16 3. On page 23, line 16, after the third comma insert "43-4319,".
17 4. Renumber the remaining sections accordingly.

EASE

The Legislature was at ease from 12:01 p.m. until 12:25 p.m.

NOTICE OF COMMITTEE HEARING(S) Health and Human Services

Room 2102

Tuesday, May 12, 2015 12:00 p.m.

Michael D. Bailey - Board of Emergency Medical Services
Michelle Marie Hynes - Foster Care Advisory Committee
Sheree L. Keely - Foster Care Advisory Committee

(Signed) Kathy Campbell, Chairperson

GENERAL FILE

LEGISLATIVE BILL 468. Considered.

SENATOR WATERMEIER PRESIDING

Senator Chambers offered the following motion:

MO99

Indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The Chambers motion to indefinitely postpone failed with 0 ayes, 32 nays, 15 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO100

Reconsider the vote to indefinitely postpone.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Senator Chambers offered the following motion:

MO101

Bracket until June 5, 2015.

SENATOR COASH PRESIDING

Senator Chambers withdrew his motion to bracket.

Senator Schumacher offered the following amendment:

FA60

Amend AM1172

Strike new language on page 10. Strike Sections 7 and 8 on page 18 and 19. On page 23 insert a new Section 12: "No contribution to the Nebraska Retirement fund for Judges shall be made from fees assessed for enrollment in a pretrial diversion program established under Section 29-3605. Renumber accordingly.

Senator Schumacher withdrew his amendment.

Advanced to Enrollment and Review Initial with 37 ayes, 1 nay, 10 present and not voting, and 1 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Davis filed the following amendment to LB360:

AM1518

(Amendments to E & R amendments, ER90)

- 1 1. On page 17, line 26, strike beginning with "that" through
- 2 "temperature"; in line 27 strike "Acute injuries" and insert "Injuries,
- 3 illnesses, or conditions"; and in line 30 after "dehydration" insert "and
- 4 a continuous supply of potable water in clean, non-porous containers or
- 5 access to biologically appropriate food in appropriate quantities".
- 6 2. On page 18, strike beginning with "egregious" in line 2 through
- 7 "feces" in line 3 and insert "more than twelve hours of urine and feces
- 8 accumulation".

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services

Room 2102

Tuesday, May 12, 2015 12:00 p.m.

Jeremy Fitzpatrick - Commission for the Deaf and Hard of Hearing

(Signed) Kathy Campbell, Chairperson

RESOLUTION(S)**LEGISLATIVE RESOLUTION 226.** Introduced by Brasch, 16.

WHEREAS, Hailey Kathryn Mayo, the daughter of Kathy and Robert Mayo, has received the Girl Scout Gold Award; and

WHEREAS, the Girl Scout Gold Award is the highest award that can be earned by a Girl Scout in grades nine through twelve; and

WHEREAS, to earn the award, Hailey completed a fundraising and building project for a life-size chess and checker board and a storage shed for Camp Fontanelle near Nickerson; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Hailey Kathryn Mayo for receiving the Girl Scout Gold Award.
2. That a copy of this resolution be sent to Hailey Kathryn Mayo.

Laid over.

LEGISLATIVE RESOLUTION 227. Introduced by Harr, B., 8.

PURPOSE: Youth apprenticeships integrate school-based and work-based learning to instruct high school students in employability and occupational skills through local industries. Youth apprenticeships are school-to-work programs that coordinate high school student learning and training in the classroom and at a worksite using business-developed, state standardized worksite skills. These programs provide employers the opportunity to shape the quality of their local workforce, benefiting the local community, while also having direct access to a group of skilled workers to help grow their business. These programs also benefit students as they develop skills in industries including, but not limited to, manufacturing, finance, engineering, information technology, and health care.

The purpose of this resolution is to examine opportunities to train Nebraska's youth for the workforce while addressing both educational and workforce needs. The study shall include, but not be limited to, an examination of the following issues:

- (1) Current labor market information to identify occupational demands;
- (2) Agencies, schools, community colleges, or employers that may offer a youth apprenticeship program;
- (3) Similar programs in other states; and
- (4) Federal and state labor laws to ensure compliance with child labor laws.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 228. Introduced by Harr, B., 8.

PURPOSE: The purpose of this resolution is to study the Commission of Industrial Relations and the current statutory requirements outlined in the Industrial Relations Act. The study shall include an examination of issues such as whether the act should be clarified regarding comparable wages, conditions of employment, or other related issues.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 229. Introduced by Harr, B., 8.

PURPOSE: The purpose of this resolution is to study Nebraska's unemployment insurance laws and unemployment insurance program as governed by the Employment Security Law and related statutes. The study shall include an examination of issues such as unemployment laws and benefits in other states, federal unemployment compensation programs, and other related issues.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 259. Title read. Considered.

Committee AM824, found on page 808, was offered.

Senator Gloor offered his amendment, AM1252, found on page 1267, to the committee amendment.

The Gloor amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Senator Gloor offered the following amendment to the committee amendment:

FA58

Amend AM1252

On page 11, line 24, and page 12, lines 20 and 30, strike "reduce" and insert "multiply".

The Gloor amendment was adopted with 27 ayes, 1 nay, 19 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 27 ayes, 1 nay, 19 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 480. Title read. Considered.

Committee AM1274, found on page 1225, was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 525. Title read. Considered.

Committee AM1306, found on page 1251, was offered.

Senator Baker offered his amendment, AM1476, found on page 1349, to the committee amendment.

The Baker amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Senator Cook offered the following amendment to the committee amendment:

AM1347

(Amendments to Standing Committee amendments, AM1306)

1 1. Insert the following new sections:

2 Sec. 20. Section 79-1007.06, Reissue Revised Statutes of Nebraska,

3 is amended to read:

4 79-1007.06 (1) For school fiscal year 2008-09 and each school fiscal
5 year thereafter, the department shall determine the poverty allowance for
6 each school district that meets the requirements of this section and ~~has~~
7 ~~not been disqualified pursuant to~~ section 79-1007.07. Each school
8 district shall designate a maximum poverty allowance on a form prescribed
9 by the department on or before October 15 of the school fiscal year
10 immediately preceding the school fiscal year for which aid is being
11 calculated. The school district may decline to participate in the poverty
12 allowance by providing the department with a maximum poverty allowance of
13 zero dollars on such form on or before October 15 of the school fiscal
14 year immediately preceding the school fiscal year for which aid is being
15 calculated. Each school district designating a maximum poverty allowance
16 greater than zero dollars shall submit a poverty plan pursuant to section
17 79-1013.

18 (2) The poverty allowance for each school district ~~that has not been~~
19 ~~disqualified pursuant to section 79-1007.07~~ shall equal the lesser of:

20 (a) The maximum amount designated pursuant to subsection (1) of this
21 section by the school district in the local system, if such school
22 district designated a maximum amount, for the school fiscal year for
23 which aid is being calculated; or

24 (b) The sum of:

25 (i) The statewide average general fund operating expenditures per
26 formula student multiplied by 0.0375 then multiplied by the poverty
1 students comprising more than five percent and not more than ten percent
2 of the formula students in the school district; plus

3 (ii) The statewide average general fund operating expenditures per
4 formula student multiplied by 0.0750 then multiplied by the poverty
5 students comprising more than ten percent and not more than fifteen
6 percent of the formula students in the school district; plus

7 (iii) The statewide average general fund operating expenditures per
8 formula student multiplied by 0.1125 then multiplied by the poverty
9 students comprising more than fifteen percent and not more than twenty
10 percent of the formula students in the school district; plus

11 (iv) The statewide average general fund operating expenditures per
12 formula student multiplied by 0.1500 then multiplied by the poverty
13 students comprising more than twenty percent and not more than twenty-
14 five percent of the formula students in the school district; plus

15 (v) The statewide average general fund operating expenditures per
16 formula student multiplied by 0.1875 then multiplied by the poverty
17 students comprising more than twenty-five percent and not more than
18 thirty percent of the formula students in the school district; plus

19 (vi) The statewide average general fund operating expenditures per

20 formula student multiplied by 0.2250 then multiplied by the poverty
21 students comprising more than thirty percent of the formula students in
22 the school district.

23 Sec. 21. Section 79-1007.07, Reissue Revised Statutes of Nebraska,
24 is amended to read:

25 79-1007.07 (1)(a) The annual financial report required pursuant to
26 section 79-528 shall include:

27 (i) The amount of the poverty allowance used in the certification of
28 state aid pursuant to section 79-1022 for such school fiscal year;

29 (ii) The amount of federal funds received based on poverty as
30 defined by the federal program providing the funds;

31 (iii) The expenditures and sources of funding for each program
1 related to poverty with a narrative description of the program, the
2 method used to allocate money to the program and within the program, and
3 the program's relationship to the poverty plan submitted pursuant to
4 section 79-1013 for such school fiscal year;

5 (iv) The expenditures and sources of funding for support costs
6 directly attributable to implementing the district's poverty plan; and

7 (v) An explanation of how any required elements of the poverty plan
8 for such school fiscal year were met.

9 (b) The department shall set up accounting codes for the receipts
10 and expenditures required to be reported on the annual financial report
11 pursuant to this subsection.

12 (2) The department shall determine the poverty allowance
13 expenditures using the reported expenditures on the annual financial
14 report for the most recently available complete data year that would
15 include in the poverty allowance expenditures only those expenditures
16 that are not included in other allowances, that were used to specifically
17 address issues related to the education of students living in poverty or
18 to the implementation of the poverty plan, that do not replace
19 expenditures that would have occurred if the students involved in the
20 program did not live in poverty, and that are paid for with
21 noncategorical funds generated by state or local taxes or funds
22 distributed through the Tax Equity and Educational Opportunities Support
23 Act pursuant to the federal American Recovery and Reinvestment Act of
24 2009 or the federal Education Jobs Fund created pursuant to Public Law
25 111-226. The department shall establish a procedure to allow school
26 districts to receive preapproval for categories of expenditures that
27 could be included in poverty allowance expenditures.

28 (3) If the poverty allowance expenditures do not equal 117.65
29 percent or more of the poverty allowance for the most recently available
30 complete data year, the department shall calculate a poverty allowance
31 correction. The poverty allowance correction shall equal the poverty
1 allowance minus eighty-five percent of the poverty allowance
2 expenditures.

3 For aid calculated for school fiscal years prior to school fiscal year
4 2016-17, if ~~if~~ the poverty allowance expenditures do not equal fifty
5 percent or more of the allowance for such school fiscal year, the school
6 district shall also be disqualified from receiving a poverty allowance

7 for the school fiscal year for which aid is being calculated.
 8 (4)(a)(i) For aid calculated for school fiscal years prior to school
 9 fiscal year 2016-17, if ~~if~~ the department determines that the school
 10 district did not meet the required elements of the poverty plan for the
 11 most recently available complete data year, the department shall
 12 calculate a poverty allowance correction equal to fifty percent of the
 13 poverty allowance for such school fiscal year and the school district
 14 shall also be disqualified from receiving a poverty allowance for the
 15 school fiscal year for which aid is being calculated.
 16 (ii) For aid calculated for school fiscal year 2016-17 and each
 17 school fiscal year thereafter, if the department determines that the
 18 school district did not meet the required elements of the poverty plan
 19 for the most recently available complete data year, the department shall
 20 calculate a poverty allowance correction equal to five percent of the
 21 poverty allowance for such school fiscal year.
 22 (b) Any poverty allowance correction calculated pursuant to this
 23 subsection shall be added to any poverty allowance correction calculated
 24 pursuant to subsection (3) of this section to arrive at the total poverty
 25 allowance correction.
 26 (5) The department may request additional information from any
 27 school district to assist with calculations and determinations pursuant
 28 to this section. If the school district does not provide information upon
 29 the request of the department pursuant to this section, the school
 30 district shall be disqualified from receiving a poverty allowance for the
 31 school fiscal year for which aid is being calculated.
 1 (6) The department shall provide electronically an annual report to
 2 the Legislature containing a general description of the expenditures and
 3 funding sources for programs related to poverty statewide and specific
 4 descriptions of the expenditures and funding sources for programs related
 5 to poverty for each school district.
 6 (7) The state board shall establish a procedure for appeal of
 7 decisions of the department to the state board for a final determination.
 8 2. Renumber the remaining sections and correct the repealer and
 9 internal references accordingly.

The Cook amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Senator Kolowski offered the following amendment to the committee amendment:

AM1493

(Amendments to Standing Committee amendments, AM1306)

1 1. Insert the following new sections:
 2 Sec. 3. The Legislature finds that:
 3 (1) In order for Nebraska's students to adequately prepare for
 4 postsecondary education and careers, public schools in conjunction with
 5 educational service units in Nebraska should offer courses of increased
 6 educational rigor and relevancy, including, but not limited to, academic
 7 programs of excellence, dual-enrollment courses, and career academies;

8 (2) The startup costs of implementing and the ongoing costs of
9 offering such programs, courses, and academies, including, but not
10 limited to, curricula, textbooks, testing fees, postsecondary tuition,
11 technology, equipment, staffing, staff training, and other related
12 expenses, can often exceed the resources available to a school district
13 or an educational service unit; and

14 (3) It is in the best interests of the state to provide a dedicated
15 source of funding to public schools in Nebraska through educational
16 service units for such programs, courses, and academies.

17 Sec. 4. For purposes of sections 3 to 8 of this act:

18 (1) Academic program of excellence means a nationally recognized
19 program, offered in the high school grades that includes a curriculum and
20 pedagogy, professional development for teachers, and a rigorous
21 assessment external to the school system;

22 (2) Career academy means a career academy established pursuant to
23 section 79-777; and

24 (3) Dual-enrollment course means a course taught to students for
25 credit at both a high school and a postsecondary educational institution
26 accredited by an accrediting organization recognized by the United States
27 Department of Education.

28 Sec. 5. (1) Educational service units shall apply on behalf of
29 member school districts to the State Department of Education for
30 reimbursement calculated pursuant to section 6 of this act. School
31 districts seeking reimbursement pursuant to such section shall provide
32 documentation to the appropriate educational service unit of the number
33 of students in each program, course, or academy for which reimbursement
34 is requested and the number of students successfully completing such
35 program, course, or academy.

36 (2) Reimbursement shall be available based on students who
37 successfully complete an academic program of excellence, a dual-
38 enrollment course, or a career academy. Applications shall be submitted
39 based on completions during the immediately preceding fiscal year not
40 later than August 1, 2016, and on or before August 1 of each year
41 thereafter. The department shall award the reimbursements provided for in
42 this section and distribute such reimbursements after September 1 and no
43 later than October 1 of every year beginning in 2016.

44 Sec. 6. (1) For each student who successfully completes an academic
45 program of excellence, a dual-enrollment course, or a career academy, the
46 department shall approve and reimburse the school district through its
47 educational service unit as provided in this section if the school
48 district through its educational service unit has applied pursuant to
49 section 5 of this act.

50 (2) The reimbursement for each qualifying school district shall be
51 determined by (a) dividing the statewide aggregate number of approved
52 students completing academic programs of excellence, dual enrollment
53 courses, and career academies into the total funds appropriated for such
54 purpose and (b) multiplying the result by the district's number of such
55 approved students.

56 (3) For purposes of the general fund budget of expenditures as

31 defined in section 79-1003, funds received pursuant to this section shall
 1 be considered special grant funds.

2 Sec. 7. The State Board of Education shall adopt and promulgate
 3 rules and regulations to carry out sections 3 to 8 of this act. Such
 4 rules and regulations shall include, but not be limited to, mechanisms to
 5 determine successful student completion of an academic program of
 6 excellence, dual-enrollment course, or career academy for purposes of
 7 reimbursement authorized by section 6 of this act.

8 Sec. 8. It is the intent of the Legislature to appropriate from the
 9 General Fund two million dollars for fiscal year 2016-17 to carry out the
 10 purposes of section 6 of this act.

11 Sec. 26. Section 79-1007.13, Reissue Revised Statutes of Nebraska,
 12 is amended to read:

13 79-1007.13 The department shall calculate a special receipts
 14 allowance for each district equal to the amount of special education,
 15 state ward, and accelerated or differentiated curriculum program receipts
 16 included in local system formula resources under subdivisions (7), (8),
 17 (16), and (17) of section 79-1018.01 and reimbursements under subdivision
 18 (19) of section 79-1018.01 attributable to the school district.

19 2. On page 43, line 9, strike "and" and show as stricken; and in
 20 line 11 strike the period, show as stricken, and insert "; and
 21 (19) Reimbursements pursuant to sections 3 to 8 of this act.".

22 3. Renumber the remaining sections and correct internal references
 23 and the repealer accordingly.

SENATOR BOLZ PRESIDING

Senator Baker moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 9 nays, and 13 not voting.

Senator Kolowski moved for a call of the house. The motion prevailed with 43 ayes, 0 nays, and 6 not voting.

Senator Kolowski requested a roll call vote on the amendment.

Voting in the affirmative, 25:

| | | | | |
|----------|----------|-----------|-------------|----------------|
| Baker | Crawford | Hansen | Kolowski | Nordquist |
| Bolz | Davis | Harr, B. | Krist | Pansing Brooks |
| Campbell | Garrett | Hilkemann | McCollister | Riepe |
| Chambers | Gloor | Howard | Mello | Seiler |
| Cook | Haar, K. | Johnson | Morfeld | Smith |

Voting in the negative, 18:

| | | | | |
|------------|---------|--------|------------|------------|
| Bloomfield | Ebke | Hughes | Schnoor | Watermeier |
| Brasch | Friesen | Kuehn | Schumacher | Williams |
| Coash | Groene | McCoy | Stinner | |
| Craighead | Hadley | Scheer | Sullivan | |

Present and not voting, 4:

| | | | |
|-----------|-----------|---------|--------|
| Kolterman | Lindstrom | Murante | Schilz |
|-----------|-----------|---------|--------|

Excused and not voting, 2:

| | |
|---------|--------|
| Kintner | Larson |
|---------|--------|

The Kolowski amendment was adopted with 25 ayes, 18 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Senator Baker moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 15 nays, 5 present and not voting, and 2 excused and not voting.

MESSAGE FROM THE SECRETARY OF STATE

April 30, 2015

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators,

The purpose of this letter is to inform the honorable members of the Legislature that I have made the following appointment requiring Legislative confirmation:

Mr. Matt Enenbach, as a Democrat and a resident of the 2nd Congressional District, being an appointment to fill a vacancy with a residence in the 2nd Congressional District, to the Nebraska Accountability and Disclosure Commission, for a six-year term beginning July 1, 2015, and ending on June 30, 2021. The appointee must be a Democrat. He replaces Joe Grant, a Democrat and resident of the 2nd Congressional District.

The appointment is made by me pursuant to the provisions of Sections 49-14,105, 49-14,110, 49-14,112, and 49-14,114 and is respectfully submitted for your consideration.

Attached is additional background information on the qualifications of the appointment.

Sincerely,
(Signed) John A. Gale
Secretary of State

cc: Frank Daley
cc: Matt Enenbach

js

AMENDMENT(S) - Print in Journal

Senator Mello filed the following amendment to LB629:
AM1528

(Amendments to Standing Committee amendments, AM1075)

- 1 1. Strike section 11 and insert the following new section:
- 2 Sec. 11. (1) Prior to permitting a person to act as a driver, a
- 3 transportation network company shall disclose in writing to each
- 4 participating driver:
- 5 (a) The insurance coverage, the limits of liability, and any
- 6 deductible amounts that the transportation network company maintains
- 7 while the driver uses a personal vehicle in connection with a
- 8 transportation network company's online-enabled application or platform;
- 9 (b) That in many personal automobile insurance policies, the
- 10 driver's policy does not provide coverage for damage to the vehicle used
- 11 by the driver, uninsured and underinsured motorist coverage, and other
- 12 first-party claims from the moment the driver logs on to the
- 13 transportation network company's online-enabled application or platform
- 14 to the moment the driver logs off the transportation network company's
- 15 online-enabled application or platform. The driver should contact his or
- 16 her insurer to determine coverage;
- 17 (c) That if the driver is planning to use a vehicle that has a lien
- 18 against it to provide service in connection with a transportation network
- 19 company, the driver of the vehicle must notify the lienholder at least
- 20 seven days prior to using the vehicle to provide such service that the
- 21 driver intends to use the vehicle to provide service in connection with a
- 22 transportation network company by complying with subsection (3) of this
- 23 section; and
- 24 (d) That the driver is responsible to know the laws, rules, and
- 25 regulations that govern the service he or she provides in connection with
- 26 a transportation network company.
- 1 (2) The transportation network company shall make the disclosure

2 required by subdivision (1)(c) of this section a distinctive part of the
 3 driver's terms of service and shall require a separate acknowledgment of
 4 this disclosure by each driver by electronic or handwritten signature.
 5 (3) The commission shall adopt and promulgate rules and regulations
 6 to establish a procedure to confirm that drivers have notified
 7 lienholders as required by subdivision (1)(c) of this section. The
 8 commission shall keep a record of such confirmation for at least five
 9 years and shall make such record available to lienholders.
 10 2. On page 3, line 9, strike "uses" and insert "owns, leases, or is
 11 otherwise authorized to use"; and in line 14 after "hail" insert ".
 12 Prearranged ride does not include shared-expense carpool or vanpool
 13 arrangements".
 14 3. On page 11, line 14, after "commission" insert "except when
 15 publicly disclosed as evidence in a civil penalty proceeding pursuant to
 16 section 75-156 or in a criminal proceeding prosecuted by the state".
 17 4. On page 12, line 15, strike "A" and insert "Beginning on
 18 September 1, 2015, a"; and in lines 20 and 21 strike "five hundred
 19 thousand" and insert "one million".
 20 5. On page 13, line 8, strike "The" and insert "Beginning on
 21 September 1, 2015, the".
 22 6. On page 14, strike beginning with the comma in line 20 through
 23 "payment" in line 27 and insert "and if such personal vehicle is subject
 24 to a lien, the transportation network company insurance carrier shall
 25 make payment for a claim covered under collision physical damage coverage
 26 or comprehensive physical damage coverage".
 27 7. On page 15, line 2, after the first "coverage" insert "for
 28 transportation network company activity".
 29 8. On page 22, line 19, strike "twenty" and insert "twenty-five".

Senator Seiler filed the following amendment to LB605:
 AM1530 is available in the Bill Room.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 285. Placed on General File with amendment.
 AM1426

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 13-2709, Revised Statutes Cumulative Supplement,
 4 2014, is amended to read:
 5 13-2709 (1) The department shall submit, as part of the
 6 department's annual status report under section 81-1201.11, the following
 7 information regarding the Civic and Community Center Financing Act:
 8 (a 4) Information documenting the grants conditionally approved for
 9 funding by the Legislature in the following fiscal year;
 10 (b 2) Reasons why a full application was not sent to any
 11 municipality seeking assistance under the act;
 12 (c 3) The amount of sales tax revenue generated for the fund

13 pursuant to subsection (4) of section 13-2610 and subsection (9) of
14 section 13-3108, the total amount of grants applied for under the act,
15 the year-end fund balance, the amount of the year-end fund balance which
16 has not been committed to funding grants under the act, and, if all
17 available funds have not been committed to funding grants under the act,
18 an explanation of the reasons why all such funds have not been so
19 committed;

20 (d 4) The amount of appropriated funds actually expended by the
21 department for the year;

22 (e 5) The department's current budget for administration of the act
23 and the department's planned use and distribution of funds, including
24 details on the amount of funds to be expended on grants and the amount of
25 funds to be expended by the department for administrative purposes; and

26 (f 6) Grant summaries, including the applicant municipality, project
27 description, grant amount requested, amount and type of matching funds,
1 and reasons for approval or denial based on evaluation criteria from
2 section 13-2707 or 13-2707.01 for every application seeking assistance
3 under the act.

4 (2) If the amount of the year-end fund balance which has not been
5 committed to funding grants under the act as reported under subdivision
6 (1)(c) of this section, excluding any amount required to be transferred
7 under subsection (3) of section 13-2704, is more than one million
8 dollars, the department shall notify the State Treasurer of the amount in
9 excess of one million dollars. The State Treasurer shall transfer the
10 amount in excess of one million dollars from the Civic and Community
11 Center Financing Fund to the Political Subdivision Recapture Cash Fund.

12 (3) The Political Subdivision Recapture Cash Fund is created and
13 shall consist of money transferred under subsection (2) of this section.
14 Any money in the Political Subdivision Recapture Cash Fund available for
15 investment shall be invested by the state investment officer pursuant to
16 the Nebraska Capital Expansion Act and the Nebraska State Funds
17 Investment Act. By October 1 of each year, the State Treasurer shall
18 distribute the money in the Political Subdivision Recapture Cash Fund to
19 the political subdivisions which have an application for state assistance
20 for an eligible facility or an eligible sports arena facility approved
21 under the Convention Center Facility Financing Assistance Act or the
22 Sports Arena Facility Financing Assistance Act. Each political
23 subdivision shall receive a proportionate share of the amount to be
24 distributed under this subsection, and such proportionate share shall be
25 based on the amount of sales tax revenue generated for the Civic and
26 Community Center Financing Fund during the most recently completed fiscal
27 year by the political subdivision's facility. The Tax Commissioner shall
28 supply the State Treasurer with any information needed to make the
29 distributions required in this subsection.

30 Sec. 2. Original section 13-2709, Revised Statutes Cumulative
31 Supplement, 2014, is repealed.

(Signed) Mike Gloor, Chairperson

GENERAL FILE

LEGISLATIVE BILL 175. Title read. Considered.

Committee AM492, found on page 747, was offered.

SPEAKER HADLEY PRESIDING

The committee amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Senator K. Haar offered his amendment, AM1409, found on page 1348.

Senator K. Haar withdrew his amendment.

Senator Davis offered the following amendment:

AM1452

1 1. On page 3, strike beginning with "designated" in line 26 through

2 "54-2802" in line 27.

3 2. On page 4, line 11, strike "and"; and in line 14 after the second

4 "and" insert the following new subdivision:

5 "(vi) Developing value-added agriculture, local and regional food

6 systems, and certified organic food systems. Value-added agriculture has

7 the same meaning as in section 81-12,153; and".

The Davis amendment lost with 7 ayes, 14 nays, 25 present and not voting, and 3 excused and not voting.

Senator Davis offered the following amendment:

FA61

On page 4, line 11, strike "and"; and in line 14 after the second "and" insert the following new subdivision: "(vi) Developing value-added agriculture, local and regional food systems, and certified organic food systems. Value-added agriculture has the same meaning as in section 81-12,153; and".

Senator Davis moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The Davis amendment lost with 21 ayes, 10 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

AMENDMENT(S) - Print in Journal

Senator B. Harr filed the following amendment to LB175:
AM1513

- 1 1. Insert the following new sections:
- 2 Sec. 8. Section 81-2,147.01, Reissue Revised Statutes of Nebraska,
- 3 is amended to read:
- 4 81-2,147.01 As used in the Nebraska Seed Law:
- 5 (1) Advertisement means all representations, other than those on the
- 6 label, disseminated in any manner or by any means relating to seed,
- 7 including farm grain represented as suitable for sowing, within the scope
- 8 of the Nebraska Seed Law;
- 9 (2) Agricultural seed includes the seeds of grass, forage, cereal,
- 10 oil and fiber crops, and lawn and mixtures of such seeds and any other
- 11 kinds of seed commonly recognized within this state as agricultural seeds
- 12 and may include the seed of any plant that is being used as an
- 13 agricultural crop when the Director of Agriculture establishes in rules
- 14 and regulations that such seed is being used as agricultural seed;
- 15 (3) Blend means seeds consisting of more than one variety of a kind,
- 16 each in excess of five percent by weight of the whole;
- 17 (4) Brand means a word, name, symbol, number, or design to identify
- 18 seed of one person to distinguish it from seed of another person;
- 19 (5) Certifying agency means (a) an agency authorized under the laws
- 20 of a state, territory, or possession of the United States to officially
- 21 certify seed and which has standards and procedures approved by the
- 22 United States Secretary of Agriculture to assure genetic purity and
- 23 identity of the seed certified or (b) an agency of a foreign country
- 24 which is determined by the United States Secretary of Agriculture to
- 25 adhere to procedures and standards for seed certification comparable to
- 26 those adhered to generally by certifying agencies under subdivision (a)
- 27 of this subdivision;
- 1 (6) Conditioning means drying, cleaning, scarifying, or other
- 2 operations which could change the purity or germination of the seed and
- 3 require the seed lot or any definite amount of seed to be retested to
- 4 determine the label information;
- 5 (7) Director means the Director of Agriculture or his or her
- 6 designated employee or representative or authorized agent;
- 7 (8) Dormant seed means viable seeds, other than hard seeds, which
- 8 fail to germinate when provided the specified germination conditions for
- 9 the kind of seed in question;
- 10 (9) Flower seed includes seeds of herbaceous plants grown for their
- 11 blooms, ornamental foliage, or other ornamental parts and commonly known
- 12 and sold under the name of flower or wildflower seeds in this state;
- 13 (10) Germination means the emergence and development from the seed
- 14 embryo of those essential structures which for the kind of seed in
- 15 question are indicative of the ability to produce a normal plant under
- 16 favorable conditions;
- 17 (11) Hard seed means seeds which remain hard at the end of the
- 18 prescribed test period because they have not absorbed water due to an

19 impermeable seed coat;
20 (12) Hybrid means the first generation seed of a cross produced by
21 controlling the pollination and by combining (a) two or more inbred
22 lines, (b) one inbred or a single cross with an open-pollinated variety,
23 or (c) two varieties or species except open-pollinated varieties of corn
24 (*Zea mays*). The second generation and subsequent generations from such
25 crosses shall not be regarded as hybrids. Hybrid designations shall be
26 treated as variety names;
27 (13) Inert matter means all matter not seed which includes broken
28 seeds, sterile florets, chaff, fungus bodies, and stones as established
29 by rules and regulations;
30 (14) Kind means one or more related species or subspecies which
31 singly or collectively are known by one common name, such as corn, oats,
1 alfalfa, and timothy;
2 (15) Labeling includes all labels and other written, printed,
3 stamped, or graphic representations, in any form whatsoever, accompanying
4 or pertaining to any seed, whether in bulk or in containers, and includes
5 representations on invoices;
6 (16) Lot means a definite quantity of seed in containers or bulk
7 identified by a lot number or other mark, every portion of which is
8 uniform within recognized tolerances for the factors that appear in the
9 labeling;
10 (17) Mixture, mix, or mixed means seeds consisting of more than one
11 kind, each present in excess of five percent by weight of the whole;
12 (18) Mulch means a protective covering of any suitable material
13 placed with seed which acts to retain sufficient moisture to support seed
14 germination and sustain early seedling growth and aids in preventing the
15 evaporation of soil moisture, controlling weeds, and preventing erosion;
16 (19) Origin means a foreign country or designated portion thereof, a
17 state, the District of Columbia, Puerto Rico, or a possession of the
18 United States, where the seed was grown;
19 (20) Other crop seed means seed of plants grown as crops, other than
20 the kind or variety included in the pure seed, as established by rules
21 and regulations;
22 (21) Person includes any corporation, company, society, association,
23 body politic and corporate, community, individual, partnership, limited
24 liability company, or joint-stock company or the public generally;
25 (22) Primary noxious weed seeds means the seeds of any plant
26 designated by the director as a noxious weed pursuant to the Noxious Weed
27 Control Act. Pursuant to subdivision (1)(c) of section 81-2,147.06, the
28 director may add to or subtract from this primary noxious weed seeds
29 list;
30 (23) Prohibited noxious weed seeds means the seeds of plants which
31 are highly destructive and difficult to control in this state by ordinary
1 good cultural practice, the use of herbicides, or both and includes field
2 bindweed (*Convolvulus arvensis*), hoary cress (*Cardaria draba*), Russian
3 knapweed (*Centaurea repens*), johnsongrass (*Sorghum halepense*), Scotch
4 thistle (*Onopordum acanthium*), morning glory (*Ipomoea purpurea*) when
5 found in field crop seeds, skeletonleaf bursage (*Ambrosia discolor*),

6 woollyleaf bursage (*Ambrosia tomentosa*), serrated tussock (*Nassella*
7 *trichotoma*), and puncturevine (*Tribulus terrestris*). Pursuant to
8 subdivision (1)(c) of section 81-2,147.06, the director may add to or
9 subtract from this prohibited noxious weed seeds list;

10 (24) Pure live seed means the product of the percent of germination
11 plus percent of hard or dormant seed multiplied by the percent of pure
12 seed divided by one hundred. The result shall be expressed as a whole
13 number;

14 (25) Pure seed means seed exclusive of inert matter and all other
15 seeds not of the seed being considered as established by rules and
16 regulations;

17 (26) Record means any and all information which relates to the
18 origin, treatment, germination, purity, kind, and variety of each lot or
19 definite amount of seed handled in this state. Such information includes
20 seed samples and records of declarations, labels, purchases, sales,
21 conditioning, bulking, treatment, handling, storage, analyses, tests, and
22 examinations;

23 (27) Restricted noxious weed seeds means the seeds of plants which
24 are objectionable in fields, lawns, and gardens of this state but can be
25 controlled by ordinary good cultural practice, the use of herbicides, or
26 both and includes dodder (*Cuscuta* spp.), wild mustard (*Brassica* spp.),
27 dock (*Rumex* spp.), quackgrass (*Elytrigia repens*), pennycress (*Thlaspi*
28 *arvense*), purple loosetrife (*Lythrum salicaria*), and horsenettle (*Solanum*
29 *carolinense*). Pursuant to subdivision (1)(c) of section 81-2,147.06, the
30 director may add to or subtract from this restricted noxious weed seeds
31 list;

1 (28) Sale in any of its variant forms means sale, to barter,
2 exchange, offer for sale, expose for sale, move, or transport, in any of
3 their variant forms, or otherwise supplying. Sale does not mean the
4 donation, exchange, or other transfer of seeds to or from a seed library
5 or among members of, or participants in, a seed library;

6 (29) Screenings means the results of the process which removes, in
7 any way, weed seed, inert matter, and other materials from any
8 agricultural, vegetable, or flower seed in any kind of cleaning process;

9 (30) Seed library means a nonprofit, governmental, or cooperative
10 organization, association, or activity for the purpose of facilitating
11 the donation, exchange, preservation, and dissemination of seeds of open
12 pollinated, public domain plant varieties by or among its members or
13 members of the public when the use, exchange, transfer, or possession of
14 seeds acquired by or from the seed library is free of any charge or
15 consideration;

16 (31 ~~30~~) Seizure means a legal process carried out by court order
17 against a definite amount or lot of seed;

18 (32 ~~34~~) Stop-sale order means an administrative order provided by
19 law restraining the sale, use, disposition, and movement of a definite
20 amount or lot of seed;

21 (33 ~~32~~) Tetrazolium (TZ) test means a type of test in which
22 chemicals are used to produce differential staining of strong, weak, and
23 dead tissues, which is indicative of the potential viability of seeds;

24 (34 ~~33~~) Treated means that the seed has been given an application of
25 a substance or subjected to a process or coating for which a claim is
26 made or which is designed to reduce, control, or repel disease organisms,
27 insects, or other pests which attack seeds or seedlings growing
28 therefrom;

29 (35 ~~34~~) Variety means a subdivision of a kind which is distinct,
30 uniform, and stable. For purposes of this subdivision: (a) Distinct means
31 that the variety can be differentiated by one or more identifiable
1 morphological, physiological, or other characteristics from all other
2 varieties of public knowledge; (b) uniform means that variations in
3 essential and distinctive characteristics are describable; and (c) stable
4 means that the variety will remain unchanged in its essential and
5 distinctive characteristics and its uniformity when reproduced or
6 reconstituted as required by the different categories of varieties;

7 (36 ~~35~~) Vegetable seed includes the seeds of those crops which are
8 grown in gardens and on truck farms and are generally known and sold
9 under the name of vegetable or herb seeds in this state; and

10 (37 ~~36~~) Weed seed includes the seeds of any plant generally
11 recognized as a weed within this state as established in rules and
12 regulations and includes the primary noxious weed seeds, prohibited
13 noxious weed seeds, and restricted noxious weed seeds.

14 Sec. 9. Section 81-2,147.05, Reissue Revised Statutes of Nebraska,
15 is amended to read:

16 81-2,147.05 (1) Sections 81-2,147.02 and 81-2,147.03 shall not
17 apply:

18 (a) To seed or grain not intended for sowing purposes;
19 (b) To seed in storage in, or being transported or consigned to, a
20 cleaning or conditioning establishment for cleaning or conditioning,
21 except that the invoice or labeling accompanying any shipment of such
22 seed shall bear the statement Seed for Conditioning, and any labeling or
23 other representation which may be made with respect to the uncleaned
24 unconditioned seed shall be subject to the Nebraska Seed Law;~~or~~
25 (c) To any carrier in respect to any seed transported or delivered
26 for transportation in the ordinary course of its business as a carrier if
27 such carrier is not engaged in producing, conditioning, or marketing
28 agricultural, vegetable, or flower seeds subject to the Nebraska Seed
29 Law; or -

30 (d) To seed libraries.

31 (2) No person shall be subject to the penalties of the Nebraska Seed
1 Law for having sold agricultural, vegetable, or flower seed which was
2 incorrectly labeled or represented as to kind, variety, or origin, if
3 required, which seeds cannot be identified by examination thereof, unless
4 he or she has failed to obtain an invoice, genuine grower's declaration,
5 or other labeling information and to take such other precautions as may
6 be reasonable to insure the identity to be as stated.

7 Sec. 10. Sections 10 to 14 of this act shall be known and may be
8 cited as the Community Gardens Act.

9 Sec. 11. (1) The Legislature finds and declares that:

10 (a) Community gardens provide significant health, educational, and

11 social benefits to the general public, especially for those who reside in
12 urban and suburban areas of this state;
13 (b) The community garden movement (i) continues to provide low-cost
14 food that is fresh and nutritious for those who may be unable to readily
15 afford fresh fruits and vegetables for themselves or their families, (ii)
16 promotes public health and healthier individual lifestyles by encouraging
17 better eating habits and increased physical activity by growing food,
18 (iii) fosters the retention and expansion of open spaces, particularly in
19 urban environments, (iv) enhances urban and suburban environmental
20 quality and community beautification, (v) provides inexpensive community
21 building activities, recreation, and physical exercise for all age
22 groups, (vi) establishes a safe place for community involvement and helps
23 to reduce the incidence of crime, (vii) engenders a closer relationship
24 between urban residents, nature, and the local environment, and (viii)
25 fosters green job training and ecological education at all levels; and
26 (c) It is the public policy of this state to promote and foster
27 growth in the number of community gardens and the acreage of such
28 gardens.
29 (2) It is the intent of the Legislature and the purpose of the
30 Community Gardens Act to foster growth in the number, size, and scope of
31 community gardens in this state by encouraging state agencies,
1 municipalities, and private parties in their efforts to promote community
2 gardens.
3 Sec. 12. For purposes of the Community Gardens Act:
4 (1) Community garden means public or private land upon which
5 individuals have the opportunity to raise a garden on land which they do
6 not themselves own;
7 (2) Garden means a piece or parcel of land appropriate for
8 cultivation of herbs, fruits, flowers, nuts, honey, poultry for egg
9 production, maple syrup, ornamental or vegetable plants, nursery
10 products, or vegetables;
11 (3) Municipality means any county, village, or city or any office or
12 agency of a county, village, or city;
13 (4) State agency means any department or other agency of the State
14 of Nebraska;
15 (5) Use means to avail oneself of or to employ without conveyance of
16 title gardens on vacant public land by any individual or organization;
17 and
18 (6) Vacant public land means any land owned by the state or another
19 governmental subdivision, including a municipality, that is not in use
20 for a public purpose, is otherwise unoccupied, idle, or not being
21 actively utilized for a period of at least six months, and is suitable
22 for garden use.
23 Sec. 13. (1) A state agency or municipality having title to vacant
24 public land may permit community organizations to use such lands for
25 community garden purposes. Such use of vacant public land may be
26 conditioned on the community organization having liability insurance and
27 accepting liability for injury or damage resulting from use of the vacant
28 public land for community garden purposes. State agencies and

29 municipalities may adopt and promulgate rules, regulations, ordinances,
30 or resolutions to establish an application process for a community
31 garden. The applicant may include a request for access to a fire hydrant
1 or other source of water owned or operated by the state agency or
2 municipality or by a utility district in order to provide water to the
3 community garden. The state agency, municipality, or utility district
4 shall consider whether to supply the water to the applicant at a reduced
5 or fixed rate.

6 (2) A state agency or municipality which receives an application
7 pursuant to this section shall respond to the applicant within sixty days
8 from the date on which the application is received and shall make a final
9 determination within one hundred eighty days from such date.

10 Sec. 14. (1) The Director of Agriculture shall establish a
11 community gardens task force on or before August 1, 2015, to identify and
12 develop ways to encourage state agencies, municipalities, and individuals
13 to establish and expand community gardens. The director shall designate a
14 chairperson of the task force. The members of the task force shall be
15 appointed by the director and shall include no more than nine members. At
16 least three of the members shall be representatives of nonprofit
17 organizations involved with community gardens. The remaining members may
18 include representation from appropriate state agencies, existing
19 community gardens, counties, cities, towns, villages, utility districts,
20 and school districts.

21 (2) The director may request the assistance of other state agencies
22 to carry out the work of the task force.

23 (3) The goals of the task force may include, but are not limited to,
24 the study, evaluation, and development of recommendations (a) to
25 encourage the establishment and expansion of community gardens by state
26 agencies, municipalities, and individuals, (b) to encourage cooperation
27 between the activities and operations of community gardens and the
28 provision of donated food to local voluntary food assistance programs for
29 the poor and disadvantaged, and (c) to increase the benefits that
30 community gardens may provide to the community in which they are located.

31 (4) In carrying out its duties under subsection (3) of this section,
1 the task force may consider recommendations that (a) encourage the
2 execution of conservation easements by state agencies, municipalities, or
3 individuals to establish or protect community gardens, (b) encourage the
4 donation or lease of lands for community gardens, (c) encourage
5 development of model zoning codes, local land use laws, or other
6 municipal policies that could encourage the establishment or retention of
7 community gardens, and (d) provide for any other activity to achieve the
8 goals deemed appropriate by the task force.

9 (5) The task force shall issue a preliminary report to the
10 Department of Agriculture and electronically to the Legislature no later
11 than December 15, 2015, and shall issue a final report to the Department
12 of Agriculture and electronically to the Legislature no later than
13 December 15, 2016.

14 Sec. 16. Since an emergency exists, this act takes effect when
15 passed and approved according to law.

16 2. Renumber the remaining section and correct the repealer
17 accordingly.

VISITORS

Visitors to the Chamber were 20 sixth- through eighth-grade students and teacher from Millard Central Middle School, Omaha; David Adkins, National Executive Director, and Maggie Mick from The Council of State Governments; 20 members of The Friendship Force from Australia, New Zealand, and United States; U.S. State Department Exchange participants, Jayanta Baruah, Ganesh Kumar, and Harsh Sanghavi from India; 80 eighth-grade students and teachers from Mary Our Queen School, Omaha; 46 fourth-grade students and teachers from Arbor Park Elementary, Blair; 34 fifth-grade students and teachers from Boone Central Elementary, Albion; and 18 third- and fourth-grade students and teachers from Holy Family School, Lindsay.

The Doctor of the Day was Dr. Russell Ebke from Crete.

ADJOURNMENT

At 7:06 p.m., on a motion by Senator Williams, the Legislature adjourned until 9:00 a.m., Tuesday, May 5, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-FIFTH DAY - MAY 5, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

SEVENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 5, 2015

PRAYER

The prayer was offered by Pastor Coral Parmenter, United Methodist Church of Christ, Wisner.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senators Craighead, Groene, Hansen, Mello, Pansing Brooks, and Watermeier who were excused until they arrive.

SPEAKER HADLEY PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-fourth day was approved.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 658. Placed on Select File.
LEGISLATIVE BILL 659. Placed on Select File.

LEGISLATIVE BILL 656. Placed on Select File with amendment.
ER113
1 1. In the Standing Committee amendments, AM828, on page 6, line 10,
2 after the first "the" insert "Nebraska State".
3 2. On page 1, line 2, strike "22, 44, and 112" and insert "34, 35,
4 44, 112, and 175"; and in line 3 strike "59" and insert "60".

LEGISLATIVE BILL 657. Placed on Select File with amendment.
ER114 is available in the Bill Room.

LEGISLATIVE BILL 660. Placed on Select File with amendment.

ER116

1 1. In the Standing Committee amendments, AM830, strike section 1 and
2 insert the following new section:

3 Section 1. DEFINITION OF APPROPRIATION PERIOD.

4 For purposes of this act and any other legislative bill passed by
5 the One Hundred Fourth Legislature, First or Second Session, which
6 appropriates funds, FY2015-16 means the period July 1, 2015, through June
7 30, 2016, FY2016-17 means the period July 1, 2016, through June 30, 2017,
8 FY2017-18 means the period July 1, 2017, through June 30, 2018, and
9 FY2018-19 means the period July 1, 2018, through June 30, 2019.

LEGISLATIVE BILL 661. Placed on Select File with amendment.

ER117

1 1. In the Standing Committee amendments, AM831:

2 a. On page 3, line 24, strike "fund" and insert "Republican River

3 Compact Litigation Contingency Cash Fund";

4 b. On page 4, line 18, strike "interpretive" and insert

5 "interpreter"; and

6 c. On page 18, line 14, strike "\$50,000" and insert "fifty thousand
7 dollars"; and in line 15 after the first "the" insert "Nebraska".

8 2. On page 1, strike beginning with "13-2610" in line 1 through line
9 5 and insert "2-1587, 13-1905, 13-1906, 13-1907, 13-2610, 81-1354.05,
10 81-3119, and 85-1401, Reissue Revised Statutes of Nebraska, and sections
11 2-1507, 2-1513, 2-1588, 13-2704, 39-1390, 61-222, 71-7611, and 77-2602,
12 Revised Statutes Cumulative Supplement, 2014; to provide for fund
13 transfers; to create funds; to provide for and change the source and use
14 of certain funds; to state findings and intent; to change provisions
15 relating to certain funds, financial assistance, and cigarette tax
16 proceeds as prescribed; to provide for oral health training and services
17 contracts; to repeal the original sections; and to declare an
18 emergency."

LEGISLATIVE BILL 662. Placed on Select File.

LEGISLATIVE BILL 663. Placed on Select File.

LEGISLATIVE BILL 663A. Placed on Select File.

LEGISLATIVE BILL 554. Placed on Select File with amendment.

ER115

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. The following sums of money, or so much thereof as may
4 be required, are hereby appropriated from the General Fund or from other
5 funds as indicated in the state treasury, not otherwise appropriated, for
6 the payment of claims arising out of miscellaneous items of indebtedness
7 owing by the State of Nebraska.

8 \$175,000.00 for Miscellaneous Claim Number 2014-13890, against the
9 State of Nebraska, pay to Jaryl Ellis and Keating, O'Gara, Nedved and
10 Peter, P.C., L.L.O., 530 South 13th Street, Suite 100, Lincoln, NE 68508,

11 out of the General Fund.
 12 \$50,000.00 for Miscellaneous Claim Number 2014-13890, against the
 13 State of Nebraska, pay to Michael Hunter and Keating, O'Gara, Nedved and
 14 Peter, P.C., L.L.O., 530 South 13th Street, Suite 100, Lincoln, NE 68508,
 15 out of the General Fund.
 16 \$50,000.00 for Miscellaneous Claim Number 2014-13890, against the
 17 State of Nebraska, pay to Paul Zeiger and Keating, O'Gara, Nedved and
 18 Peter, P.C., L.L.O., 530 South 13th Street, Suite 100, Lincoln, NE 68508,
 19 out of the General Fund.
 20 \$50,000.00 for Miscellaneous Claim Number 2014-13890, against the
 21 State of Nebraska, pay to Tiffany Johnson and Keating, O'Gara, Nedved and
 22 Peter, P.C., L.L.O., 530 South 13th Street, Suite 100, Lincoln, NE 68508,
 23 out of the General Fund.
 24 \$50,000.00 for Miscellaneous Claim Number 2014-13890, against the
 25 State of Nebraska, pay to Aaron Delaney and Keating, O'Gara, Nedved and
 26 Peter, P.C., L.L.O., 530 South 13th Street, Suite 100, Lincoln, NE 68508,
 27 out of the General Fund.
 1 \$102,087.50 for Miscellaneous Claim Number 2014-13890, against the
 2 State of Nebraska, pay to Keating, O'Gara, Nedved and Peter, P.C.,
 3 L.L.O., 530 South 13th Street, Suite 100, Lincoln, NE 68508, out of the
 4 General Fund.
 5 \$79,070.98 for Miscellaneous Claim Number 2015-14059, against the
 6 State of Nebraska, pay to Andy Stebbing, Lancaster County Treasurer, 555
 7 South 10th Street, Lincoln, NE 68508, out of the General Fund.
 8 \$25,326.65 for Miscellaneous Claim Number 2015-14295, against the
 9 State of Nebraska, pay to Nebraska Press Advertising Service, 845 "S"
 10 Street, Lincoln, NE 68508, out of the General Fund.
 11 \$275,000.00 for Miscellaneous Claim Number 2015-14382, against the
 12 State of Nebraska, pay to Farney Daniels, P.C., 800 South Austin Avenue,
 13 Suite 200, Georgetown, TX 78626, out of the General Fund.
 14 \$350,000.00 for Miscellaneous Claim Number 2015-14383, against the
 15 State of Nebraska, pay to Farney Daniels, P.C., 800 South Austin Avenue,
 16 Suite 200, Georgetown, TX 78626, out of the General Fund.
 17 The claims included in this section shall be paid through Program
 18 536 in Agency 65.
 19 For informational purposes only, the appropriations contained in
 20 this section and fund source:
 21

| <u>FUND SOURCE</u> | <u>DOLLAR AMOUNT</u> |
|-----------------------|-----------------------|
| <u>GENERAL FUND</u> | <u>\$1,206,485.13</u> |
| <u>CASH FUND</u> | <u>\$-0-</u> |
| <u>REVOLVING FUND</u> | <u>\$-0-</u> |
| <u>TOTAL</u> | <u>\$1,206,485.13</u> |

26 Sec. 2. The following sums of money, or so much thereof as may be
 27 required, are hereby appropriated from the General Fund or from other
 28 funds as indicated in the state treasury, not otherwise appropriated, for
 29 the payment of tort claims which have been settled by the State Claims
 30 Board and approved by the district court, which have been settled by the
 1 Attorney General in the district court, or in which court judgments have
 2 been entered and which require the approval of the Legislature for

3 payment.
 4 \$95,000.00 for Tort Claim Number 2009-03751, against the State of
 5 Nebraska, pay to Debra Rhodes on behalf of Estate of David Peterson, c/o
 6 Cincinnati Insurance Company, P.O. Box 145496, Cincinnati, OH 45250-5496,
 7 out of the Roads Operations Cash Fund.
 8 \$95,000.00 for Tort Claim Number 2010-04062, against the State of
 9 Nebraska, pay to Natasha Lunn on behalf of Estate of Travis Lunn, c/o
 10 Cincinnati Insurance Company, P.O. Box 145496, Cincinnati, OH 45250-5496,
 11 out of the Roads Operations Cash Fund.
 12 \$270,094.89 for Tort Claim Number 2010-04089, against the State of
 13 Nebraska, pay to Herbert J. Friedman and James Dean, c/o Friedman Law
 14 Offices, 3800 Normal Boulevard, Suite 200, Lincoln, NE 68506-5240, out of
 15 the General Fund.
 16 \$484,415.08 for Tort Claim Number 2010-04094, against the State of
 17 Nebraska, pay to Bartle and Geier Law Firm, in trust for Ada Joann
 18 Taylor, 1141 "H" Street, Lincoln, NE 68501-3104, out of the General Fund.
 19 \$250,000.00 for Tort Claim Number 2011-11324, against the State of
 20 Nebraska, pay to Valley Bank and Trust, Trustee of the Debra Shelden
 21 Special Needs Trust, and Chaloupka, Holyoke, Snyder, Chaloupka, Longoria,
 22 and Kishiyama, P.C., L.L.O., 1714 Second Avenue, P.O. Box 2424,
 23 Scottsbluff, NE 69363-2424, out of the General Fund.
 24 The claims included in this section shall be paid through Program
 25 591 in Agency 65.
 26 For informational purposes only, the appropriations contained in
 27 this section and fund source:

| | |
|-------------------------|-----------------------|
| 28 <u>FUND SOURCE</u> | <u>DOLLAR AMOUNT</u> |
| 29 <u>GENERAL FUND</u> | <u>\$1,004,509.97</u> |
| 30 <u>CASH FUND</u> | <u>\$190,000.00</u> |
| 1 <u>REVOLVING FUND</u> | <u>\$-0-</u> |
| 2 <u>TOTAL</u> | <u>\$1,194,509.97</u> |

3 Sec. 3. The following sums of money, or so much thereof as may be
 4 required, are hereby appropriated from the General Fund or from other
 5 funds as indicated in the state treasury, not otherwise appropriated, for
 6 the payment of tort claims which have been settled by the State Claims
 7 Board and approved by the district court, which have been settled by the
 8 Attorney General in the district court, or in which court judgments have
 9 been entered and which require the approval of the Legislature for
 10 payment.
 11 \$213,750.00 for Tort Claim Number 2015-13205, against the State of
 12 Nebraska, pay to Jason Sullivan and Fitzgerald, Vetter, and Temple, 1002
 13 Riverside Boulevard, Norfolk, NE 68701, out of the State Insurance Fund.
 14 \$80,000 for Tort Claim Number 2015-14247, against the State of
 15 Nebraska, pay to Kent Sprague and Perry, Guthery, Haase, and Gessford,
 16 P.C., L.L.O., 233 South 13th Street, Suite 1400, Lincoln, NE 68508, out
 17 of the State Insurance Fund.
 18 \$10,000 for Tort Claim Number 2015-14248, against the State of
 19 Nebraska, pay to Allied Insurance Company, c/o Nationwide Insurance
 20 Company, Attn: Trust Team, 1100 Locust Street, Department 2019, Des
 21 Moines, IA 50391, out of the State Insurance Fund.

22 The claims included in this section shall be paid through Program
 23 594 in Agency 65.
 24 For informational purposes only, the appropriations contained in
 25 this section and fund source:

| <u>FUND SOURCE</u> | <u>DOLLAR AMOUNT</u> |
|--------------------------|----------------------|
| 27 <u>GENERAL FUND</u> | <u>\$-0-</u> |
| 28 <u>CASH FUND</u> | <u>\$-0-</u> |
| 29 <u>REVOLVING FUND</u> | <u>\$303,750.00</u> |
| 30 <u>TOTAL</u> | <u>\$303,750.00</u> |

1 Sec. 4. The Director of Administrative Services is hereby
 2 authorized and directed to draw his or her warrants upon the funds in the
 3 state treasury enumerated in this act, in favor of the several
 4 beneficiaries named in this act for the amount set opposite their
 5 respective names upon the presentation of proper vouchers therefor. The
 6 several amounts appropriated in this act shall be in full payment of any
 7 and all claims, rights, causes of action, damages, and demands of every
 8 character and kind owing by or against the State of Nebraska, its
 9 officers, agents, and employees, and their successors and assigns with
 10 respect to each of the beneficiaries respectively in whose favor the
 11 appropriations are made. The director shall not deliver any warrant for
 12 any items appropriated in this act until a receipt and release in full,
 13 releasing the State of Nebraska, its officers, employees, and agents, and
 14 their successors and assigns, has been filed by each of the beneficiaries
 15 respectively. Upon presentation of the warrants, the State Treasurer is
 16 hereby directed to pay the same out of money in the General Fund or out
 17 of money in other funds indicated in this act not otherwise appropriated.

18 Sec. 5. The following requests were filed by state agencies seeking
 19 permission to write off certain accounts. The State Claims Board reviewed
 20 and approved the following requests:
 21 \$152.59 for Request Number 2015-14171, made by the Supreme Court.
 22 \$17,232.44 for Request Number 2015-14190, made by the Nebraska
 23 Public Employees Retirement Systems.
 24 \$142,101.68 for Request Number 2015-14203, made by the Department of
 25 Roads.
 26 \$583,469.40 for Request Number 2015-14273, made by the Department of
 27 Health and Human Services.
 28 \$6,702.30 for Request Number 2015-14274, made by the Department of
 29 Correctional Services.
 30 \$2,613.61 for Request Number 2015-14275, made by the Military
 31 Department.
 1 \$99,675.70 for Request Number 2015-14276, made by the State
 2 Treasurer.
 3 \$3.87 for Request Number 2015-14277, made by the Clerk of the
 4 Legislature.
 5 \$28.65 for Request Number 2015-14278, made by the Department of
 6 Motor Vehicles.
 7 \$3,055.15 for Request Number 2015-14279, made by the Department of
 8 Administrative Services.
 9 \$43,471.58 for Request Number 2015-14280, made by the State Energy

10 Office.

11 \$58,348.38 for Request Number 2015-14294, made by the Nebraska State

12 Patrol.

13 \$4,079.00 for Request Number 2015-14296, made by the Department of

14 Insurance.

15 \$12,796.78 for Request Number 2015-14323, made by the Board of

16 Educational Lands and Funds.

17 Sec. 6. Since an emergency exists, this act takes effect when

18 passed and approved according to law.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 202, 203, 204, 205, 206, 207, and 208 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 202, 203, 204, 205, 206, 207, and 208.

MOTION(S) - Confirmation Report(s)

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 1322:

Department of Administrative Services
Byron L. Diamond, Director

Voting in the affirmative, 33:

| | | | | |
|------------|----------|-----------|-------------|------------|
| Baker | Crawford | Hadley | Larson | Schumacher |
| Bloomfield | Davis | Hughes | McCollister | Seiler |
| Bolz | Ebke | Johnson | McCoy | Smith |
| Campbell | Friesen | Kolowski | Morfeld | Sinner |
| Chambers | Garrett | Kolterman | Murante | Williams |
| Coash | Gloor | Krist | Riepe | |
| Cook | Haar, K. | Kuehn | Scheer | |

Voting in the negative, 0.

Present and not voting, 10:

| | | | | |
|----------|-----------|-----------|-----------|----------|
| Brasch | Hilkemann | Kintner | Nordquist | Schnoor |
| Harr, B. | Howard | Lindstrom | Schilz | Sullivan |

Excused and not voting, 6:

| | | |
|-----------|--------|----------------|
| Craighead | Hansen | Pansing Brooks |
| Groene | Mello | Watermeier |

The appointment was confirmed with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1355:

Division of Medicaid and Long Term Care-Department of Health and Human Services
Calder Lynch, Director

Voting in the affirmative, 34:

| | | | | |
|------------|----------|-----------|-------------|------------|
| Baker | Crawford | Johnson | McCollister | Scheer |
| Bloomfield | Davis | Kintner | McCoy | Schumacher |
| Bolz | Ebke | Kolowski | Mello | Seiler |
| Brasch | Garrett | Kolterman | Morfeld | Stinner |
| Campbell | Gloor | Krist | Murante | Watermeier |
| Chambers | Haar, K. | Larson | Nordquist | Williams |
| Cook | Hadley | Lindstrom | Riepe | |

Voting in the negative, 0.

Present and not voting, 11:

| | | | |
|----------|-----------|---------|----------|
| Coash | Hilkemann | Kuehn | Smith |
| Friesen | Howard | Schilz | Sullivan |
| Harr, B. | Hughes | Schnoor | |

Excused and not voting, 4:

| | | | |
|-----------|--------|--------|----------------|
| Craighead | Groene | Hansen | Pansing Brooks |
|-----------|--------|--------|----------------|

The appointment was confirmed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1355:

Department of Health and Human Services
Courtney Phillips, Chief Executive Officer

Voting in the affirmative, 38:

| | | | | |
|------------|----------|-----------|-------------|------------|
| Baker | Crawford | Hilkemann | Lindstrom | Schilz |
| Bloomfield | Davis | Howard | McCollister | Schumacher |
| Bolz | Ebke | Johnson | McCoy | Seiler |
| Brasch | Friesen | Kolowski | Mello | Stinner |
| Campbell | Garrett | Kolterman | Morfeld | Watermeier |
| Chambers | Gloor | Krist | Murante | Williams |
| Coash | Haar, K. | Kuehn | Nordquist | |
| Cook | Hadley | Larson | Riepe | |

Voting in the negative, 0.

Present and not voting, 7:

| | | | |
|----------|---------|---------|----------|
| Harr, B. | Kintner | Schnoor | Sullivan |
| Hughes | Scheer | Smith | |

Excused and not voting, 4:

| | | | |
|-----------|--------|--------|----------------|
| Craighead | Groene | Hansen | Pansing Brooks |
|-----------|--------|--------|----------------|

The appointment was confirmed with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1355:

Division of Veterans Homes-Department of Health and Human Services
John Hilgert, Director

Voting in the affirmative, 38:

| | | | | |
|------------|-----------|-----------|-------------|------------|
| Baker | Davis | Howard | Larson | Schnoor |
| Bloomfield | Ebke | Hughes | McCollister | Schumacher |
| Bolz | Friesen | Johnson | McCoy | Smith |
| Brasch | Garrett | Kintner | Mello | Stinner |
| Campbell | Haar, K. | Kolowski | Murante | Watermeier |
| Chambers | Hadley | Kolterman | Nordquist | Williams |
| Cook | Hansen | Krist | Riepe | |
| Crawford | Hilkemann | Kuehn | Schilz | |

Voting in the negative, 0.

Present and not voting, 8:

| | | | |
|-------|-----------|---------|----------|
| Coash | Harr, B. | Morfeld | Seiler |
| Gloor | Lindstrom | Scheer | Sullivan |

Excused and not voting, 3:

Craighead Groene Pansing Brooks

The appointment was confirmed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1355:

Division of Public Health-Department of Health and Human Services
Joseph Acierno, Chief Medical Officer, Director

Senator Campbell moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Campbell requested a roll call vote on the confirmation report.

Voting in the affirmative, 22:

| | | | | |
|----------|---------|-----------|------------|----------|
| Baker | Friesen | Kintner | Riepe | Sullivan |
| Brasch | Gloor | Kolterman | Scheer | Williams |
| Campbell | Hadley | Kuehn | Schilz | |
| Cook | Hughes | Larson | Schumacher | |
| Ebke | Johnson | Murante | Smith | |

Voting in the negative, 15:

| | | | | |
|------------|----------|-----------|-------------|------------|
| Bloomfield | Davis | Kolowski | McCollister | Seiler |
| Chambers | Garrett | Krist | Morfeld | Stinner |
| Coash | Haar, K. | Lindstrom | Schnoor | Watermeier |

Present and not voting, 9:

| | | | | |
|----------|----------|-----------|-----------|----------------|
| Bolz | Hansen | Hilkemann | Mello | Pansing Brooks |
| Crawford | Harr, B. | Howard | Nordquist | |

Excused and not voting, 3:

Craighead Groene McCoy

The Health and Human Services committee confirmation report was not adopted with 22 ayes, 15 nays, 9 present and not voting, and 3 excused and not voting.

Pursuant to Rule 3, Section 4 (e)(iv), the appointment is thereby rejected.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 1356:

Nebraska State Patrol
Bradley Rice, Superintendent

SENATOR GLOOR PRESIDING

SENATOR WATERMEIER PRESIDING

SPEAKER HADLEY PRESIDING

Senator B. Harr offered the following motion:
Recommit confirmation report of Bradley Rice to Government, Military and Veterans Affairs Committee.

Senator Pansing Brooks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The B. Harr motion to recommit to committee failed with 6 ayes, 29 nays, 13 present and not voting, and 1 excused and not voting.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 72. Placed on Final Reading.
LEGISLATIVE BILL 72A. Placed on Final Reading.
LEGISLATIVE BILL 85. Placed on Final Reading.
LEGISLATIVE BILL 253. Placed on Final Reading.
LEGISLATIVE BILL 317. Placed on Final Reading.
LEGISLATIVE BILL 348. Placed on Final Reading.

LEGISLATIVE BILL 469. Placed on Final Reading.
ST32

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM833:
 - a. On page 1, lines 5 and 6, "effective date of this act" has been struck and "operative date of this section" inserted; and
 - b. On page 3, line 10; page 4, line 19; page 5, lines 3, 7, 9, and 12; page 8, lines 4 and 14; and page 9, line 4, "8" has been struck and "11" inserted.
2. On page 1, the matter beginning with "the" in line 1 through line 4 and all amendments thereto have been struck and "law; to amend sections 3-402, 3-408, 81-1601, 81-1602, 81-1603, 81-1605, 81-1606, and 81-1607.01, Reissue Revised Statutes of Nebraska; to define terms; to provide procedures and reporting requirements relating to a state plan regarding

carbon dioxide emissions; to provide requirements for meteorological evaluation towers; to provide penalties; to provide and change duties of the State Energy Office; to require a strategic state energy plan as prescribed; to eliminate provisions relating to wind measurement equipment; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; to outright repeal section 66-1901, Revised Statutes Cumulative Supplement, 2014; and to declare an emergency." inserted.

LEGISLATIVE BILL 469A. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Enenbach, Matt - Nebraska Accountability and Disclosure Commission -
Government, Military and Veterans Affairs

(Signed) Bob Krist, Chairperson
Executive Board

RESOLUTION(S)

LEGISLATIVE RESOLUTION 230. Introduced by Davis, 43; Baker, 30; Gloor, 35; Hughes, 44; Kolowski, 31; Kolterman, 24; Mello, 5; Nordquist, 7; Schnoor, 15; Schumacher, 22; Stinner, 48; Watermeier, 1.

PURPOSE: The purpose of this resolution is to study pensions provided for firefighters from cities of the first class.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 231. Introduced by Howard, 9.

PURPOSE: The purpose of this resolution is to study the effectiveness of the prescription drug monitoring program currently housed within the Nebraska Health Information Initiative. The issues examined in this study shall include, but not be limited to:

1. How the current program functions as well as the capabilities and limitations of the health information exchange model as it currently exists;
2. Current usage of the program by providers and how to increase utilization to ensure statewide coverage;
3. The benefits and limitations of transitioning to a stand-alone prescription drug monitoring system;
4. Funding options, additional funding sources, and projected sustainability of funding for both the current program and a proposed stand-alone system;
5. Technological improvements or changes that would allow for interstate sharing of data with other state prescription drug monitoring programs; and
6. A review of Nebraska statutes to determine changes needed to address the ability for patients to opt out of the system, mandatory reporting by providers, and inclusion of information relating to all payors.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 232. Introduced by Howard, 9.

PURPOSE: The purpose of this resolution is to study the process by which a person changes his or her name, including the administrative name change procedure within the Nebraska court system, and the practice of adopting a name by which he or she wishes to be known without intent to defraud. The issues examined in this study shall include, but not be limited to:

- (1) Why Nebraska only provides that a woman may change her surname upon marriage or divorce without following the administrative name change procedure;
- (2) Ensuring that a person's last name is not automatically changed upon marriage and that neither party to the marriage be required to change his or her name, while also ensuring that either party be given equal opportunity to change his or her name upon marriage without participating in the administrative name change procedure;
- (3) A review of name change processes in other states and their effect on the issuance of state identification cards and drivers' licenses; and
- (4) A review of Nebraska statutes to determine if changes are necessary to address the name change process and, if changes are necessary, how such changes can be made to keep Nebraska in compliance with the federal REAL ID Act of 2005 when issuing state identification.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 233. Introduced by Howard, 9.

PURPOSE: The purpose of this resolution is to study payday loans and other short-term lending practices where high interest rates are charged and collected from customers. The issues examined in this study shall include, but not be limited to:

(1) What efforts have been undertaken in other states to address similar practices in which higher-than-average interest rates were charged to customers;

(2) How these lending practices may affect a segment of Nebraska's population that is vulnerable to such practices;

(3) A review of payday lending statutes in other states and their effect on the practice of payday lending; and

(4) A review of Nebraska statutes to determine if changes are necessary to address such lending practices.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 234. Introduced by Kolowski, 31.

WHEREAS, Brittany Margritz of Skutt Catholic High School in Omaha was named a 2015 United States Presidential Scholars Semifinalist; and

WHEREAS, high school seniors are chosen for their accomplishments in many areas including academic and artistic success, leadership, and involvement in their school and community; and

WHEREAS, 565 semifinalists were selected from nearly 3.3 million high school seniors nationwide; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Brittany Margritz of Skutt Catholic High School on being named a 2015 United States Presidential Scholars Semifinalist.

2. That a copy of this resolution be sent to Brittany Margritz.

Laid over.

LEGISLATIVE RESOLUTION 235. Introduced by Kolowski, 31.

WHEREAS, Alisha Dalal of Elkhorn South High School was named a 2015 United States Presidential Scholars Semifinalist; and

WHEREAS, high school seniors are chosen for their accomplishments in many areas including academic and artistic success, leadership, and involvement in their school and community; and

WHEREAS, 565 semifinalists were selected from nearly 3.3 million high school seniors nationwide; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Alisha Dalal of Elkhorn South High School on being named a 2015 United States Presidential Scholars Semifinalist.

2. That a copy of this resolution be sent to Alisha Dalal.

Laid over.

NOTICE OF COMMITTEE HEARING(S)
Nebraska Retirement Systems

Room 1525

Monday, May 18, 2015 8:30 a.m.

Denis Blank - Public Employees Retirement Board
Dennis W. Leonard - Public Employees Retirement Board
Kelli Ackerman - Public Employees Retirement Board

(Signed) Jeremy Nordquist, Chairperson

AMENDMENT(S) - Print in Journal

Senator Mello filed the following amendment to LB656:
AM1501

(Amendments to AM828)

1 1. Purpose: To provide temporary and permanent funding for the
2 restoration of the loss of over-the-air television service to the
3 panhandle region.

4 Amendment:

5 1. Insert the following new section:

6 Sec. 16. AGENCY NO. 47 — NEBRASKA EDUCATIONAL TELECOMMUNICATIONS
7 COMMISSION

8 Program No. 533 - Network Operations

| 9 | <u>FY2013-14</u> | <u>FY2014-15</u> |
|-------------------------|------------------|------------------|
| 10 <u>GENERAL FUND</u> | <u>-0-</u> | <u>385,000</u> |
| 11 <u>CASH FUND</u> | <u>-0-</u> | <u>-0-</u> |
| 12 <u>PROGRAM TOTAL</u> | <u>-0-</u> | <u>385,000</u> |
| 13 <u>SALARY LIMIT</u> | <u>-0-</u> | <u>-0-</u> |

14 The funds appropriated in this section are for the Nebraska
15 Educational Telecommunication Commission's television antenna at KTNE
16 (Alliance) that fell from the tower on April 9, 2015, and related costs.

17 Funds appropriated are for both the temporary and permanent solution for
18 the restoration of the loss of over-the-air television service to the
19 panhandle region.

20 It is the intent of the Legislature that any funds recovered from
21 insurance coverage or from the manufacturer's financial liability be
22 remitted to the General Fund.

23 2. Purpose: To correct a Program Total.

24 Amendment:

25 1. On page 4, line 8, strike "22,899,110" and insert "20,899,110";
26 and in line 10 strike "\$22,899,110" and insert "\$20,899,110".

1 3. Purpose: Strike a section passed in LB 430.

2 Amendment:

3 1. Strike section 25.

Senator Mello filed the following amendment to LB657:
AM1508

(Amendments to E & R amendments, ER114)

1 1. Purpose: Increase salary limit to accommodate normal salary
2 policy increases for the two new positions added in the Office of the
3 Governor.

4 Amendment:

5 1. On page 10, strike line 28 and insert:

6 "SALARY LIMIT 926,781 947,633"

7 2. Purpose: To correct a fund amount.

8 Amendment:

9 1. On page 30, line 8, strike "24,721,328" and insert "24,721,538".

10 3. Purpose: To increase the property tax credit by \$4,000,000 each
11 year.

12 Amendment:

13 1. On page 31, lines 21 and 22, strike each occurrence of
14 "200,000,000" and insert "204,000,000"; and in lines 24 and 26 strike
15 "\$200,000,000" and insert "\$204,000,000".

16 4. Purpose: To add a reporting requirement and correct a reporting
17 requirement.

18 Amendment:

19 1. On page 45, after line 6 insert:

20 "It is the intent of the Legislature that the Department of Health
21 and Human Services shall provide quarterly status reports electronically
22 on the replacement of the Medicaid Medical Information System (MMIS).";
23 and in line 27 strike "contracting entity" and insert "department" and
24 strike "its" and insert "the".

25 5. Purpose: To add an earmark.

26 Amendment:

1 1. On page 47, after line 8, insert the following new language:

2 "There is included in the appropriation to this program for
3 FY2015-16 \$1,000,000 General Funds for the electronic records initiative,
4 to be used only for that purpose. There is included in the appropriation
5 to this program for FY2016-17 \$1,000,000 General Funds for the electronic
6 records initiative, to be used only for this purpose."

7 6. Purpose: To allow for the reappropriation of the unexpended cash
8 fund balance.

9 Amendment:

10 1. On page 53, line 15, after the first "Fund" insert ", Cash
11 Fund,".

12 7. Purpose: To correct a name and earmark an appropriation.

13 Amendment:

14 1. On page 58, line 24, after the second comma insert "East Central
15 District Health Department —"; and in line 26 strike "Norfolk" and insert
16 "Midtown".

17 2. On page 59, line 4, after the first comma insert "East Central
18 District Health Department —"; in lines 5 and 20 strike "Norfolk" and
19 insert "Midtown"; in line 17 strike "Inc."; in line 18 after
20 "Department" insert a dash; in line 20 strike "Care Clinic, Inc." and
21 insert "Center"; and in line 27 after the period insert "The additional
22 \$200,000 Cash Funds included in this appropriation is to be distributed
23 equally among the eighteen public health departments."

24 8. Purpose: To correct appropriations amounts and provide for
25 earmarks.

26 Amendment:

27 1. On page 61, line 1, strike "6,937,612" and insert "7,077,612" and
28 strike "6,837,612" and insert "6,917,612"; in line 4 strike "72,475,654"
29 and insert "72,615,654" and strike "72,375,654" and insert "72,455,654";
30 in line 9 strike "\$6,937,612" and insert "\$7,077,612"; and in line 12
31 strike "\$6,837,612" and insert "\$6,917,612".

1 2. On page 62, after line 9 insert:

2 "There is included in the appropriation to this program for
3 FY2015-16 \$100,000 General Funds to contract with the University of

4 Nebraska Medical Center for the Nebraska Perinatal Quality Improvement
5 Collaborative. There is included in the appropriation to this program for
6 FY2016-17 \$100,000 General Funds to contract with the University of
7 Nebraska Medical Center for the Nebraska Perinatal Quality Improvement
8 Collaborative.

9 There is included in the appropriation to this program for FY2015-16
10 \$300,000 General Funds to contract for services for implementation of a
11 statewide drug disposal project. There is included in the appropriation
12 to this program for FY2016-17 \$300,000 General Funds to contract for
13 services for implementation of a statewide drug disposal project.

14 There is included in the appropriation to this program for FY2015-16
15 \$292,000 General Funds for state aid for tuition reimbursement for
16 emergency medical services responders' initial and ongoing training.

17 There is included in the appropriation to this program for FY2016-17
18 \$292,000 General Funds for state aid for tuition reimbursement for
19 emergency medical services responders' initial and ongoing training.

20 There is included in this appropriation a one-time appropriation for
21 FY2015-16 of \$160,000 General Funds for cardiac monitors."

22 9. Purpose: To reappropriate the unexpended General Fund balance in
23 order to continue the temporary and permanent fix for the television
24 antenna at KTNE (Alliance).

25 Amendment:

26 1. On page 87, after line 20 insert:

27 "The unexpended General Fund appropriation balance existing on June
28 30, 2015, is hereby reappropriated for the television antennae and
29 related costs at KTNE (Alliance)."

30 10. Purpose: To eliminate the blanket reappropriation authority for
31 Agency No. 51 — University of Nebraska, Program No. 781 - University -
1 Administration.

2 Amendment:

3 1. On page 92, strike lines 17 and 18.

4 11. Purpose: To assure private funds have been received prior to the
5 expenditure of General Funds for the Yeutter Institute for International
6 Trade and Finance.

7 Amendment:

8 1. Strike beginning with "It" on page 93, line 29, through the
9 period on page 94, line 1.

10 2. On page 94, line 7, after the period insert "The budget
11 administrator of the budget division of the Department of Administrative
12 Services shall allot \$1,250,000 General Funds for FY2015-16 and
13 \$1,250,000 General Funds for FY2016-17 to the Board of Regents of the
14 University of Nebraska for the Yeutter Institute for International Trade
15 and Finance upon evidence provided by the board that \$1,250,000 for
16 FY2015-16 and \$1,250,000 for FY2016-17 in private funds have been
17 received by the board for this institute."

18 12. Purpose: To revise the funding of state aid to development
19 districts from the Civic and Community Center Financing Fund in Program
20 No. 655 to General Funds in Program No. 601 and to revise the Civic and
21 Community Center Financing Fund expenditure authority.

22 Amendment:

23 1. On page 117, strike line 4 and insert:

24 "GENERAL FUND 796,059 799,877"; strike line 7 and insert "PROGRAM

25 TOTAL 38,777,213 38,519,293"; and in line 9 after "FY2015-16" insert

26 "\$500,000 General Funds,"; in line 10 after the first "Funds" insert a

27 comma; in line 12 after "FY2016-17" insert "\$500,000 General Funds," and

28 before "and" insert a comma; and after line 14 insert:

29 "There is included in the appropriation to this program for

30 FY2015-16 \$500,000 General Funds to provide funding to development

31 districts formed under sections 13-1901 to 13-1907. There is included in

1 the appropriation to this program for FY2016-17 \$500,000 General Funds to

2 provide funding to development districts formed under sections 13-1901 to

3 13-1907."

4 2. On page 118, strike lines 9 and 10 and insert:

5 "CASH FUND 2,100,586 2,101,222

6 PROGRAM TOTAL 2,100,586 2,101,222"; and in lines 13 and 15 strike

7 "\$2,515,000" and insert "\$2,065,000".

8 13. Purpose: To provide funding for the Nebraska Developing Youth

9 Talent Initiative in the Department of Economic Development.

10 Amendment:

11 1. On page 117, strike line 18 and insert "GENERAL FUND 11,836,200

12 11,911,451"; and strike line 21 and insert "PROGRAM TOTAL 27,218,854

13 27,304,627".

14 2. On page 118, after line 5 insert:

15 "There is included in the appropriation to this program for

16 FY2015-16 \$250,000 General Funds for the Nebraska Developing Youth Talent

17 Initiative, which shall only be used for such purpose. There is included

18 in the appropriation to this program for FY2016-17 \$250,000 General Funds

19 for the Nebraska Developing Youth Talent Initiative, which shall only be

20 used for such purpose. The department shall establish a separate budget

21 subprogram to account for the expenditure of funds appropriated for the

22 Nebraska Developing Youth Talent Initiative. It is the intent of the

23 Legislature that the Department of Economic Development shall select up

24 to two industry partners or industry consortiums each fiscal year from

25 the manufacturing and information technology sectors to participate in

26 the initiative, which shall be in collaboration with public schools. The

27 initiative shall be designed to reach students beginning in the seventh

28 and eighth grades. At least one industry partner selected to participate

29 in the initiative shall be from a county that has a population of less

30 than one hundred thousand inhabitants. An initial evaluation report

31 regarding the results of the initiative shall be provided to the

1 Legislature electronically and to the Governor upon completion of the

2 first year of the initiative, not later than September 15, 2016. A final

3 evaluation report detailing the outcomes of the initiative shall be

4 provided to the Legislature electronically and to the Governor upon

5 completion of the initiative, not later than September 15, 2017. The

6 department shall include in the final evaluation report its

7 recommendation regarding the future funding of the initiative."

8 14. Purpose: To reappropriate a cash fund balance.

9 Amendment:

10 1. On page 131, line 27, after the period insert "The unexpended
11 Cash Fund appropriation balance existing on June 30, 2015, is hereby
12 reappropriated."

13 15. Purpose: To add a fund to a listing of cash funds.

14 Amendment:

15 1. On page 135, line 4, before the semicolon insert ", Public

16 Guardianship Cash Fund".

Senator Mello filed the following amendment to LB660:

AM1502

(Amendments to AM830)

1 1. Purpose: To change appropriations to accrue to the State
2 Colleges Sport Facilities Cash Fund pursuant to amended provisions of
3 section 13-2704 as proposed by the Appropriations Committee.

4 Amendment:

5 1. On page 10, strike lines 4 and 5 and insert:

| | | | |
|-----------------|---------|---------|---------|
| 6 CASH FUND | 300,000 | 300,000 | 600,000 |
| 7 PROGRAM TOTAL | 300,000 | 300,000 | 600,000 |

8 2. Purpose: To change funding for Capitol heating, ventilating, and
9 air conditioning systems replacement.

10 Amendment:

11 1. On page 19, strike line 4 and insert:

12 NEBRASKA CAPITAL CONSTRUCTION FUND -0- 7,804,292 20,436,714
13 PROGRAM TOTAL -0- 7,804,292 86,501,914; in line 22 after the period
14 insert "The Legislature further intends to appropriate future amounts
15 from the Nebraska Capital Construction Fund for completion of the project
16 as follows: \$3,417,587 for FY2019-20; \$3,742,825 for FY2020-21;
17 \$4,781,509 for FY2021-22; \$4,711,059 for FY2022-23; and \$3,783,734 for
18 FY2023-24."; and in line 23 strike "\$77,767,100" and insert
19 "\$106,008,106".

Senator Mello filed the following amendment to LB661:

AM1506

(Amendments to AM831)

1 1. Purpose: To increase the transfer to the Property Tax Credit Cash
2 Fund.

3 Amendment:

4 1. On page 1, line 25; and page 2, line 2, strike "\$198,000,000" and
5 insert "\$202,000,000".

6 2. Purpose: To designate an agency for a new cash fund and clarify
7 language.

8 Amendment:

9 1. On page 3, line 28, before the period insert "within the

10 Department of Health and Human Services".

11 2. On page 4, line 4, strike "appropriated to" and insert "deposited
12 in".

13 3. Purpose: To remove provisions that would require that \$500,000

14 from the Civic and Community Center Financing Fund be used to fund

15 development districts, to amend the transfer to the State Colleges Sport
16 Facilities Cash Fund to \$300,000 per year, and to delete a proposed
17 General Fund transfer.

18 Amendment:

19 1. On page 9, line 18, strike "sections", reinstate the stricken
20 "section", and strike "and 13-2704".

21 2. On page 14, strike the new matter and reinstate the stricken
22 matter.

23 3. On page 15, lines 1 through 4 and 6 strike the new matter and
24 reinstate the stricken matter; and in line 5 reinstate the stricken
25 "transfer", after the reinstated "transfer" insert "three", and reinstate
26 the stricken matter beginning with "hundred" through "Community".

1 4. Purpose: To transfer \$250,000 from the Job Training Cash Fund to
2 the General Fund in each of FY2015-16 and FY2016-17.

3 Amendment:

4 1. Insert the following new section:

5 Sec. 34. Section 81-1201.21, Reissue Revised Statutes of Nebraska,
6 is amended to read:

7 81-1201.21 (1) There is hereby created the Job Training Cash Fund.
8 The fund shall be under the direction of the Department of Economic
9 Development. Money may be transferred to the fund pursuant to subdivision
10 (1)(b)(iii) of section 48-621 and from the Cash Reserve Fund at the
11 direction of the Legislature. The department shall establish a subaccount
12 for all money transferred from the Cash Reserve Fund to the Job Training
13 Cash Fund on or after July 1, 2005.

14 (2) The department shall use the Job Training Cash Fund or the
15 subaccount established in subsection (1) of this section (a) to provide
16 reimbursements for job training activities, including employee
17 assessment, preemployment training, on-the-job training, training
18 equipment costs, and other reasonable costs related to helping industry
19 and business locate or expand in Nebraska, (b) to provide upgrade skills
20 training of the existing labor force necessary to adapt to new technology
21 or the introduction of new product lines, or (c) to provide grants
22 pursuant to section 81-1210.02. The department shall give a preference to
23 job training activities carried out in whole or in part within an
24 enterprise zone designated pursuant to the Enterprise Zone Act.

25 (3) The department shall establish a subaccount within the fund to
26 provide training grants for training employees and potential employees of
27 businesses that (a) employ twenty-five or fewer employees on the
28 application date, (b) employ, or train for potential employment,
29 residents of rural areas of Nebraska, or (c) are located in or employ, or
30 train for potential employment, residents of high-poverty areas as
31 defined in section 81-1203. The department shall calculate the amount of
1 prior year investment income earnings accruing to the fund and allocate
2 such amount to the subaccount for training grants under this subsection.
3 The subaccount shall also be used as provided in the Teleworker Job
4 Creation Act and as provided in section 81-1210.02. The department shall
5 give a preference to training grants for businesses located in whole or
6 in part within an enterprise zone designated pursuant to the Enterprise

7 Zone Act.

8 (4) The State Treasurer shall transfer two hundred fifty thousand
 9 dollars from the Job Training Cash Fund to the General Fund no later than
 10 July 15 of 2015 and 2016.

11 (5) Any money in the fund available for investment shall be
 12 invested by the state investment officer pursuant to the Nebraska Capital
 13 Expansion Act and the Nebraska State Funds Investment Act.

14 2. Renumber the remaining sections and correct internal references
 15 and the repealer accordingly.

16 5. Purpose: To establish a minimum contract term of ten years, to
 17 establish a contract application deadline of January 1, 2017, and to
 18 provide for limitations of contract award amounts.

19 Amendment:

20 1. On page 26, line 16, after "services" insert "for a minimum of
 21 ten years. An application to enter into a contract under this section
 22 shall be made no later than January 1, 2017"; in line 19 after
 23 "dentistry" insert "for at least five years"; in line 22 after "services"
 24 insert "for a minimum of ten years".

25 2. On page 27, line 10, after the period insert "No applicant shall
 26 receive an award amount under a contract under this section of more than
 27 eight million dollars. If more than one applicant meets the requirements
 28 of this section to enter into a contract and provides evidence that
 29 private or other funds have been received by the applicant as matching
 30 funds for such a contract in an amount greater than or equal to sixteen
 31 million dollars, each of such applicants shall receive an award amount
 1 under a contract equal to eight million dollars divided by the number of
 2 such applicants. If one of such applicants qualifies for a contract award
 3 amount of less than four million dollars, any other such applicant may
 4 receive a contract award amount up to eight million dollars minus the
 5 amount awarded to the applicant qualifying for less than four million
 6 dollars. The contract amount shall be awarded first to the applicant
 7 qualifying for the lowest contract award amount.".

8 3. In the Mello amendment, AM1486, strike amendment 2.

Senator Mello filed the following amendment to LB662:
 AM1538

(Amendments to AM1246)

1 1. On page 1, after line 12 insert the following new subsection:
 2 "(14) The State Treasurer shall transfer the following amounts from
 3 the Cash Reserve Fund to the Nebraska Capital Construction Fund on such
 4 dates as directed by the budget administrator of the budget division of
 5 the Department of Administrative Services;
 6 (a) Seven million eight hundred four thousand two hundred ninety-two
 7 dollars on or after June 15, 2016, but before June 30, 2016;
 8 (b) Seven million one hundred sixty thousand four hundred twelve
 9 dollars on or after June 15, 2019, but before June 30, 2019;
 10 (c) Nine million four hundred ninety-two thousand five hundred
 11 sixty-eight dollars on or after June 15, 2021, but before June 30, 2021;
 12 and

13 (d) Three million seven hundred eighty-three thousand seven hundred
14 thirty-four dollars after June 15, 2023, but before June 30, 2023."

MOTION - Print in Journal

Senator Chambers filed the following motion:
Suspend the rules, Rule 5, Section 4(c), to permit the introduction of a bill
(Req. 3103) after the tenth legislative day.

MOTION - Print in Journal

Senator Mello filed the following motion:
Reconsider the vote on the confirmation report of the Health and Human
Services Committee found on Journal page 1355 regarding the appointment
of Joseph Acierno, Chief Medical Officer.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So
ordered.

Kolowski, Williams - LB591

EASE

The Legislature was at ease from 12:06 p.m. until 12:30 p.m.

MOTION(S) - Confirmation Report(s)

Senator Murante renewed his motion to adopt the Government, Military and
Veterans Affairs Committee report for the confirmation of the following
appointment(s) found on page 1356 and considered in this day's Journal:
Nebraska State Patrol
Bradley Rice, Superintendent

Senator Murante moved for a call of the house. The motion prevailed with
28 ayes, 0 nays, and 21 not voting.

Voting in the affirmative, 32:

| | | | | |
|------------|-----------|-------------|------------|------------|
| Bloomfield | Garrett | Kintner | Riepe | Stinner |
| Brasch | Gloor | Kolterman | Scheer | Sullivan |
| Coash | Groene | Kuehn | Schilz | Watermeier |
| Craighead | Hadley | Larson | Schnoor | Williams |
| Davis | Hilkemann | McCollister | Schumacher | |
| Ebke | Hughes | McCoy | Seiler | |
| Friesen | Johnson | Murante | Smith | |

Voting in the negative, 7:

| | | | |
|----------|----------|----------|----------------|
| Bolz | Cook | Haar, K. | Pansing Brooks |
| Chambers | Crawford | Krist | |

Present and not voting, 9:

| | | | | |
|----------|----------|----------|---------|-----------|
| Baker | Hansen | Howard | Mello | Nordquist |
| Campbell | Harr, B. | Kolowski | Morfeld | |

Excused and not voting, 1:

Lindstrom

The appointment was confirmed with 32 ayes, 7 nays, 9 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 138. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 55. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 334. ER100, found on page 1330, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 257. ER101, found on page 1330, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 342. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 456. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 464. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 104. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 206. ER102, found on page 1338, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 455. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 123. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 246. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 277. ER103, found on page 1339, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 283. ER104, found on page 1339, was adopted.

Senator Baker offered the following amendment:

AM1535

(Amendments to E and R amendments, ER104)

1 1. Strike the original sections and insert the following new

2 sections:

3 Section 1. Section 13-511, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 13-511 (1) Unless otherwise provided by law, whenever during the

6 current fiscal year or biennial period it becomes apparent to a governing

7 body that (a) there are circumstances which could not reasonably have

8 been anticipated at the time the budget for the current year or biennial

9 period was adopted, (b) the budget adopted violated sections 13-518 to

10 13-522, such that the revenue of the current fiscal year or biennial

11 period for any fund thereof will be insufficient, additional expenses

12 will be necessarily incurred, or there is a need to reduce the budget

13 requirements to comply with sections 13-518 to 13-522, or (c) the

14 governing body has been notified by the auditor of a mathematical or

15 accounting error or noncompliance with the Nebraska Budget Act, such

16 governing body may propose to revise the previously adopted budget

17 statement and shall conduct a public hearing on such proposal. The public

18 hearing requirement shall not apply to emergency expenditures pursuant to

19 section 81-829.51.

20 (2) Notice of the time and place of the hearing shall be published

21 at least five days prior to the date set for hearing in a newspaper of

22 general circulation within the governing body's jurisdiction. Such

23 published notice shall set forth (a) the time and place of the hearing,

24 (b) the amount in dollars of additional or reduced money required and for

25 what purpose, (c) a statement setting forth the nature of the

26 unanticipated circumstances and, if the budget requirements are to be

1 increased, the reasons why the previously adopted budget of expenditures
2 cannot be reduced during the remainder of the current year or biennial
3 period to meet the need for additional money in that manner, (d) a copy
4 of the summary of the originally adopted budget previously published, and
5 (e) a copy of the summary of the proposed revised budget.

6 (3) At such hearing any taxpayer may appear or file a written
7 statement protesting any application for additional money. A written
8 record shall be kept of all such hearings.

9 (4) Upon conclusion of the public hearing on the proposed revised
10 budget and approval of the proposed revised budget by the governing body,
11 the governing body shall file with the county clerk of the county or
12 counties in which such governing body is located, with the learning
13 community coordinating council for school districts that are members of
14 learning communities, and with the auditor, a copy of the revised budget,
15 as adopted. The governing body may then issue warrants in payment for
16 expenditures authorized by the adopted revised budget. Such warrants
17 shall be referred to as registered warrants and shall be repaid during
18 the next fiscal year or biennial period from funds derived from taxes
19 levied therefor.

20 (5) Within thirty days after the adoption of the budget under
21 section 13-506, a governing body may, or within thirty days after
22 notification of an error by the auditor, a governing body shall, correct
23 an adopted budget which contains a clerical, mathematical, or accounting
24 error which does not affect the total amount budgeted by more than one
25 percent or increase the amount required from property taxes. No public
26 hearing shall be required for such a correction. After correction, the
27 governing body shall file a copy of the corrected budget with the county
28 clerk of the county or counties in which such governing body is located
29 and with the auditor. The governing body may then issue warrants in
30 payment for expenditures authorized by the budget.

31 Sec. 2. Section 73-106, Reissue Revised Statutes of Nebraska, is
1 amended to read:

2 73-106 Whenever any public school district in the state expends
3 public funds for the construction, remodeling, or repair of any school-
4 owned building or for site improvements, other than those expenditures
5 authorized by section 81-829.51 for emergency expenditures or section
6 79-10,104 for facilities which are not to be owned by the district
7 following their completion, the school board or its representative shall
8 advertise for bids in the regular manner established by the board and
9 accept or reject bids pursuant to section 73-101, except that nothing in
10 this section applies to such construction, remodeling, repair, or site
11 improvements when the contemplated expenditure for the complete project
12 does not exceed forty thousand dollars. This section does not apply to
13 the acquisition of existing buildings, purchase of new sites, or site
14 expansions by the school district.

15 Sec. 3. Section 79-1023, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 79-1023 (1) On or before April 10, 2014, and on or before March 1 of
18 each year thereafter, the department shall determine and certify to each

19 school district budget authority for the general fund budget of
20 expenditures for the ensuing school fiscal year.
21 (2) Except as provided in sections 79-1028.01, 79-1029, ~~and~~ 79-1030,
22 and 81-829.51, each school district shall have budget authority for the
23 general fund budget of expenditures equal to the greater of (a) the
24 general fund budget of expenditures for the immediately preceding school
25 fiscal year minus exclusions pursuant to subsection (1) of section
26 79-1028.01 for such school fiscal year with the difference increased by
27 the basic allowable growth rate for the school fiscal year for which
28 budget authority is being calculated, (b) the general fund budget of
29 expenditures for the immediately preceding school fiscal year minus
30 exclusions pursuant to subsection (1) of section 79-1028.01 for such
31 school fiscal year with the difference increased by an amount equal to
1 any student growth adjustment calculated for the school fiscal year for
2 which budget authority is being calculated, or (c) one hundred ten
3 percent of formula need for the school fiscal year for which budget
4 authority is being calculated minus the special education budget of
5 expenditures as filed on the school district budget statement on or
6 before September 20 for the immediately preceding school fiscal year,
7 which special education budget of expenditures is increased by the basic
8 allowable growth rate for the school fiscal year for which budget
9 authority is being calculated.

10 (3) For any school fiscal year for which the budget authority for
11 the general fund budget of expenditures for a school district is based on
12 a student growth adjustment, the budget authority for the general fund
13 budget of expenditures for such school district shall be adjusted in
14 future years to reflect any student growth adjustment corrections related
15 to such student growth adjustment.

16 Sec. 4. Section 81-829.49, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 81-829.49 Each local government, school district, or educational
19 service unit shall have the power to make appropriations in the manner
20 provided by law for making appropriations for the ordinary expenses of
21 such local government, school district, or educational service unit for
22 the payment of expenses of its city, village, county, school district,
23 educational service unit, or interjurisdictional emergency management
24 organization and in furthering the purposes of the Emergency Management
25 Act.

26 Sec. 5. Section 81-829.51, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 81-829.51 (1)(a) In the event of a disaster, emergency, or civil
29 defense emergency, each local government may make emergency expenditures,
30 enter into contracts, and incur obligations for emergency management
31 purposes regardless of existing statutory limitations and requirements
1 pertaining to appropriation, budgeting, levies, or the manner of entering
2 into contracts.

3 (b) In the event of a disaster, emergency, or civil defense
4 emergency, each school district or educational service unit may make
5 emergency expenditures, enter into contracts, and incur obligations for

6 emergency management purposes and to minimize the disruption to education
 7 services regardless of existing statutory limitations and requirements
 8 pertaining to appropriation, budgeting, or the manner of entering into
 9 contracts.

10 (2) If any such expenditure, contract, or obligation will be in
 11 excess of or in violation of existing statutory limitations or
 12 requirements, then before any such expenditure, contract, or obligation
 13 is undertaken it shall be approved by a vote of the governing body of
 14 such local government, school district, or educational service unit. The
 15 ~~and such~~ governing body may not vote its approval unless it has secured a
 16 copy of the proclamation as provided in section 81-829.50 from the
 17 ~~certificate~~ of the city, village, county, or interjurisdictional
 18 emergency management director serving such local government, school
 19 district, or educational service unit. For school districts and
 20 educational service units, the proclamation shall be secured from the
 21 county in which the school district or principal office of the
 22 educational service unit is located that such action is necessary in the
 23 public interest for emergency management purposes.
 24 Sec. 6. Original sections 13-511, 73-106, 79-1023, 81-829.49, and
 25 81-829.51, Reissue Revised Statutes of Nebraska, are repealed.
 26 Sec. 7. Since an emergency exists, this act takes effect when passed
 27 and approved according to law.

The Baker amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 365. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 570. ER105, found on page 1340, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 477. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 423. Senator Nordquist renewed his amendment, AM1498, found on page 1364.

Senator Nordquist asked unanimous consent to withdraw his amendment, AM1525, found on page 1368, and replace it with his substitute amendment, AM1543, to his amendment. No objections. So ordered.
 AM1543

(Amendments to AM1498)

1 1. On page 1, strike beginning with "placed" in line 24 through
 2 "act" in line 25 and insert "that has been approved for construction by

3 the Nebraska Power Review Board on or after the effective date of this
4 act, if subject to the board's jurisdiction, or that is placed into
5 commercial operation on or after the effective date of this act, if not
6 subject to the board's jurisdiction."
7 2. On page 2, strike beginning with "begins" in line 9 through "act"
8 in line 10 and insert "has been approved for construction by the Nebraska
9 Power Review Board on or after the effective date of this act, if subject
10 to the board's jurisdiction, or that is placed into commercial operation
11 on or after the effective date of this act, if not subject to the board's
12 jurisdiction"; strike beginning with "calculated" in line 13 through line
13 28 and insert "equal to 0.75 cent for each kilowatt-hour of electricity
14 generated by the renewable electric generation facility; or"; and strike
15 beginning with "begins" in line 30 through "act" in line 31 and insert
16 "has been approved for construction by the Nebraska Power Review Board on
17 or after the effective date of this act, if subject to the board's
18 jurisdiction, or that is placed into commercial operation on or after the
19 effective date of this act, if not subject to the board's jurisdiction".
20 3. On page 3, line 1, strike "two" and insert "one"; and in line 2
21 after "dollars" insert "and shall be taken over at least two tax years
22 with no more than five hundred thousand dollars taken in any one tax
23 year".
24 4. On page 5, line 2, after the period insert "The Tax Commissioner
25 shall limit the monetary amount of tax credits permitted under this
26 section to a level necessary to limit tax credit utilization at no more
1 than seventy-five million dollars of new tax credits, of which at least
2 five million dollars shall be allocated to the one-time tax credit
3 allowed under subdivision (3)(b) of this section. Such limitation on tax
4 credits shall be based on the anticipated utilization of credits without
5 regard to the potential for taxpayers to carry forward tax credits to
6 later tax years".

SENATOR WATERMEIER PRESIDING

The Nordquist amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Senator Groene offered his amendment, AM1521, found on page 1375, to the Nordquist amendment.

Senator Groene withdrew his amendment.

Senator Groene offered the following amendment to the Nordquist amendment:

AM1550

(Amendments to AM1498)

1 1. On page 1, line 26, after the period insert "To be eligible to
2 claim such credit, such producer must agree to abide by the Guidelines
3 for Wind Energy and Wildlife Resource Management in Nebraska, November
4 2013 version, as established by the Nebraska Wind and Wildlife Working

5 Group, and must submit such agreement to the Department of Revenue."

Senator Nordquist offered the following motion:

MO102

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Nordquist moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Nordquist requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 30:

| | | | | |
|----------|----------|-------------|----------------|----------|
| Baker | Crawford | Harr, B. | Mello | Schilz |
| Bolz | Davis | Hilkemann | Morfeld | Seiler |
| Brasch | Gloor | Johnson | Nordquist | Smith |
| Campbell | Haar, K. | Kolowski | Pansing Brooks | Stinner |
| Chambers | Hadley | Krist | Riepe | Sullivan |
| Cook | Hansen | McCollister | Scheer | Williams |

Voting in the negative, 12:

| | | | |
|------------|---------|---------|------------|
| Bloomfield | Ebke | Kintner | Schnoor |
| Coash | Garrett | McCoy | Schumacher |
| Craighead | Groene | Murante | Watermeier |

Present and not voting, 3:

| | | |
|---------|--------|-----------|
| Friesen | Hughes | Kolterman |
|---------|--------|-----------|

Excused and not voting, 4:

| | | | |
|--------|-------|--------|-----------|
| Howard | Kuehn | Larson | Lindstrom |
|--------|-------|--------|-----------|

The Nordquist motion to invoke cloture failed with 30 ayes, 12 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)

Agriculture

LEGISLATIVE BILL 389. Indefinitely postponed.

(Signed) Jerry Johnson, Chairperson

COMMITTEE REPORT(S)

Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Frank R. Turk - Commission for the Deaf and Hard of Hearing

Aye: 7 Baker, Campbell, Cook, Crawford, Howard, Kolterman, Riepe. Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Kevin Borcher - State Board of Health
Shane Fleming - State Board of Health
Russell Hopp - State Board of Health
Kevin C. Low - State Board of Health
Travis James Teetor - State Board of Health
Douglas Vander Broek - State Board of Health

Aye: 7 Baker, Campbell, Cook, Crawford, Howard, Kolterman, Riepe. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

Agriculture

The Agriculture Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

R.M. (Matt) Joeckel - Climate Assessment Response Committee

Aye: 7 Bloomfield, Harr, B., Johnson, Kolterman, Larson, Riepe, Schilz. Nay: 0. Absent: 1 Chambers. Present and not voting: 0.

(Signed) Jerry Johnson, Chairperson

AMENDMENT(S) - Print in Journal

Senator Krist filed the following amendment to LB540:

AM1529

1 1. Insert the following new sections:

2 Section 1. Sections 1 to 5 of this act shall be known and may be

3 cited as the Radon Resistant New Construction Act.

4 Sec. 2. The Legislature finds that:

5 (1) Radon is a radioactive element that is part of the radioactive
6 decay chain of naturally occurring uranium in soil;
7 (2) Radon is the leading cause of lung cancer among nonsmokers and
8 the number one risk in homes according to the Harvard School of Public
9 Health, Harvard Center for Risk Analysis;
10 (3) The World Health Organization Handbook on Indoor Radon includes
11 key messages which state:
12 (a) "There is no known threshold concentration below which radon
13 exposure presents no risk."; and
14 (b) "The majority of radon-induced lung cancers are caused by low
15 and moderate radon concentrations rather than by high radon
16 concentrations, because in general less people are exposed to high indoor
17 radon concentrations.";
18 (4) The Surgeon General of the United States urged Americans to test
19 their homes to find out how much radon they might be breathing;
20 (5) The United States Environmental Protection Agency estimates that
21 more than twenty thousand Americans die of radon-related lung cancer each
22 year; and
23 (6) The United States Environmental Protection Agency has identified
24 radon levels in Nebraska as the third highest in the United States
25 because of the high concentration of uranium in the soil.
26 Sec. 3. For purposes of the Radon Resistant New Construction Act:
27 (1) Active radon mitigation system means a family of radon
1 mitigation systems involving mechanically driven soil depressurization,
2 including subslab depressurization, drain tile depressurization, block
3 wall depressurization, and submembrane depressurization. Active radon
4 mitigation system is also known as active soil depressurization;
5 (2) Building code means an ordinance, resolution, or law that
6 establishes standards applicable to new construction;
7 (3) Building contractor means any individual, corporation,
8 partnership, limited liability company, or other business entity that
9 engages in new construction;
10 (4) Department means the Department of Health and Human Services;
11 (5) New construction means any original construction of a single-
12 family home or a multifamily dwelling, including apartments, group homes,
13 condominiums, and townhouses, or any original construction of a building
14 used for commercial, industrial, educational, or medical purposes. New
15 construction does not include additions to existing structures or
16 remodeling of existing structures;
17 (6) Passive new construction pipe means a pipe installed in new
18 construction that relies solely on the convective flow of air upward for
19 soil gas depressurization and may consist of multiple pipes routed
20 through conditioned space from below the foundation to above the roof;
21 and
22 (7) Radon mitigation specialist means an individual who is licensed
23 by the department as a radon mitigation specialist in accordance with the
24 Radiation Control Act.
25 Sec. 4. (1) The Radon Resistant New Construction Task Force is
26 created. The task force shall consist of the chief medical officer of the

27 Division of Public Health of the Department of Health and Human Services
28 as designated in section 81-3115 or his or her designee, who shall serve
29 as the chairperson of the task force, and the following additional
30 members to be appointed by the Governor:
31 (a) Three representatives of home builders' associations in
1 Nebraska, each from a different congressional district;
2 (b) A representative of a home inspectors' association in Nebraska;
3 (c) Two representatives of commercial construction associations, one
4 of whom must have experience related to large-scale projects and one of
5 whom must have experience related to medium-scale to small-scale
6 projects;
7 (d) A representative of a Nebraska realtors' organization;
8 (e) A representative of a respiratory disease organization;
9 (f) A representative of a cancer research and prevention
10 organization;
11 (g) A representative of the League of Nebraska Municipalities;
12 (h) Three community public health representatives, each from a
13 different congressional district;
14 (i) A professional engineer as defined in section 81-3422;
15 (j) An architect as defined in section 81-3404; and
16 (k) A representative with expertise in residential or commercial
17 building codes.
18 (2) The task force shall meet at the call of the chairperson. The
19 appointed members of the task force shall serve without compensation but
20 shall be reimbursed for their actual and necessary expenses as provided
21 in sections 81-1174 to 81-1177. The department shall provide staff and
22 support for the operation of the task force.
23 (3) The task force shall develop minimum standards for radon
24 resistant new construction and shall recommend such minimum standards to
25 the Governor, to the Health and Human Services Committee of the
26 Legislature, and to the Urban Affairs Committee of the Legislature. In
27 developing such minimum standards, the task force shall:
28 (a) Design the minimum standards so that they may be enforced by a
29 county, city, or village as part of its local building code;
30 (b) Consider Appendix F of the International Residential Code for
31 One- and Two-Family Dwellings, 2012 edition, published by the
1 International Code Council; and
2 (c) Consider including the following provisions in such minimum
3 standards:
4 (i) A requirement that the installation of an active radon
5 mitigation system only be performed by a building contractor or his or
6 her subcontractors or by a radon mitigation specialist;
7 (ii) A requirement that the installation of radon resistant new
8 construction only be performed by a building contractor or his or her
9 subcontractors or by a radon mitigation specialist; and
10 (iii) A requirement that only a building contractor or his or her
11 subcontractors or a radon mitigation specialist be allowed to install a
12 radon vent fan or upgrade a passive new construction pipe to an active
13 radon mitigation system.

14 (4) The task force shall provide its recommendations by December 15,
 15 2015. The task force and this section terminate on January 1, 2016.
 16 Sec. 5. It is the intent of the Legislature that the recommendations
 17 provided by the Radon Resistant New Construction Task Force under section
 18 4 of this act be used by the Legislature during the 2016 legislative
 19 session to establish, in statute, minimum standards for radon resistant
 20 new construction.
 21 2. Renumber the remaining sections accordingly.

Senator Campbell filed the following amendment to LB607:
 AM1551

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:
 3 Section 1. Section 43-512, Revised Statutes Cumulative Supplement,
 4 2014, is amended to read:
 5 43-512 (1) Any dependent child as defined in section 43-504 or any
 6 relative or eligible caretaker of such a dependent child may file with
 7 the Department of Health and Human Services a written application for
 8 financial assistance for such child on forms furnished by the department.
 9 (2) The department, through its agents and employees, shall make
 10 such investigation pursuant to the application as it deems necessary or
 11 as may be required by the county attorney or authorized attorney. If the
 12 investigation or the application for financial assistance discloses that
 13 such child has a parent or stepparent who is able to contribute to the
 14 support of such child and has failed to do so, a copy of the finding of
 15 such investigation and a copy of the application shall immediately be
 16 filed with the county attorney or authorized attorney.
 17 (3) The department shall make a finding as to whether the
 18 application referred to in subsection (1) of this section should be
 19 allowed or denied. If the department finds that the application should be
 20 allowed, the department shall further find the amount of monthly
 21 assistance which should be paid with reference to such dependent child.
 22 Except as may be otherwise provided, payments shall be made by unit size
 23 and shall be consistent with subdivision (1)(p) of section 68-1713.
 24 Beginning on the operative date of this section, the maximum payment
 25 level for monthly assistance shall be fifty-five percent of the standard
 26 of need described in section 43-513 state warrant, and the amount of
 27 payments shall not exceed three hundred dollars per month when there is
 1 but one dependent child and one eligible caretaker in any home, plus an
 2 additional seventy five dollars per month on behalf of each additional
 3 eligible person.
 4 No payments shall be made for amounts totaling less than ten dollars
 5 per month except in the recovery of overpayments.
 6 (4) The amount which shall be paid as assistance with respect to a
 7 dependent child shall be based in each case upon the conditions disclosed
 8 by the investigation made by the department. An appeal shall lie from the
 9 finding made in each case to the chief executive officer of the
 10 department or his or her designated representative. Such appeal may be
 11 taken by any taxpayer or by any relative of such child. Proceedings for

12 and upon appeal shall be conducted in the same manner as provided for in
13 section 68-1016.

14 (5)(a) For the purpose of preventing dependency, the department
15 shall adopt and promulgate rules and regulations providing for services
16 to former and potential recipients of aid to dependent children and
17 medical assistance benefits. The department shall adopt and promulgate
18 rules and regulations establishing programs and cooperating with programs
19 of work incentive, work experience, job training, and education. The
20 provisions of this section with regard to determination of need, amount
21 of payment, maximum payment, and method of payment shall not be
22 applicable to families or children included in such programs. Income and
23 assets described in section 68-1201 shall not be included in
24 determination of need under this section.

25 (b) If a recipient of aid to dependent children becomes ineligible
26 for aid to dependent children as a result of increased hours of
27 employment or increased income from employment after having participated
28 in any of the programs established pursuant to subdivision (a) of this
29 subsection, the recipient may be eligible for the following benefits, as
30 provided in rules and regulations of the department in accordance with
31 sections 402, 417, and 1925 of the federal Social Security Act, as
1 amended, Public Law 100-485, in order to help the family during the
2 transition from public assistance to independence:

3 (i) An ongoing transitional payment that is intended to meet the
4 family's ongoing basic needs which may include food, clothing, shelter,
5 utilities, household goods, personal care items, and general incidental
6 expenses during the five months following the time the family becomes
7 ineligible for assistance under the aid to dependent children program, if
8 the family's earned income is at or below one hundred eighty-five percent
9 of the federal poverty level at the time the family becomes ineligible
10 for the aid to dependent children program. Payments shall be made in five
11 monthly payments, each equal to one-fifth of the aid to dependent
12 children payment standard for the family's size at the time the family
13 becomes ineligible for the aid to dependent children program. If during
14 the five-month period, (A) the family's earnings exceed one hundred
15 eighty-five percent of the federal poverty level, (B) the family members
16 are no longer working, (C) the family ceases to be Nebraska residents,
17 (D) there is no longer a minor child in the family's household, or (E)
18 the family again becomes eligible for the aid to dependent children
19 program, the family shall become ineligible for any remaining
20 transitional benefits under this subdivision;

21 (ii) Child care as provided in subdivision (1)(c) of section
22 68-1724; and

23 (iii) Except as may be provided in accordance with subsection (2) of
24 section 68-1713 and subdivision (1)(c) of section 68-1724, medical
25 assistance for up to twelve months after the month the recipient becomes
26 employed and is no longer eligible for aid to dependent children.

27 (6) For purposes of sections 43-512 to 43-512.18:

28 (a) Authorized attorney shall mean an attorney, employed by the
29 county subject to the approval of the county board, employed by the

30 department, or appointed by the court, who is authorized to investigate
31 and prosecute child, spousal, and medical support cases. An authorized
1 attorney shall represent the state as provided in section 43-512.03;
2 (b) Child support shall be defined as provided in section 43-1705;
3 (c) Medical support shall include all expenses associated with the
4 birth of a child, cash medical support as defined in section 42-369,
5 health care coverage as defined in section 44-3,144, and medical and
6 hospital insurance coverage or membership in a health maintenance
7 organization or preferred provider organization;
8 (d) Spousal support shall be defined as provided in section 43-1715;
9 (e) State Disbursement Unit shall be defined as provided in section
10 43-3341; and
11 (f) Support shall be defined as provided in section 43-3313.
12 Sec. 2. Section 68-1713, Revised Statutes Cumulative Supplement,
13 2014, is amended to read:
14 68-1713 (1) The Department of Health and Human Services shall
15 implement the following policies:
16 (a) Permit Work Experience in Private for-Profit Enterprises;
17 (b) Permit Job Search;
18 (c) Permit Employment to be Considered a Program Component;
19 (d) Make Sanctions More Stringent to Emphasize Participant
20 Obligations;
21 (e) Alternative Hearing Process;
22 (f) Permit Adults in Two-Parent Households to Participate in
23 Activities Based on Their Self-Sufficiency Needs;
24 (g) Eliminate Exemptions for Individuals with Children Between the
25 Ages of 12 Weeks and Age Six;
26 (h) Providing Poor Working Families with Transitional Child Care to
27 Ease the Transition from Welfare to Self-Sufficiency;
28 (i) Provide Transitional Health Care for 12 Months After Termination
29 of ADC if funding for such transitional medical assistance is available
30 under Title XIX of the federal Social Security Act, as amended, as
31 described in section 68-906;
1 (j) Require Adults to Ensure that Children in the Family Unit Attend
2 School;
3 (k) Encourage Minor Parents to Live with Their Parents;
4 (l) Establish a Resource Limit of \$4,000 for a single individual and
5 \$6,000 for two or more individuals for ADC;
6 (m) Exclude the Value of One Vehicle Per Family When Determining ADC
7 Eligibility;
8 (n) Exclude the Cash Value of Life Insurance Policies in Calculating
9 Resources for ADC;
10 (o) Establish the Supplemental Nutrition Assistance Program as a
11 Continuous Benefit with Eligibility Reevaluated with Yearly
12 Redeterminations;
13 (p) Establish a Budget the Gap Methodology Whereby Countable Earned
14 Income is Subtracted from the Standard of the Need and Payment is Based
15 on the Difference or Maximum Payment Level, Whichever is Less. That this
16 Gap be Established at a Level that Encourages Work but at Least at a

17 Level that Ensures that Those Currently Eligible for ADC do not Lose
18 Eligibility Because of the Adoption of this Methodology;
19 (q) Adopt an Earned Income Disregard described in section 68-1726 of
20 ~~Twenty Percent of Gross Earnings~~ in the ADC Program, One Hundred Dollars
21 in the Related Medical Assistance Program, and Income and Assets
22 Described in section 68-1201;
23 (r) Disregard Financial Assistance Described in section 68-1201 and
24 Other Financial Assistance Intended for Books, Tuition, or Other Self-
25 Sufficiency Related Use;
26 (s) Culture: Eliminate the 100-Hour Rule, The Quarter of Work
27 Requirement, and The 30-Day Unemployed/Underemployed Period for ADC-UP
28 Eligibility; and
29 (t) Make ADC a Time-Limited Program.
30 (2) The Department of Health and Human Services shall (a) apply for
31 a waiver to allow for a sliding-fee schedule for the population served by
1 the caretaker relative program or (b) pursue other public or private
2 mechanisms, to provide for transitional health care benefits to
3 individuals and families who do not qualify for cash assistance. It is
4 the intent of the Legislature that transitional health care coverage be
5 made available on a sliding-scale basis to individuals and families with
6 incomes up to one hundred eighty-five percent of the federal poverty
7 level if other health care coverage is not available.
8 Sec. 3. Section 68-1726, Revised Statutes Cumulative Supplement,
9 2014, is amended to read:
10 68-1726 Based on the comprehensive assets assessment, each
11 individual and family receiving assistance under the Welfare Reform Act
12 shall reach for his or her highest level of economic self-sufficiency or
13 the family's highest level of economic self-sufficiency. The following
14 eligibility factors shall apply:
15 (1) Financial resources, excluding the primary home and furnishings
16 and the primary automobile, shall not exceed four thousand dollars in
17 value for a single individual and six thousand dollars in value for two
18 or more individuals;
19 (2) Available resources, including, but not limited to, savings
20 accounts and real estate, shall be used in determining financial
21 resources, except that income and assets described in section 68-1201
22 shall not be included in determination of available resources under this
23 section;
24 (3) Income received by family members, except income earned by
25 children attending school and except as provided in section 68-1201,
26 shall be considered in determining total family income. Income earned by
27 an individual or a family by working shall be treated differently than
28 unearned income in determining the amount of cash assistance as follows:
29 (a) Earned income shall be counted in determining the level of cash
30 assistance after disregarding an amount of earned income as follows:
31 ~~equal to twenty percent of earned income or other incentives to work;~~
1 (i) Twenty percent of gross earned income shall be disregarded to
2 test for eligibility during the application process for aid to dependent
3 children assistance; and

4 (ii) For aid to dependent children program participants and for
5 applicants after eligibility has been established, fifty percent of the
6 gross earned income shall be disregarded;
7 (b) Financial assistance provided by other programs that support the
8 transition to economic self-sufficiency shall be considered to the extent
9 the payments are intended to provide for life's necessities; and
10 (c) Financial assistance or those portions of it intended for books,
11 tuition, or other self-sufficiency-related expenses shall not be counted
12 in determining financial resources. Such assistance shall include, but
13 not be limited to, school grants, scholarships, vocational rehabilitation
14 payments, Job Training Partnership Act payments, income or assets
15 described in section 68-1201, and education-related loans or other loans
16 that are expected to be repaid; and
17 (4) Individuals and families shall pursue potential sources of
18 economic support, including, but not limited to, unemployment
19 compensation and child support.
20 Sec. 4. (1) The Intergenerational Poverty Task Force is created,
21 The executive committee of the task force shall consist of the following
22 voting members:
23 (a) The chairperson of the Health and Human Services Committee of
24 the Legislature;
25 (b) The chairperson of the Appropriations Committee of the
26 Legislature; and
27 (c) Three at-large members appointed by the Executive Board of the
28 Legislative Council.
29 The voting members of the executive committee shall choose a
30 chairperson and vice-chairperson from among the voting members.
31 The chief executive officer of the Department of Health and Human
1 Services or his or her designee, the Commissioner of Labor, and the
2 Commissioner of Education shall be nonvoting, ex officio members of the
3 executive committee of the task force.
4 (2) The remaining members of the task force shall be nonvoting
5 members appointed by the executive committee of the task force through an
6 application and selection process, representing (a) advocacy groups that
7 focus on childhood poverty issues and education issues, (b) academic
8 experts in childhood poverty or education, (c) service providers, (d)
9 educational institutions, (e) workforce development agencies, and (f)
10 experts in early childhood education. The members appointed pursuant to
11 this subsection shall constitute the advisory committee to the task
12 force.
13 Sec. 5. The Intergenerational Poverty Task Force shall, with
14 respect to programs, including, but not limited to, the aid to dependent
15 children program described in section 43-513, the federal Supplemental
16 Nutrition Assistance Program established pursuant to 7 U.S.C. 2011 et
17 seq., as such sections existed on January 1, 2015, the child care
18 assistance program described in section 68-1206, and the Employment First
19 program developed pursuant to the self-sufficiency contract described in
20 sections 68-1719 to 68-1724 and rules and regulations of the Department
21 of Health and Human Services:

22 (1) Share, examine, and analyze data and information regarding
23 intergenerational poverty in the state with a primary focus on data and
24 information regarding children who are at risk of continuing the cycle of
25 poverty unless outside intervention is made and develop effective and
26 efficient plans, programs, and recommendations to help such children
27 escape the cycle of poverty;
28 (2) Encourage participation and input from academic experts,
29 advocacy groups, nonprofit corporations, local governments, and faith-
30 based institutions in exploring strategies and solutions to help children
31 who are victims of intergenerational poverty escape the cycle of poverty;
1 (3) Study, evaluate, and report on the status and effectiveness of
2 policies, procedures, and programs implemented by other states and by
3 nongovernmental entities that address the needs of and that provide
4 services to children affected by intergenerational poverty;
5 (4) Identify policies, procedures, and programs, including any lack
6 of interagency data sharing, lack of policy coordination, or current
7 federal requirements, that are impeding efforts to help children in the
8 state affected by intergenerational poverty escape the cycle of poverty
9 and recommend changes to those policies and procedures;
10 (5) Create a long-range strategic plan containing:
11 (a) Measurable goals and benchmarks, including future action needed
12 to attain those goals and benchmarks, for decreasing the incidence of
13 intergenerational poverty among the state's children and increasing the
14 number of the state's children who escape the cycle of poverty; and
15 (b) Recommended data-supported changes to policies, procedures, and
16 programs to address the needs of children affected by intergenerational
17 poverty and to help those children escape the cycle of poverty, including
18 the steps that will be required to make the recommended changes and
19 whether further action is required by the Legislature or the federal
20 government; and
21 (6) Protect the privacy of individuals living in poverty by using
22 and distributing the data it collects or examines in compliance with
23 federal requirements and with sections 84-712 to 84-712.09.
24 Sec. 6. To accomplish its duties, the Intergenerational Poverty
25 Task Force may:
26 (1) Request and receive from any state or local governmental entity
27 or institution information relating to poverty in the state, including
28 reports, audits, data, projections, and statistics; and
29 (2) Appoint special committees to advise and assist the task force.
30 Members of any such special committee shall be appointed by the
31 chairperson of the task force and may be members of the task force or
1 individuals from the private or public sector. A special committee shall
2 report to the task force on the progress of the special committee.
3 Members of a special committee appointed under this section may not
4 receive reimbursement or pay for work done in relation to the special
5 committee.
6 Sec. 7. (1) On or before December 15, 2015, the Intergenerational
7 Poverty Task Force shall submit a preliminary report and on or before
8 December 15, 2016, the task force shall submit a final report (a) to the

9 Governor and (b) electronically to the Executive Board of the Legislative
10 Council.

11 (2) The preliminary report and the final report shall:

12 (a) Include the long-range strategic plan required pursuant to
13 section 5 of this act;

14 (b) Describe how the task force fulfilled its statutory purposes and
15 duties during the time period covered by the report;

16 (c) Describe policies, procedures, and programs that have been
17 implemented or modified to help break the cycle of poverty for children
18 affected or at risk of being affected by intergenerational poverty; and

19 (d) Contain recommendations on how the state should act to address
20 issues relating to breaking the cycle of poverty for children affected or
21 at risk of being affected by intergenerational poverty.

22 Sec. 8. The Intergenerational Poverty Task Force terminates on
23 December 31, 2016.

24 Sec. 9. Sections 1, 2, 3, and 10 of this act become operative three
25 calendar months after the adjournment of this legislative session. The
26 other sections of this act become operative on their effective date.

27 Sec. 10. Original sections 43-512, 68-1713, and 68-1726, Revised
28 Statutes Cumulative Supplement, 2014, are repealed.

29 Sec. 11. Since an emergency exists, this act takes effect when
30 passed and approved according to law.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 236. Introduced by McCoy, 39.

WHEREAS, Julie Classen-Cruscuolo won her age division in the Midwest Children's and Young Adult Authors' Network writing contest; and

WHEREAS, Julie is a 7th grader at Elkhorn Middle School and won the grades 6-8 competition with her entry entitled "Turning Point"; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Julie Classen-Cruscuolo on winning her age division in the Midwest Children's and Young Adult Authors' Network writing contest.

2. That a copy of this resolution be sent to Julie Classen-Cruscuolo.

Laid over.

LEGISLATIVE RESOLUTION 237. Introduced by McCoy, 39.

WHEREAS, Ben Cross, David Connolly, Connor Krecklow, CJ Monahan, Kyle Tompkins, Dylan Stamm, Ryan Soderquist, John-Mark Connolly, and Matthew Meacham of Troop 429 have completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these scouts have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. The following Eagle Scout community service projects were completed: Ben Cross led a team to build and place 6 park benches and plant 20 trees at the Elkhorn Crossing Recreation Area; David Connolly and volunteers built wooden stairs and cleared forested areas to promote growth of endangered bladdernut trees at Fontanelle Forest; Connor Krecklow designed and built bat houses at the National Guard Camp Ashland Training Site; CJ Monahan changed the land use at Heron Haven Nature Center; Kyle Tompkins restored bulletin boards in the children's classroom at Christ Community Church; Dylan Stamm refurbished an unsafe playground at the Stephen Center Emergency Shelter; Ryan Soderquist distributed mulch, installed a new sand box, and built wooden step stools for the drinking fountains at St. Luke United Methodist Church; John-Mark Connolly created an outdoor rest and recreation area for teachers and staff and built, painted, and framed 3 wall-size cork boards for the youth group at Westside Church; and Matthew Meacham designed and constructed a kiosk to display information and created a fire break at Neale Woods Nature Center; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Ben, David, Connor, CJ, Kyle, Dylan, Ryan, John-Mark, and Matthew, through their hard work and perseverance, have 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 Ben Cross, David Connolly, Connor Krecklow, CJ Monahan, Kyle Tompkins, Dylan Stamm, Ryan Soderquist, John-Mark Connolly, and Matthew Meacham on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Ben Cross, David Connolly, Connor Krecklow, CJ Monahan, Kyle Tompkins, Dylan Stamm, Ryan Soderquist, John-Mark Connolly, and Matthew Meacham.

Laid over.

LEGISLATIVE RESOLUTION 238. Introduced by McCoy, 39.

WHEREAS, Celia McCaslin won her age division in the Midwest Children's and Young Adult Authors' Network writing contest; and

WHEREAS, Celia is a 5th grader at Westridge Elementary School in Elkhorn and won the grades K-5 competition with her entry entitled "Arizona"; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Celia McCaslin on winning her age division in the Midwest Children's and Young Adult Authors' Network writing contest.
2. That a copy of this resolution be sent to Celia McCaslin.

Laid over.

ATTORNEY GENERAL'S OPINION

Opinion 15-006

SUBJECT: Parole eligibility for sentence to life in prison

REQUESTED BY: Senator Colby Coash
Nebraska Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
James D. Smith, Solicitor General

You have asked whether, *apart from a Pardons Board commutation*, does the absence of the words "without the possibility of parole" open the possibility of parole for an inmate sentenced to "life in prison?"

The answer to your question is, "No."

Under current Nebraska law, a sentence of life imprisonment is effectively life imprisonment without parole. See, *State v. Castaneda*, 287 Neb. 289, 313 (2014). Nebraska's current parole system does not apply unless and until executive clemency is granted in the form of sentence commutation by the Board of Pardons. *State v. Castaneda, supra*.

We caution that our opinion answers only the limited question that you asked. We emphasize that our opinion is limited only to amending the penalty for a person who commits the crime of first degree murder in the future from death to a penalty of life imprisonment under Nebraska's current statutes. Broader or additional legislative amendments are beyond the scope of this opinion. We have not attempted to analyze a myriad of potential legislative amendments.

Douglas J. Peterson
Attorney General
(Signed) James D. Smith
Solicitor General

pc: Patrick J. O'Donnell
Clerk of the Nebraska Legislature
07-944-29

SELECT FILE

LEGISLATIVE BILL 294. ER96, found on page 1287, was adopted.

Senator Scheer withdrew his amendment, AM1349, found on page 1249.

Senator Scheer offered his amendment, AM1454, found on page 1370.

The Scheer amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 566. ER98, found on page 1309, was adopted.

Senator Coash offered his amendment, AM1456, found on page 1374.

The Coash amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 566A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 575. ER99, found on page 1309, was adopted.

Senator Morfeld offered the following motion:
MO105
Bracket until June 5, 2015.

Senator Morfeld withdrew his motion to bracket.

Senator Schumacher offered his amendment, AM1424, found on page 1370.

Senator Schumacher moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Schumacher requested a roll call vote, in reverse order, on the amendment.

Voting in the affirmative, 10:

| | | | | |
|------------|----------|-------|----------|----------------|
| Bloomfield | Chambers | Cook | Haar, K. | Pansing Brooks |
| Bolz | Coash | Davis | Morfeld | Schumacher |

Voting in the negative, 30:

| | | | | |
|-----------|-----------|-------------|---------|------------|
| Baker | Friesen | Johnson | McCoy | Seiler |
| Brasch | Gloor | Kintner | Mello | Smith |
| Campbell | Hadley | Kolterman | Murante | Stinner |
| Craighead | Hansen | Kuehn | Riepe | Sullivan |
| Crawford | Hilkemann | Larson | Scheer | Watermeier |
| Ebke | Hughes | McCollister | Schilz | Williams |

Present and not voting, 6:

| | | |
|---------|----------|---------|
| Garrett | Harr, B. | Krist |
| Groene | Kolowski | Schnoor |

Excused and not voting, 3:

| | | |
|--------|-----------|-----------|
| Howard | Lindstrom | Nordquist |
|--------|-----------|-----------|

The Schumacher amendment lost with 10 ayes, 30 nays, 6 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Murante offered his amendment, AM1510, found on page 1370.

SENATOR KRIST PRESIDING

The Murante 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 629. ER91, found on page 1239, was adopted.

Senator Mello withdrew his amendments, AM1344 and AM1448, found on pages 1267 and 1310.

Senator Mello offered his amendment, AM1528, found on page 1389.

The Mello amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 360. ER90, found on page 1271, was adopted.

Senator Johnson withdrew his amendment, AM1478, found on page 1358.

Senator Johnson offered his amendment, AM1520, found on page 1375.

The Johnson amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Senator Davis offered his amendment, AM1518, found on page 1379.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 259A. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 259, One Hundred Fourth Legislature, First Session, 2015.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 239. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to examine the issues surrounding the implementation of the federal Workforce Innovation and Opportunity Act (WIOA) in Nebraska. The WIOA was signed into law on July 22, 2014. WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA supersedes the Workforce Investment Act of 1998 and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973. WIOA takes effect on July 1, 2015, with the United States Department of Labor issuing guidance on the timeframes for implementation and proposed regulations reflecting the changes in WIOA.

The study shall include, but not be limited to, an examination of the following issues:

- (1) Increasing the focus on serving the most vulnerable workers;
- (2) Expanding education and training options;
- (3) Helping disadvantaged and unemployed adults and youth earn income while they learn;
- (4) Aligning planning and accountability policies across core programs;
- (5) Improving opportunities to the existing workforce development and adult education systems;

(6) Implementing recommendations from the United States Department of Labor on both required and optional programs; and

(7) Increasing the effectiveness of WIOA programs as an economic development tool.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 240. Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Hughes, 44; Krist, 10; McCollister, 20.

PURPOSE: The purpose of this resolution is to examine state law governing cities of the first class in Chapter 16 of Nebraska statutes. The goal of the study is to update and modernize the statutes governing cities of the first class through the elimination of obsolete, antiquated, and duplicate statutory language.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTION(S) - Print in Journal

Senator Nordquist filed the following motion to LB67:

MO103

Bracket until June 5, 2015.

Senator Nordquist filed the following motion to LB67:

MO104

Recommit to the Banking, Commerce and Insurance Committee.

AMENDMENT(S) - Print in Journal

Senator Larson filed the following amendment to LB330:
AM1479

(Amendments to E and R amendments, ER92)

- 1 1. Insert the following new sections:
- 2 Sec. 27. Sections 3, 4, 11, and 29 of this act become operative on
- 3 July 1, 2015. The other sections of this act become operative on their
- 4 effective date.
- 5 Sec. 28. If any section in this act or any part of any section is
- 6 declared invalid or unconstitutional, the declaration shall not affect
- 7 the validity or constitutionality of the remaining portions.
- 8 Sec. 29. Original section 53-123.11, Reissue Revised Statutes of
- 9 Nebraska, and section 53-103.03, Revised Statutes Cumulative Supplement,
- 10 2014, are repealed.
- 11 2. On page 2, line 13, strike "possess," and "or"; and in line 14
- 12 after "use" insert ", or possess with intent to sell".
- 13 3. On page 27, line 27, strike "53-123.11,"; and in line 29 strike
- 14 "53-103.03,".
- 15 4. Renumber the remaining sections accordingly.

Senator Schilz filed the following amendment to LB329:
AM1533

(Amendments to Standing Committee amendments, AM1042)

- 1 1. Strike amendments 1 to 5 and all amendments thereto and insert
- 2 the following new amendment:
- 3 1. Strike the original sections and insert the following new
- 4 sections:
- 5 Section 1. Sections 1 to 7 of this act shall be known and may be
- 6 cited as the Nebraska Agritourism Promotion Act.
- 7 Sec. 2. The purposes of the Nebraska Agritourism Promotion Act are
- 8 to:
- 9 (1) Promote tourism and rural economic development by encouraging
- 10 owners of farms, ranches, and other rural land, including agricultural,
- 11 historical, ecological, cultural, and natural attractions, to allow
- 12 access to members of the public for educational, entertainment, and
- 13 recreational purposes;
- 14 (2) Promote a better understanding by visitors of agricultural
- 15 operations and features, including the production of livestock and
- 16 agricultural products, the land and other natural attributes, and
- 17 wildlife; and
- 18 (3) Encourage agritourism activities by limiting civil liability of
- 19 owners of farms, ranches, and other rural land.
- 20 Sec. 3. For purposes of the Nebraska Agritourism Promotion Act:
- 21 (1) Agritourism activities include any one or any combination of the
- 22 following: Hunting, fishing, swimming, boating, canoeing, kayaking,
- 23 tubing, water sports, camping, picnicking, hiking, backpacking,
- 24 bicycling, horseback riding, nature study, birding, farm, ranch, and
- 25 vineyard tours and activities, harvest-your-own activities, waterskiing,

26 snow-shoeing, cross-country skiing, visiting and viewing historical,
1 ecological, archaeological, scenic, or scientific sites, and similar
2 activities;
3 (2) Fee means the amount of money asked in return for an invitation
4 or permission to enter the premises;
5 (3) Inherent risks means those conditions, dangers, or hazards that
6 are an integral part of land or waters used for agritourism activities,
7 including the following:
8 (a) Surface and subsurface conditions and natural conditions of
9 land, vegetation, and waters;
10 (b) The behavior of wild or domestic animals;
11 (c) The ordinary dangers of structures or equipment ordinarily used
12 in farming or ranching operations when such structures or equipment are
13 used for farming or ranching purposes; and
14 (d) The potential of a participant to act in a negligent way that
15 may contribute to injury to the participant or others whether by failing
16 to follow safety procedures or failing to act with reasonable caution
17 while engaging in an agritourism activity.
18 Inherent risks does not include any act or omission occurring while
19 the actor was under the influence of alcohol or illegal drugs or any
20 action, activity, process, or condition that would otherwise be a
21 violation of any other statute or rule or regulation of the State of
22 Nebraska, a state regulatory body, or a political subdivision;
23 (4) Owner includes any person who is a tenant, lessee, occupant, or
24 person in control of the premises or any agent of such a person whose
25 gross annual income from agritourism activities does not exceed five
26 hundred thousand dollars;
27 (5) Participant means an individual who engages in agritourism
28 activities on premises owned by another but does not include an owner of
29 the premises or any agent, employee, or contractor of the owner;
30 (6) Person means an individual, corporation, limited liability
31 company, partnership, unincorporated association, or other legal or
1 commercial entity and does not include a governmental entity or political
2 subdivision; and
3 (7) Premises includes land, roads, pathways, trails, water,
4 watercourses, private ways, and buildings and structures attached to the
5 land outside of cities and villages and does not include land zoned
6 commercial, industrial, or residential.
7 Sec. 4. (1) Except as provided in section 5 of this act, an owner
8 who allows a participant on the owner's premises for agritourism
9 activities shall not be liable for injury to or death of the participant
10 or damage to the participant's property resulting solely from an inherent
11 risk on the owner's premises.
12 (2) Except as provided in section 5 of this act, no participant or
13 participant's representative shall maintain an action against or recover
14 for injury to or death of the participant or damage to the participant's
15 property resulting solely from an inherent risk on the owner's premises
16 when such owner allows the participant on the owner's premises for
17 agritourism activities.

18 Sec. 5. Nothing in the Nebraska Agritourism Promotion Act limits
19 any liability of an owner:
20 (1) Who has actual knowledge of a particular dangerous condition on
21 the owner's premises and does not make the particular danger known to the
22 participant if the particular danger is a proximate cause of injury to or
23 death of the participant or damage to the participant's property;
24 (2) Who reasonably should have known of a particular dangerous
25 condition of equipment used or kept on the owner's premises and does not
26 make the particular danger known to the participant if the particular
27 danger is a proximate cause of injury to or death of the participant or
28 damage to the participant's property;
29 (3) Who fails to properly train or supervise or improperly or
30 inadequately trains or supervises employees who are actively involved in
31 agritourism activities and an act or omission of the employee resulting
1 from improper or inadequate training or supervision is a proximate cause
2 of injury to or death of the participant or damage to the participant's
3 property; or
4 (4) Who commits an act or omission that is a proximate cause of
5 injury to or the death of the participant or damage to the participant's
6 property if the act or omission:
7 (a) Constitutes willful or wanton disregard for the safety of the
8 participant;
9 (b) Constitutes gross negligence; or
10 (c) Was intentional.
11 Sec. 6. (1) Nothing in section 4 of this act limits any liability
12 of an owner who receives a fee for allowing a participant on the premises
13 if the owner fails to do at least one of the following:
14 (a) Post and maintain signage containing the warning as described in
15 subsection (2) of this section in a clearly visible and conspicuous
16 location at or near the entrance to the property used for agritourism
17 activities; or
18 (b) Include the warning as described in subsection (2) of this
19 section in any written contract between the owner of the property and
20 each participant allowed on the premises for a fee. Such warning shall be
21 in a conspicuous location within the contract and be written in not less
22 than twelve-point, boldface type.
23 (2) The warning notice shall read as follows: WARNING - Under
24 Nebraska law, an owner of property, including lands and waters, is not
25 liable for the injury to or death of the participant in agritourism
26 activities or damage to the participant's property resulting solely from
27 the inherent risks of such activities. Inherent risks include, without
28 limitation, the risk of animals and land and water conditions and the
29 potential for you or another participant to act in a negligent manner
30 that may contribute to your own injury or death. You are assuming the
31 risk of participating in the agritourism activities for which you are
1 entering the owner's premises.
2 Sec. 7. Nothing in the Nebraska Agritourism Promotion Act limits
3 the obligation of a participant entering upon or using premises of
4 another for agritourism activities to exercise due care in his or her use

5 of such premises and in his or her agritourism activities on the
6 premises.

Senator Davis filed the following amendment to LB330:
AM1546

(Amendments to E and R amendments, ER92)

- 1 1. Strike sections 3, 4, and 11.
- 2 2. Renumber the remaining sections and correct the internal
- 3 references and the repealer accordingly.

Senator Kolterman filed the following amendment to LB330:
AM1558

Amendments to AM1479

- 1 1. On page 1, line 12, after "sell" insert "or use".

Senator Gloor filed the following amendment to LB643:
AM1564

(Amendments to Standing Committee amendments, AM1254)

- 1 1. On page 21, strike beginning with "Unless" in line 5 through
- 2 "(4)" in line 17.

Senator Mello filed the following amendment to LB657:
AM1566

(Amendments to E and R amendments, ER114)

- 1 1. Purpose: Increase salary limit to accommodate normal salary
- 2 policy increases for the two new positions added in the Office of the
- 3 Governor.
- 4 Amendment:
- 5 1. On page 10, strike line 28 and insert:
- 6 "SALARY LIMIT 926,781 947,633"
- 7 2. Purpose: To correct a fund amount.
- 8 Amendment:
- 9 1. On page 30, line 8, strike "24,721,328" and insert "24,721,538".
- 10 3. Purpose: To increase the property tax credit by \$4,000,000 each
- 11 year.
- 12 Amendment:
- 13 1. On page 31, lines 21 and 22, strike each occurrence of
- 14 "200,000,000" and insert "204,000,000"; and in lines 24 and 26 strike
- 15 "\$200,000,000" and insert "\$204,000,000".
- 16 4. Purpose: To add a reporting requirement and correct a reporting
- 17 requirement.
- 18 Amendment:
- 19 1. On page 45, after line 6 insert:
- 20 "It is the intent of the Legislature that the Department of Health
- 21 and Human Services shall provide quarterly status reports electronically
- 22 on the replacement of the Medicaid Medical Information System (MMIS).";
- 23 and in line 27 strike "contracting entity" and insert "department" and
- 24 strike "its" and insert "the".
- 25 5. Purpose: To add an earmark.

26 Amendment:

1 1. On page 47, after line 8, insert the following new language:
2 "There is included in the appropriation to this program for
3 FY2015-16 \$1,000,000 General Funds for the electronic records initiative,
4 to be used only for that purpose. There is included in the appropriation
5 to this program for FY2016-17 \$1,000,000 General Funds for the electronic
6 records initiative, to be used only for this purpose."
7 6. Purpose: To allow for the reappropriation of the unexpended cash
8 fund balance.

9 Amendment:

10 1. On page 53, line 15, after the first "Fund" insert ", Cash
11 Fund,".
12 7. Purpose: To correct a name and earmark an appropriation.

13 Amendment:

14 1. On page 58, line 24, after the second comma insert "East Central
15 District Health Department —"; and in line 26 strike "Norfolk" and insert
16 "Midtown".
17 2. On page 59, line 4, after the first comma insert "East Central
18 District Health Department —"; in lines 5 and 20 strike "Norfolk" and
19 insert "Midtown"; in line 17 strike "Inc.,"; in line 18 after
20 "Department" insert a dash; in line 20 strike "Care Clinic, Inc." and
21 insert "Center"; and in line 27 after the period insert "The additional
22 \$200,000 Cash Funds included in this appropriation is to be distributed
23 equally among the eighteen public health departments."
24 8. Purpose: To correct appropriations amounts and provide for
25 earmarks.

26 Amendment:

27 1. On page 61, line 1, strike "6,937,612" and insert "7,077,612" and
28 strike "6,837,612" and insert "6,917,612"; in line 4 strike "72,475,654"
29 and insert "72,615,654" and strike "72,375,654" and insert "72,455,654";
30 in line 9 strike "\$6,937,612" and insert "\$7,077,612"; and in line 12
31 strike "\$6,837,612" and insert "\$6,917,612".

1 2. On page 62, after line 9 insert:

2 "There is included in the appropriation to this program for
3 FY2015-16 \$100,000 General Funds to contract with the University of
4 Nebraska Medical Center for the Nebraska Perinatal Quality Improvement
5 Collaborative. There is included in the appropriation to this program for
6 FY2016-17 \$100,000 General Funds to contract with the University of
7 Nebraska Medical Center for the Nebraska Perinatal Quality Improvement
8 Collaborative.

9 There is included in the appropriation to this program for FY2015-16
10 \$300,000 General Funds to contract for services for implementation of a
11 statewide drug disposal project. There is included in the appropriation
12 to this program for FY2016-17 \$300,000 General Funds to contract for
13 services for implementation of a statewide drug disposal project.

14 There is included in the appropriation to this program for FY2015-16
15 \$292,000 General Funds for state aid for tuition reimbursement for
16 emergency medical services responders' initial and ongoing training.

17 There is included in the appropriation to this program for FY2016-17

18 \$292,000 General Funds for state aid for tuition reimbursement for
19 emergency medical services responders' initial and ongoing training.
20 There is included in this appropriation a one-time appropriation for
21 FY2015-16 of \$160,000 General Funds for cardiac monitors."
22 9. Purpose: To reappropriate the unexpended General Fund balance in
23 order to continue the temporary and permanent fix for the television
24 antenna at KTNE (Alliance).
25 Amendment:
26 1. On page 87, after line 20 insert:
27 "The unexpended General Fund appropriation balance existing on June
28 30, 2015, is hereby reappropriated for the television antennae and
29 related costs at KTNE (Alliance)."
30 10. Purpose: To eliminate the blanket reappropriation authority for
31 Agency No. 51 — University of Nebraska, Program No. 781 - University -
1 Administration.
2 Amendment:
3 1. On page 92, strike lines 17 and 18.
4 11. Purpose: To assure private funds have been received prior to the
5 expenditure of General Funds for the Yeutter Institute for International
6 Trade and Finance.
7 Amendment:
8 1. Strike beginning with "It" on page 93, line 29, through the
9 period on page 94, line 1.
10 2. On page 94, line 7, after the period insert "The budget
11 administrator of the budget division of the Department of Administrative
12 Services shall allot \$1,250,000 General Funds for FY2015-16 and
13 \$1,250,000 General Funds for FY2016-17 to the Board of Regents of the
14 University of Nebraska for the Yeutter Institute for International Trade
15 and Finance upon evidence provided by the board that \$1,250,000 for
16 FY2015-16 and \$1,250,000 for FY2016-17 in private funds have been
17 received by the board for this institute."
18 12. Purpose: To add \$100,000 each year to fund the Mainstreet
19 Program. Funding was originally intended to be included but was left out
20 of the bill.
21 Amendment:
22 1. On page 98, line 7, strike "4,916,695" and insert "5,016,695" and
23 strike "4,458,409" and insert "4,558,409"; and in line 10 strike
24 "8,275,223" and insert "8,375,223" and strike "7,872,682" and insert
25 "7,972,682".
26 13. Purpose: To revise the funding of state aid to development
27 districts from the Civic and Community Center Financing Fund in Program
28 No. 655 to General Funds in Program No. 601 and to revise the Civic and
29 Community Center Financing Fund expenditure authority.
30 Amendment:
31 1. On page 117, strike line 4 and insert:
1 "GENERAL FUND 796,059 799,877"; strike line 7 and insert "PROGRAM
2 TOTAL 38,777,213 38,519,293"; and in line 9 after "FY2015-16" insert
3 "\$500,000 General Funds,"; in line 10 after the first "Funds" insert a
4 comma; in line 12 after "FY2016-17" insert "\$500,000 General Funds," and

5 before "and" insert a comma; and after line 14 insert:

6 "There is included in the appropriation to this program for

7 FY2015-16 \$500,000 General Funds to provide funding to development

8 districts formed under sections 13-1901 to 13-1907. There is included in

9 the appropriation to this program for FY2016-17 \$500,000 General Funds to

10 provide funding to development districts formed under sections 13-1901 to

11 13-1907."

12 2. On page 118, strike lines 9 and 10 and insert:

13 "CASH FUND 2,100,586 2,101,222

14 PROGRAM TOTAL 2,100,586 2,101,222"; and in lines 13 and 15 strike

15 "\$2,515,000" and insert "\$2,065,000".

16 14. Purpose: To provide funding for the Nebraska Developing Youth

17 Talent Initiative in the Department of Economic Development.

18 Amendment:

19 1. On page 117, strike line 18 and insert "GENERAL FUND 11,836,200

20 11,911,451"; and strike line 21 and insert "PROGRAM TOTAL 27,218,854

21 27,304,627".

22 2. On page 118, after line 5 insert:

23 "There is included in the appropriation to this program for

24 FY2015-16 \$250,000 General Funds for the Nebraska Developing Youth Talent

25 Initiative, which shall only be used for such purpose. There is included

26 in the appropriation to this program for FY2016-17 \$250,000 General Funds

27 for the Nebraska Developing Youth Talent Initiative, which shall only be

28 used for such purpose. The department shall establish a separate budget

29 subprogram to account for the expenditure of funds appropriated for the

30 Nebraska Developing Youth Talent Initiative. It is the intent of the

31 Legislature that the Department of Economic Development shall select up

1 to two industry partners or industry consortiums each fiscal year from

2 the manufacturing and information technology sectors to participate in

3 the initiative, which shall be in collaboration with public schools. The

4 initiative shall be designed to reach students beginning in the seventh

5 and eighth grades. At least one industry partner selected to participate

6 in the initiative shall be from a county that has a population of less

7 than one hundred thousand inhabitants. An initial evaluation report

8 regarding the results of the initiative shall be provided to the

9 Legislature electronically and to the Governor upon completion of the

10 first year of the initiative, not later than September 15, 2016. A final

11 evaluation report detailing the outcomes of the initiative shall be

12 provided to the Legislature electronically and to the Governor upon

13 completion of the initiative, not later than September 15, 2017. The

14 department shall include in the final evaluation report its

15 recommendation regarding the future funding of the initiative."

16 15. Purpose: To reappropriate a cash fund balance.

17 Amendment:

18 1. On page 131, line 27, after the period insert "The unexpended

19 Cash Fund appropriation balance existing on June 30, 2015, is hereby

20 reappropriated."

21 16. Purpose: To add a fund to a listing of cash funds.

22 Amendment:

23 1. On page 135, line 4, before the semicolon insert ", Public
24 Guardianship Cash Fund".

Senator Krist filed the following amendment to LB347:
AM1547

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 Sec. 14. Section 43-4319, Revised Statutes Cumulative Supplement,
- 3 2014, is amended to read:
- 4 43-4319 (1) The office shall have access to all information and
- 5 personnel necessary to perform the duties of the office.
- 6 (2) A full investigation conducted by the office shall consist of
- 7 retrieval of relevant records through subpoena, request, or voluntary
- 8 production, review of all relevant records, and interviews of all
- 9 relevant persons.
- 10 (3) For a request for records pursuant to subsection (5) of section
- 11 43-2,108 involving death or serious injury, the office may submit a
- 12 written request to the probation administrator. The record information
- 13 shall be provided to the office within five days after approval of the
- 14 request by the Supreme Court.
- 15 2. On page 1, line 4, after the first comma insert "43-4319,".
- 16 3. On page 7, strike lines 11 through 20 and insert:
- 17 "(5) In all cases under sections 43-246.01 and 43-247 involving
- 18 death or serious injury, the office of Inspector General of Nebraska
- 19 Child Welfare may submit a written request to the probation administrator
- 20 for access to the records of juvenile probation officers. Upon approval
- 21 of the Supreme Court, the records shall be provided within five days to
- 22 the Inspector General for the exclusive use in an investigation pursuant
- 23 to subdivisions (1)(b) and (c) of section 43-4318. Nothing in this
- 24 subsection shall prevent the notification of death or serious injury of a
- 25 child to the Inspector General of Nebraska Child Welfare pursuant to
- 26 section 43-4318 as soon as reasonably possible after the Office of
- 1 Probation Administration learns of such death or serious injury.
- 2 (6) In all cases under sections 43-246.01 and 43-247, the court may
- 3 disseminate confidential record information to the Foster Care Review
- 4 Office pursuant to the Foster Care Review Act.;" in line 21 strike "6"
- 5 and insert "7" and strike "and (5)" and insert ", (5), and (6)"; and in
- 6 line 29 strike "(7)" and insert "(8)".
- 7 4. On page 23, line 16, after the third comma insert "43-4319,".
- 8 5. Renumber the remaining sections accordingly.

AMENDMENT - Refile in Journal

Senator Hansen refiled his amendment, AM1085, found on page 1145 and withdrawn on page 1265, to LB67.

VISITORS

Visitors to the Chamber were 65 fourth-grade students, teachers, and sponsors from Cardinal Elementary, South Sioux City; 45 fourth-grade students and teachers from Plattsmouth; 88 fourth-grade students, teachers, and sponsors from Aurora; 44 fourth-grade students, teachers, and sponsor from Alcott School, Hastings; 56 fourth-grade students and teachers from Joslyn Elementary, Omaha; 50 fourth-grade students, teachers, and sponsors from West Bay Elementary, Elkhorn; 48 fourth-grade students and teachers from Arbor Park Elementary, Blair; 40 third- and fourth-grade students, teachers, and sponsors from Twin River School, Genoa and Silver Creek; 18 sixth- through eighth-grade student and teacher from Trinity Lutheran School, Madison; and 40 sixth-grade students and teachers from Valentine Middle School.

ADJOURNMENT

At 7:02 p.m., on a motion by Senator K. Haar, the Legislature adjourned until 9:00 a.m., Wednesday, May 6, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-SIXTH DAY - MAY 6, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

SEVENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 6, 2015

PRAYER

The prayer was offered by Dr. Curt Dodd, Westside Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators B. Harr, Larson, Nordquist, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-fifth day was approved.

MOTION - Reconsider Action on Gubernatorial Appointment

Senator Mello offered his motion, found on page 1422, to reconsider the vote on the confirmation report of the Health and Human Services Committee found on Journal page 1355 regarding the appointment of Joseph Acierno, Chief Medical Officer.

Senator Mello moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 33:

| | | | | |
|------------|-----------|-----------|------------|------------|
| Baker | Friesen | Kintner | Mello | Smith |
| Bloomfield | Gloor | Kolowski | Murante | Stinner |
| Brasch | Groene | Kolterman | Riepe | Sullivan |
| Campbell | Hadley | Kuehn | Scheer | Watermeier |
| Cook | Hilkemann | Larson | Schnoor | Williams |
| Craighead | Hughes | Lindstrom | Schumacher | |
| Ebke | Johnson | McCoy | Seiler | |

Voting in the negative, 7:

| | | | |
|----------|----------|-------------|---------|
| Chambers | Haar, K. | Krist | Morfeld |
| Garrett | Hansen | McCollister | |

Present and not voting, 6:

| | | |
|-------|----------|----------------|
| Bolz | Crawford | Pansing Brooks |
| Coash | Howard | Schilz |

Absent and not voting, 1:

Davis

Excused and not voting, 2:

Harr, B. Nordquist

The Mello motion to reconsider prevailed with 33 ayes, 7 nays, 6 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 468. Placed on Select File with amendment.

ER119

- 1 1. In the Standing Committee amendments, AM1172:
- 2 a. On page 8, line 29, after the last comma insert "and";
- 3 b. On page 16, line 1, after "1" insert "of";
- 4 c. On page 17, line 26, strike "member" and insert "member's";
- 5 d. On page 18, lines 23 and 24, strike "judges retirement system"
- 6 and insert "Nebraska Judges Retirement System"; and
- 7 e. On page 21, line 4, after "(a)" insert "(i)"; in line 14 strike
- 8 "For", reinstate the stricken"; and", and after the reinstated matter
- 9 insert paragraphing and "(ii) For"; and in line 23 after "subdivision"
- 10 insert "(a)".
- 11 2. On page 1, strike beginning with "the" in line 1 through line 6
- 12 and insert "judges' retirement; to amend sections 29-3602, 29-3606,
- 13 33-123, 33-124, and 33-125, Reissue Revised Statutes of Nebraska, and
- 14 sections 24-701, 24-701.01, 24-703, and 24-710.13, Revised Statutes
- 15 Cumulative Supplement, 2014; to redefine a term; to provide for and
- 16 change provisions relating to contributions by judges and cost-of-living
- 17 adjustments; to provide for fees for enrollment in pretrial diversion
- 18 programs as prescribed; to provide powers and duties; to change
- 19 provisions relating to court fees; to harmonize provisions; to repeal the
- 20 original sections; and to declare an emergency."

LEGISLATIVE BILL 259. Placed on Select File with amendment.
ER118 is available in the Bill Room.

LEGISLATIVE BILL 480. Placed on Select File with amendment.
ER121

1 1. On page 1, strike lines 2 through 4 and insert "amend section
2 48-145, Reissue Revised Statutes of Nebraska, and sections 48-120,
3 48-125, and 48-1,110, Revised Statutes Cumulative Supplement, 2014; to
4 provide for denial of compensation in situations of false representation;
5 to change provisions relating to the collection of fees; to change
6 interest rate provisions on certain compensation court awards; to change
7 provisions relating to the investment of trust funds for self-insurers;
8 to harmonize provisions; and to repeal the original sections."

LEGISLATIVE BILL 525. Placed on Select File with amendment.
ER120 is available in the Bill Room.

LEGISLATIVE BILL 175. Placed on Select File with amendment.
ER122 is available in the Bill Room.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Coash filed the following amendment to LB268:
AM1532

(Amendments to Standing Committee amendments, AM754)

- 1 1. Strike section 23.
- 2 2. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARING(S)
Business and Labor

Room 2102

Monday, May 18, 2015 12:00 p.m.

William G. Blake - Commission of Industrial Relations

(Signed) Burke Harr, Chairperson

RESOLUTION(S)**LEGISLATIVE RESOLUTION 241.** Introduced by Davis, 43.

WHEREAS, Cherry County Hospital in Valentine was named one of the iVantage Health Analytics Top 100 Critical Access Hospitals in the United States; and

WHEREAS, the iVantage Hospital Strength Index, a comprehensive rating of acute care hospitals in the United States, was used to create this ranking; and

WHEREAS, this hospital strength index measures over 60 performance metrics including quality, outcomes, patient perspectives, affordability, financial stability, population risk, and efficiency; and

WHEREAS, critical access hospitals provide an invaluable service to rural America.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Cherry County Hospital on being named one of the iVantage Health Analytics Top 100 Critical Access Hospitals in the United States.

2. That a copy of this resolution be sent to Cherry County Hospital.

Laid over.

LEGISLATIVE RESOLUTION 242. Introduced by Coash, 27; Campbell, 25.

PURPOSE: The purpose of this resolution is to study the interplay between developmental disability and child welfare services to ensure proper treatment and protection of the rights of state wards.

The study shall include, but not be limited to, an examination of the following:

(1) A comparison of licensing standards for foster homes and group homes for child welfare placements with the licensing standards for group homes and extended family homes for persons with developmental disabilities;

(2) The alignment of systems to best serve children and families with complex needs, especially children whose needs are not met with a single program; and

(3) The funding mechanisms available to provide permanency for youth with developmental disabilities in the child welfare system, including the possibility of a dual agency or a blended rate for individuals or families providing a permanent placement for such children.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee and the Developmental Disabilities Special Investigative Committee of the

Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTION(S) - Confirmation Report(s)

Senator Campbell reconsidered the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1355:

Division of Public Health-Department of Health and Human Services
Joseph Acierno, Chief Medical Officer, Director

Senator Chambers offered the following motion:

Recommit the confirmation report of Joseph Acierno to the Health and Human Services Committee.

Senator Chambers moved for a call of the house. The motion prevailed with 38 ayes, 1 nay, and 10 not voting.

Senator Chambers requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 2:

Garrett Haar, K.

Voting in the negative, 40:

| | | | | |
|------------|-----------|-----------|-------------|------------|
| Baker | Davis | Hughes | Lindstrom | Schnoor |
| Bloomfield | Ebke | Johnson | McCollister | Schumacher |
| Brasch | Friesen | Kintner | McCoy | Seiler |
| Campbell | Gloor | Kolowski | Mello | Smith |
| Coash | Groene | Kolterman | Murante | Stinner |
| Cook | Hadley | Krist | Riepe | Sullivan |
| Craighead | Hansen | Kuehn | Scheer | Watermeier |
| Crawford | Hilkemann | Larson | Schilz | Williams |

Present and not voting, 6:

| | | |
|----------|---------|----------------|
| Bolz | Howard | Nordquist |
| Chambers | Morfeld | Pansing Brooks |

Excused and not voting, 1:

Harr, B.

The Chambers motion to recommit to committee failed with 2 ayes, 40 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
Reconsider the vote to recommit to committee.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Chambers requested a roll call vote on the motion to adopt the confirmation report.

Voting in the affirmative, 34:

| | | | | |
|------------|-----------|-----------|------------|------------|
| Baker | Davis | Hughes | McCoy | Seiler |
| Bloomfield | Ebke | Johnson | Mello | Smith |
| Brasch | Friesen | Kintner | Murante | Stinner |
| Campbell | Gloor | Kolterman | Riepe | Sullivan |
| Cook | Groene | Kuehn | Scheer | Watermeier |
| Craighead | Hadley | Larson | Schnoor | Williams |
| Crawford | Hilkemann | Lindstrom | Schumacher | |

Voting in the negative, 6:

| | | |
|---------|----------|-------------|
| Coash | Haar, K. | McCollister |
| Garrett | Krist | Morfeld |

Present and not voting, 8:

| | | | |
|----------|--------|-----------|----------------|
| Bolz | Hansen | Kolowski | Pansing Brooks |
| Chambers | Howard | Nordquist | Schilz |

Excused and not voting, 1:

Harr, B.

The appointment was confirmed with 34 ayes, 6 nays, 8 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
Reconsider the vote on the adoption of the confirmation report.

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 55. Placed on Final Reading.
LEGISLATIVE BILL 104. Placed on Final Reading.
LEGISLATIVE BILL 123. Placed on Final Reading.
LEGISLATIVE BILL 138. Placed on Final Reading.
LEGISLATIVE BILL 206. Placed on Final Reading.
LEGISLATIVE BILL 246. Placed on Final Reading.
LEGISLATIVE BILL 257. Placed on Final Reading.
LEGISLATIVE BILL 277. Placed on Final Reading.

LEGISLATIVE BILL 283. Placed on Final Reading.
ST33

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "the" in line 1 through line 5 has been struck and "political subdivisions; to amend sections 13-511, 73-106, 79-1023, 81-829.49, and 81-829.51, Reissue Revised Statutes of Nebraska; to change provisions relating to budgets, public lettings, and state aid for school districts as prescribed; to provide for payment of emergency expenses by school districts and educational service units as prescribed; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 334. Placed on Final Reading.
LEGISLATIVE BILL 342. Placed on Final Reading.
LEGISLATIVE BILL 365. Placed on Final Reading.
LEGISLATIVE BILL 455. Placed on Final Reading.
LEGISLATIVE BILL 456. Placed on Final Reading.
LEGISLATIVE BILL 464. Placed on Final Reading.
LEGISLATIVE BILL 477. Placed on Final Reading.
LEGISLATIVE BILL 570. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Judiciary

Room 1113

Thursday, May 14, 2015 12:00 p.m.

Teresa L. Bittinger - Board of Parole
Virgil J. Patlan Sr. - Board of Parole

(Signed) Les Seiler, Chairperson

General Affairs

Room 1510

Wednesday, May 13, 2015 12:00 p.m.

Bruce D. Bailey - Nebraska Liquor Control Commission
Janice Wiebusch - Nebraska Liquor Control Commission
Matthew Anselmo - Nebraska Commission on Problem Gambling
Timothy Hart - Nebraska Arts Council
Jon Hinrichs - Nebraska Arts Council
Pamela Price - Nebraska Arts Council
Tom Ourada - State Electrical Board

(Signed) Tyson Larson, Chairperson

Transportation and Telecommunications

Room 1113

Monday, May 18, 2015 9:00 a.m.

Ricky Pearson - Motor Vehicle Industry Licensing Board
Lisa Kramer - Board of Public Roads Classifications and Standards

(Signed) Jim Smith, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 243. Introduced by Nebraska Retirement Systems Committee: Nordquist, 7, Chairperson; Davis, 43; Kolowski, 31; Kolterman, 24.

PURPOSE: The purpose of this resolution is to examine the public employees retirement systems administered by the Public Employees Retirement Board, including the State Employees Retirement System of the State of Nebraska, the Retirement System for Nebraska Counties, the School Employees Retirement System of the State of Nebraska, the Nebraska State Patrol Retirement System, and the Nebraska Judges Retirement System. The study may also examine the Class V school employees retirement system administered under the Class V School Employees Retirement Act.

The study will examine issues relating to the funding needs, benefits, contributions, and administration of each retirement system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

EASE

The Legislature was at ease from 12:00 p.m. until 12:22 p.m.

MOTION(S) - Confirmation Report(s)

Senator Chambers renewed his motion, found in this day's Journal, to reconsider the vote on the adoption of the confirmation report for Joseph Acierno.

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 3:

Chambers Garrett Haar, K.

Voting in the negative, 36:

| | | | | |
|------------|-----------|-----------|------------|------------|
| Baker | Crawford | Hughes | Murante | Stinner |
| Bloomfield | Ebke | Johnson | Riepe | Sullivan |
| Bolz | Friesen | Kintner | Scheer | Watermeier |
| Brasch | Gloor | Kolterman | Schilz | Williams |
| Campbell | Groene | Kuehn | Schnoor | |
| Coash | Hadley | Lindstrom | Schumacher | |
| Cook | Hansen | McCoy | Seiler | |
| Craighead | Hilkemann | Mello | Smith | |

Present and not voting, 8:

| | | | |
|--------|----------|-------------|----------------|
| Davis | Kolowski | McCollister | Nordquist |
| Howard | Krist | Morfeld | Pansing Brooks |

Excused and not voting, 2:

Harr, B. Larson

The Chambers motion to reconsider failed with 3 ayes, 36 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

SENATOR COASH PRESIDING

SELECT FILE

LEGISLATIVE BILL 375. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 515. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 513. ER106, found on page 1340, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 640. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 291. ER107, found on page 1341, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 408. ER108, found on page 1342, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 310. ER109, found on page 1342, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 412. ER110, found on page 1342, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 479. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 296. ER111, found on page 1342, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 424. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 287. ER112, found on page 1343, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 541. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 195. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 511. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 422. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 658. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 659. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 656. ER113, found on page 1401, was adopted.

Senator Mello offered his amendment, AM1501, found on page 1415.

The Mello amendment was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB295:
AM556

(Amendments to Standing Committee amendments, AM323)

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 16-901, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 16-901 (1) Except as provided in section 13-327, any city of the
- 6 first class may apply by ordinance any existing or future zoning
- 7 regulations, property use regulations, building ordinances, electrical
- 8 ordinances, plumbing ordinances, and ordinances authorized by section
- 9 16-240 to the unincorporated area two miles beyond and adjacent to its
- 10 corporate boundaries with the same force and effect as if such outlying
- 11 area were within the corporate limits of such city, except that no such
- 12 ordinance shall be extended or applied so as to prohibit, prevent, or

13 interfere with the conduct of existing farming, livestock operations,
14 businesses, or industry. For purposes of sections 70-1001 to 70-1020, the
15 zoning area of a city of the first class shall be one mile beyond and
16 adjacent to the corporate area. The fact that such unincorporated area is
17 located in a different county or counties than some or all portions of
18 the municipality shall not be construed as affecting the powers of the
19 city to apply such ordinances.

20 (2)(a) A city of the first class shall provide written notice to the
21 county board of the county in which the city's two-mile extraterritorial
22 zoning jurisdiction is located when proposing to adopt or amend a zoning
23 ordinance which effects the city's two-mile extraterritorial zoning
24 jurisdiction within such county. The written notice of the proposed
25 change to the zoning ordinance shall be sent to the county board or its
26 designee at least thirty days prior to the final decision by the city.
1 The county board may submit comments or recommendations regarding the
2 change in the zoning ordinance at the public hearings on the proposed
3 change or directly to the city within thirty days after receiving such
4 notice. The city may make its final decision (i) upon the expiration of
5 the thirty days following the notice or (ii) when the county board
6 submits comments or recommendations, if any, to the city prior to the
7 expiration of the thirty days following the notice.

8 (b) Subdivision (2)(a) of this section does not apply to a city of
9 the first class (i) located in a county with a population in excess of
10 one hundred thousand inhabitants or (ii) if the city and the county have
11 a joint planning commission or joint planning department.

12 Sec. 2. Section 17-1001, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 17-1001 (1) Except as provided in section 13-327, any city of the
15 second class or village may apply by ordinance any existing or future
16 zoning ordinances, property use regulation ordinances, building
17 ordinances, electrical ordinances, and plumbing ordinances, to an area
18 within one mile of the corporate limits of such municipality
19 ~~municipalities~~, with the same force and effect as if such area ~~was~~ ~~were~~
20 ~~within its~~ ~~their~~ corporate limits. No such ordinance shall be extended or
21 applied so as to prohibit, prevent, or interfere with the conduct of
22 existing farming, livestock operations, businesses, or industry. For
23 purposes of sections 70-1001 to 70-1020, the zoning area of a city of the
24 second class or village shall be one-half mile from the corporate limits
25 of such municipalities. The fact that the zoning area or part thereof is
26 located in a different county or counties than some or all portions of
27 the municipality shall not be construed as affecting the necessity of
28 obtaining the approval of the city council or board of trustees of such
29 municipality or its agent designated pursuant to section 19-916.

30 (2)(a) A city of the second class or village shall provide written
31 notice to the county board of the county in which the city or village's
1 one-mile extraterritorial zoning jurisdiction is located when proposing
2 to adopt or amend a zoning ordinance which effects the city or village's
3 one-mile extraterritorial zoning jurisdiction within such county. The
4 written notice of the proposed change to the zoning ordinance shall be

5 sent to the county board or its designee at least thirty days prior to
6 the final decision by the city or village. The county board may submit
7 comments or recommendations regarding the change in the zoning ordinance
8 at the public hearings on the proposed change or directly to the city or
9 village within thirty days after receiving such notice. The city or
10 village may make its final decision (i) upon the expiration of the thirty
11 days following the notice or (ii) when the county board submits comments
12 or recommendations, if any, to the city or village prior to the
13 expiration of the thirty days following the notice.
14 (b) Subdivision (2)(a) of this section does not apply to a city of
15 the second class or a village (i) located in a county with a population
16 in excess of one hundred thousand inhabitants or (ii) if the city or
17 village and the county have a joint planning commission or joint planning
18 department.
19 Sec. 3. Original sections 16-901 and 17-1001, Reissue Revised
20 Statutes of Nebraska, are repealed.

MESSAGE(S) FROM THE GOVERNOR

May 6, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Public Employees Retirement Board:

Honorable J. Russell Derr, 1701 Farnam Street, Omaha, NE 68183

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

SELECT FILE

LEGISLATIVE BILL 657. ER114, found on page 1401, was adopted.

Senator Mello withdrew his amendment, AM1508, found on page 1415.

Senator Mello offered his amendment, AM1566, found on page 1449.

The Mello amendment was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Senator Sullivan offered the following amendment:
AM1567

(Amendments to E & R amendments, ER114)

- 1 1. Purpose: Eliminate \$500,000 of general funds for the Master
- 2 Teacher Program Act and increase aid for special education by a like
- 3 amount for FY2015-16 and FY2016-17.
- 4 Amendment:
- 5 1. On page 18, strike line 25 and insert "GENERAL FUND 16,150,022
- 6 16,389,448"; strike line 29 and insert "PROGRAM TOTAL 41,885,759
- 7 41,530,884"; and strike line 30 and insert "SALARY LIMIT 16,479,454
- 8 14,312,555".
- 9 2. On page 20, strike line 29 and insert "GENERAL FUND 1,193,699,501
- 10 1,210,080,102".
- 11 3. On page 21, strike line 2 and insert "PROGRAM TOTAL 1,507,829,577
- 12 1,524,210,178"; in line 4 strike "\$1,193,669,501" and insert
- 13 "\$1,193,699,501"; in line 7 strike "\$1,210,050,102" and insert
- 14 "\$1,210,080,102"; in line 27 strike "\$219,112,160" and insert
- 15 "\$219,612,160"; and in line 30 strike "\$224,589,964" and insert
- 16 "\$225,089,964".
- 17 4. On page 24, strike lines 5 through 8.

Senator Sullivan moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Chambers requested a roll call vote on the amendment.

Voting in the affirmative, 20:

| | | | | |
|------------|-----------|----------|----------|------------|
| Baker | Coash | Garrett | Howard | Schnoor |
| Bloomfield | Craighead | Gloor | Kolowski | Schumacher |
| Brasch | Ebke | Groene | Riepe | Seiler |
| Chambers | Friesen | Harr, B. | Scheer | Sullivan |

Voting in the negative, 16:

| | | | |
|----------|-----------|-------------|----------------|
| Bolz | Hansen | Lindstrom | Pansing Brooks |
| Crawford | Hilkemann | McCollister | Stinner |
| Davis | Johnson | Mello | Watermeier |
| Haar, K. | Kuehn | Morfeld | Williams |

Present and not voting, 10:

| | | | | |
|----------|--------|-----------|---------|--------|
| Campbell | Hadley | Kintner | McCoy | Schilz |
| Cook | Hughes | Kolterman | Murante | Smith |

Excused and not voting, 3:

Krist Larson Nordquist

The Sullivan amendment lost with 20 ayes, 16 nays, 10 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Scheer offered the following amendment:

FA62

On page 24, after line 8 insert "The funding for the Master Teacher Program Act shall terminate after FY2016-2017."

SENATOR MURANTE PRESIDING

Senator Scheer withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE RESOLUTION 35. Placed on General File.

(Signed) John Murante, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Derr, J. Russell - Public Employees Retirement Board - Nebraska Retirement System

(Signed) Bob Krist, Chairperson
Executive Board

RESOLUTION(S)

LEGISLATIVE RESOLUTION 244. Introduced by Harr, B., 8.

PURPOSE: The purpose of this resolution is to study the salaries of all judges in Nebraska, including the history of adjusting these salaries.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 245. Introduced by Harr, B., 8.

PURPOSE: The purpose of this resolution is to analyze and review reimbursement rates for ambulatory surgical centers and outpatient hospitals with respect to workers' compensation services in Nebraska. The intent of this study is to determine the effectiveness of current billing and reimbursement methods and to examine the potential benefits of adding such services to existing fee schedules for other medical service providers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 246. Introduced by Harr, B., 8.

PURPOSE: The purpose of this resolution is to analyze the effectiveness of vocational rehabilitation in workers' compensation cases in Nebraska. One of the main goals of the workers' compensation system is to return injured employees to work in a timely manner. The intent of this study is to determine the effectiveness of vocational rehabilitation by examining the outcomes of those in the system who receive such rehabilitation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 247. Introduced by Haar, K., 21; Baker, 30; Kolowski, 31; Nordquist, 7; Pansing Brooks, 28; Stinner, 48.

PURPOSE: The purpose of this resolution is to examine the process of eliminating the Nebraska Oil and Gas Conservation Commission (NOGCC). The study shall include an examination of the current statutory duties of the NOGCC and whether other agencies or political subdivisions could assume the duties of the NOGCC.

The study shall include an examination of the following:

- (1) The history and current role of the NOGCC;
- (2) The statutory and regulatory duties currently under the jurisdiction of the NOGCC that could be better conducted by the Department of Environmental Quality, the Department of Natural Resources, the Public Service Commission, natural resource districts, counties, or other appropriate agencies or political subdivisions;
- (3) Appropriate protections needed for landowners and local political subdivisions;
- (4) Appropriate protections needed for Nebraska's natural resources with particular emphasis on creating the highest standard for protection of groundwater;
- (5) The funding and financial assurance needed in order to protect the interests of taxpayers;
- (6) The statutes, rules, and regulations governing the NOGCC in comparison with the relevant statutes, rules, and regulations of other agencies and political subdivisions;
- (7) The statutes, rules, and regulations governing the NOGCC in comparison with those of other states with an emphasis on developing best practices for the State of Nebraska;
- (8) The appropriate public hearing process needed to ensure that the people of the State of Nebraska have an open and meaningful way to have input into the process; and
- (9) Any other issues necessary or appropriate for a complete and full examination of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee and the Appropriations Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 660. ER116, found on page 1402, was adopted.

Senator Mello offered his amendment, AM1502, found on page 1419.

The Mello amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 661. ER117, found on page 1402, was adopted.

Senator McCoy withdrew his amendment, AM1488, found on page 1347.

Senator Mello offered his amendment, AM1506, found on page 1419.

The Mello amendment was adopted with 30 ayes, 2 nays, 11 present and not voting, and 6 excused and not voting.

Senator Chambers withdrew his amendment, AM1434, found on page 1347.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 662. Senator Chambers withdrew his amendment, AM1435, found on page 1329.

Senator Mello offered his amendment, AM1538, found on page 1421.

The Mello amendment was adopted with 30 ayes, 1 nay, 12 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 663. Considered.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 663A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 554. ER115, found on page 1402, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 360. Senator Davis withdrew his amendment, AM1518, found on page 1379 and considered on page 1444.

Senator Davis offered the following amendment:

AM1574

(Amendments to E & R amendments, ER90)

- 1 1. Insert the following new section:
- 2 Sec. 22. Section 54-640, Revised Statutes Cumulative Supplement,
- 3 2014, is amended to read:
- 4 54-640 A commercial dog or cat breeder shall:
- 5 (1) Maintain housing facilities and primary enclosures in a sanitary
- 6 condition with not more than twenty-four hours of feces and urine
- 7 accumulation;
- 8 (2) Enable all dogs and cats to remain dry and clean;
- 9 (3) Provide shelter and protection from extreme temperatures and
- 10 weather conditions that may be uncomfortable or hazardous to the dogs and
- 11 cats;
- 12 (4) Provide sufficient shade to shelter all the dogs and cats housed
- 13 in the primary enclosure at one time;
- 14 (5) Provide dogs and cats with easy and convenient access to
- 15 adequate amounts of clean food and a regular supply of potable water in
- 16 clean, non-porous containers ~~water~~;
- 17 (6) Provide dogs with adequate socialization. For purposes of this
- 18 subdivision, adequate socialization means physical contact with other
- 19 dogs and with human beings, other than being fed;
- 20 (7) Assure that a handler's hands are washed before and after
- 21 handling each infectious or contagious cat;
- 22 (8) Maintain a written veterinary care plan developed in conjunction
- 23 with an attending veterinarian; and
- 24 (9) Provide veterinary care without delay when necessary.
- 25 2. On page 17, line 24, strike beginning with "that" through
- 26 "temperature"; and in line 27, strike "Acute" and insert "Apparent
- 1 illness or".
- 2 3. Renumber the remaining sections and correct internal references
- 3 and the repealer accordingly.

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Davis requested a roll call vote, in reverse order, on the amendment.

Voting in the affirmative, 22:

| | | | | |
|----------|----------|-----------|----------------|----------|
| Baker | Davis | Hilkemann | McCollister | Seiler |
| Campbell | Gloor | Kolowski | Mello | Sullivan |
| Chambers | Haar, K. | Krist | Morfeld | |
| Cook | Hadley | Kuehn | Pansing Brooks | |
| Crawford | Hansen | Lindstrom | Scheer | |

Voting in the negative, 19:

| | | | | |
|------------|---------|-----------|---------|------------|
| Bloomfield | Garrett | Kintner | Murante | Schumacher |
| Brasch | Groene | Kolterman | Riepe | Smith |
| Ebke | Hughes | Larson | Schilz | Watermeier |
| Friesen | Johnson | McCoy | Schnoor | |

Present and not voting, 2:

Craighead Harr, B.

Excused and not voting, 6:

| | | |
|-------|-----------|----------|
| Bolz | Howard | Stinner |
| Coash | Nordquist | Williams |

The Davis amendment lost with 22 ayes, 19 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 360A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 330. ER92, found on page 1271, was adopted.

Senator Larson asked unanimous consent to withdraw his amendment, AM101, found on page 333, and replace it with his substitute amendment, AM1479, found on page 1446. No objections. So ordered.

Senator Kolterman offered his amendment, AM1558, found on page 1449, to the Larson amendment.

SENATOR SCHEER PRESIDING

Pending.

AMENDMENT(S) - Print in Journal

Senator Gloor filed the following amendment to LB643:
AM1576

(Amendments to Standing Committee amendments, AM1254)

- 1 1. On page 18, strike beginning with "and" in line 12 through "act"
2 in line 13.
- 3 2. On page 22 strike beginning with "The" in line 26 through line
4 31.
- 5 3. On page 23, strike lines 1 and 2; in line 3 strike "(2)"; in line
6 7 strike "(3)" and insert "(2)"; and in line 11 strike "(4)" and insert
7 "(3)".

MOTION - Print in Journal

Senator Larson filed the following motion to LB423:
MO107
Reconsider the vote to invoke cloture.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 248. Introduced by Campbell, 25;
Scheer, 19.

PURPOSE: The purpose of this resolution is to examine the federal Preventing Sex Trafficking and Strengthening Families Act (Act) and its implementation in Nebraska. The Act was passed by the United States Congress and signed into law by President Obama on September 29, 2014. The Act includes provisions to protect children and youth at risk of sex trafficking, support normalcy for children in foster care, improve adoption incentives, and extend family connection grants. The Act includes, among other things, provisions requiring states to:

(1) Develop and implement policies and procedures to identify, collect, and report data to determine appropriate services for children or youth in the placement, care, or supervision of the state who are victims of sex trafficking or at risk of becoming sex trafficking victims;

(2) Develop and implement plans for expeditiously locating and responding to any child missing from foster care, and determine the primary factors that contributed to the child's running away as well as the child's experiences while absent from foster care;

(3) Calculate and report on any savings resulting from the phase-out of income eligibility requirements for adoption assistance and how the savings were used;

(4) Support normalcy by instituting a reasonable and prudent parent standard to allow foster children and other youth to participate in developmentally appropriate or age-appropriate extracurricular, enrichment, cultural, and social activities;

(5) Eliminate Another Planned Permanent Living Arrangement (APPLA) as a permanency goal for children under the age of 16 and add additional case plan and review requirements for older youth who have a permanency goal of APPLA;

(6) Consult with youth in foster care who are age 14 or older in the development of their own case plan and allow them to select two trusted adults to be part of their permanency planning team; and

(7) Give youth a list of their rights while in foster care regarding education, health, visitation, court participation, and the right to stay safe and avoid exploitation.

The study shall examine the status of the implementation of the Act in Nebraska, including changes to the Department of Health and Human Services' state plan, policies, and procedures and whether any changes should be made to current state law in accordance with the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 46 fourth-grade students and teachers from Plattsmouth; 35 sixth-grade students and teachers from Edison Elementary, Omaha; 35 fourth-grade students and teachers from Tri County Elementary, DeWitt; 21 fourth-grade students and teacher from Cross Country School, Stromsburg; 72 fourth-grade students and teachers from Arbor Park Elementary, Blair; 75 fourth-grade students from Gothenburg; 15 seventh- and eighth-grade students from St. John's Lutheran School, Battle Creek; and 32 fourth-grade students from Ravenna.

The Doctor of the Day was Dr. Mark Ptacek from Omaha.

ADJOURNMENT

At 6:50 p.m., on a motion by Senator Bloomfield, the Legislature adjourned until 9:00 a.m., Thursday, May 7, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-SEVENTH DAY - MAY 7, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****SEVENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, May 7, 2015

PRAYER

The prayer was offered by Senator Crawford.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senators Cook and McCoy who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-sixth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 294. Placed on Final Reading.

ST34

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 17, "and" has been struck; and in line 18 "; and to declare an emergency" has been inserted after "bill".

LEGISLATIVE BILL 566. Placed on Final Reading.

LEGISLATIVE BILL 566A. Placed on Final Reading.

LEGISLATIVE BILL 575. Placed on Final Reading.

ST35

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E and R amendments, ER99, on page 1, line 5, "and 32-1203" has been struck and "32-1203, and 60-4,144" inserted; and in line 13 "to provide access to certain commercial driver's license information;" has been inserted after the semicolon.

2. In the Standing Committee amendment, AM1276, on page 32, line 13, "30, 31, and 33" has been struck and "29, 31, 32, and 34" inserted; in line 16 "section 32-304" has been struck and "sections 32-304 and 60-4,144" inserted; and in line 17 "is" has been struck and "are" inserted.

LEGISLATIVE BILL 629. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion 15-007

SUBJECT: Constitutionality of Oral Health Training and Services
Fund Under Neb. Const. art. VII, § 11

REQUESTED BY: Senator Heath Mello
Nebraska Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
Lynn A. Melson, Assistant Attorney General

On April 30, 2015, we received your opinion request regarding the constitutionality of an Oral Health Training and Services Fund that is proposed in the Appropriation Committee's budget recommendations in Section 173 of AM 829 to LB 657, Section 38 of AM 831 to LB 661 and subsection (13) of AM 1246 to LB 662. Your letter refers to a particular case, *State ex rel. Creighton Univ. v. Smith*, 217 Neb. 682, 353 N.W.2d 267 (1984), in which the Nebraska Supreme Court discussed art. VII, §11 of the Nebraska Constitution. Therefore, it is our understanding that your concerns involve that constitutional provision. For the reasons set forth below, we conclude that contract payments from the Fund to both public and private institutions for oral health services and oral health workforce development as proposed in this legislation would not violate art. VII, §11 of the Nebraska Constitution.

As noted in your opinion request, AM 831 to LB 661 provides that the intent of this legislation is to develop a workforce in the practice of dentistry and oral health care, to disperse the workforce to assist at-risk populations and to focus efforts where most needed. You explained that Nebraska has a severe shortage of oral health care providers, that 82 counties are shortage areas in pediatric dentistry and that a majority of the 93 counties are general dentistry shortage areas. Under AM 831 as adopted by the Legislature on April 30, 2015, the Coordinating Commission for Postsecondary Education would administer the Oral Health Training and Services Fund and enter into a contract for certain oral health services and oral health workforce development. To be eligible to enter into a contract, an applicant would need to be "a corporation exempt for federal tax purposes under section 501(c)(3) of the Internal Revenue Code" and to submit a plan "to provide

oral health training, including assistance for the graduation of at least seventy-five dental students annually” and to provide discounted or charitable oral health services. In addition, the applicant must submit five letters of intent with school districts or federally qualified health centers to provide discounted or charitable oral health services. The plan must also include a proposal to provide training at a reduced fee to those students who agree to practice dentistry in shortage areas and a proposal to provide services using telehealth as defined in Neb. Rev. Stat. § 71-8503.

In your request letter, you stated that both private and public institutions may apply for the contract funds. You further explained that a question was raised as to the constitutionality of the legislation and you cited the case of *State ex rel. Creighton University v. Smith* in which Neb. Const. art. VII, § 11 is discussed. Article VII, § 11 prohibits the appropriation of public funds “to any school or institution of learning not owned or exclusively controlled by the state or a political subdivision thereof. . . .” However, the Nebraska Supreme Court has held this constitutional provision does not prevent the state from contracting with private institutions in fulfilling a governmental duty and furthering a public purpose.

The Supreme Court has analyzed art. VII, § 11 and upheld statutes that authorize the transportation of nonpublic school students on public school buses, grant scholarships for financial assistance to students attending nonpublic institutions, reimburse nonpublic educational institutions for the education of state wards, and that require public schools to lend textbooks to students in nonpublic schools. See *State ex rel. Bouc v. School Dist. Of City of Lincoln*, 211 Neb. 731, 320 N.W.2d 472 (1982); *Lenstrom v. Thone*, 209 Neb. 783, 311 N.W.2d 884 (1981); *Father Flanagan’s Boys Home v. Dep’t of Social Services*, 255 Neb. 303, 583 N.W.2d 774 (1998); and *Cunningham v. Lutjeharms*, 231 Neb. 756, 437 N.W.2d 806 (1989).

In *State ex rel. Creighton University v. Smith*, a contract between the state and a nonpublic medical school involving cancer research was found constitutional. In *Smith*, Creighton University sought a writ of mandamus requiring the state to consider its contract proposal for cancer research submitted pursuant to Neb. Rev. Stat. § 81-638. This statute appropriated funds to the Department of Health and Human Services to be distributed as grants and contracts for cancer research to the University of Nebraska and other postsecondary educational institutions. The Court recognized the state’s constitutional authority to contract for a public purpose, held that the act (§§ 82-637 through 81-640) was constitutional, and affirmed the issuance of a writ of mandamus requiring the state to consider Creighton University for these grants and contracts. “Regarding appropriation of public funds, to appropriate means to set apart, or assign to a particular person or use in exclusion of others, to use or employ for a particular purpose, or in a particular case.” *Id.* at 688, 353 N.W.2d at 271. The fact that a nonpublic institution derives a benefit from the contract “does not transform payments for contracted services into an appropriation of public funds proscribed by article VII, § 11” *Id.* at 689, 353 N.W.2d at 272.

“The act, §§ 81-637 through 81-640, does not set aside state money for Creighton’s special use and does not vest in Creighton any right to receive state funds. Under these circumstances there is no appropriation of public funds to Creighton.” *Id.* at 690, 353 N.W.2d at 272.

We must then determine whether contract payments pursuant to the Appropriations Committee’s proposed legislation would be considered “appropriations.”¹ The public purpose is set out in the intent language of the legislation as providing for the development of a skilled and diverse workforce in order to provide for the oral health of all Nebraska residents, especially at-risk populations. You have explained that both public and private institutions may apply for the contracts to be administered by the Coordinating Commission for Postsecondary Education. To the extent that a question has arisen regarding the eligible applicants for these contracts, it is our understanding that further amendments are being considered which would clarify that both public and private institutions may apply for the contracts. Applying the principles set forth in *Smith*, it appears to us that the Legislature has the right to contract with both public and private entities to achieve its public policy objectives and that, with this further clarification, the contract funds would not be considered “appropriations.” Therefore, since the legislation, on its face, would not authorize appropriations to nonpublic schools, it would not violate Neb. Const. art. VII, § 11.

¹ In our *Op. Att’y Gen. No. 03020* (July 30, 2003), we discussed Neb. Const. art. VII, § 11 and concluded that payments from a Nebraska Soil and Water Conservation Fund to eligible landowners, including nonpublic schools and churches, were grants to achieve environmental objectives, not “appropriations.” In an earlier opinion, *Op. Att’y Gen. No. 95018* (March 9, 1995), we discussed the same constitutional provision in connection with grants awarded from the Education Innovation Fund and determined that certain direct grants to nonpublic schools would be prohibited. Upon review, we consider the more recent 2003 opinion to be more consistent with Nebraska caselaw, including the *Smith* case.

Douglas J. Peterson
Attorney General
(Signed) Lynn A. Melson
Assistant Attorney General

pc. Patrick J. O'Donnell
Clerk of the Nebraska Legislature

09-521-29

RESOLUTION(S)**LEGISLATIVE RESOLUTION 249.** Introduced by Coash, 27.

PURPOSE: The purpose of this resolution is to examine the use of seclusion in public and private schools for children with behavioral issues or special needs. The issues examined in this study shall include, but not be limited to:

(1) A review of current state and local policies, procedures, rules, and regulations in public and private schools regarding the use of seclusion for students;

(2) A review of current state and local policies, procedures, rules, and regulations in public and private schools regarding the training and supervision of staff who use seclusion and work with students with behavioral issues or special needs;

(3) A review of best practices on the use of seclusion in public and private schools developed and adopted at the local, state, or national level; and

(4) Any data compiled by the State Department of Education on the use of seclusion.

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.

AMENDMENT(S) - Print in Journal

Senator Schumacher filed the following amendment to LB285:
AM1474

(Amendments to Standing Committee amendments, AM1426)

1 1. Insert the following new sections:

2 Section 1. Section 13-2703, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

4 13-2703 For purposes of the Civic and Community Center Financing
5 Act:

6 (1) Civic center means a facility that is primarily used to host
7 conventions, meetings, and cultural events and a library;

8 (2) Community center means the traditional center of a community,
9 typically comprised of a cohesive core of residential, civic, religious,
10 and commercial buildings, arranged around a main street and intersecting
11 streets;

12 (3) Department means the Department of Economic Development;

13 (4) Fund means the Civic and Community Center Financing Fund;

14 (5) Historic building means a building eligible for listing on or
15 currently listed on the National Register of Historic Places;~~and~~

16 (6) Public entity means (a) a city, (b) a village, or (c) a county
 17 agricultural society or county fair board in a county with a population
 18 of less than one hundred thousand inhabitants that operates a civic
 19 center, community center, or recreation center which is not within a city
 20 or village; and

21 (7) ~~6~~ Recreation center means a facility used for athletics,
 22 fitness, sport activities, or recreation that is owned by a public entity
 23 ~~municipality~~ and is available for use by the general public with or
 24 without charge. Recreation center does not include any facility that
 25 requires a person to purchase a membership to utilize such facility.
 26 Sec. 2. Section 13-2705, Revised Statutes Cumulative Supplement,

1 2014, is amended to read:

2 13-2705 The department may conditionally approve grants of
 3 assistance from the fund to eligible and competitive applicants within
 4 the following limits:

5 (1) Except as provided in subdivision (2) of this section, a grant
 6 request shall be in an amount meeting the following requirements:

7 (a) For a grant of assistance under section 13-2704.01, at least ten
 8 thousand dollars but no more than:

9 (i) For a city of the primary class, one million five hundred
 10 thousand dollars;

11 (ii) For a public entity ~~municipality~~ with a population of forty
 12 thousand but less than one hundred thousand, seven hundred fifty thousand
 13 dollars;

14 (iii) For a public entity ~~municipality~~ with a population of twenty
 15 thousand but less than forty thousand, five hundred thousand dollars;

16 (iv) For a public entity ~~municipality~~ with a population of ten
 17 thousand but less than twenty thousand, four hundred thousand dollars;
 18 and

19 (v) For a public entity ~~municipality~~ with a population of less than
 20 ten thousand, two hundred fifty thousand dollars; and

21 (b) For a grant of assistance under section 13-2704.02, at least two
 22 thousand dollars but no more than ten thousand dollars;

23 (2) Upon the balance of the fund reaching two million five hundred
 24 thousand dollars, and until the balance of the fund falls below one
 25 million dollars, a grant request shall be in an amount meeting the
 26 following requirements:

27 (a) For a grant of assistance under section 13-2704.01, at least ten
 28 thousand dollars but no more than:

29 (i) For a city of the primary class, two million two hundred fifty
 30 thousand dollars;

31 (ii) For a public entity ~~municipality~~ with a population of forty
 1 thousand but less than one hundred thousand, one million one hundred
 2 twenty-five thousand dollars;

3 (iii) For a public entity ~~municipality~~ with a population of twenty
 4 thousand but less than forty thousand, seven hundred fifty thousand
 5 dollars;

6 (iv) For a public entity ~~municipality~~ with a population of ten
 7 thousand but less than twenty thousand, six hundred thousand dollars; and

8 (v) For a ~~public entity municipality~~ with a population of less than
9 ten thousand, three hundred seventy-five thousand dollars; and
10 (b) For a grant of assistance under section 13-2704.02, at least two
11 thousand dollars but no more than ten thousand dollars;
12 (3) Assistance from the fund shall not amount to more than fifty
13 percent of the cost of the project for which a grant is requested; and
14 (4) A ~~public entity municipality~~ shall not be awarded more than one
15 grant of assistance under section 13-2704.01 and one grant of assistance
16 under section 13-2704.02 in any five-year period.
17 For purposes of determining the population of public entities under
18 this section, the population of a county agricultural society or county
19 fair board shall be the population of the county in which such county
20 agricultural society or county fair board is located.
21 Sec. 3. Section 13-2706, Reissue Revised Statutes of Nebraska, is
22 amended to read:
23 13-2706 (1) Except as provided in subsection (2) of this section for
24 a city of the primary class, any ~~public entity municipality~~ that has
25 applied for and received a grant of assistance under the Sports Arena
26 Facility Financing Assistance Act shall not receive state assistance
27 under the Civic and Community Center Financing Act for the same project
28 for which the grant was awarded under the Sports Arena Facility Financing
29 Assistance Act.
30 (2) A city of the primary class shall not be eligible to receive a
31 grant of assistance from the Civic and Community Center Financing Act if
1 the city has applied for and received a grant of assistance under the
2 Sports Arena Facility Financing Assistance Act.
3 (3) Any city that has received funding under the Convention Center
4 Facility Financing Assistance Act shall not receive state assistance
5 under the Civic and Community Center Financing Act.
6 (4) Any ~~public entity municipality~~ eligible for a grant of
7 assistance as provided in this section may apply for a grant of
8 assistance from the fund. Application shall be made on forms developed by
9 the department.
10 Sec. 4. Section 13-2707, Revised Statutes Cumulative Supplement,
11 2014, is amended to read:
12 13-2707 (1) The department shall evaluate all applications for
13 grants of assistance under section 13-2704.01 based on the following
14 criteria, which are listed in no particular order of preference:
15 (a) Retention Impact. Funding decisions by the department shall be
16 based on the likelihood of the project retaining existing residents in
17 the community where the project is located, developing, sustaining, and
18 fostering community connections, and enhancing the potential for economic
19 growth in a manner that will sustain the quality of life and promote
20 long-term economic development;
21 (b) New Resident Impact. Funding decisions by the department shall
22 be based on the likelihood of the project attracting new residents to the
23 community where the project is located;
24 (c) Visitor Impact. Funding decisions by the department shall be
25 based on the likelihood of the project enhancing or creating an

26 attraction that would increase the potential of visitors to the community
 27 where the project is located from inside and outside the state;
 28 (d) Readiness. The applicant's fiscal and economic capacity to
 29 finance the local share and ability to proceed and implement its plan and
 30 operate the civic center, community center, or recreation center; and
 31 (e) Project Planning. Projects with completed technical assistance
 1 and feasibility studies shall be preferred to those with no prior
 2 planning.
 3 (2) Any grant of assistance under section 13-2704.01 shall be
 4 matched at least equally from local sources. At least fifty percent of
 5 the local match must be in cash.
 6 (3) To receive a grant of assistance under section 13-2704.01, the
 7 project for which the grant is requested shall be located in the city or
 8 village municipality that applies for the grant or, if the grant is
 9 requested by a county agricultural society or county fair board, the
 10 county in which the county agricultural society or county fair board is
 11 located.
 12 Sec. 5. Section 13-2707.01, Revised Statutes Cumulative Supplement,
 13 2014, is amended to read:
 14 13-2707.01 The department shall evaluate all applications for grants
 15 of assistance under section 13-2704.02 based on the following criteria:
 16 (1) Financial Support. Assistance from the fund shall be matched at
 17 least equally from local sources. At least fifty percent of the local
 18 match must be in cash. Projects with a higher level of local matching
 19 funds shall be preferred as compared to those with a lower level of
 20 matching funds; and
 21 (2) Project Location. Assistance from the fund shall be for
 22 engineering and technical studies related to projects that will be
 23 located in the city or village municipality that applies for the grant
 24 or, if the grant is requested by a county agricultural society or county
 25 fair board, the county in which the county agricultural society or county
 26 fair board is located.
 27 2. On page 1, lines 11 and 26, strike "municipality", show as
 28 stricken, and insert "public entity".
 29 3. Renumber the remaining sections and correct the repealer
 30 accordingly.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 6, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
 Clerk of the Legislature

Cunningham, Colleen
 Equal Justice USA
 Mahlman, Dale
 Nebraska Medical Association

Ragland, Jina
Nebraska Medical Association

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

MOTION - Suspend Rules

Senator Chambers offered his motion, found on page 1422, to suspend the rules, Rule 5, Section 4(c), to permit the introduction of a bill (Req. 3103) after the tenth legislative day.

SPEAKER HADLEY PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Chambers requested a record vote on the motion to suspend the rules.

Voting in the affirmative, 37:

| | | | | |
|-----------|----------|-----------|----------------|----------|
| Baker | Davis | Hilkemann | Mello | Seiler |
| Bolz | Ebke | Howard | Morfeld | Smith |
| Campbell | Garrett | Johnson | Nordquist | Sinner |
| Chambers | Gloor | Kolowski | Pansing Brooks | Sullivan |
| Coash | Haar, K. | Kolterman | Scheer | Williams |
| Cook | Hadley | Krist | Schilz | |
| Craighead | Hansen | Kuehn | Schnoor | |
| Crawford | Harr, B. | Lindstrom | Schumacher | |

Voting in the negative, 6:

| | | |
|--------|-------------|---------|
| Brasch | McCollister | Murante |
| Larson | McCoy | Riepe |

Present and not voting, 6:

| | | |
|------------|--------|------------|
| Bloomfield | Groene | Kintner |
| Friesen | Hughes | Watermeier |

The Chambers motion to suspend the rules prevailed with 37 ayes, 6 nays, and 6 present and not voting.

The Chair declared the call raised.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 664. Introduced by Chambers, 11; Baker, 30; Bolz, 29; Campbell, 25; Cook, 13; Craighead, 6; Crawford, 45; Davis, 43; Ebke, 32; Friesen, 34; Groene, 42; Haar, K., 21; Harr, B., 8; Hughes, 44; Johnson, 23; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; McCollister, 20; Mello, 5; Nordquist, 7; Pansing Brooks, 28; Riepe, 12; Schilz, 47; Schnoor, 15; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Williams, 36.

A BILL FOR AN ACT relating to the Nebraska Oil and Gas Conservation Commission; to amend sections 57-903 and 57-905, Reissue Revised Statutes of Nebraska; to provide duties for the commission regarding the disposal of wastewater; to define a term; to repeal the original sections; and to declare an emergency.

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB72 with 42 ayes, 1 nay, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 72.

A BILL FOR AN ACT relating to decedents' estates; to amend sections 30-3880, 30-3881, 30-3882, and 77-2018.02, Reissue Revised Statutes of Nebraska, and section 68-919, Revised Statutes Cumulative Supplement, 2014; to restrict transfers and distributions by trustees; to provide for waiver of restrictions; to provide for collection of debt due to medicaid reimbursement obligations as prescribed; to require notice of inheritance tax petitions as prescribed; to harmonize provisions; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|-----------|----------|-----------|----------------|------------|
| Baker | Ebke | Harr, B. | Kuehn | Riepe |
| Bolz | Friesen | Hilkemann | Lindstrom | Schnoor |
| Campbell | Garrett | Howard | McCollister | Schumacher |
| Chambers | Gloor | Hughes | McCoy | Seiler |
| Coash | Groene | Kintner | Mello | Smith |
| Cook | Haar, K. | Kolowski | Morfeld | Stinner |
| Craighead | Hadley | Kolterman | Nordquist | Sullivan |
| Crawford | Hansen | Krist | Pansing Brooks | Williams |

Voting in the negative, 8:

| | | | |
|------------|--------|---------|------------|
| Bloomfield | Davis | Murante | Schilz |
| Brasch | Larson | Scheer | Watermeier |

Present and not voting, 1:

Johnson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 72A.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations to aid in carrying out the provisions of Legislative Bill 72, One Hundred Fourth Legislature, First Session, 2015.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Crawford | Hansen | Kuehn | Riepe |
| Bloomfield | Ebke | Harr, B. | Lindstrom | Schnoor |
| Bolz | Friesen | Howard | McCollister | Schumacher |
| Campbell | Garrett | Hughes | McCoy | Seiler |
| Chambers | Gloor | Kintner | Mello | Smith |
| Coash | Groene | Kolowski | Morfeld | Stinner |
| Cook | Haar, K. | Kolterman | Nordquist | Sullivan |
| Craighead | Hadley | Krist | Pansing Brooks | Williams |

Voting in the negative, 4:

| | | | |
|--------|-------|--------|--------|
| Brasch | Davis | Larson | Scheer |
|--------|-------|--------|--------|

Present and not voting, 5:

Hilkemann Johnson Murante Schilz Watermeier

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB80 with 45 ayes, 1 nay, and 3 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 80.

A BILL FOR AN ACT relating to the Dentistry Practice Act; to amend sections 38-1101, 38-1102, 38-1108, 38-1112, 38-1113, 38-1137, 38-1138, 38-1139, 38-1140, 38-1141, 38-1142, 38-1143, 38-1144, 38-1145, 38-1146, 38-1147, and 38-1148, Reissue Revised Statutes of Nebraska; to provide, change, and eliminate requirements for permits for anesthesia, analgesia, and sedation as prescribed; to provide, change, and eliminate definitions; to provide requirements for sedation; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|-----------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schumacher |
| Bolz | Friesen | Hughes | McCoy | Seiler |
| Brasch | Garrett | Johnson | Mello | Smith |
| Campbell | Gloor | Kintner | Morfeld | Stinner |
| Chambers | Groene | Kolowski | Murante | Sullivan |
| Coash | Haar, K. | Kolterman | Nordquist | Watermeier |
| Cook | Hadley | Krist | Pansing Brooks | Williams |
| Craighead | Hansen | Kuehn | Riepe | |
| Crawford | Harr, B. | Larson | Scheer | |
| Davis | Hilkemann | Lindstrom | Schnoor | |

Voting in the negative, 0.

Present and not voting, 2:

Bloomfield Schilz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 85.

A BILL FOR AN ACT relating to the Livestock Brand Act; to amend section 54-1,108, Revised Statutes Cumulative Supplement, 2014; to increase the maximum brand inspection fee amount that may be established by the Nebraska Brand Committee; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Crawford | Hilkemann | Lindstrom | Scheer |
| Bloomfield | Davis | Howard | McCollister | Schilz |
| Bolz | Ebke | Hughes | McCoy | Schnoor |
| Brasch | Friesen | Johnson | Mello | Schumacher |
| Campbell | Garrett | Kintner | Morfeld | Seiler |
| Chambers | Gloor | Kolowski | Murante | Smith |
| Coash | Haar, K. | Kolterman | Nordquist | Stinner |
| Cook | Hadley | Krist | Pansing Brooks | Sullivan |
| Craighead | Hansen | Kuehn | Riepe | |

Voting in the negative, 0.

Present and not voting, 5:

| | | | | |
|--------|----------|--------|------------|----------|
| Groene | Harr, B. | Larson | Watermeier | Williams |
|--------|----------|--------|------------|----------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 132.

A BILL FOR AN ACT relating to the Joint Public Agency Act; to amend section 13-2507, Reissue Revised Statutes of Nebraska; to change the power of and procedures for joint public agencies to issue bonds and levy a property tax as prescribed; to provide for an election; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|------------|----------|-----------|-------------|------------|
| Baker | Davis | Hilkemann | Lindstrom | Schumacher |
| Bloomfield | Ebke | Howard | McCollister | Seiler |
| Bolz | Friesen | Hughes | McCoy | Smith |
| Brasch | Garrett | Johnson | Mello | Sinner |
| Campbell | Gloor | Kintner | Murante | Sullivan |
| Chambers | Groene | Kolowski | Nordquist | Watermeier |
| Coash | Haar, K. | Kolterman | Riepe | Williams |
| Cook | Hadley | Krist | Scheer | |
| Craighead | Hansen | Kuehn | Schilz | |
| Crawford | Harr, B. | Larson | Schnoor | |

Voting in the negative, 1:

Pansing Brooks

Present and not voting, 1:

Morfeld

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB141 with 46 ayes, 1 nay, and 2 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 141. With Emergency Clause.

A BILL FOR AN ACT relating to the Public Entities Mandated Project Charges Act; to amend sections 70-1801, 70-1802, 70-1803, 70-1806, 70-1812, and 70-1813, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions relating to authorizing resolutions and mandated project charges; to provide for creation of mandated project bond issuers and to provide powers and duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Lindstrom | Schilz |
| Bloomfield | Ebke | Howard | McCollister | Schnoor |
| Bolz | Friesen | Hughes | McCoy | Schumacher |
| Brasch | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Chambers | Groene | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 240.

A BILL FOR AN ACT relating to behavioral health; to amend section 71-8512, Revised Statutes Cumulative Supplement, 2014; to change the termination date of the Behavioral Health Screening and Referral Pilot Program; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

| | | | | |
|-----------|----------|-----------|----------------|----------|
| Baker | Davis | Hilkemann | Mello | Seiler |
| Bolz | Ebke | Howard | Morfeld | Smith |
| Campbell | Friesen | Hughes | Nordquist | Sullivan |
| Chambers | Gloor | Johnson | Pansing Brooks | Williams |
| Coash | Haar, K. | Kolowski | Scheer | |
| Cook | Hadley | Kolterman | Schilz | |
| Craighead | Hansen | Krist | Schnoor | |
| Crawford | Harr, B. | Kuehn | Schumacher | |

Voting in the negative, 9:

| | | | | |
|------------|---------|-------------|---------|-------|
| Bloomfield | Groene | Lindstrom | McCoy | Riepe |
| Brasch | Kintner | McCollister | Murante | |

Present and not voting, 4:

| | | | |
|---------|--------|---------|------------|
| Garrett | Larson | Stinner | Watermeier |
|---------|--------|---------|------------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 253.

A BILL FOR AN ACT relating to homesteads; to amend section 40-104, Reissue Revised Statutes of Nebraska; to provide when acknowledgment is not required; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Lindstrom | Schilz |
| Bloomfield | Ebke | Howard | McCollister | Schnoor |
| Bolz | Friesen | Hughes | McCoy | Schumacher |
| Brasch | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Chambers | Groene | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 264.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-126, Reissue Revised Statutes of Nebraska, and section 38-101, Revised Statutes Cumulative Supplement, 2014; to provide for issuance of credentials based on military education, training, or service; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Davis | Howard | McCollister | Schnoor |
| Bloomfield | Ebke | Hughes | McCoy | Schumacher |
| Bolz | Friesen | Johnson | Mello | Seiler |
| Brasch | Garrett | Kintner | Morfeld | Smith |
| Campbell | Gloor | Kolowski | Murante | Stinner |
| Chambers | Groene | Kolterman | Nordquist | Sullivan |
| Coash | Haar, K. | Krist | Pansing Brooks | Watermeier |
| Cook | Hadley | Kuehn | Riepe | Williams |
| Craighead | Hansen | Larson | Scheer | |
| Crawford | Hilkemann | Lindstrom | Schilz | |

Voting in the negative, 0.

Present and not voting, 1:

Harr, B.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 317.

A BILL FOR AN ACT relating to railroads; to withdraw from and repeal the Midwest Interstate Passenger Rail Compact; to provide an operative date; and to outright repeal sections 74-1601, 74-1602, and 74-1603, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

| | | | | |
|------------|-----------|-----------|-------------|------------|
| Baker | Ebke | Howard | McCollister | Schumacher |
| Bloomfield | Friesen | Hughes | McCoy | Seiler |
| Brasch | Garrett | Johnson | Morfeld | Smith |
| Campbell | Gloor | Kintner | Murante | Stinner |
| Coash | Groene | Kolterman | Riepe | Sullivan |
| Craighead | Hadley | Kuehn | Scheer | Watermeier |
| Crawford | Harr, B. | Larson | Schilz | Williams |
| Davis | Hilkemann | Lindstrom | Schnoor | |

Voting in the negative, 6:

| | | |
|----------|----------|----------------|
| Bolz | Cook | Nordquist |
| Chambers | Kolowski | Pansing Brooks |

Present and not voting, 4:

| | | | |
|----------|--------|-------|-------|
| Haar, K. | Hansen | Krist | Mello |
|----------|--------|-------|-------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB348 with 42 ayes, 1 nay, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 348. With Emergency Clause.

A BILL FOR AN ACT relating to financial institutions; to amend section 8-101, Reissue Revised Statutes of Nebraska, and sections 8-157.01 and 28-636, Revised Statutes Cumulative Supplement, 2014; to define and redefine terms; to change provisions relating to automatic teller machines and point-of-sale terminals; to change and eliminate provisions relating to branch banking; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Lindstrom | Schilz |
| Bloomfield | Ebke | Howard | McCollister | Schnoor |
| Bolz | Friesen | Hughes | McCoy | Schumacher |
| Brasch | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Chambers | Groene | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB449 with 44 ayes, 1 nay, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 449. With Emergency Clause.

A BILL FOR AN ACT relating to state government; to amend sections 81-12,153, 81-12,157, 81-12,158, 81-12,159, 81-12,160, 81-12,161, 81-12,162, 81-12,163, 81-12,166, 81-3701, 81-3703, 81-3711, and 81-3714, Reissue Revised Statutes of Nebraska; to change provisions of the Business Innovation Act; to redefine a term; to change limitations on and requirements for funding projects, financial assistance, and microloans; to restate intent regarding appropriations; to provide for confidentiality of certain records; to change provisions of the Nebraska Visitors Development Act; to provide powers and duties for the Nebraska Tourism Commission; to provide for highway tourism markers and marketing assistance grants; to create a fund; to state intent regarding tourism; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Davis | Howard | McCollister | Schnoor |
| Bloomfield | Ebke | Hughes | McCoy | Schumacher |
| Bolz | Friesen | Johnson | Mello | Seiler |
| Brasch | Garrett | Kintner | Morfeld | Smith |
| Campbell | Gloor | Kolowski | Murante | Stinner |
| Chambers | Groene | Kolterman | Nordquist | Sullivan |
| Coash | Haar, K. | Krist | Pansing Brooks | Watermeier |
| Cook | Hadley | Kuehn | Riepe | Williams |
| Craighead | Hansen | Larson | Scheer | |
| Crawford | Hilkemann | Lindstrom | Schilz | |

Voting in the negative, 0.

Present and not voting, 1:

Harr, B.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 458.

A BILL FOR AN ACT relating to insurance; to amend sections 44-3903, 44-3910, 44-4047, and 44-4052, Reissue Revised Statutes of Nebraska; to authorize limited lines travel insurance producer licenses; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schnoor |
| Bloomfield | Friesen | Hughes | McCoy | Schumacher |
| Bolz | Garrett | Johnson | Mello | Seiler |
| Brasch | Gloor | Kintner | Morfeld | Smith |
| Campbell | Groene | Kolowski | Murante | Stinner |
| Chambers | Haar, K. | Kolterman | Nordquist | Sullivan |
| Coash | Hadley | Krist | Pansing Brooks | Watermeier |
| Cook | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |
| Davis | Hilkemann | Lindstrom | Schilz | |

Voting in the negative, 0.

Present and not voting, 1:

Craighead

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB519 with 45 ayes, 1 nay, and 3 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 519.

A BILL FOR AN ACT relating to education; to amend sections 79-8,134, 79-8,137, 79-8,137.01, 79-8,137.02, 79-8,137.03, 79-8,137.04, 79-8,137.05, 79-1001, 79-1003, 79-1007.11, 79-1017.01, 79-1337, 85-1412, and 85-1920, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the Nebraska Education Improvement Fund, the Attracting Excellence to

Teaching Program, the Enhancing Excellence in Teaching Program, the Tax Equity and Educational Opportunities Support Act, distance education incentives, the Coordinating Commission for Postsecondary Education, and the Nebraska Opportunity Grant Fund; to provide for competitive innovation grants; to create funds; to provide for best practices aid; to adopt the Expanded Learning Opportunity Grant Program Act and the Community College Gap Assistance Program Act; to require a study of postsecondary education by the Education Committee of the Legislature; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-2306, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schnoor |
| Bloomfield | Friesen | Hughes | McCoy | Schumacher |
| Bolz | Garrett | Johnson | Mello | Seiler |
| Brasch | Gloor | Kintner | Morfeld | Smith |
| Campbell | Groene | Kolowski | Murante | Stinner |
| Chambers | Haar, K. | Kolterman | Nordquist | Sullivan |
| Coash | Hadley | Krist | Pansing Brooks | Watermeier |
| Cook | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |
| Davis | Hilkemann | Lindstrom | Schilz | |

Voting in the negative, 0.

Present and not voting, 1:

Craighead

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 519A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 519, One Hundred Fourth Legislature, First Session, 2015.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Lindstrom | Schilz |
| Bloomfield | Ebke | Howard | McCollister | Schnoor |
| Bolz | Friesen | Hughes | McCoy | Schumacher |
| Brasch | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Chambers | Groene | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB561 with 43 ayes, 1 nay, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 561.

A BILL FOR AN ACT relating to irrigation districts; to amend sections 46-101, 46-102, 46-109, 46-110, 46-111, 46-115, 46-116, 46-117, 46-151, 46-179, 46-185, 46-1,145, and 46-1,160, Reissue Revised Statutes of Nebraska; to name the Irrigation District Act; to define and redefine terms; to provide procedures for determining eligibility to vote and for conducting elections by mail; to change provisions relating to elections; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schnoor |
| Bloomfield | Friesen | Hughes | McCoy | Schumacher |
| Bolz | Garrett | Johnson | Mello | Seiler |
| Brasch | Gloor | Kintner | Morfeld | Smith |
| Campbell | Groene | Kolowski | Murante | Stinner |
| Chambers | Haar, K. | Kolterman | Nordquist | Sullivan |
| Coash | Hadley | Krist | Pansing Brooks | Watermeier |
| Cook | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |
| Davis | Hilkemann | Lindstrom | Schilz | |

Voting in the negative, 0.

Present and not voting, 1:

Craighead

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 414.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 44-1095, Reissue Revised Statutes of Nebraska, and section 77-202, Revised Statutes Cumulative Supplement, 2014; to provide a property tax exemption for fraternal benefit societies; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Hadley | Krist | Murante | Smith |
| Bloomfield | Hansen | Kuehn | Nordquist | Stinner |
| Bolz | Harr, B. | Larson | Pansing Brooks | Sullivan |
| Coash | Hilkemann | Lindstrom | Riepe | Watermeier |
| Craighead | Johnson | McCollister | Scheer | Williams |
| Garrett | Kolowski | Mello | Schilz | |
| Haar, K. | Kolterman | Morfeld | Seiler | |

Voting in the negative, 13:

| | | | | |
|----------|----------|--------|---------|------------|
| Brasch | Crawford | Gloor | Kintner | Schumacher |
| Chambers | Davis | Groene | McCoy | |
| Cook | Ebke | Hughes | Schnoor | |

Present and not voting, 3:

Campbell Friesen Howard

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 610.

A BILL FOR AN ACT relating to motor fuels; to amend sections 66-489, 66-4,105, 66-4,145, 66-4,146, 66-6,107, and 66-6,109, Reissue Revised Statutes of Nebraska; to change excise taxes as prescribed; to eliminate obsolete provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 26:

| | | | | |
|----------|----------|-------------|----------------|----------|
| Baker | Haar, K. | Kolowski | Nordquist | Stinner |
| Campbell | Hadley | Kolterman | Pansing Brooks | Williams |
| Coash | Harr, B. | Kuehn | Scheer | |
| Crawford | Howard | Lindstrom | Schumacher | |
| Friesen | Hughes | McCollister | Seiler | |
| Gloor | Johnson | Morfeld | Smith | |

Voting in the negative, 15:

| | | | | |
|------------|-----------|---------|---------|------------|
| Bloomfield | Chambers | Ebke | Kintner | Murante |
| Bolz | Craighead | Garrett | Larson | Sullivan |
| Brasch | Davis | Groene | McCoy | Watermeier |

Present and not voting, 8:

| | | | |
|--------|-----------|-------|---------|
| Cook | Hilkemann | Mello | Schilz |
| Hansen | Krist | Riepe | Schnoor |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 610A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 610, One Hundred Fourth Legislature, First Session, 2015.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

| | | | | |
|----------|----------|-------------|----------------|----------|
| Baker | Haar, K. | Kolowski | Morfeld | Smith |
| Campbell | Hadley | Kolterman | Nordquist | Stinner |
| Coash | Harr, B. | Krist | Pansing Brooks | Williams |
| Crawford | Howard | Kuehn | Scheer | |
| Friesen | Hughes | Lindstrom | Schumacher | |
| Gloor | Johnson | McCollister | Seiler | |

Voting in the negative, 12:

| | | | |
|------------|-----------|---------|----------|
| Bloomfield | Craighead | Groene | McCoy |
| Brasch | Ebke | Kintner | Murante |
| Chambers | Garrett | Larson | Sullivan |

Present and not voting, 10:

| | | | | |
|------|--------|-----------|--------|------------|
| Bolz | Davis | Hilkemann | Riepe | Schnoor |
| Cook | Hansen | Mello | Schilz | Watermeier |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 72, 72A, 80, 85, 132, 141, 240, 253, 264, 317, 348, 449, 458, 519, 519A, 561, 414, 610, and 610A.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 209, 210, 219, 220, 221, 224, and 225 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 209, 210, 219, 220, 221, 224, and 225.

GENERAL FILE

LEGISLATIVE BILL 329. Title read. Considered.

Committee AM1042, found on page 1036, was offered.

SENATOR SCHEER PRESIDING

Senator Schilz withdrew his amendments, AM1264 and AM1533, found on pages 1196 and 1446.

Senator Schilz offered the following amendment to the committee amendment:

AM1580

(Amendments to Standing Committee amendments, AM1042)

1 1. Strike amendments 1 to 5 and all amendments thereto and insert

2 the following new amendment:

3 1. Strike the original sections and insert the following new

4 sections:

5 Section 1. Sections 1 to 7 of this act shall be known and may be

6 cited as the Nebraska Agritourism Promotion Act.

7 Sec. 2. The purposes of the Nebraska Agritourism Promotion Act are

8 to:

9 (1) Promote tourism and rural economic development by encouraging

10 owners of farms, ranches, and other rural land, including agricultural,

11 historical, ecological, cultural, and natural attractions, to allow

12 access to members of the public for educational, entertainment, and

13 recreational purposes;

14 (2) Promote a better understanding by visitors of agricultural

15 operations and features, including the production of livestock and

16 agricultural products, the land and other natural attributes, and

17 wildlife; and

18 (3) Encourage agritourism activities by limiting civil liability of

19 owners of farms, ranches, and other rural land.

20 Sec. 3. For purposes of the Nebraska Agritourism Promotion Act:

21 (1) Agritourism activities include any one or any combination of the

22 following: Hunting, fishing, swimming, boating, canoeing, kayaking,

23 tubing, water sports, camping, picnicking, hiking, backpacking,

24 bicycling, horseback riding, nature study, birding, farm, ranch, and

25 vineyard tours and activities, harvest-your-own activities, waterskiing,

26 snow-shoeing, cross-country skiing, visiting and viewing historical,

1 ecological, archaeological, scenic, or scientific sites, and similar

2 activities;

3 (2) Fee means the amount of money asked in return for an invitation

4 or permission to enter the premises;

5 (3) Inherent risks means those conditions, dangers, or hazards that

6 are an integral part of land or waters used for agritourism activities,

7 including the following:

8 (a) Surface and subsurface conditions and natural conditions of

9 land, vegetation, and waters;
10 (b) The behavior of wild or domestic animals;
11 (c) The ordinary dangers of structures or equipment ordinarily used
12 in farming or ranching operations when such structures or equipment are
13 used for farming or ranching purposes; and
14 (d) The potential of a participant to act in a negligent way that
15 may contribute to injury to the participant or others whether by failing
16 to follow safety procedures or failing to act with reasonable caution
17 while engaging in an agritourism activity.
18 Inherent risks does not include any act or omission occurring while
19 the actor was under the influence of alcohol or illegal drugs or any
20 action, activity, process, or condition that would otherwise be a
21 violation of any other statute or rule or regulation of the State of
22 Nebraska, a state regulatory body, or a political subdivision;
23 (4) Owner includes any person who is a tenant, lessee, occupant, or
24 person in control of the premises or any agent of such a person whose
25 gross annual income from agritourism activities does not exceed five
26 hundred thousand dollars;
27 (5) Participant means an individual who engages in agritourism
28 activities on premises owned by another but does not include an owner of
29 the premises or any agent, employee, or contractor of the owner;
30 (6) Person means an individual, corporation, limited liability
31 company, partnership, unincorporated association, or other legal or
1 commercial entity and does not include a governmental entity or political
2 subdivision; and
3 (7) Premises includes land, roads, pathways, trails, water,
4 watercourses, private ways, and buildings and structures attached to the
5 land outside of cities and villages and does not include land zoned
6 commercial, industrial, or residential.
7 Sec. 4. (1) Except as provided in section 5 of this act, an owner
8 who allows a participant on the owner's premises for agritourism
9 activities shall not be liable for injury to or death of the participant
10 or damage to the participant's property resulting solely from an inherent
11 risk on the owner's premises.
12 (2) Except as provided in section 5 of this act, no participant or
13 participant's representative shall maintain an action against or recover
14 for injury to or death of the participant or damage to the participant's
15 property resulting solely from an inherent risk on the owner's premises
16 when such owner allows the participant on the owner's premises for
17 agritourism activities.
18 Sec. 5. Nothing in the Nebraska Agritourism Promotion Act limits
19 any liability of an owner:
20 (1) Who has actual knowledge of a particular dangerous condition on
21 the owner's premises and does not make the particular danger known to the
22 participant if the particular danger is a proximate cause of injury to or
23 death of the participant or damage to the participant's property;
24 (2) Who reasonably should have known of a particular dangerous
25 condition of equipment used or kept on the owner's premises and does not
26 make the particular danger known to the participant if the particular

27 danger is a proximate cause of injury to or death of the participant or
 28 damage to the participant's property;
 29 (3) Who fails to properly train or supervise or improperly or
 30 inadequately trains or supervises employees who are actively involved in
 31 agritourism activities and an act or omission of the employee resulting
 1 from improper or inadequate training or supervision is a proximate cause
 2 of injury to or death of the participant or damage to the participant's
 3 property; or
 4 (4) Who commits an act or omission that is a proximate cause of
 5 injury to or the death of the participant or damage to the participant's
 6 property if the act or omission:
 7 (a) Constitutes willful or wanton disregard for the safety of the
 8 participant;
 9 (b) Constitutes gross negligence; or
 10 (c) Was intentional.
 11 Sec. 6. (1) Nothing in section 4 of this act limits any liability
 12 of an owner who receives a fee for allowing a participant on the premises
 13 if the owner fails to do at least one of the following:
 14 (a) Post and maintain signage containing the warning as described in
 15 subsection (2) of this section in a clearly visible and conspicuous
 16 location at or near the entrance to the property used for agritourism
 17 activities; or
 18 (b) Include the warning as described in subsection (2) of this
 19 section in any written contract between the owner of the property and
 20 each participant allowed on the premises for a fee. Such warning shall be
 21 in a conspicuous location within the contract and be written in not less
 22 than twelve-point boldface type.
 23 (2) The warning notice shall read as follows: WARNING - Under
 24 Nebraska law, an owner of property, including lands and waters, is not
 25 liable for the injury to or death of the participant in agritourism
 26 activities or damage to the participant's property resulting solely from
 27 the inherent risks of such activities. Inherent risks include, without
 28 limitation, the risk of animals and land and water conditions, the
 29 ordinary dangers of structures or equipment ordinarily used in farming or
 30 ranching operations, and the potential for you or another participant to
 31 act in a negligent manner that may contribute to your own injury or
 1 death. You are assuming the risk of participating in the agritourism
 2 activities for which you are entering the owner's premises.
 3 Sec. 7. Nothing in the Nebraska Agritourism Promotion Act limits
 4 the obligation of a participant entering upon or using premises of
 5 another for agritourism activities to exercise due care in his or her use
 6 of such premises and in his or her agritourism activities on the
 7 premises.

Senator Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

The Schilz amendment was adopted with 34 ayes, 0 nays, 12 present and not

voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 1 nay, 12 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARING(S)

General Affairs

Room 1510

Thursday, May 14, 2015 12:00 p.m.

Terry L. Scoville - Nebraska Commission on Problem Gambling
Paul Leckband - Nebraska Commission on Problem Gambling
James S. Brummer - State Electrical Board
Janelle Beveridge - State Racing Commission

(Signed) Tyson Larson, Chairperson

COMMUNICATION(S)

May 7, 2015

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Consistent with our rules, I am forwarding LB89 and LB89A for deposit in your office. Legislative rules require us to deliver the bills to your office following the receipt of a veto message when no motions, to override have been offered.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk

AMENDMENT(S) - Print in Journal

Senator Sullivan filed the following amendment to LB525:
AM1487

(Amendments to E and R amendments, ER120)

1 1. On page 64, line 18, strike "plan" and insert "program"; and in

2 line 21 after "Education" insert "adopted and promulgated pursuant to
3 section 79-777".

NOTICE OF COMMITTEE HEARING(S)
Nebraska Retirement Systems

Room 1525

Monday, May 18, 2015 8:30 a.m.

J. Russell Derr - Public Employees Retirement Board

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 195. Placed on Final Reading.
LEGISLATIVE BILL 287. Placed on Final Reading.
LEGISLATIVE BILL 291. Placed on Final Reading.
LEGISLATIVE BILL 296. Placed on Final Reading.
LEGISLATIVE BILL 310. Placed on Final Reading.
LEGISLATIVE BILL 375. Placed on Final Reading.
LEGISLATIVE BILL 408. Placed on Final Reading.
LEGISLATIVE BILL 412. Placed on Final Reading.
LEGISLATIVE BILL 422. Placed on Final Reading.
LEGISLATIVE BILL 424. Placed on Final Reading.
LEGISLATIVE BILL 479. Placed on Final Reading.
LEGISLATIVE BILL 511. Placed on Final Reading.
LEGISLATIVE BILL 513. Placed on Final Reading.
LEGISLATIVE BILL 515. Placed on Final Reading.
LEGISLATIVE BILL 541. Placed on Final Reading.
LEGISLATIVE BILL 640. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 7, 2015, at 11:13 a.m. were the following: LBs 72, 72A, 80, 85, 132, 141e, 240, 253, 264, 317, 348e, 449e, 458, 519, 519A, 561, 414, 610, and 610A.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

AMENDMENT(S) - Print in Journal

Senator Nordquist filed the following amendment to LB468:
AM1582

(Amendments to AM1172)

- 1 1. Strike sections 7 and 8 and all amendments thereto.
- 2 2. On page 8, line 30, strike "such date", show as stricken, and
- 3 insert "July 1, 2004".
- 4 3. On page 10, strike new language and reinstate the stricken
- 5 matter.
- 6 4. On page 13, line 16, after "system" insert "who became members
- 7 prior to July 1, 2015".
- 8 5. On page 16, line 27, after "system" insert "who became members on
- 9 or after July 1, 2015".
- 10 6. On page 20, lines 9 and 28; and page 21, lines 12 and 21, strike
- 11 "five" and insert "six".
- 12 7. On page 21, lines 10, 13, 19 and 21, strike "twenty" and insert
- 13 "twenty-two".
- 14 8. On page 23, line 26, strike "29-3602, 29-3606,".
- 15 9. Renumber the remaining sections accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 250. Introduced by Campbell, 25.

PURPOSE: The purpose of this resolution is to examine any issues within the jurisdiction of the Health and Human Services Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 643. Title read. Considered.

Committee AM1254, found on page 1217, was offered.

Senator Gloor offered his amendment, AM1564, found on page 1449, to the committee amendment.

Pending.

MESSAGE(S) FROM THE GOVERNOR

May 7, 2015

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 610 and LB 610A without my signature and with my objections.

The number one issue I hear about from hardworking Nebraskans is the need for tax relief. Whether they are farmers and home owners seeking relief from high property taxes or businesses being held back by our second-highest-in-the region income tax rates, the message is clear: Nebraskans want and deserve tax relief.

LB 610 would do the exact opposite by imposing a \$75 million per year tax increase. The new tax would be added to the 25.6 cents Nebraskans are already paying in state gas tax per gallon of gasoline. This is a 23 percent increase.

At this level, Nebraska's gas tax rate would be the 16th highest in the country – surpassing the national average and surpassing the gas tax rate of every state that borders our state. The increased gas tax rate would also be about two times our state's top income tax rate.

Since LB 610 was introduced, the average price per gallon of gasoline has increased nearly 50 cents. The volatility of per gallon prices demonstrates the structural flaw in this bill. No matter what the price at the pump – including the \$4.00 per gallon gasoline that Nebraskans were paying only two years ago – the tax increase proposed by the bill would be imposed. This only exacerbates the regressive nature of this tax.

Not only does a gas tax increase impact nearly every Nebraskan, it is one of the most regressive taxes, having the most severe impact on those who can least afford it. Tax increases, like the proposed gas tax hike, take away money that low and fixed-income Nebraskans count on to pay for food, utilities, and medication. They also adversely impact those who drive great distances, like many Nebraskans in our rural areas.

While proponents of a tax increase have raised important concerns about the state of Nebraska's roads and bridges, there has not been a compelling case made that a gas tax increase is the solution to construction project needs. There are alternatives our state should first explore. Raising taxes should

never be the first course of action.

Revenues for the Department of Roads are at a twenty-year high point even when adjusted for inflation. It is important to recognize that we have increased state tax collections even as vehicles have become more fuel efficient. The agency has received record increases due to receipts from motor vehicle registration fees, sales taxes received from the sale of motor vehicles, and sales taxes directed by LB 84.

I believe we can improve operations at the Department of Roads. That is why I conducted a national job search for a new Director. Last week, I appointed a new Director. I intentionally selected a forward-thinking leader who will take a fresh approach to our state's road construction needs. Other states have achieved success by using public/private partnerships, working to improve operations, lowering administrative overhead costs that cut into construction funds, and increasing flexibility within the agency's regulatory framework.

I remain committed to addressing our state and local infrastructure needs. This is an area that is vital to our continued economic growth. I cannot, however, support raising taxes as the first solution to this issue.

For each of these reasons, I respectfully urge you to sustain my veto of LB 610 and LB 610A.

Sincerely,
(Signed) Pete Ricketts
Governor

COMMITTEE REPORT(S)
Executive Board

LEGISLATIVE RESOLUTION 31CA. Placed on General File.

(Signed) Bob Krist, Chairperson

VISITORS

Visitors to the Chamber were 35 seventh- and eighth-grade students and teachers from Trinity Lutheran School, Fremont; 60 fourth-grade students and teachers from Gates Elementary, Grand Island; 9 eighth-grade students, teacher, and sponsors from St. Patrick Elementary, McCook; 34 fourth-grade students and teachers from Centennial Elementary, Utica; 5 second- through eighth-grade students and teacher from Sacred Heart Elementary, Lawrence; 40 fourth-grade students, teachers, and sponsors from Lewis and Clark Elementary, South Sioux City; 12 fourth-grade students and teacher from St. Joseph's Elementary, York; Senator Pansing Brooks' son, Taylor, from Lincoln and her sister and brother-in-law,

Ginny Pansing Plummer and Al Plummer from Atlanta, GA; 30 fourth-grade students and teachers from Lawrence Nelson Elementary; and 75 fourth-grade students and teachers from Prescott Elementary, Lincoln.

ADJOURNMENT

At 2:04 p.m., on a motion by Senator Baker, the Legislature adjourned until 10:00 a.m., Tuesday, May 12, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-EIGHTH DAY - MAY 12, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION
SEVENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 12, 2015

PRAYER

The prayer was offered by Pastor Chuck Tschetter, Community Bible Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Coash presiding.

The roll was called and all members were present except Senators Davis, Groene, Hadley, B. Harr, Kolowski, Kolterman, Kuehn, Mello, Morfeld, Murante, Nordquist, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-seventh day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 329. Placed on Select File with amendment.
ER123

1 1. In the Schilz amendment, AM1580, on page 2, line 5, after "(3)"
2 insert "(a)"; in line 8 strike "(a)" and insert "(i)"; in line 10 strike
3 "(b)" and insert "(ii)"; in line 11 strike "(c)" and insert "(iii)"; in
4 line 14 strike "(d)" and insert "(iv)"; and in line 18 before "Inherent"
5 insert "(b)".

(Signed) Matt Hansen, Chairperson

NOTICE OF COMMITTEE HEARING(S)

General Affairs

Room 1510

Tuesday, May 19, 2015 12:00 p.m.

Darrel J. Huenergardt - Nebraska Arts Council
Reven Wright - Nebraska Arts Council
Julie Jacobson - Nebraska Arts Council
Sue Roush - Nebraska Arts Council

(Signed) Tyson Larson, Chairperson

MESSAGE(S) FROM THE GOVERNOR

May 12, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being
appointed to the Nebraska Motor Vehicle Industry Licensing Board:

Lori G. Scherer, 150 Beemer Road, Beemer, NE 68716
Joe Kosiski, 5808 M Street, Omaha, NE 68117

The aforementioned appointees are respectfully submitted for your
consideration. Copies of the certificates and background information are
included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

May 12, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Personnel Board:

Patrick Guinan, 525 South 58 Street, Omaha, NE 68106

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

GENERAL FILE

LEGISLATIVE BILL 259A. Title read. Considered.

Senator Gloor offered the following amendment:

AM1592

1 1. Insert the following new section:

2 Sec. 2. There is hereby appropriated \$19,600,000 from the General
3 Fund for FY2016-17 to the Department of Revenue, for Program 109, to aid
4 in carrying out the provisions of Legislative Bill 259, One Hundred
5 Fourth Legislature, First Session, 2015.
6 No expenditures for permanent and temporary salaries and per diems
7 for state employees shall be made from funds appropriated in this
8 section.

The Gloor amendment was adopted with 30 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 3 present and not voting, and 11 excused and not voting.

MOTION(S) - Confirmation Report(s)

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1430:

Commission for the Deaf and Hard of Hearing
Frank R. Turk

Voting in the affirmative, 36:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Craighead | Hilkemann | McCollister | Schumacher |
| Bloomfield | Crawford | Howard | McCoy | Seiler |
| Bolz | Ebke | Hughes | Mello | Watermeier |
| Brasch | Friesen | Kintner | Pansing Brooks | Williams |
| Campbell | Garrett | Kolterman | Riepe | |
| Chambers | Gloor | Krist | Scheer | |
| Coash | Hadley | Larson | Schilz | |
| Cook | Hansen | Lindstrom | Schnoor | |

Voting in the negative, 0.

Present and not voting, 5:

| | | | | |
|----------|---------|----------|-------|---------|
| Haar, K. | Johnson | Kolowski | Smith | Stinner |
|----------|---------|----------|-------|---------|

Excused and not voting, 8:

| | | | |
|--------|----------|---------|-----------|
| Davis | Harr, B. | Morfeld | Nordquist |
| Groene | Kuehn | Murante | Sullivan |

The appointment was confirmed with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1430:

State Board of Health
Kevin Borchert
Shane Fleming
Russell Hopp
Kevin C. Low
Travis James Teetor
Douglas Vander Broek

Voting in the affirmative, 39:

| | | | | |
|------------|-----------|----------|----------------|------------|
| Baker | Craighead | Hadley | Larson | Schilz |
| Bloomfield | Crawford | Hansen | Lindstrom | Schnoor |
| Bolz | Davis | Howard | McCollister | Schumacher |
| Brasch | Ebke | Hughes | Morfeld | Seiler |
| Campbell | Friesen | Johnson | Murante | Stinner |
| Chambers | Garrett | Kintner | Pansing Brooks | Watermeier |
| Coash | Gloor | Kolowski | Riepe | Williams |
| Cook | Haar, K. | Krist | Scheer | |

Voting in the negative, 0.

Present and not voting, 6:

| | | |
|-----------|-----------|-------|
| Groene | Kolterman | Mello |
| Hilkemann | McCoy | Smith |

Excused and not voting, 4:

| | | | |
|----------|-------|-----------|----------|
| Harr, B. | Kuehn | Nordquist | Sullivan |
|----------|-------|-----------|----------|

The appointments were confirmed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Senator Johnson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 1430:

Climate Assessment Response Committee
R.M. (Matt) Joeckel

Voting in the affirmative, 40:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Craighead | Hadley | Krist | Scheer |
| Bloomfield | Crawford | Hilkemann | Larson | Schilz |
| Bolz | Ebke | Howard | Lindstrom | Schumacher |
| Brasch | Friesen | Hughes | McCollister | Smith |
| Campbell | Garrett | Johnson | McCoy | Stinner |
| Chambers | Gloor | Kintner | Morfeld | Sullivan |
| Coash | Groene | Kolowski | Pansing Brooks | Watermeier |
| Cook | Haar, K. | Kolterman | Riepe | Williams |

Voting in the negative, 0.

Present and not voting, 7:

| | | | |
|--------|---------|-----------|--------|
| Davis | Mello | Nordquist | Seiler |
| Hansen | Murante | Schnoor | |

Excused and not voting, 2:

| | |
|----------|-------|
| Harr, B. | Kuehn |
|----------|-------|

The appointment was confirmed with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 598A. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 598, One Hundred Fourth Legislature, First Session, 2015; and to reduce appropriations.

LEGISLATIVE BILL 173A. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations to aid in carrying out the provisions of Legislative Bill 173, One Hundred Fourth Legislature, First Session, 2015.

LEGISLATIVE BILL 605A. Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 605, One Hundred Fourth Legislature, First Session, 2015.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 251. Introduced by Scheer, 19.

WHEREAS, the Norfolk Veterans' Home opened in 1963 to provide high quality, dignified care to enable residents to live their lives to the fullest through different levels of health care; and

WHEREAS, the Norfolk Veterans' Home recently received a deficiency-free survey from the United States Department of Veterans Affairs for the fourth consecutive year; and

WHEREAS, such surveys have been achieved after unannounced on-site inspections; and

WHEREAS, the Norfolk Veterans' Home's deficiency-free surveys illustrate the commitment of the facility and its employees to veterans and their families.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Norfolk Veterans' Home on its fourth straight deficiency-free survey from the United States Department of Veterans Affairs.

2. That a copy of this resolution be sent to the Norfolk Veterans' Home and its administrator, Jerry Eisenhower.

Laid over.

LEGISLATIVE RESOLUTION 252. Introduced by Judiciary Committee: Seiler, 33, Chairperson; Chambers, 11; Coash, 27; Ebke, 32; Krist, 10; Morfeld, 46; Pansing Brooks, 28; Williams, 36.

PURPOSE: The purpose of this resolution is to study court costs and fees in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 605. ER81, found on page 1214, was adopted.

The B. Harr amendment, AM1330, found on page 1245, was withdrawn.

Senator Seiler offered his amendment, AM1530, found on page 1390.

SPEAKER HADLEY PRESIDING

Senator Mello offered the following amendment to the Seiler amendment: AM1609

(Amendments to AM1530)

1 1. On page 90, strike lines 22 through 30 and insert:

2 "(5) The Committee on Justice Reinvestment Oversight shall monitor
3 and guide analysis and policy development in all aspects of the criminal
4 justice system in Nebraska within the scope of the justice reinvestment
5 initiative, including tracking implementation of evidence-based
6 strategies as established in this legislative bill, and reviewing
7 policies to improve public safety, reduce recidivism, and reduce spending
8 on corrections in Nebraska. With assistance from the Council of State
9 Governments Justice Center, the committee shall monitor performance and
10 measure outcomes by collecting data from counties and relevant state
11 agencies for analysis and reporting."

12 2. On page 109, lines 10 and 11, after "daily" insert "jail"; strike
13 beginning with "No" in line 21 through the period in line 22; and in line
14 27 strike "use" and insert "prioritize use of".

The Mello amendment was adopted with 36 ayes, 0 nays, 11 present and not

voting, and 2 excused and not voting.

Senator Seiler offered the following amendment to his amendment:
AM1610

(Amendments to AM1530)

- 1 1. On page 63, line 19, after "be" insert "any term of years".
- 2 2. On page 67, line 13, strike "a Class I, IA, IB, IC, II, or IIA
3 felony" and insert "any felony other than another Class IV felony".
- 4 3. On page 137, line 4, strike "Section" and insert "Sections
5 29-2204.01 and".

The Seiler amendment was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

The Seiler amendment, as amended, was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 253. Introduced by Kolterman, 24.

WHEREAS, the Ridgewood Rehabilitation and Care Center in Seward was established to provide nursing care, rehabilitation therapy, respite care, hospice care, and memory care to Nebraskans; and

WHEREAS, the Ridgewood Rehabilitation and Care Center recently received a deficiency-free survey from the Department of Health and Human Services; and

WHEREAS, the Ridgewood Rehabilitation and Care Center was in full compliance as determined by unannounced onsite inspections; and

WHEREAS, the Ridgewood Rehabilitation and Care Center's deficiency-free survey illustrates the commitment that the facility and its employees have to residents and their families.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Ridgewood Rehabilitation and Care Center on its deficiency-free survey from the Department of Health and Human Services.
2. That a copy of this resolution be sent to the Ridgewood Rehabilitation and Care Center and its administrator, Joseph Caldwell.

Laid over.

LEGISLATIVE RESOLUTION 254. Introduced by Coash, 27; Hughes, 44.

PURPOSE: The purpose of this resolution is to examine public charitable corporations in Nebraska. The study will include a review of the history, as well as the financing, assets, ownership, management, maintenance, and structure of public charitable corporations. The study shall also investigate and make recommendations regarding the authority of the Legislature over the personnel, buildings, utilities, and grounds of public charitable corporations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Executive Board shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

| LB/LR | Committee |
|--------------|-------------------|
| LB664 | Natural Resources |

Guinan, Patrick - State Personnel Board - Government, Military and Veterans Affairs

Kosiski, Joe - Nebraska Motor Vehicle Industry Licensing Board - Transportation and Telecommunications

Scherer, Lori G. - Nebraska Motor Vehicle Industry Licensing Board - Transportation and Telecommunications

(Signed) Bob Krist, Chairperson
Executive Board

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 525A. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 525, One Hundred Fourth Legislature, First Session, 2015.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 360. Placed on Final Reading.

ST38

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Johnson amendment, AM1520:
 - a. On page 2, line 17, "a" has been inserted before "licensee" and "violation"; and
 - b. On page 3, line 23, "section" has been struck and "subsection" inserted.
2. In the E & R amendments, ER90:
 - a. On page 13, line 28, "21" has been struck and "22" inserted;
 - b. On page 23, line 10, "Applicants, licensees," has been struck and "An applicant, a licensee," inserted;
 - c. On page 28, line 31, "a" has been inserted before "dealer" and "boarding";
 - d. On page 29, line 1, "an" has been inserted before each occurrence of "animal" and "a" has been inserted before "pet"; and
 - e. On page 31, line 5, "a" has been inserted before "licensee"; and in lines 18 and 25 "54-632," has been inserted after "54-628.01,".

LEGISLATIVE BILL 360A. Placed on Final Reading.**LEGISLATIVE BILL 554.** Placed on Final Reading.**LEGISLATIVE BILL 657.** Placed on Final Reading.**LEGISLATIVE BILL 658.** Placed on Final Reading.**LEGISLATIVE BILL 659.** Placed on Final Reading.**LEGISLATIVE BILL 660.** Placed on Final Reading.

ST39

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM830:
 - a. On page 12, line 9, "project is" has been struck and "projects are" inserted; and in line 19 "project" has been struck and "projects" inserted; and
 - b. On page 15, line 1; and page 16, line 19, "in" has been inserted before "private".

LEGISLATIVE BILL 661. Placed on Final Reading.

ST37

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Mello amendment, AM1506, on page 3, line 11, "fund" has been struck, shown as stricken, and "Job Training Cash Fund" inserted.
2. In the Standing Committee amendments, AM831:
 - a. On page 16, the matter beginning with "Legislative" in line 17 through "2014" in line 18 has been struck and "Laws 2014, LB1098" inserted;
 - b. On page 24, line 15, "38" has been struck and "39" inserted; and

c. On page 27, line 23, "81-1201.21," has been inserted after the first comma.

3. In the E and R amendments, ER117, on page 1, line 9, "81-1201.21," has been inserted after "13-2610,".

LEGISLATIVE BILL 662. Placed on Final Reading.

LEGISLATIVE BILL 663. Placed on Final Reading.

ST40

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 3, the matter beginning with "the" through "judges" has been struck and "judges' salaries" inserted.

LEGISLATIVE BILL 663A. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

SELECT FILE

LEGISLATIVE BILL 598. ER83, found on page 1214, was adopted.

Senator Schumacher withdrew his amendment, AM1407, found on page 1312.

Senator Seiler offered the following amendment:

AM1587

(Amendments to E and R amendments, ER83)

1 1. Insert the following new section:

2 Sec. 22. Section 83-170, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 83-170 As used in the Nebraska Treatment and Corrections Act, unless

5 the context otherwise requires:

6 (1) Administrator means ~~shall mean~~ the Parole Administrator;

7 (2) Board means ~~shall mean~~ the Board of Parole;

8 (3) Committed offender means ~~shall mean~~ any person who, under any

9 provision of law, is sentenced or committed to a facility operated by the

10 department or is sentenced or committed to the department other than a

11 person adjudged to be as described in subdivision (1), (2), (3)(b), or

12 (4) of section 43-247 by a juvenile court;

13 (4) Department means ~~shall mean~~ the Department of Correctional

14 Services;

15 (5) Director means ~~shall mean~~ the Director of Correctional Services;

16 (6) Facility means ~~shall mean~~ any prison, reformatory, training

17 school, reception center, community guidance center, group home, or other

18 institution operated by the department;

19 (7) Good time means ~~shall mean~~ any reduction of sentence granted

20 pursuant to sections 83-1,107 and 83-1,108;

21 (8) Maximum term means ~~shall mean~~ the maximum sentence provided by

22 law or the maximum sentence imposed by a court, whichever is shorter;
 23 (9) Minimum term ~~means shall mean~~ the minimum sentence provided by
 24 law or the minimum sentence imposed by a court, whichever is longer;
 25 (10) Pardon authority ~~means shall mean~~ the power to remit fines and
 26 forfeitures and to grant respites, reprieves, pardons, or commutations;
 1 (11) Parole term ~~means shall mean~~ the time from release on parole to
 2 the completion of the maximum term, reduced by good time; and
 3 (12) Person committed to the department ~~means shall mean~~ any person
 4 sentenced or committed to a facility within the department; -
 5 (13) Restrictive housing means conditions of confinement that
 6 provide limited contact with other offenders, strictly controlled
 7 movement while out of cell, and out-of-cell time of less than twenty-four
 8 hours per week; and
 9 (14) Solitary confinement means the status of confinement of an
 10 inmate in an individual cell having solid, soundproof doors and which
 11 deprives the inmate of all visual and auditory contact with other
 12 persons.
 13 2. On page 17, lines 14 and 15; page 22, lines 28 and 29; and page
 14 33, lines 9 and 11, strike "June" and insert "July".
 15 3. On page 22, line 30, after the period insert "The director and
 16 the board shall jointly develop a transition implementation plan. The
 17 plan shall be presented to the Governor and to the Legislature no later
 18 than December 1, 2015. The report to the Legislature shall be delivered
 19 electronically.".
 20 4. On page 23, line 12, after "responsibilities" insert ", including
 21 employees of the Office of Probation Administration".
 22 5. On page 26, line 14, strike "fully explained to", show as
 23 stricken, and insert "developed with the active participation of".
 24 6. On page 27, line 15, strike "April" and insert "July"; in line 17
 25 strike "usage of segregation or other type of isolation" and insert "use
 26 of restrictive housing"; strike beginning with "segregation" in line 18
 27 through "population" in line 19 and insert "restrictive housing"; in line
 28 21 strike "housing other than general population" and insert "restrictive
 29 housing"; in line 22 strike "institution" and insert "facility"; and in
 30 line 27 strike "confinement outside the general population" and insert
 31 "restrictive housing".
 1 7. On page 28, line 9, strike the comma; in line 14 after the period
 2 insert "The notice shall identify all documents not publicly available by
 3 title, number of pages, and date adopted."; in line 16 after the period
 4 insert "Security manuals shall be made available to the Legislature for
 5 inspection upon request, but shall not be copied or removed from secure
 6 locations as designated by the director."; in line 19 strike "29 and 30"
 7 and insert "30 and 31"; in lines 28, 29, and 31, strike the new matter
 8 and reinstate the stricken matter; in line 29 before the period insert
 9 "and only as authorized by written directives, guidance documents, and
 10 operational manuals"; and in line 30 strike "in the adult division" and
 11 show as stricken.
 12 8. On page 29, lines 1 through 3, strike the new matter; and strike
 13 lines 10 through 31 and insert the following new subsections:

14 "(4) The director shall issue an annual report to the Governor and
15 the Clerk of the Legislature. The report to the Clerk of the Legislature
16 shall be issued electronically. For all inmates who were held in
17 restrictive housing during the prior year, the report shall contain the
18 race, gender, age, and length of time each inmate has continuously been
19 held in restrictive housing. The report shall also contain:
20 (a) The number of inmates held in restrictive housing;
21 (b) The reason or reasons each inmate was held in restrictive
22 housing;
23 (c) The number of inmates held in restrictive housing who have been
24 diagnosed with a mental illness as defined in section 71-907 and the type
25 of mental illness by inmate;
26 (d) The number of inmates who were released from restrictive housing
27 directly to parole or into the general public and the reason for such
28 release;
29 (e) The number of inmates who were placed in restrictive housing for
30 his or her own safety and the underlying circumstances for each
31 placement;
1 (f) To the extent reasonably ascertainable, comparable statistics
2 for the nation and each of the states that border Nebraska pertaining to
3 subdivisions (4)(a) through (e) of this section; and
4 (g) The mean and median length of time for all inmates held in
5 restrictive housing.
6 (5)(a) There is hereby established within the department a long-term
7 restrictive housing work group. The work group shall consist of:
8 (i) The director and all deputy directors. The director shall serve
9 as the chairperson of the work group;
10 (ii) The director of health services within the department;
11 (iii) The behavioral health administrator within the department;
12 (iv) Two employees of the department who currently work with inmates
13 held in restrictive housing;
14 (v) Additional department staff as designated by the director; and
15 (vi) Four members as follows appointed by the Governor:
16 (A) Two representatives from a nonprofit prisoners' rights advocacy
17 group, including at least one former inmate; and
18 (B) Two mental health professionals independent from the department
19 with particular knowledge of prisons and conditions of confinement.
20 (b) The work group shall advise the department on policies and
21 procedures related to the proper treatment and care of offenders in long-
22 term restrictive housing.
23 (c) The director shall convene the work group's first meeting no
24 later than September 15, 2015, and the work group shall meet at least
25 semiannually thereafter. The chairperson shall schedule and convene the
26 work group's meetings.
27 (d) The director shall provide the work group with quarterly updates
28 on the department's policies related to the work group's subject
29 matter."
30 9. On page 30, strike lines 1 through 17.
31 10. On page 33, line 23, strike "Beginning" and insert "Until" and

- 1 strike "shall" and reinstate the stricken "may"; in line 25 after "the"
- 2 insert "department's inmate"; in line 26 after the period insert
- 3 "Beginning July 1, 2020, a correctional system overcrowding emergency
- 4 shall exist whenever the director certifies that the department's inmate
- 5 population is over one hundred forty percent of design capacity."; and in
- 6 line 29 strike "Upon declaration of", show as stricken, and insert
- 7 "During".
- 8 11. On page 34, line 22, after "81-8,245," insert "83-170".
- 9 12. Renumber the remaining sections accordingly.

The Seiler amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 173. ER82, found on page 1214, was adopted.

Senator Coash offered the following amendment:

AM1607

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 28-105, Revised Statutes Cumulative Supplement,
- 4 2014, is amended to read:
- 5 28-105 (1) For purposes of the Nebraska Criminal Code and any
- 6 statute passed by the Legislature after the date of passage of the code,
- 7 felonies are divided into nine classes which are distinguished from one
- 8 another by the following penalties which are authorized upon 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 ~~Minimum Mandatory minimum~~ — five years imprisonment
- 15 Class ID felony Maximum — fifty years imprisonment
- 16 ~~Minimum Mandatory minimum~~ — three years imprisonment
- 17 Class II felony Maximum — fifty years imprisonment
- 18 Minimum — one year imprisonment
- 19 Class III felony Maximum — twenty years imprisonment, or
- 20 twenty-five thousand dollars fine, or both
- 21 Minimum — one year imprisonment
- 22 Class IIIA felony Maximum — five years imprisonment, or
- 23 ten thousand dollars fine, or both
- 24 Minimum — none
- 25 Class IV felony Maximum — five years imprisonment, or
- 26 ten thousand dollars fine, or both
- 1 Minimum — none
- 2 (2) All sentences of imprisonment for Class IA, IB, IC, ID, II, and
- 3 III felonies and sentences of one year or more for Class IIIA and IV
- 4 felonies shall be served in institutions under the jurisdiction of the

5 Department of Correctional Services. Sentences of less than one year
 6 shall be served in the county jail except as provided in this subsection.
 7 If the department certifies that it has programs and facilities available
 8 for persons sentenced to terms of less than one year, the court may order
 9 that any sentence of six months or more be served in any institution
 10 under the jurisdiction of the department. Any such certification shall be
 11 given by the department to the State Court Administrator, who shall
 12 forward copies thereof to each judge having jurisdiction to sentence in
 13 felony cases.

14 (3) Nothing in this section shall limit the authority granted in
 15 sections 29-2221 and 29-2222 to increase sentences for habitual
 16 criminals.

17 (4) A person convicted of a felony for which a mandatory minimum
 18 sentence is prescribed shall not be eligible for probation.

19 Sec. 2. Section 29-2221, Reissue Revised Statutes of Nebraska, is
 20 amended to read:

21 29-2221 (1) Whoever has been twice convicted of a crime, sentenced,
 22 and committed to prison, in this or any other state or by the United
 23 States or once in this state and once at least in any other state or by
 24 the United States, for terms of not less than one year each shall, upon
 25 conviction of a felony committed in this state, other than a Class III or
 26 a Class IV felony, be deemed to be a habitual criminal and shall be
 27 punished by imprisonment in a Department of Correctional Services adult
 28 correctional facility for a ~~mandatory~~ minimum term of ten years and a
 29 maximum term of not more than sixty years, except that if a greater
 30 punishment is otherwise provided by statute, the law creating the greater
 1 punishment shall govern. :

2 (a) ~~If the felony committed is in violation of section 28-303,~~
 3 ~~28-304, 28-308, 28-313, 28-319, 28-319.01, 28-502, 28-929, or 28-1222,~~
 4 ~~and at least one of the habitual criminal's prior felony convictions was~~
 5 ~~for a violation of one of the sections listed in this subdivision or of a~~
 6 ~~similar statute in another state or of the United States, the mandatory~~
 7 ~~minimum term shall be twenty five years and the maximum term not more~~
 8 ~~than sixty years;~~

9 (b) ~~If the felony committed is in violation of subsection (3) of~~
 10 ~~section 28-306 and at least one of the prior convictions is in violation~~
 11 ~~of subsection (3) of section 28-306 and the other is in violation of one~~
 12 ~~of the sections set forth in subdivision (a) of this subsection or if the~~
 13 ~~felony committed is in violation of one of the sections set forth in~~
 14 ~~subdivision (a) of this subsection and both of the prior convictions are~~
 15 ~~in violation of subsection (3) of section 28-306, the mandatory minimum~~
 16 ~~term shall be twenty five years and the maximum term not more than sixty~~
 17 ~~years; and~~

18 (c) ~~If a greater punishment is otherwise provided by statute, the~~
 19 ~~law creating the greater punishment shall govern.~~

20 (2) When punishment of an accused as a habitual criminal is sought,
 21 the facts with reference thereto shall be charged in the indictment or
 22 information which contains the charge of the felony upon which the
 23 accused is prosecuted, but the fact that the accused is charged with

24 being a habitual criminal shall not be an issue upon the trial of the
 25 felony charge and shall not in any manner be disclosed to the jury. If
 26 the accused is convicted of a felony, other than a Class III or a Class
 27 IV felony, before sentence is imposed, a hearing shall be had before the
 28 court alone as to whether such person has been previously convicted of
 29 prior felonies. The court shall fix a time for the hearing and notice
 30 thereof shall be given to the accused at least three days prior thereto.
 31 At the hearing, if the court finds from the evidence submitted that the
 1 accused has been convicted two or more times of felonies and sentences
 2 imposed therefor by the courts of this or any other state or by the
 3 United States, the court shall sentence such person so convicted as a
 4 habitual criminal.
 5 (3) If the person so convicted shows to the satisfaction of the
 6 court before which the conviction was had that he or she was released
 7 from imprisonment upon either of such sentences upon a pardon granted for
 8 the reason that he or she was innocent, such conviction and sentence
 9 shall not be considered as such under this section and section 29-2222.
 10 Sec. 3. Original section 29-2221, Reissue Revised Statutes of
 11 Nebraska, and section 28-105, Revised Statutes Cumulative Supplement,
 12 2014, are repealed.

Pending.

COMMITTEE REPORT(S)
 Nebraska Retirement Systems

LEGISLATIVE BILL 448. Placed on General File with amendment.
 AM1555 is available in the Bill Room.

(Signed) Jeremy Nordquist, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 255. Introduced by Sullivan, 41.

PURPOSE: To investigate and review matters and issues arising during the interim which are within the jurisdiction of the Education Committee of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, 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 256. Introduced by Mello, 5; Bolz, 29; Haar, K., 21; Hilkemann, 4; Kintner, 2; Nordquist, 7; Stinner, 48; Watermeier, 1.

PURPOSE: The purpose of this resolution is to study the history and development of the Peter Kiewit Institute (PKI) to include the University of Nebraska Omaha (UNO) College of Information Science and Technology and the University of Nebraska-Lincoln (UNL) College of Engineering. The University of Nebraska indicates that to move PKI forward, additional state financial support will be required in terms of both operations and facility development. The study of PKI shall include, but not be limited to, the following:

- (1) The history of public and private funding;
- (2) The organizational structure and management;
- (3) Past and present strategic planning efforts;
- (4) Plans for the expansion of UNO's College of Information Science and Technology and UNL's College of Engineering in education, research, and outreach;
- (5) Plans for facility development and space utilization;
- (6) The partnerships with private corporations, government agencies, and other academic institutions;
- (7) The availability of other sources of funds for expansion including federal and private funding; and
- (8) The development of measurable outcomes to evaluate progress.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR226 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR226.

EASE

The Legislature was at ease from 11:59 a.m. until 12:21 p.m.

MOTION - Return LB656 to Select File

Senator Mello moved to return LB656 to Select File for the following specific amendment:

AM1597

(Amendments to AM828)

1 1. Purpose: To reduce an appropriation consistent with the
2 Appropriations Committee recommendation.

3 Amendment:

4 1. Insert the following new section:

5 Sec. 28. Laws 2014, LB905, section 59, is amended to read:

6 Sec. 59. AGENCY NO. 25 — DEPARTMENT OF HEALTH AND HUMAN SERVICES

7 Program No. 347 - Public Assistance

| | | | |
|----|-------------------------|------------------------|------------------------|
| 8 | | FY2013-14 | FY2014-15 |
| 9 | GENERAL FUND | 103,359,868 | 108,244,583 |
| 10 | <u>GENERAL FUND</u> | <u>103,359,868</u> | <u>99,244,583</u> |
| 11 | CASH FUND | 3,560,000 | 3,560,000 |
| 12 | FEDERAL FUND est. | 103,059,571 | 102,574,856 |
| 13 | <u>PROGRAM TOTAL</u> | <u>209,979,439</u> | <u>214,379,439</u> |
| 14 | <u>PROGRAM TOTAL</u> | <u>209,979,439</u> | <u>205,379,439</u> |

15 There is included in the appropriation to this program for FY2013-14
16 \$103,359,868 General Funds, \$3,560,000 Cash Funds, and \$103,059,571
17 Federal Funds estimate for state aid, which shall only be used for such
18 purpose. There is included in the appropriation to this program for
19 FY2014-15 ~~\$99,244,583~~ ~~\$108,244,583~~ General Funds, \$3,560,000 Cash Funds,
20 and \$102,574,856 Federal Funds estimate for state aid, which shall only
21 be used for such purpose.

22 There is included in the appropriation to this program for FY2013-14
23 \$810,000 Cash Funds from the Nebraska Health Care Cash Fund for state aid
24 to aid in carrying out the Nebraska Lifespan Respite Services Program and
25 to provide payment to caregivers to purchase services under the respite
26 subsidy program. There is included in the appropriation to this program
1 for FY2014-15 \$810,000 Cash Funds from the Nebraska Health Care Cash Fund
2 for state aid to aid in carrying out the Nebraska Lifespan Respite
3 Services Program and to provide payment to caregivers to purchase
4 services under the respite subsidy program.

5 There is included in the appropriation to this program for FY2013-14
6 \$660,000 General Funds and for FY2014-15 \$660,000 General Funds which
7 shall be used solely to increase the reimbursement rate paid to providers
8 of adult day services under the Title XX Program.

9 2. Renumber the remaining sections and correct internal references
10 and the repealer accordingly.

11 2. Purpose: To reduce an appropriation consistent with the
12 Appropriations Committee recommendation.

13 Amendment:

14 1. On page 13, lines 22 and 23, strike "~~67,400,000~~" and insert
15 "62,779,000"; and in line 27 strike "~~\$67,400,000~~" and insert
16 "\$62,779,000".

The Mello motion to return prevailed with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 656. The Mello specific amendment, AM1597, found in this day's Journal, was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 173. The Coash amendment, AM1607, found in this day's Journal, was renewed.

SENATOR WATERMEIER PRESIDING

SPEAKER HADLEY PRESIDING

Senator Coash moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Senator Coash requested a roll call vote on the amendment.

Voting in the affirmative, 36:

| | | | | |
|----------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | Lindstrom | Stinner |
| Bolz | Friesen | Hughes | McCollister | Sullivan |
| Campbell | Garrett | Johnson | Morfeld | Watermeier |
| Chambers | Gloor | Kintner | Pansing Brooks | Williams |
| Coash | Haar, K. | Kolowski | Scheer | |
| Cook | Hadley | Kolterman | Schumacher | |
| Crawford | Hansen | Krist | Seiler | |
| Davis | Hilkemann | Kuehn | Smith | |

Voting in the negative, 6:

| | | |
|------------|-----------|-------|
| Bloomfield | Craighead | McCoy |
| Brasch | Harr, B. | Riepe |

Present and not voting, 5:

| | | | | |
|--------|--------|---------|--------|---------|
| Groene | Larson | Murante | Schilz | Schnoor |
|--------|--------|---------|--------|---------|

Excused and not voting, 2:

| | |
|-------|-----------|
| Mello | Nordquist |
|-------|-----------|

The Coash amendment was adopted with 36 ayes, 6 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator B. Harr offered the following amendment:

AM1573

(Amendments to E and R amendments, ER82)

- 1 1. Strike section 3.
- 2 2. On page 8, line 14, strike "sections 29-2221 and" and insert
- 3 "section".
- 4 3. Renumber the remaining sections accordingly.

The B. Harr amendment lost with 10 ayes, 14 nays, 21 present and not voting, and 4 excused and not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator B. Harr requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

| | | | | |
|----------|----------|----------|----------------|------------|
| Baker | Cook | Haar, K. | Krist | Schumacher |
| Bolz | Crawford | Hadley | Kuehn | Seiler |
| Campbell | Davis | Hansen | McCollister | Stinner |
| Chambers | Ebke | Howard | Morfeld | Sullivan |
| Coash | Gloor | Kolowski | Pansing Brooks | Williams |

Voting in the negative, 16:

| | | | |
|------------|----------|-----------|------------|
| Bloomfield | Groene | Kintner | Riepe |
| Brasch | Harr, B. | Lindstrom | Scheer |
| Craighead | Hughes | McCoy | Schnoor |
| Friesen | Johnson | Murante | Watermeier |

Present and not voting, 5:

| | | | | |
|---------|-----------|-----------|--------|-------|
| Garrett | Hilkemann | Kolterman | Schilz | Smith |
|---------|-----------|-----------|--------|-------|

Excused and not voting, 3:

| | | |
|--------|-------|-----------|
| Larson | Mello | Nordquist |
|--------|-------|-----------|

Advanced to Enrollment and Review for Engrossment with 25 ayes, 16 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

PRESIDENT FOLEY PRESIDING

RESOLUTION(S)

LEGISLATIVE RESOLUTION 257. Introduced by Kuehn, 38; Haar, K., 21.

PURPOSE: The purpose of this resolution is to study how to create a sustainable and adequate stream of state funds to local public health departments to ensure the departments are able to meet their core responsibilities and functions as set forth in statute. The study shall include, but not be limited to, the following:

- (1) The history of the formation and funding of local public health departments;
- (2) An examination of current and future public health threats;
- (3) An examination of health care cost containment strategies that can slow the growth of overall health care spending by instituting strategic chronic disease management programs and prevention strategies;
- (4) A review of public health readiness and current public health detection programs and prevention efforts;
- (5) A review of the public health core functions and essential services set forth in section 71-1628.04 of the Nebraska statutes and the necessary revenue streams available to fulfill such functions and services;
- (6) Identifying additional health-related funding streams that have a nexus with public health programming;
- (7) A strategic plan for investments in local public health departments to properly equip them to respond to a critical public health crisis within their community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature by December 15, 2015.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 258. Introduced by Johnson, 23; Scheer, 19.

PURPOSE: The purpose of this resolution is to study whether the Real Property Appraiser Act should be amended. The study shall include an examination of issues raised during consideration by the Banking, Commerce and Insurance Committee of LB 139 (Laws 2015) regarding what persons and activities should be subject to the requirements of the act.

In order to carry out the purpose of this resolution, the committee shall consider the input of interested individuals, public officials, and such entities as the committee deems necessary and beneficial.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 259A. Placed on Select File.

(Signed) Matt Hansen, Chairperson

MOTION(S) - Print in Journal

Senator Smith filed the following motion to LB610:

MO108

Becomes law notwithstanding the objections of the Governor.

Senator Smith filed the following motion to LB610A:

MO109

Becomes law notwithstanding the objections of the Governor.

MOTION - Return LB81 to Select File

Senator Cook moved to return LB81 to Select File for her specific amendment, AM1303, found on page 1225.

The Cook motion to return prevailed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 81. The Cook specific amendment, AM1303, found on page 1225, was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION - Return LB347 to Select File

Senator Krist moved to return LB347 to Select File for his specific amendment, AM1490, found on page 1377.

The Krist motion to return prevailed with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 347. The Krist specific amendment, AM1490, found on page 1377, was adopted with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

WITHDRAW - Amendment to LB347

Senator Krist withdrew his amendment, AM1547, found on page 1453, to LB347.

GENERAL FILE

LEGISLATIVE BILL 643. Senator Gloor withdrew his amendment, AM1564, found on page 1449 and considered on page 1507.

Senator Gloor withdrew his amendment, AM1576, found on page 1474.

Committee AM1254, found on page 1217 and considered on page 1507, was renewed.

Senator Pansing Brooks moved the previous question. The question is, "Shall the debate now close?"

Senator Garrett moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

The motion to cease debate prevailed with 28 ayes, 1 nay, and 20 not voting.

The committee amendment was adopted with 27 ayes, 10 nays, 11 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Garrett withdrew his amendment, AM680, found on page 728.

Senator McCoy requested a roll call vote on the advancement of the bill.

Advanced to Enrollment and Review Initial with 27 ayes, 12 nays, 8 present and not voting, 1 absent and not voting, and 1 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 656. Placed on Final Reading.

ST36

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendment, AM828:
 - a. On page 1, line 19, "30" has been struck and "31" inserted;
 - b. On page 17, line 27, "Laws 2013, LB530A, section 1;" has been struck and "59," has been inserted after the last comma; and
 - c. Sections 16 to 24 have been renumbered as sections 17 to 25 and sections 28 to 32 have been renumbered as sections 29 to 33, respectively.
2. On page 1, line 2, "Laws 2013, LB530A, section 1;" has been struck; and in line 3 "59," has been inserted after the third comma.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 259. Introduced by Mello, 5.

PURPOSE: Early childhood education is increasingly being recognized throughout the country as critical for the development of children's health, education, and civic responsibilities. A child's first experiences and relationships set the stage for the learning and literacy that lead to achievement in school and beyond as documented by an ever expanding body of research from a range of disciplines including neuroscience, behavioral research, program evaluation, and economic analysis. For children born into low-income families, early interventions such as voluntary home visiting can help mitigate risks and build parenting skills and significantly improve a child's chances of growing up healthy and prepared to succeed. Economists have found that, over time, well-designed and well-implemented home visiting programs can return up to \$5.70 per taxpayer dollar invested by reducing societal costs associated with poor health and academic failure.

The purpose of this study is to examine Nebraska's current programming regarding home visitation for early childhood education and development and assess the feasibility of expansion to universal statewide programming. This study shall include, but not be limited to, an examination of the following:

- (1) Existing home visitation statutes;
- (2) The clarity of purpose and expectations surrounding current home visitation programs;
- (3) Successful evidence-based home visitation models;

(4) Existing and potential mechanisms for tracking funds expended in home visitation programs;

(5) The effectiveness of current programming by examining goals and outcome evaluation procedures;

(6) The populations targeted for program assistance to assess the at-risk communities and high-risk populations that have access to services; and

(7) Funding mechanisms and levels to determine the adequate investment necessary to reach all eligible families.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 260. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to study the feasibility of developing tax-preferential zones on college and university campuses for the strategic development of new start-up businesses and expanding the commercialization of joint public/private research ventures. Tax-preferential zones have been proven to benefit higher education institutions by providing students with internship and employment opportunities while providing intellectual access to start-up businesses, showcasing innovative business and technology developments advanced by the institution, and giving academic faculty real world access to partner with the private sector to develop their ideas.

The issues examined by this study shall include, but not be limited to, the following:

(1) Options for governance structure and management systems;

(2) Proven and effective tax incentives for the attraction of high-growth and early-stage businesses;

(3) The types of businesses that best fit the intent and goals envisioned in tax-preferential zones;

(4) Similar public/private partnerships in place in other states; and

(5) Other public/private partnership models used with the goal of integrating higher education research, faculty, and students with high technology and other start-up businesses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 261. Introduced by Mello, 5.

PURPOSE: Cameras designed to be worn on the body are the latest in a string of technological advances that can help capture encounters between law enforcement and citizens. The use of body cameras has potential benefits including increased transparency, improved officer and citizen behavior, expedited resolution of complaints and lawsuits, and the facilitation of evidence collection. However, there are also concerns about the use of body cameras including concerns related to citizen and officer privacy, officer health and safety, the need for training and policies governing camera use, managing the large amount of video data, and the financial resources needed to use the technology.

This study will examine the issues of implementing the use of body cameras for state and local law enforcement in Nebraska. The study shall include, but not be limited to, an examination of the following:

(1) The current use of body cameras by law enforcement agencies in Nebraska;

(2) The potential costs for equipping law enforcement agencies with body cameras, employing appropriate information technology personnel, purchasing software, and other items necessary to support body camera use;

(3) The potential funding sources to support body camera use including federal, state, local, and other potential funds;

(4) The policies regarding the use of body cameras in other states and best practices including, but not limited to, the types of interactions to be recorded, when cameras should be turned on, who has access to video recordings, and how long videos should be stored; and

(5) The potential issues surrounding personal privacy.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 262. Introduced by Bolz, 29.

PURPOSE: The purpose of this resolution is to examine the creation of a separate program within the budget of the Department of Health and Human Services for long-term care expenditures made from all funding sources.

The department currently uses the long-term care numbers in building the overall agency budget. Assigning long-term care expenditures under a separate program may better serve the appropriations process as well as consumer, provider, and advocacy interests. Currently, members of the public involved in the appropriations process are limited in their ability to understand and track the public funds involved for long-term care because such funds are not broken out for this significant portion of the department's budget. The Governor has said that accountability begins with transparency, and the purpose of this study is to increase the transparency of the appropriations process regarding long-term care expenditures made by the Department of Health and Human Services.

The issues examined in this study shall include, but not be limited to, the following:

- (1) What expenditures are appropriate for inclusion as line-items under a separate program for state-supported long-term care services;
- (2) How various long-term care services should be classified for inclusion in a long-term care program in the biennial budget; and
- (3) How the results and efficacy of various expenditures for long-term care services may be more easily assessed from the information included under a long-term care program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 263. Introduced by Harr, B., 8.

PURPOSE: The purpose of this resolution is to study possible changes to the Nebraska Model Business Corporation Act as enacted by LB 749 (Laws 2014) to replace the Business Corporation Act. LB 749 contained an operative date of January 1, 2016. However, LB 157 (Laws 2015) delayed the operative date of the Nebraska Model Business Corporation Act to January 1, 2017, in order to afford an additional interim and legislative session during which amendments can be considered before such act becomes operative.

In order to carry out the purposes of this resolution, the committee shall consider the input of interested persons, including the practicing bar, as the committee deems necessary and beneficial.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 264. Introduced by Hughes, 44.

WHEREAS, Carli Schultz, a San Francisco emergency room nurse who grew up in Imperial, was vacationing in Nepal when the magnitude-7.8 earthquake hit on April 25, 2015; and

WHEREAS, Carli and her friend, Paul Moore, arrived in Kathmandu, Nepal, to hike through the Himalayan Mountains the day before the earthquake hit; and

WHEREAS, instead of vacationing, Carli and Paul stayed in Nepal to help distribute food, provide medical care, resupply water sources, and build semi-permanent structures for the victims of the earthquake; and

WHEREAS, Carli and Paul remarked that after 12 days in the Kathmandu Valley, they were overwhelmed by the loving spirits, kind hearts, and generous hospitality of the people of Nepal.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature commends Carli Schultz for her courageous service to the victims of the earthquake in Nepal.

2. That a copy of this resolution be sent to Carli Schultz.

Laid over.

LEGISLATIVE RESOLUTION 265. Introduced by Davis, 43; Coash, 27; Ebke, 32; Groene, 42; Kolowski, 31; Kolterman, 24; Krist, 10; Mello, 5; Morfeld, 46; Pansing Brooks, 28; Seiler, 33; Williams, 36.

PURPOSE: The purpose of this resolution is to examine minor traffic violation, adult, and juvenile pretrial diversion programs authorized by counties and municipalities. The study shall include, but not be limited to, an examination of the following:

(1) The pretrial diversion programs authorized by counties and municipalities and the approved private pretrial diversion program providers;

(2) The costs for participation in pretrial diversion programs and the additional fees assessed by counties and municipalities including court costs;

(3) The delivery of court costs collected by the court system for credit to appropriate funds;

(4) The utilization of fees collected by counties and municipalities;

(5) The treatment of indigent persons and uncollectible costs and fees; and
(6) The feasibility of establishing a central reporting system of all pretrial diversion programs including the assessment, collection, and utilization of program costs and fees.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB390:
AM1144 is available in the Bill Room.

NOTICE OF COMMITTEE HEARING(S)
Natural Resources

Room 1525

Wednesday, May 27, 2015 12:00 p.m. - 1:30 p.m.

LB664

(Signed) Ken Schilz, Chairperson

GENERAL FILE

LEGISLATIVE BILL 382. Title read. Considered.

SENATOR KRIST PRESIDING

Committee AM728, found on page 796, was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, and 19 present and not voting.

LEGISLATIVE BILL 382A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, and 19 present and not voting.

LEGISLATIVE BILL 325. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 15 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 547. Title read. Considered.

Committee AM785, found on page 920, was offered.

Senator Campbell withdrew her amendment, AM994, found on page 946.

Senator Campbell offered her amendment, AM1275, found on page 1203, to the committee amendment.

The Campbell amendment was adopted with 31 ayes, 0 nays, and 18 present and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, and 17 present and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, and 15 present and not voting.

LEGISLATIVE BILL 547A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, and 20 present and not voting.

LEGISLATIVE BILL 591. Title read. Considered.

Committee AM627, found on page 906, was offered.

Senator Bolz withdrew her amendment, AM1168, found on page 1187.

Senator Bolz offered her amendment, AM1352, found on page 1300, to the committee amendment.

The Bolz amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 591A. Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 629A. Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 629, One Hundred Fourth Legislature, First Session, 2015; and to declare an emergency.

AMENDMENT(S) - Print in Journal

Senator Kolterman filed the following amendment to LB330:
AM1614

(Amendments to Larson amendments, AM1479)

- 1 1. On page 1, after line 1 insert the following new section:
- 2 Section 1. Section 29-431, Revised Statutes Cumulative Supplement,
- 3 2014, is amended to read:
- 4 29-431 As used in sections 28-416, 29-422, 29-424, 29-425, 29-431 to
- 5 29-434, and 48-1231 and section 8 of this act, unless the context
- 6 otherwise requires, infraction means the violation of any law, ordinance,
- 7 order, rule, or regulation, not including those related to traffic, which
- 8 is not otherwise declared to be a misdemeanor or a felony. Infraction
- 9 includes violations of section 60-6,267.; in line 2 strike '3, 4, 11, and
- 10 29' and insert '4, 5, 12, and 30'; in line 11 strike the second "and"; in
- 11 line 12 before the period insert "; after line 20 insert the following
- 12 new subsection:
- 13 '(4) Any person knowingly or intentionally possessing powdered
- 14 alcohol shall:
- 15 (a) For the first offense, be guilty of an infraction, receive a
- 16 citation, and be fined three hundred dollars;
- 17 (b) For the second offense, be guilty of a Class IV misdemeanor,
- 18 receive a citation, and be fined four hundred dollars and may be
- 19 imprisoned not to exceed five days; and
- 20 (c) For the third and all subsequent offenses, be guilty of a Class
- 21 IIIA misdemeanor, receive a citation, be fined five hundred dollars, and
- 22 be imprisoned not to exceed seven days.'; in lines 12 and 21 strike '(4)
- 23 and insert '(5)'; in line 13 after '29' insert 'after "sections" insert
- 24 "29-431," and'; and in line 15 after 'sections' insert 'and correct
- 25 internal references and the repealer accordingly''.
- 26 2. Renumber sections 27, 28, and 29 as sections 28, 29, and 30.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Campbell, Craighead, Crawford, Haar, K., Howard, Sullivan - LB591

Mello - LB581

Krist - LB591

VISITORS

Visitors to the Chamber were tenth- through twelfth-grade students and teachers from Omaha Bryan High School, Bellevue; 50 fourth-grade students and teachers from West Lawn Elementary, Grand Island; 20 fourth-grade students and teachers from Florence Elementary, Omaha; 60 fourth-grade students and teachers from Lincoln Elementary, Grand Island; Lea Sprenger, an exchange student from Landshut, Germany, and her host parent, John Turnbull, from York; 47 fourth-grade students and teachers from Sandoz Elementary, Omaha; 7 seventh-grade students and teachers from McPherson County Schools, Tryon; 34 fifth-grade students and teachers from Sandy Creek, Fairfield; and 20 fourth-grade students and teacher from Axtell Community School.

ADJOURNMENT

At 6:44 p.m., on a motion by Senator Groene, the Legislature adjourned until 9:00 a.m., Wednesday, May 13, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-NINTH DAY - MAY 13, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

SEVENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 13, 2015

PRAYER

The prayer was offered by Senator Scheer.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senators Coash, Friesen, Hughes, McCoy, Morfeld, Murante, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-eighth day was approved.

MESSAGE(S) FROM THE GOVERNOR

May 13, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Environmental Quality Council:

John Kinter, 1619 N. 37 Street, Norfolk, NE 68701
John C. Turnbull, 711 Maine Avenue, York, NE 68467
Douglas M. Anderson, 1407 West 10 Road, Aurora, NE 68818
Ronald J. Sheppard, 404 E. Kimball St., Box 129, Callaway, NE 68825

Contingent upon your approval, the following individual is being appointed

to the Environmental Quality Council:

Dennis D. Grams, 9701 South 64 Street, Lincoln, NE 68516

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

GENERAL FILE

LEGISLATIVE BILL 605A. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 598A. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 173A. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 8 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 629A. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 1 nay, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 525A. Title read. Considered.

Senator Sullivan offered the following motion:
MO110
Indefinitely postpone.

Senator Chambers offered the following motion:
MO111
Bracket until June 5, 2015.

Senator Chambers withdrew his motion to bracket.

SPEAKER HADLEY PRESIDING

Senator Baker moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Senator Kolowski moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

The Sullivan motion to indefinitely postpone failed with 19 ayes, 19 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Murante offered the following motion:

MO112

Reconsider the vote to indefinitely postpone.

The Murante motion to reconsider prevailed with 25 ayes, 2 nays, 18 present and not voting, and 4 excused and not voting.

The Sullivan motion, MO110, found in this day's Journal, to indefinitely postpone, was reconsidered.

Senator Sullivan moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Senator Sullivan requested a roll call vote on the motion to indefinitely postpone.

Voting in the affirmative, 21:

| | | | | |
|------------|-----------|---------|------------|----------|
| Bloomfield | Craighead | Kintner | Schilz | Williams |
| Brasch | Ebke | Kuehn | Schnoor | |
| Campbell | Friesen | McCoy | Stinner | |
| Coash | Groene | Murante | Sullivan | |
| Cook | Hadley | Scheer | Watermeier | |

Voting in the negative, 20:

| | | | | |
|----------|----------|-----------|-------------|----------------|
| Baker | Garrett | Harr, B. | Kolowski | Morfeld |
| Bolz | Gloor | Hilkemann | Krist | Pansing Brooks |
| Chambers | Haar, K. | Howard | Lindstrom | Riepe |
| Crawford | Hansen | Johnson | McCollister | Seiler |

Present and not voting, 5:

| | | | | |
|-------|-------|-----------|------------|-------|
| Davis | Mello | Nordquist | Schumacher | Smith |
|-------|-------|-----------|------------|-------|

Excused and not voting, 3:

Hughes Kolterman Larson

The Sullivan motion to indefinitely postpone prevailed with 21 ayes, 20 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 266. Introduced by Larson, 40.

PURPOSE: The purpose of this resolution is to examine state law as it pertains to weight limits for a single axle and a group of axles and the maximum load limits for motor vehicles, semitrailers, trailers, farm tractors, and implements of husbandry carrying agricultural products or commodities. The study shall also examine the exemptions to maximum load limits and permissible loads by permit, as well as the height, width, and length limits for motor vehicles, semitrailers, trailers, farm tractors, and implements of husbandry carrying agricultural products or commodities.

Agricultural producers utilize a variety of vehicles of varying sizes and weights to haul agricultural products and commodities. These vehicles, when manufactured, may be constructed in such a way that the vehicle alone exceeds applicable statutory limitations on size and weight. At the same time, technological advances have also improved to minimize the impact of these vehicles on roads despite exceeding statutory size and weight limits.

The Transportation and Telecommunications Committee of the Legislature shall conduct an interim study to invite testimony from agricultural commodity organizations, state and local government representatives, and other necessary stakeholders and to review all issues involved with the current use of vehicles hauling or carrying agricultural products or commodities and the practicality of adopting different size and weight limits for such vehicles. The interim study shall also consider any public safety concerns relating to the safe and practical operation of these vehicles by adoption of different size and weight limits, including, but not limited to, speed and distance limitations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 267. Introduced by Larson, 40.

WHEREAS, the Wausa High School speech team won the 2015 Class D-1 State Speech Tournament; and

WHEREAS, the Wausa Vikings earned their first place finish with a score of 150 points; and

WHEREAS, the win gives the Wausa Vikings their second consecutive state speech championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Wausa High School speech team on winning the 2015 Class D-1 State Speech Tournament.

2. That a copy of this resolution be sent to the Wausa High School speech team and Head Coach Patricia Marks.

Laid over.

LEGISLATIVE RESOLUTION 268. Introduced by Larson, 40.

WHEREAS, Jerick O. Graber, a member of Troop 149 of Bloomfield, 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, Jerick 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, Jerick worked to clean and beautify his small community of Lindy. Jerick organized a roadside pickup at Lindy for the summer, as well as making flower barrels and flower boxes to place throughout the community. Jerick also created a new rose garden on the south side of Good Shepherd Lutheran Church in Lindy; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Jerick, 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 Jerick O. Graber on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Jerick O. Graber.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB320A:
AM1617

(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) \$165,652 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 559, 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.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Anderson, Douglas M. - Environmental Quality Council - Natural Resources
Grams, Dennis D. - Environmental Quality Council - Natural Resources
Kinter, John - Environmental Quality Council - Natural Resources
Sheppard, Ronald J. - Environmental Quality Council - Natural Resources
Turnbull, John C. - Environmental Quality Council - Natural Resources

(Signed) Bob Krist, Chairperson
Executive Board

MESSAGE(S) FROM THE GOVERNOR

May 13, 2015

Patrick J. O'Donnell
Clerk of the Nebraska Legislature
2018 State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 72, 72A, 80, 85, 132, 141e, 240, 253, 264, 317, 348e, 414, 449e, 458, 519, 519A, and 561 were received in my office on May 7, 2015.

These bills were signed and delivered to the Secretary of State on May 13, 2015.

Sincerely,
(Signed) Pete Ricketts
Governor

PR/lhk

GENERAL FILE**LEGISLATIVE BILL 623.** Title read. Considered.

Committee AM1203, found on page 1165, was offered.

Senator Groene offered the following amendment to the committee amendment:

AM1620 is available in the Bill Room.

Pending.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 234, 235, 236, 237, 238, and 241 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 234, 235, 236, 237, 238, and 241.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 269. Introduced by Schilz, 47.

PURPOSE: The purpose of this resolution is to examine the aerial and aviation safety concerns of structures over fifty feet in height that are either self-standing or supported by guy wires and ground anchors and have accessory facilities on which an antenna, sensor, camera, or other equipment is mounted.

This study shall examine such towers that are located outside the corporate limits of a city or village and which are not:

- (1) Towers or poles that support electric utility transmission or distribution lines;
- (2) Facilities licensed by the Federal Communications Commission;
- (3) Any structures supporting telecommunications equipment, including microwave relay facilities and towers erected for the purpose of providing commercial mobile radio service or commercial mobile data service as defined in 47 C.F.R. 20.3, but not including towers or poles used for providing private mobile radio services;
- (4) Wind-powered electrical generators with a rotor blade radius greater than six feet;
- (5) Street lights erected or maintained by the Department of Roads; and
- (6) Structures located fifty feet or less from a house, barn, electric utility substation, or in the curtilage of a farmstead.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Schnoor filed the following amendment to LB525:
AM1575

(Amendments to E and R amendments, ER120)

- 1 1. Strike sections 3 to 8.
- 2 2. Renumber the remaining sections, correct internal references, and
- 3 amend the repealer accordingly.

EASE

The Legislature was at ease from 12:00 p.m. until 12:21 p.m.

SENATOR SCHEER PRESIDING**GENERAL FILE**

LEGISLATIVE BILL 623. The Groene amendment, AM1620, found in this day's Journal, to the committee amendment, was renewed.

Senator K. Haar moved the previous question. The question is, "Shall the debate now close?"

Senator K. Haar moved for a call of the house. The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

The motion to cease debate prevailed with 26 ayes, 3 nays, and 20 not voting.

Senator Murante requested a roll call vote, in reverse order, on the amendment.

Voting in the affirmative, 14:

| | | | | |
|------------|-----------|-----------|---------|------------|
| Bloomfield | Garrett | Hughes | Murante | Schnoor |
| Craighead | Groene | Kintner | Riepe | Watermeier |
| Ebke | Hilkemann | Lindstrom | Schilz | |

Voting in the negative, 29:

| | | | | |
|----------|----------|-------------|----------------|----------|
| Baker | Gloor | Johnson | Mello | Seiler |
| Campbell | Haar, K. | Kolowski | Morfeld | Smith |
| Chambers | Hadley | Kolterman | Nordquist | Stinner |
| Coash | Hansen | Krist | Pansing Brooks | Sullivan |
| Cook | Harr, B. | Kuehn | Scheer | Williams |
| Davis | Howard | McCollister | Schumacher | |

Present and not voting, 4:

| | | | |
|--------|----------|---------|-------|
| Brasch | Crawford | Friesen | McCoy |
|--------|----------|---------|-------|

Excused and not voting, 2:

| | |
|------|--------|
| Bolz | Larson |
|------|--------|

The Groene amendment lost with 14 ayes, 29 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Nordquist offered the following amendment to the committee amendment:

AM1590

(Amendments to Standing Committee amendments, AM1203)

- 1 1. Insert the following new amendment:
- 2 2. On page 3, line 21, after "Security" insert ", the United States
- 3 Citizenship and Immigration Services." and after "agencies" insert "
- 4 such as one of the types of Form I-797 used by the United States
- 5 Citizenship and Immigration Services."; and strike beginning with "the"
- 6 in line 22 through "applicant" in line 23, show the old matter as
- 7 stricken, and insert "the applicant has".
- 8 2. Renumber the remaining amendment accordingly.

PRESIDENT FOLEY PRESIDING

Senator Hansen moved the previous question. The question is, "Shall the debate now close?"

Senator Hansen moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The motion to cease debate prevailed with 26 ayes, 0 nays, and 23 not voting.

The Nordquist amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Kintner offered the following amendment to the committee amendment:

AM1623

(Amendments to Standing Committee amendments, AM1203)

- 1 1. On page 1, line 1, strike "section" and insert "sections"; and
- 2 after line 26 insert:
- 3 Sec. 3. This act becomes operative on January 1, 2017.

SPEAKER HADLEY PRESIDING

Senator Hansen 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 requested a roll call vote on the amendment.

Voting in the affirmative, 8:

| | | | |
|------------|-----------|---------|---------|
| Bloomfield | Craighead | McCoy | Riepe |
| Brasch | Groene | Murante | Schnoor |

Voting in the negative, 28:

| | | | | |
|----------|----------|-----------|----------------|------------|
| Baker | Garrett | Hilkemann | McCollister | Seiler |
| Bolz | Gloor | Howard | Morfeld | Stinner |
| Campbell | Haar, K. | Johnson | Nordquist | Watermeier |
| Chambers | Hadley | Kolowski | Pansing Brooks | Williams |
| Cook | Hansen | Kolterman | Scheer | |
| Friesen | Harr, B. | Kuehn | Schumacher | |

Present and not voting, 7:

| | | | |
|----------|--------|-----------|-------|
| Crawford | Ebke | Kintner | Smith |
| Davis | Hughes | Lindstrom | |

Excused and not voting, 6:

| | | |
|-------|--------|----------|
| Coash | Larson | Schilz |
| Krist | Mello | Sullivan |

The Kintner amendment lost with 8 ayes, 28 nays, 7 present and not voting, and 6 excused and not voting.

Senator Kintner offered the following motion:

MO113

Reconsider the vote taken on AM1623.

SENATOR SCHEER PRESIDING

Senator Kintner moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Senator Kintner requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 7:

| | | | |
|------------|-----------|---------|---------|
| Bloomfield | Craighead | Murante | Schnoor |
| Brasch | Kintner | Riepe | |

Voting in the negative, 37:

| | | | | |
|----------|-----------|-----------|----------------|------------|
| Baker | Friesen | Howard | McCollister | Smith |
| Campbell | Garrett | Hughes | Mello | Stinner |
| Chambers | Gloor | Johnson | Morfeld | Sullivan |
| Coash | Haar, K. | Kolowski | Nordquist | Watermeier |
| Cook | Hadley | Kolterman | Pansing Brooks | Williams |
| Crawford | Hansen | Krist | Scheer | |
| Davis | Harr, B. | Kuehn | Schumacher | |
| Ebke | Hilkemann | Lindstrom | Seiler | |

Excused and not voting, 5:

Bolz Groene Larson McCoy Schilz

The Kintner motion to reconsider failed with 7 ayes, 37 nays, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 196A. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 196, One Hundred Fourth Legislature, First Session, 2015.

LEGISLATIVE BILL 200A. Introduced by Davis, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 200, One Hundred Fourth Legislature, First Session, 2015.

LEGISLATIVE BILL 390A. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 390, One Hundred Fourth Legislature, First Session, 2015; and to declare an emergency.

LEGISLATIVE BILL 607A. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 607, One Hundred Fourth Legislature, First Session, 2015.

LEGISLATIVE BILL 448A. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 448, One Hundred Fourth Legislature, First Session, 2015; and to declare an emergency.

LEGISLATIVE BILL 643A. Introduced by Garrett, 3.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to

aid in carrying out the provisions of Legislative Bill 643, One Hundred Fourth Legislature, First Session, 2015.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 643. Placed on Select File with amendment.

ER124

- 1 1. In the Standing Committee amendments, AM1254:
- 2 a. On page 14, line 20, strike "manufacture" and insert
- 3 "manufacturer"; and
- 4 b. On page 22, line 5, strike "designated registered" and insert
- 5 "registered designated".
- 6 2. On page 1, strike beginning with "77-4303" in line 1 through line
- 7 4 and insert "28-439, Reissue Revised Statutes of Nebraska, and section
- 8 28-416, Revised Statutes Cumulative Supplement, 2014; to adopt the
- 9 Medical Cannabis Act; to change provisions relating to possession of
- 10 marijuana and drug paraphernalia; and to repeal the original sections."

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 81. Placed on Final Reading Second.

LEGISLATIVE BILL 173. Placed on Final Reading.

ST43

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "section" in line 1 through line 4 and all amendments thereto have been struck and "section 29-2221, Reissue Revised Statutes of Nebraska, and section 28-105, Revised Statutes Cumulative Supplement, 2014; to eliminate certain mandatory minimum penalties; to change provisions relating to habitual criminals; and to repeal the original sections." inserted.

LEGISLATIVE BILL 347. Placed on Final Reading Second.

LEGISLATIVE BILL 598. Placed on Final Reading.

ST42

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Seiler amendment, AM1587, on page 2, line 2, "and" has been struck and shown as stricken.
2. In the E and R amendments, ER83:
 - a. On page 34, line 27, "83-170," has been inserted after "81-8,245,"; and
 - b. On page 35, line 9, "segregation" has been struck and "restrictive housing" inserted; and in line 10 the matter beginning with "mandate"

through the second "of" has been struck and "change provisions relating to" inserted.

LEGISLATIVE BILL 605. Placed on Final Reading.

ST41

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Seiler amendment, AM1530:
 - a. On page 71, line 29, "~~(20)~~" has been struck and "(18)" inserted;
 - b. On page 90, line 20, "legislative" has been inserted after "special"; and
 - c. On page 117, line 22, "~~96~~" has been struck and "97" inserted.
2. On page 1, lines 2 to 23 and all amendments thereto have been struck and "9-262, 9-352, 9-434, 9-652, 23-135.01, 28-204, 28-305, 28-310.01, 28-311.01, 28-311.04, 28-320, 28-322.02, 28-322.03, 28-322.04, 28-393, 28-397, 28-507, 28-514, 28-519, 28-620, 28-621, 28-622, 28-627, 28-703, 28-912, 28-1102, 28-1103, 28-1104, 28-1222, 28-1224, 28-1344, 28-1345, 29-2246, 29-2260, 29-2263, 29-2266, 29-2268, 29-2281, 29-2308, 29-3523, 60-6,197.06, 71-2228, 71-2229, 81-1185, 81-1415, 81-1416, 81-1423, 81-1802, 81-1803, 81-1813, 81-1823, 81-1848, 83-182.01, 83-183, 83-183.01, 83-184, 83-1,100, 83-1,107, 83-1,119, 83-1,122, 83-1,135, 83-1,135.02, and 83-915.01, Reissue Revised Statutes of Nebraska, and sections 28-105, 28-106, 28-201, 28-306, 28-309, 28-311, 28-311.08, 28-323, 28-394, 28-416, 28-504, 28-518, 28-603, 28-604, 28-611, 28-611.01, 28-631, 28-638, 28-639, 28-707, 28-813.01, 28-932, 28-1005, 28-1009, 28-1212.03, 28-1463.05, 28-1501, 29-1816, 29-2204, 29-2252, 29-2252.01, 29-2262, 29-4011, 43-412, 60-6,197.03, 68-1017, and 68-1017.01, Revised Statutes Cumulative Supplement, 2014; to provide, change, and eliminate offenses, penalties, and punishments as prescribed; to change and eliminate sentencing provisions; to change provisions and provide requirements relating to restitution, probation, and parole; to provide for post-release supervision; to change provisions of the Nebraska Probation Administration Act, the Nebraska Crime Victim's Reparations Act, and the Nebraska Treatment and Corrections Act; to authorize access to criminal records as prescribed; to provide powers and duties for the Department of Correctional Services, the Office of Probation Administration, the Office of Parole Administration, and the Board of Parole; to create the Committee on Justice Reinvestment Oversight and the County Justice Reinvestment Grant Program; to provide for studies and reports; to change provisions relating to victims' rights and the Inmate Welfare and Club Accounts Fund; to provide for suspension of medical assistance for inmates of public institutions as prescribed; to provide for applicability of provisions; to eliminate requirements relating to indeterminate sentences, the Nebraska Justice Reinvestment Working Group, and certain evaluations of juveniles and obsolete provisions; to harmonize provisions; to provide severability; to repeal the original sections; and to outright repeal sections 29-2204.01 and 83-1,105.01, Reissue Revised Statutes of Nebraska, and section 43-413, Revised Statutes Cumulative Supplement, 2014." inserted.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB390:
AM1627

(Amendments to AM1144)

- 1 1. Strike section 10 and insert the following new section:
- 2 Sec. 10. Section 71-7611, Revised Statutes Cumulative Supplement,
- 3 2014, is amended to read:
- 4 71-7611 (1) The Nebraska Health Care Cash Fund is created. The State
- 5 Treasurer shall transfer (a) fifty-six million one hundred thousand
- 6 dollars no later than July 15, 2009, (b) fifty-nine million one hundred
- 7 thousand dollars on or before July 15, 2010, July 15, 2011, July 15,
- 8 2012, and July 15, 2013, and (c) sixty million ~~three one~~ hundred fifty
- 9 thousand dollars on or before July 15, 2014, and on or before every July
- 10 15 thereafter from the Nebraska Medicaid Intergovernmental Trust Fund and
- 11 the Nebraska Tobacco Settlement Trust Fund to the Nebraska Health Care
- 12 Cash Fund, except that such amount shall be reduced by the amount of the
- 13 unobligated balance in the Nebraska Health Care Cash Fund at the time the
- 14 transfer is made. The state investment officer upon consultation with the
- 15 Nebraska Investment Council shall advise the State Treasurer on the
- 16 amounts to be transferred from the Nebraska Medicaid Intergovernmental
- 17 Trust Fund and from the Nebraska Tobacco Settlement Trust Fund under this
- 18 section in order to sustain such transfers in perpetuity. The state
- 19 investment officer shall report electronically to the Legislature on or
- 20 before October 1 of every even-numbered year on the sustainability of
- 21 such transfers. Except as otherwise provided by law, no more than the
- 22 amount specified in this subsection may be appropriated or transferred
- 23 from the Nebraska Health Care Cash Fund in any fiscal year.
- 24 It is the intent of the Legislature that no additional programs are
- 25 funded through the Nebraska Health Care Cash Fund until funding for all
- 26 programs with an appropriation from the fund during FY2012-13 are
- 1 restored to their FY2012-13 levels.
- 2 (2) Any money in the Nebraska Health Care Cash Fund available for
- 3 investment shall be invested by the state investment officer pursuant to
- 4 the Nebraska Capital Expansion Act and the Nebraska State Funds
- 5 Investment Act.
- 6 (3) The University of Nebraska and postsecondary educational
- 7 institutions having colleges of medicine in Nebraska and their affiliated
- 8 research hospitals in Nebraska, as a condition of receiving any funds
- 9 appropriated or transferred from the Nebraska Health Care Cash Fund,
- 10 shall not discriminate against any person on the basis of sexual
- 11 orientation.
- 12 2. On page 1, line 6; page 3, line 10; page 8, lines 27 and 29; page
- 13 9, line 18; and page 11, line 29, strike "10" and insert "9".
- 14 3. On page 12, lines 13 and 18, strike "11" and insert "9".
- 15 4. On page 13, line 11, strike "10" and insert "9".
- 16 5. Renumber the remaining sections and correct the repealer

17 accordingly.

COMMITTEE REPORT(S)

General Affairs

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Bruce D. Bailey - Nebraska Liquor Control Commission
Janice Wiebusch - Nebraska Liquor Control Commission

Aye: 8 Coash, Hansen, Hughes, Kolterman, Krist, Larson, Riepe, Schilz.
Nay: 0. Absent: 0. Present and not voting: 0.

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Matthew Anselmo - Nebraska Commission on Problem Gambling

Aye: 8 Coash, Hansen, Hughes, Kolterman, Krist, Larson, Riepe, Schilz.
Nay: 0. Absent: 0. Present and not voting: 0.

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Timothy Hart - Nebraska Arts Council
Jon Hinrichs - Nebraska Arts Council
Pamela Price - Nebraska Arts Council

Aye: 8 Coash, Hansen, Hughes, Kolterman, Krist, Larson, Riepe, Schilz.
Nay: 0. Absent: 0. Present and not voting: 0.

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Tom Ourada - State Electrical Board

Aye: 8 Coash, Hansen, Hughes, Kolterman, Krist, Larson, Riepe, Schilz.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tyson Larson, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Transportation and Telecommunications

Room 1113

Thursday, May 21, 2015 10:00 a.m.

Lori G. Scherer - Nebraska Motor Vehicle Industry Licensing Board
Joe Kosiski - Nebraska Motor Vehicle Industry Licensing Board

(Signed) Jim Smith, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 270. Introduced by Schilz, 47; Davis, 43.

PURPOSE: The purpose of this resolution is to conduct a comprehensive study and review of the fee structure of the Nebraska Brand Committee which includes, but is not limited to, per head inspection fees, surcharge fees, recording fees, grazing permit fees, registered feedlot fees, registered dairy fees, and other fees. The study shall examine the history and appropriateness of the current fee structure including:

- (1) The rationale behind the current fee structure;
- (2) The functions and services provided for the fees assessed to different segments of the beef industry;
- (3) The last time the fee structure was updated; and
- (4) A comparison of Nebraska's brand inspection fee structure with other states.

The study shall also examine possible statutory changes of the fee structure and the rationale for any proposed changes as well as technological upgrades and other innovations to assist the Nebraska Brand Committee in modernizing services. The committee may solicit comments, suggestions, and recommendations from appropriate stakeholders.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 271. Introduced by Kintner, 2.

PURPOSE: The purpose of this resolution is to examine and identify the positive and negative effects of education funding if Nebraska chooses not to accept federal funds that are tied to federal mandates which reduce

flexibility in the administration of education in Nebraska's school districts. Over the last several decades, school districts have experienced ever increasing involvement by the federal government in the education of students in our elementary and secondary schools through mandates tied to federal education dollars. This study shall examine the effects of this trend and whether there are fiscal or other benefits of increased flexibility and freedom gained by refusing to accept federal funds which outweigh the monetary benefits of accepting federal education money.

The study shall include, but not be limited to, identifying and categorizing:

- (1) All federal funds received by Nebraska to support school districts;
- (2) What specific mandates are connected with any such funds;
- (3) The positive and negative fiscal impacts and other effects of refusing such money; and
- (4) Any recommendations from the findings.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, 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 272. Introduced by Haar, K., 21; Larson, 40.

PURPOSE: The purpose of this resolution is to study the Niobrara Council and its current statutory authority outlined in the Niobrara Scenic River Act. The issues examined in this study shall include, but not be limited to, the following:

- (1) The qualifications needed to serve on the council;
- (2) The process of appointing council members;
- (3) The authority of the council to act;
- (4) The boundaries over which the council has jurisdiction; and
- (5) Other issues related to the council.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 273. Introduced by Davis, 43.

PURPOSE: The purpose of this resolution is to examine the current practices of municipalities using tax increment financing (TIF) under the Community Development Law. The issues examined by this study shall include, but not be limited to:

(1) Whether municipalities are consistently conducting the cost-benefit analysis required under section 18-2113 of the Nebraska statutes;

(2) What factors municipalities are using to determine whether projects authorized under the Community Development Law are meeting the test in section 18-2116 of the Nebraska statutes;

(3) Whether municipalities are accurately applying the definitions of substandard and blighted areas as described in section 18-2103 of the Nebraska statutes for purposes of declaring an area as such;

(4) The prevalence of TIF being utilized by municipalities as a development tool for building housing subdivisions or other private development projects;

(5) Whether the current requirement that municipalities give notice to the other taxing entities whose property tax receipts would be affected by a potential project allows for sufficient input and cooperation among the taxing authorities;

(6) Whether impacted local governments or other taxing entities should have more participation in the TIF approval process;

(7) Whether the local presence of TIF projects adversely affects the property tax receipts of other local taxing entities, such as school districts, community colleges, and natural resources districts;

(8) Whether municipalities are paying off bonds in a timely manner and using any excess TIF funds appropriately;

(9) How prevalently TIF is being used in conjunction or concurrently with other tax-supported economic development incentives; and

(10) A determination of any changes that should be made to the Community Development Law to address any inadequacies or inconsistencies in these areas.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 274. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to examine the feasibility of using pay for success financing in Nebraska. Since 2011, states around the

country have begun implementing new financing strategies for programs known as social impact bonds. This approach to funding programs allows government entities to pay for services only after the intended results have been achieved. Public-private partnerships are created through private investment to fund government programs. Investors are paid an interest rate upon completion and certification of successful results.

The study shall include, but not be limited to, an examination of the following issues:

(1) The use of pay for success financing by other states and political subdivisions;

(2) Areas of state government in Nebraska that may benefit from the use of pay-for-success financing as a funding mechanism including early childhood education, public health, juvenile justice, and reduction of inmate recidivism;

(3) The specifics of pay for success financing contracts including mechanisms to measure and evaluate results, identify appropriate funding sources, and determine appropriate interest rates to attract successful private organizations and funds; and

(4) The negative effects of pay for success financing including potential bureaucratic growth, complexities of measuring results, the potential to exclude new providers and innovative programs, and the inability and lack of willingness of local private entities to enter into pay for success contracts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 275. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to study issues surrounding the affordability, delivery, and taxation of child care in Nebraska. The high cost of child care can be a crippling burden for families with young children. The average cost of care for an infant in a Nebraska child care center is over \$9,000 per year or nearly 47% of the income for a single parent at the federal poverty level. Child care and early education is a labor intensive industry which leads to high costs for families, despite the fact that child care workers are among the lowest paid professionals nationwide. In addition, child care providers incur high costs to provide high-quality child care and comply with necessary regulations. This study shall include, but not be limited to, an examination of the following issues:

(1) The effectiveness of the current child care tax credit and how it compares with other states;

- (2) State child care subsidies;
- (3) The history of tax policies that assist families with children in acquiring child care;
- (4) Public policy options to address child care affordability;
- (5) The current state of the child care workforce in Nebraska including pay, benefits, supply, and demand; and
- (6) Demographic and workforce trends that may impact the cost of child care in the future.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 276. Introduced by Pansing Brooks, 28; Morfeld, 46.

PURPOSE: The purpose of this resolution is to study bullying by and against students and youth. Bullying is a form of violence among students and youth that is common at schools, at playgrounds, on buses, at extracurricular activities, and in neighborhoods. Current anti-bullying protections fail to adequately address bullying, leaving young persons especially vulnerable to harassment based on characteristics such as race, gender, religion, sexual orientation, gender identity, national origin, and physical, mental, emotional, or learning disability. Society has evolved in such a way that communication technologies provide an unprecedented arsenal of bullying weapons, commonly referred to as cyberbullying. Bullying in and out of educational settings is a pervasive problem that can have negative consequences for the educational climate and for the right of students to learn in a safe environment without fear. Bullying can have negative lifelong consequences, both for students and youth who bully and for their targets.

The study shall include, but not be limited to, defining bullying, including cyberbullying, identifying populations that may be most impacted by bullying, identifying measures for preventing bullying, ascertaining age-appropriate discipline methods or penalties, conducting a thorough review of state and federal policies, and making recommendations for legislation to ensure that students and youth have the opportunity to learn and thrive in safe environments.

The committee may consider input from interested persons including the Nebraska State Bar Association, law enforcement, educators, and other stakeholders.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 277. Introduced by Pansing Brooks, 28; Morfeld, 46.

PURPOSE: The purpose of this resolution is to examine workforce development that will support the growth and retention of youth talent and startup businesses in the areas of new technology, computer sciences, and related fields in the State of Nebraska. The study shall include, but not be limited to, an examination of the following:

- (1) Workforce development and job creation through public and private partnerships;
- (2) Current educational tools available for students interested in technology and business;
- (3) Recommendations from existing businesses on the educational needs relating to the areas of new technology, computer sciences, and related startup businesses;
- (4) Development of existing business competitions, code camps, and startup weekends in the state;
- (5) Recommendations on capital and noncapital resources needed to improve the startup culture;
- (6) Development of startup technology companies leading to "Silicon Prairie" branding; and
- (7) Current policies that may restrict the growth of startup businesses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 278. Introduced by Pansing Brooks, 28.

PURPOSE: Nebraska is a state with a rich history and is the home to several municipalities with significant older and historic neighborhoods in decline.

Some municipalities have been encouraging neighborhood revitalization through zoning activities, neighborhood plans, and studies. The purpose of this resolution is to examine the existing resources and the need for additional tools for municipalities to further encourage revitalization of neighborhoods. The study shall include, but not be limited to, an examination of the following issues:

- (1) Approaches to maximize neighborhood revitalization benefits for businesses, residents, and the larger community;
- (2) The need for financial incentives to encourage business investments in declining neighborhoods;
- (3) The prospect for additional incentives to encourage home ownership of rehabilitated older buildings; and
- (4) The possibility of establishing collaboration between state and local government entities as well as between public and private entities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 279. Introduced by Seiler, 33.

PURPOSE: The purpose of this resolution is to examine any issues within the jurisdiction of the Judiciary Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 280. Introduced by Crawford, 45.

PURPOSE: The purpose of this resolution is to study municipal bankruptcy. The issues examined in this study shall include, but not be limited to, a review of the following:

- (1) The petitions filed in the United States Bankruptcy Court for the District of Nebraska including whether such petitions were filed by municipalities or other political subdivisions;

(2) The fiscal health of Nebraska municipalities compared with the fiscal health of municipalities in other states;

(3) Bond ratings and interest rates received on municipal bonds by Nebraska's municipalities; and

(4) The financial interests in a municipal bankruptcy filing including continuation of municipal services and pensions and other retirement and health care benefits owed to current and former municipal employers, bondholders, and other creditors.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 281. Introduced by McCollister, 20; Kolowski, 31.

PURPOSE: The purpose of this resolution is to examine and review issues concerning the dates on which the fiscal year for Nebraska's public schools begin and end. This study shall include, but not be limited to, an examination of the following issues:

(1) School districts' abilities to predict their annual budget;

(2) School districts' abilities to plan for potential budget shortfalls prior to the start of the academic year;

(3) Counties' abilities to certify property taxes for school districts;

(4) Factors the State Department of Education must take into consideration for certifying school district state aid;

(5) The history and reasoning for adopting different cycles for the fiscal year and the academic year; and

(6) Such other relevant matters relating to this subject as may be appropriate.

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.

GENERAL FILE

LEGISLATIVE BILL 623. Committee AM1203, found on page 1165 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Senator Kintner offered the following amendment:

FA63

Strike lines 17 and 18 on page 2.

SPEAKER HADLEY PRESIDING

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 315A. Introduced by Howard, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 315, One Hundred Fourth Legislature, First Session, 2015.

AMENDMENT(S) - Print in Journal

Senator Kintner filed the following amendment to LB623:

FA64

Strike on Page 2, line 7 "The Legislature" down to line 12 ending at LB 215.

GENERAL FILE

LEGISLATIVE BILL 607. Title read. Considered.

Committee AM782, found on page 806, lost with 1 aye, 28 nays, 18 present and not voting, and 2 excused and not voting.

Senator Campbell offered her amendment, AM1551, found on page 1433.

The Campbell amendment was adopted with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 1 nay, 4 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 607A. Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 1 nay, 3 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 196. Title read. Considered.

Senator Campbell offered her amendment, AM696, found on page 768.

The Campbell amendment was adopted with 38 ayes, 2 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 2 nays, 4 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 196A. Title read. Considered.

Senator Mello offered the following motion:

MO115

Indefinitely postpone.

The Mello motion to indefinitely postpone prevailed with 38 ayes, 2 nays, 6 present and not voting, and 3 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 619A. Introduced by Larson, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 619, One Hundred Fourth Legislature, First Session, 2015.

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services

Room 2102

Wednesday, May 20, 2015 12:00 p.m.

Jim Trebbien - State Board of Health

Tuesday, May 26, 2015 12:00 p.m.

Norman B. Weverka - Commission for the Deaf and Hard of Hearing

Stacie L. Ray - Commission for the Deaf and Hard of Hearing

Craig A. Timm - Foster Care Advisory Committee

Wednesday, May 20, 2015 12:00 p.m.

John Hogue - Commission for the Deaf and Hard of Hearing

(Signed) Kathy Campbell, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 282. Introduced by Mello, 5; Haar, K., 21; Hilkemann, 4; Kuehn, 38; Nordquist, 7; Stinner, 48; Watermeier, 1.

PURPOSE: LB 561 (Laws 2013) moved juvenile services from the Department of Health and Human Services to the Office of Probation Administration. At the time, it was estimated there could be significant cost savings but that has not been the case. The Office of Probation Administration has requested deficit appropriations in both the 2014 and 2015 legislative sessions for juvenile services. This study will examine the reasons for the higher cost of juvenile services under the Office of Probation Administration. This study shall include, but not be limited to, the following issues:

- (1) The cost differences for specific services;
- (2) The difference in services provided by the Department of Health and Human Services and the Office of Probation Administration to the juvenile justice population;
- (3) The differences between the pilot projects and full implementation;
- (4) The differences in reimbursement methods; and
- (5) The outcome of meetings with medicaid and child welfare staff, the medicaid managed care contractor, and probation personnel.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 283. Introduced by Sullivan, 41.

PURPOSE: The purpose of this resolution is to study potential state policy and funding improvements to address the unique educational needs of low-achieving students in poverty and students with limited English proficiency.

The study committee shall consult with the State Board of Education's student achievement coordinator and superintendents from a variety of school districts during the course of the study.

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 284. Introduced by Sullivan, 41.

PURPOSE: The purpose of this resolution is to study potential modifications to the laws governing learning communities. The study shall focus on developing legislation to ensure that community, educational, and school district issues will continue to be addressed cooperatively across boundary lines to positively impact the quality, accessibility, and effectiveness of education available to students in all parts of a learning community. The study shall build upon the report prepared by the school superintendents of the Learning Community of Douglas and Sarpy Counties and submitted to the Education Committee of the Legislature in December 2015. Furthermore, the learning community coordinating councils and advisory committees established pursuant to section 79-2104.01 of the Nebraska statutes may jointly make additional recommendations which expand the conversation beyond educational entities to include counties, cities, and other community interests.

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.

AMENDMENT(S) - Print in Journal

Senator Howard filed the following amendment to LB315:
AM510

(Amendments to Standing Committee amendments, AM458)

1 1. On page 4, line 22, strike "either"; and in line 23 strike "or
2 digital versatile disc" and insert ", digital versatile disc, or other
3 electronic format deemed appropriate by the department".

VISITORS

Visitors to the Chamber were 12 eighth-grade students and teacher from St. Michael's School, South Sioux City; 40 fourth-grade students and teachers from St. Michael's Elementary, Hastings; 4 Tibetan Monks from Drepung Gomang Monastery and Rev. Toni Stephens Coleman and Janet Carlson from Lincoln; 120 fourth-grade students and teachers from Gateway Elementary, Omaha; 75 fourth-grade students and teachers from Saddlebrook Elementary, Omaha; and John Karuta from Lincoln, along with Ministers of Agriculture Mr. Okaasai Opolot and Dr. Patience Rwamigisa from Uganda.

ADJOURNMENT

At 7:17 p.m., on a motion by Senator Davis, the Legislature adjourned until 9:00 a.m., Thursday, May 14, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTIETH DAY - MAY 14, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

EIGHTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 14, 2015

PRAYER

The prayer was offered by Pastor Doyle Karst, Cornerstone Lutheran Church, Beatrice.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Watermeier presiding.

The roll was called and all members were present except Senators Bolz, Craighead, Hansen, Kolowski, Krist, McCoy, Morfeld, and Pansing Brooks who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-ninth day was approved.

MESSAGE(S) FROM THE GOVERNOR

May 14, 2015

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Environmental Quality Council:

Jeremy J. Buhl, 8905 N. 81 Avenue, Omaha, NE 68122

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

ATTORNEY GENERAL'S OPINION

Opinion 15-008

SUBJECT: LB 619 - Constitutionality of Legislation Defining Certain Forms of Poker as "Games of Skill" and Authorizing the Conduct of Poker Cash Games and Tournaments.

REQUESTED BY: Senator Merv Riepe
Nebraska Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
L. Jay Bartel, Assistant Attorney General

INTRODUCTION

LB 619, as amended by AM115, would authorize persons applying to the Nebraska Liquor Control Commission ["Commission"] for the issuance of a liquor license to apply for an endorsement to host poker games or tournaments. AM115, § 17. The Commission would also be allowed to issue, in conjunction with special designated liquor licenses, special designated poker licenses to host poker games and tournaments. AM115, § 6. Poker is defined to mean "a draw or community card game in which a player bets that the value of his or her hand is greater than the value of the hands held by others and each subsequent player must either equal or raise the bet or drop out." AM115, § 4. "Poker includes a draw poker game, such as five-card draw, in which a player determines whether to discard and then receive new cards from the dealer, and a community card game, such as Texas Hold'em and Omaha Hold'em, in which the player combines the cards he or she is holding with the community cards that all players share and the player with the highest hand at the end of the betting wins the pot unless the player is the only player playing once the other players have dropped out." Id. Section 5 of AM115 provides:

(1) The Legislature finds that:

(a) Certain poker games require skill and players that are able to develop that skill may become professional poker players; and

(b) While poker does have a random component in the cards that players are dealt, there is more skill than luck for successful poker players in

games where the player implements a strategy by making decisions that influence the other players and ultimately the game's outcome.

(2) It is the intent of the Legislature to recognize various forms of the card game poker as games of skill, including variations of draw and community card poker games.

Noting the prohibition in Neb. Const. art. III, § 24, against the Legislature's authorization of "any game of chance," you state that you are "concerned LB 619 and AM115 may violate the prohibition against authorizing games of chance, which would require the payment of money to play." In particular, you point to the language in § 5 of AM115 stating the Legislature's intent to "recognize various forms of the card game poker as games of skill, including variations of draw and community card poker games." In light of prior Attorney General opinions in which poker has been characterized as a game of chance, and the Nebraska Supreme Court's opinion in *Indoor Recreation Enterprises, Inc. v. Douglas*, 194 Neb. 715, 235 N.W.2d 398 (1975) affirming a trial court's finding that poker was a game of chance and not a game of skill, you ask us to address whether LB 619 and AM115, if enacted, would allow wagering on a game of chance in violation of art. III, § 24.

ANALYSIS

A. The Constitutional Prohibition Against the Legislature's Authorization of Any "Game of Chance."

Neb. Const. art. III, § 24 (1) provides: "Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time." "[A] distinction is made in article III, § 24, between a 'game of chance' and 'lottery.'" *Stewart v. Advanced Gaming Technologies, Inc.*, 272 Neb. 471, 482, 723 N.W.2d 65, 74 (2006). "In paragraph (1) of article III, § 24, 'game of chance' and 'lottery' are referred to as distinct activities that are generally prohibited." *Id.* "However, paragraphs (2) and (3) provide that a 'lottery' may be authorized under certain conditions and with certain requirements." *Id.*

In Op. Att'y Gen. No. 95085 (November 17, 1995), we concluded the Legislature could not enact legislation authorizing the use of slot machines, video, or electronic devices based on a slot machine theme, or video or electronic gambling devices based on games such as poker, blackjack, or dice, as a form of "lottery" permitted under art. III, § 24. We recognized that, while the Constitution permitted the Legislature to establish lotteries for certain purposes, it was prohibited from authorizing "any game of chance." *Id.* at 11. Accordingly, art. III, § 24, prohibits the Legislature

from authorizing any game, scheme or contest which constitutes a "game of chance."

B. The Dominant Factor Test Determines Whether a Game is One of Chance or Skill.

In *Baedero v. Caldwell*, 156 Neb. 489, 56 N.W.2d 706 (1953) [*Baedero*] the Nebraska Supreme Court considered whether a five-ball pinball machine capable of awarding free replays constituted a "game of chance" barred under art. III, § 24, as well as an illegal "gambling device" prohibited by Neb. Rev. Stat. § 28-945. Discussing the test for determining whether a game constituted a "game of chance," the Court stated:

The test of the character of the game is not whether it contains an element of chance or an element of skill, but which of these is the dominating element that determines the result of the game. . . .

A game of chance is one in which the result as to success or failure depends less on the skill and experience of the player than on purely fortuitous or accidental circumstances incidental to the game or the manner of playing it or the device or apparatus with which it is played, but not under the control of the player.

Id. at 493-94, 56 N.W.2d at 709.

While noting that some element of skill may be involved in the playing of a pinball machine, the Court found that the element of chance was the dominant factor in determining the result of the game. Stating that "Article III, section 24, of the Constitution is clear, explicit, and unambiguous that the Legislature shall not authorize any game of chance," and that § 28-945 "conforms to the constitutional provision in banning any game of chance in this state," the Court concluded the pinball machine was a prohibited "game of chance," as well as an illegal "gambling device." *Id.* at 494-97, 56 N.W.2d at 710-11.

In *State ex rel. Spire v. Strawberries, Inc.*, 239 Neb. 1, 473 N.W.2d 428 (1991), the Court considered whether certain video gambling devices, authorized by a 1987 statute excluding mechanical, computer, electronic, or video gaming devices capable of awarding free games from the definition of "gambling device" under § 28-1107(2) (1989), were legal. The devices in question allowed the play of various games, including video poker, blackjack, and dice. *Id.* at 4, 473 N.W.2d at 432. The Attorney General argued that the statute purporting to authorize such devices violated the prohibition in art. III, § 24, against the Legislature's authorization of "games of chance."

In addressing the constitutionality of the statute, the Court stated that the "constitutional provision (art. III, § 24) had remained relatively unchanged since 1875," and, "[c]orrespondingly, the statute relating to the 'possession

of gambling devices' enacted pursuant to [the] constitutional provision [had] also remained relatively unchanged for 100 years." *Id.* at 6, 473 N.W.2d at 433. Discussing the scope of the prohibition against "games of chance" in the Constitution, the Court stated:

Neb. Const. art. III, § 24, is in clear and unambiguous language and can be divided into three elements: (1) chance: "[t]he Legislature shall not authorize any game of chance"; (2) consideration: "when the consideration for a chance to participate involves the payment of money"; and (3) prize: "for the purchase of property [or] services."

In defining these elements, this court has held that a game of chance is one in which the result as to success or failure depends less on the skill and experience of the player than on purely fortuitous or accidental circumstances incidental to the game or the manner of playing it or on the device or apparatus with which it is played. *Indoor Recreation Enterprises, Inc. v. Douglas*, 194 Neb. 715, 235 N.W.2d 398 (1975). *See, also, CONTACT, Inc. v. State*, 212 Neb. 584, 324 N.W.2d 804 (1982) (a game of chance is one in which the winner is determined by mere luck and not by skill; the predominant nature of the game, i.e., skill or chance, determines its classification). Free replays are things of value and when obtained on a gambling device constitute property within the meaning of Neb. Const. art. III, § 24. *Baeder v. Caldwell*, 156 Neb. 489, 56 N.W.2d 706 (1953).

239 Neb. at 7, 473 N.W.2d at 434.

Applying the test for determining if a game constitutes a prohibited "game of chance," the Court determined the statute purporting to authorize the video gaming devices was unconstitutional, stating:

Section 28-1107(2) attempts to exempt devices which would normally fall under the "games of chance" prohibition by redefining them. Subsection (2) provides that subsection (1) shall not apply to games used for amusement only and also attempts to exclude free replays from being considered as property under the "prize" element. Neb. Const. art. III, § 24, is clear. The court has already ruled that free replays on a device otherwise considered a gambling device constitute property within the meaning of the prohibition.

The Legislature cannot avoid constitutional provisions by statutorily redefining constitutionally unacceptable activity. The Legislature's power of definition may not be employed to nullify or circumvent the provisions of the Nebraska Constitution. *MAPCO Ammonia Pipeline v. State Bd. of Equal.*, 238 Neb. 565, 471 N.W.2d 734 (1991). To redefine the activity that the Legislature seeks to permit would require an amendment to this state's Constitution. Absent such an amendment, § 28-1107(2) is unconstitutional for being in contravention of the express provision of Neb. Const. art. III, § 24.

239 Neb. at 8, 473 N.W.2d at 434.

Most recently, in *American Amusements Co. v. Nebraska Dep't of Revenue*, 282 Neb. 908, 807 N.W.2d 492 (2011) [*"American Amusements"*] the Supreme Court determined that a version of a video gaming device known as Bankshot was not an illegal gambling device. The Court noted that art. III, § 24, provides that "the Legislature shall not authorize any game of chance....," and that, in *Baedero*, it "held that the test for determining whether a game violated the constitutional and statutory prohibition against any game of chance was 'not whether [the game] contains an element of chance or an element of skill, but which of these is the dominating element that determines the result of the game.'" 282 Neb. at 919, 807 N.W.2d at 500. The Court "reaffirm[ed] [its] prior holdings that gambling occurs in Nebraska when a bet is placed on an outcome that is determined predominantly by chance." *Id.* at 922, 807 N.W.2d at 502.

C. Judicial Decisions Applying the Dominant Factor Test to Determine if Poker is a Game of Chance or Skill.

In 1975, the Nebraska Supreme Court, applying the dominant factor test articulated in *Baedero*, affirmed a district court decision finding that poker and bridge were games of chance and not games of skill. *Indoor Recreation Enterprises, Inc. v. Douglas*, 194 Neb. 715, 235 N.W.2d 398 (1975) [*"Indoor Recreation"*]. *Indoor Recreation* was an action seeking a judgment declaring that poker, bridge, chess and checkers were games of skill, and that the playing of such games or operation of a place where such games were played did not violate the State's gambling laws. In deciding the issue, the Court relied on the "dominant factor" test for distinguishing between games of skill and games of chance employed in *Baedero*, which requires that "[t]he test of the character of the game is not whether it contains an element of chance or an element of skill, but which of these is the dominating element that determines the result of the game." 194 Neb. at 716-17, 235 N.W.2d at 400 (*quoting Baedero*, 156 Neb. 489, 56 N.W.2d 705 (1953)).

In addressing this test, the Court cited an annotation stating that " * * * games of cards are games of chance even though the element of skill is more or less involved, since the element of chance predominates...." 194 Neb. at 717, 235 N.W.2d at 400 (*quoting* Annotation, *Games of Chance or Skill*, 135 A.L.R. 104 (1941)). The Court also cited the following observation made by the North Carolina Supreme Court concerning card games:

It is a matter of universal knowledge that no game played with ordinary playing cards is unattended with risk, whatever may be the skill, experience, or intelligence of the gamblers engaging in it. From the very nature of such games, where cards must be drawn by and dealt out to players, who cannot anticipate what ones may be received by each, the order in which they will be placed, or the effect

of a given play or mode of playing, there must be unavoidable uncertainty as to the results.' 194 Neb. at 717, 35 N.W.2d at 400 (quoting *State v. Taylor*, 11 N.C. 680, 681-82, 16 S.E. 168, 169 (1892)).

In addition, the Court recognized that " * * *the test of whether a game is one of skill or of chance, or one in which skill greatly predominates over chance, is not measured by the standard of experts or any limited class of players, but that of the average skill of a majority of players likely to play the game, * * *." 194 Neb. at 717, 35 N.W.2d at 401 (quoting *State v. Prevo*, 44 Haw. 665, 675-76, 361 P.2d 1044, 1050 (1961)).

In spite of expert testimony expressing the opinion that poker was a game of skill and not chance, the Court found there was sufficient evidence in the record to support the district court's conclusion "that the predominate purpose of the games in issue was chance." 194 Neb. at 719, 235 N.W.2d at 401. The Court found the expert's opinion was not binding on the court, and pointed to testimony by the expert on cross-examination agreeing that, "in 100 hands, the winner and the loser is going to be determined upon the deal of the cards...", which the expert conceded was based on "[l]uck." *Id.* The expert also acknowledged that "the initial deal in [a] draw poker game [was] also luck...", and agreed that, "in poker, in any one deal..., the chance of getting any one of the two or three million hands would be called luck...." *Id.*

In addition to our Supreme Court's opinion in *Indoor Recreation*, numerous other courts have held that poker, in various forms, is a game in which the outcome is predominately determined by chance and not player skill. *See, e.g., Commonwealth v. Dent*, 992 A.2d 190, 196 (Pa. Super. Ct. 2010) ("Applying the 'predominate-factor test'..., while the outcome of poker may be dependent on skill to some degree, it is predominately a game of chance. While...skill can determine the outcome in a poker game, players are still subject to defeat at the turn of the cards.") (footnote omitted); *Three Kings Holding, L.L.C. v. Six*, 45 Kan. App. 2d 1043, 1057, 225 P.3d. 1218, 1227 (Kan. Ct. App. 2011) (Determining variant of Texas Hold-em poker known as Kandu was a game of chance, noting "the weight of authority from other states" supported the conclusion that "chance dominates over skill in poker..."); *Joker Club, L.L.C. v. Hardin*, 183 N. C. App. 92, 99, 643 S.E.2d 626, 630 (N.C. Ct. App. 2007) ["*Hardin*"] ("We determine that chance predominates over skill in the game of poker, making that game a game of chance...."); *In re Advisory Opinion to the Governor*, 856 A.2d 320, 329 (R.I. 2004) (Recognizing that games, including poker, under proposal to allow casino gambling "that depend on an unpredictable and uncontrollable variable, such as in games involving cards and dice, are, as a matter of law, games of chance.").

The North Carolina Court of Appeals decision in *Hardin* contains an extensive analysis of the predominance of chance over skill inherent in the

game of poker. Addressing the "logic underpinning North Carolina's interpretation of the predominate-factor test..., the court stated that test

makes clear that while all games have elements of chance, games which can be determined by superior skill are not games of chance. For example, bowling, chess, and billiards are games of skill because skill determines the outcome. The game itself is static and the only factor separating the players is their relative skill levels. In short, the instrumentality for victory is in each player's hands and his fortunes will be determined by how skillfully he used that instrumentality. 183 N.C. App. at 98, 643 S.E.2d at 630.

In *Hardin*, expert testimony was presented by a professional poker player, a consultant who ran poker tournaments, a casino manager, and an amateur player. *Id.* at 96-97, 643 S.E.2d at 629. The professional poker player "testified that there are certain strategies to poker that allow a player to improve his mathematical odds over the course of a game...", and "that while in a single hand of poker, chance may defeat a skilled and experienced player, the skilled player is likely to prevail when multiple hands are played." *Id.* The consultant "also testified that skill will prevail over luck over a long period of time in the course of a poker tournament...", and "further stated that there are certain skills that players can develop to consistently win at poker, including patience, memory, and the ability to analyze odds." *Id.* The casino manager "testified that there are numerous skills needed for a player to succeed in poker,....," stating "that patience, knowledge of the odds, the ability to read people, and self-control are all necessary skills." *Id.* Finally, the amateur player "testified that his poker skills [had] improved greatly since he began studying poker and reading books on winning poker strategies..." and "that in his experience, poker is a game where skill prevails over chance." *Id.* The State's witness, a North Carolina Alcohol Law Enforcement officer, stated he had "played poker for more than 39 years...", and "testified that while there was skill involved in poker, luck ultimately prevailed." *Id.* The trial court "was unable to determine whether skill or chance predominated in poker, but concluded that poker [was] a game of chance." *Id.*

Affirming the trial court's ruling, the appeals court explained why poker was different than other games in which skill predominates in determining the outcome:

Poker...presents players with different hands, making the players unequal in the same game and subject to defeat at the turn of a card. Although skills such as knowledge of human psychology, bluffing, and the ability to calculate and analyze odds make it more likely for skilled players to defeat novices, novices may yet prevail with a simple run of luck. No amount of skill can change a deuce into an ace. Thus, the instrumentality for victory is not entirely in the player's hand. 183 N.C. App. at 99, 643 S.E.2d at 630. In *State v.*

Taylor, our Supreme Court noted this distinction. 111 N.C. 680, 16 S.E. 168 (1892).

It is a matter of universal knowledge that no game played with the ordinary playing cards is unattended with risk, whatever may be the skill, experience or intelligence of the gamesters engaged in it. From the very nature of such games, where cards must be drawn by and dealt out to players, who cannot anticipate what ones may be received by each, the order in which they will be placed or the effect of a given play or mode of playing, there must be unavoidable uncertainty as to the results.

Id. at 681–82, 16 S.E. at 169.

This is not so with bowling, where the player's skill determines whether he picks up the spare; or with billiards, where the shot will find the pocket or not according to its author's skill. During oral arguments, counsel for plaintiff analogized poker to golf, arguing that while a weekend golfer might, by luck, beat a professional golfer such as Tiger Woods on one hole, over the span of 18 holes, Woods' superior skill would prevail. The same would be true for a poker game, plaintiff contended, making poker, like golf, a game of skill. This analogy, while creative, is false. In golf, as in bowling or billiards, the players are presented with an equal challenge, with each determining his fortune by his own skill. Although chance inevitably intervenes, it is not inherent in the game and does not overcome skill, and the player maintains the opportunity to defeat chance with superior skill. Whereas in poker, a skilled player may give himself a statistical advantage but is always subject to defeat at the turn of a card, an instrumentality beyond his control. We think that is the critical difference.

For the reasons stated above, we determine that chance predominates over skill in the game of poker, making that game a game of chance. 183 N.C. App. at 99, 643 S.E.2d at 630-31.

While a majority of courts have found poker to be game of chance, some courts have concluded that at least certain forms of poker are games of skill. *See, e.g., Town of Mount Pleasant v. Chimento*, 401 S.C. 522, 533, 737 S.E.2d 830, 837 (S.C. 2013) (Upholding conviction for gambling based on wagering money on Texas-Hold'em game, "even though it is a game in which skill predominates."); *Bell Gardens Bicycle Club v. Dep't of Justice*, 36 Cal. App. 4th 717, ___, 42 Cal. Rptr. 2d 730, 744 (Cal. Ct. App. 1995) ("Jackpot poker" found to be illegal lottery that was "'piggy-backed' onto a legal poker game as a chance bonus that, unlike poker, does not predominately implicate a player's skill."). *See also Gallatin County v. D & R Music & Vending, Inc.*, 208 Mont. 138, 141-42, 676 P.2d 779, 781 (Mont. 1984) (Describing poker as "a game of skill and chance..." that is "played by individuals with one player pitting his skills and talents against

those of the other players."); *State v. Coats*, 158 Or. 122, 133, 74 P.2d 1102, 1106 (Or. 1938) ("Poker, when played for money, is a gambling game, but, since it involves a substantial amount of skill and judgment, it cannot reasonably be contended that it is a lottery."). These cases, however, are of little assistance, as they involve no discussion of the relative degree of skill or chance in poker.¹

A recent federal court decision from New York, however, contains an extensive discussion of the factual basis leading the court to conclude that Texas Hold'em poker is predominated by skill rather than chance. *United States v. Dicristina*, 886 F.Supp.2d 164 (E.D.N.Y. 2012), *rev'd on other grounds* 726 F.3d 92 (2d Cir. 2013), *cert. denied* ___ U.S. ___, 134 S.Ct. 1281 (2014) ["*Dicristina*"]. *Dicristina* was charged with operating an illegal gambling business involving Texas Hold'em poker games in violation of the Illegal Gambling Business Act ["IGBA"], 18 U.S.C. § 1955. 886 F.Supp.2d at 168. Before trial, Dicristina moved to dismiss the indictment on the ground that poker was not illegal under the IGBA, arguing that the IGBA did not include Texas Hold'em poker, and that poker was a skill based game, not a game of chance, and thus did not fall within the IGBA's definition of illegal gambling. *Id.* Following pretrial oral argument and expert testimony, the court ruled the question of whether poker constituted gambling under the IGBA was a matter of law, reserving decision on the motion to dismiss. *Id.* The case proceeded to trial, and Dicristina was convicted. *Id.* Dicristina then renewed his motion to dismiss asking for a judgment of acquittal. *Id.*

The district court initially determined that the listing of gambling activities in the IGBA, which did not specifically include poker, should be interpreted to include only activity sufficiently similar to the listed games. *Id.* at 226. The court found that the "governing criteria must be derived by determining what common characteristics unified the games listed in § 1955(b)(2) into a cohesive group." *Id.* Relying on "dictionary, common law, and other federal definitions of gambling...", the court found "the definition [was] limited to games of chance." *Id.* at 230. This led the court to decide the issue of whether poker (specifically, Texas Hold'em poker), was a game predominated by chance or skill. *Id.* at 231.

The court began by noting that "[g]ame play in poker is influenced by both the cards dealt (determined by chance) and the decisions made by the players (determined by skill)." *Id.* The court further reasoned that, "[w]hile players actions are influenced by chance events, their decisions are based on skill....," and that "[p]layer's decisions, in turn, affect game play, both in the hand being played and in subsequent hands." *Id.* The court stated that "[b]y bluffing, for example, players can overcome the power of chance and win a hand despite holding inferior cards....," and noted that "[t]he majority of poker hands end when one player induces his opponents to fold." *Id.* In that case, "[s]ince the cards are never revealed or compared, the players' decisions alone determine the outcome." *Id.*

The *Dicristina* court phrased "[t]he fundamental question" to be "not whether *some* chance or skill is involved in poker, but what element *predominates*." *Id.* (emphasis in original). "To predominate, skill must account for a greater percentage of the outcome than chance—i.e., more than fifty percent." *Id.* In deciding this question, the court relied heavily on the testimony of *Dicristina*'s expert, Dr. Randal D. Heeb, an economist, statistician, and player in national poker tournaments. *Id.* at 173, 231. The court found Dr. Heeb had "presented persuasive evidence proving that skill predominates over chance in poker....," and summarized his points as follows:

(1) [P]oker involves a large number of complex decisions, which allow players of varying skill to differentiate themselves....; (2) many people play poker for a living and consistently win money over time....; (3) players who obtain superior results with other starting hands tend to obtain superior results with any given hand, indicating that the players' abilities, not the cards, are responsible for the results....; [and] (4) the published studies are all consistent with [these] conclusions. *Id.* at 231-32.

The court noted the government's expert, Dr. David DeRosa, an econometrician with no personal experience with poker who had not independently analyzed the game, did not submit any contrary testimony, or "any studies which support the conclusion that chance predominates over skill in poker." *Id.* at 185, 232. The court rejected Dr. DeRosa's implication that the relevant time frame to determine if poker was a game of skill or chance was "a single hand rather than the large number of hands evaluated by" Dr. Heeb, and found that, "[e]ven if a single hand is the relevant frame of reference, Dr. Heeb has shown that experts can outplay amateurs when dealt the same starting hand." *Id.* at 232-33. The court also noted Dr. Heeb's testimony concluding that "'the number of hands by which the higher skilled players predominate with a high degree of certainty could be played in a few sessions of poker...'," finding that Dr. Heeb had "shown persuasively that skilled players will predominate over the less skilled in a relatively short time." *Id.* at 233, 234.

Ultimately, the district court in *Dicristina* concluded Dr. DeRosa "provided no basis for the court to conclude that chance predominates over skill in poker....," and found Dr. Heeb's studies and conclusions "to be accurate and persuasive...." *Id.* at 234. Having found the Texas Hold'em poker played on *Dicristina*'s premises was not predominately a game of chance, the court determined it was not gambling within the meaning of the IGBA, and dismissed the conviction and indictment. *Id.* at 234-35.²

D. Studies and Literature Exploring the Relationship Between Chance and Skill in Poker.

In *Dicristina*, the district court, in finding that Texas Hold'em poker was a game predominated by skill, relied on statistical analyses performed by Dr.

Heeb utilizing 415 million hands of No Limit Texas Hold'em played online at a poker website. 886 F.Supp.2d at 178. Using this data, "Dr. Heeb conducted two different analyses to evaluate the relative effect of skill and luck on players' success rate in poker." *Id.* at 179. First, Dr. Heeb, examined if a player's win rate on all hands was predictive of their success on a particular kind of hand. *Id.* Dr. Heeb "concluded that a player's skill had a statistically significant effect on the amount of money won or lost in a particular hand in poker." *Id.* at 181. Second, Dr. Heeb, using regression analysis, created 'a skill index that related to how skillfully the player played to what their actual win rates were.' " *Id.* His findings demonstrated that "[t]he lowest skill players according to the predicted skill index in fact achieve[d] much worse results..." while "[a]verage players still [didn't] do very well..." and "[v]ery good players [were] winning players.'" *Id.* at 182. In addition to his own analyses, Dr. Heeb relied on a number of other published studies which provided "additional empirical support for the fact that skill determines the outcome in poker." *Id.* at 193-94.³

In addition to Dr. Heeb's analyses and the studies cited in *Dicristina*, other literature supports the conclusion that skill predominates in poker. *See, e.g.*, Anthony Cabot and Robert Hannum, *Poker: Public Policy, Law, Mathematics, and the Future of an American Tradition*, 22 T. M. Cooley L. Rev. 443, 446 (2005) ["Cabot and Hannum"] (Concluding "[t]he collective expert opinion is unequivocal" that "poker is a game of skill, and in the long run, a skilled player will beat an unskilled player."); Robert Hannum and Anthony Cabot, *Toward Legalization of Poker: The Skill vs. Chance Debate*, UNLV Gaming Res. & Rev. J. Vol. 13, Issue 1 (2009) (Summarizing scientific studies addressing the skill issue in poker, and concluding the "analysis and research presented" by the authors "suggest that poker is a game of predominantly skill, the skill elements expressed through the player's betting strategy; i.e., the decision on whether to check, bet, call, raise, or fold..." and noting that, "[t]hrough the studies [in the paper] focused primarily on Texas Hold'em, with some examination of Seven Card Stud, similar results would be expected in other forms of poker.").

E. Constitutionality of LB 619's Authorization of Wagering on Certain Forms of Poker as Predominately Games of Skill.

In light of this background, the question presented is whether the Legislature's attempt to authorize wagering on certain forms of poker (draw and community card games, including Texas Hold'em), by defining these versions of poker as games of skill, is consistent with the Constitution's prohibition against the Legislature authorizing "any game of chance." It is axiomatic that "the Legislature may not circumvent or nullify the Constitution in defining terms in statutes." *State ex rel. Stenberg v. Omaha Exposition and Racing, Inc.*, 263 Neb. 991, 999, 644 N.W.2d 563, 570 (2002). The Legislature's "power to define [terms] is limited, since (1) the Legislature cannot abrogate or contradict an express constitutional provision and (2) the legislative definition must be reasonable, and cannot be arbitrary

or unfounded." *MAPCO Ammonia Pipeline v. State Bd. of Equal.*, 238 Neb. 565, 571, 471 N.W.2d 734, 739 (1991), *cert. denied* 508 U.S. 960 (1993). Thus, the issue is whether legislation defining certain forms of poker (draw and community card games) as games of skill is improper, as these are games of chance under the dominant factor test adopted by the Nebraska Supreme Court to construe the term "game of chance" in art. III, § 24.

The Nebraska Supreme Court has already weighed in on this question, finding poker to be predominately a game of chance, not skill, in *Indoor Recreation*. The case refers to the game of poker generally, although the excerpts from cross-examination of the appellant's expert witness mention both draw and stud poker. There are four generally recognized categories of poker: "draw games, stud games, shared-or-community card games, and miscellaneous games." Cabot and Hannum at 451-52. LB 619 would define as games of skill only two versions of poker – draw poker games and community card poker games. As Texas Hold'em, currently the most popular and studied community card poker game, has taken on that status relatively recently, it was no doubt not among the forms of poker considered by the Court when *Indoor Recreation* was decided in 1975.

In draw poker, a common variant of poker referenced in *Indoor Recreation*, the initial deal of cards and the deal of replacement cards is completely random. None of the cards are exposed, so players have no knowledge of any other players' cards. Players do make decisions on which cards to discard, betting, and analyzing playing habits of other players. While these are no doubt decisions requiring the exercise of some skill, the absence of any knowledge of cards held by other players suggests that the outcome of a draw poker game is predominately determined by chance, as players have no control over the cards dealt, a purely random event. As draw poker was one of the forms of poker noted in the testimony cited in *Indoor Recreation*, it appears the Nebraska Supreme Court has determined it is a game predominated by chance, not skill.

In contrast, in community card games, the community or common cards are exposed to players. For example, in Texas Hold'em, each player is initially dealt two cards face down. A round of betting then follows, during which a player may either start the betting, meet or raise the bet, or fold his or her cards. If the number of players is reduced to a single player, that player wins regardless of his or her hand. After this initial betting, three shared cards are placed face up, followed by another round of betting. One more shared card is flipped, followed by another round of betting. The last shared card is then flipped, and a final round of betting may occur. At that point, if two or more players are still active, the person with the highest hand wins. Cabbot and Hannum at 452.

Assessing whether skill or chance predominates in a community card game such as Texas Hold'em is a more difficult task than determining the relationship between skill and chance in draw poker. Unlike draw poker, Texas Hold'em involves decision-making by players at several stages in the form of betting, calling, or folding, including after the exposure of shared

cards. The greater information provided players in Texas Hold'em appears to present the opportunity to exercise greater skill than in draw poker in making decisions which impact the outcome, as opposed to the outcome being determined by the cards. Indeed, *Dicristina* involved only the issue of whether the specific game of Texas Hold'em Poker was predominately a game of skill and not chance, and most, if not all of the evidence in that case (including the scientific studies) dealt specifically with Texas Hold'em Poker.

While the *Dicristina* decision and various studies and literature support concluding that Texas Hold'em Poker, at least when played for an extended period of time or in a tournament setting, is predominately a game of skill, it is far from clear that the Nebraska Supreme Court would reach the same conclusion if called upon to decide whether this form of poker is a game of chance or skill. Moreover, the type of fact finding necessary to determine that question is not a task which we can, or should, undertake. Ultimately, only a court could engage in the fact-finding required to weigh and evaluate the type of evidence presented in *Dicristina* to judge if Texas Hold'em, or any other type of poker, is predominately a game of chance or skill.

We can, however, note that the Nebraska Supreme Court, in determining poker was predominately a game of chance and not skill in the *Indoor Recreation* case, focused on testimony by the appellant's expert in response to questions about the odds of "winning the next hand," the odds of receiving a particular hand "in any one deal" or the "initial deal in different games," as well as questions about cards dealt "after" the initial deal. *Indoor Recreation*, 194 Neb. at 714, 235 N.W.2d at 401. This indicates the Court's focus was on the relationship between chance and skill in the outcome of a single poker hand, as opposed to judging the predominance of chance or skill over multiple hands, either during a session of poker involving a number of hands or a poker tournament.⁴ If the Court were to instead focus on evidence regarding the predominance of chance or skill over multiple hands in evaluating the status of either draw poker or Texas Hold'em poker as a game of chance or skill, that could impact the Court's determination as to whether these forms of poker are games of skill rather than games of chance.

Further, the Court has also stated that, in determining if chance or skill is the dominant factor in determining the outcome of a game, the game is to be evaluated from the standpoint of the average or typical player. *See Baedero*, 156 Neb. at 494, 56 N.W.2d at 709-10 ("While the evidence shows that by long practice a certain amount of skill may be developed, yet we must view the operation and result of the machine as it is played by the mass of the patronizing public, with whom it is purely a game of chance." (quoting *State ex rel. Dussault v. Kilburn*, 111 Mont. 400, 109 P.2d 1113, 1115 (Mont. 1941))). Thus, to the extent evidence of the predominance of skill over chance in poker is dependent on the ability of experienced, skilled players to prevail over typical or novice players, the Court may find this is

not the appropriate standard to judge poker as a game of chance as opposed to skill.

The Court in *Indoor Recreation* also quoted with approval the North Carolina Supreme Court's decision in *State v. Taylor*, 11 N.C. 680, 16 S.E. 168 (1892), recognizing "unavoidable uncertainty as to the results" of card games "whatever may be the skill, experience, or intelligence of the" players. 194 Neb. at 717, 35 N.W.2d at 400. The recent opinion of the North Carolina Court of Appeals in *Hardin* also noted this early North Carolina Supreme Court decision in finding that chance predominates over skill in poker. 183 N.C. App. at 99, 643 S.E.2d at 630-31. Given our Supreme Court's previous citation to *State v. Taylor* in *Indoor Recreation*, it may find the rationale adopted by the *Hardin* court persuasive if called upon again to determine whether the type of poker games LB 619 would authorize are predominantly games of chance.⁵

Finally, to the extent the skill associated with poker is based on the ability to calculate odds or determine the probability of outcomes, some courts have not considered this to be sufficient to overcome the chance element. See, e.g., *People v. Turner*, 165 Misc.2d 222, 224, 629 N.Y.S.2d 661, 662 (N.Y. Crim. Ct. 1005) (While poker and blackjack "require considerable skill in calculating the probability of drawing particular cards..., they "are as much games of chance as [a pure lottery], since the outcome depends to a material degree upon the random distribution of cards....The skill of the player may increase the odds in the player's favor, but cannot determine the outcome regardless of the degree of skill employed."); *Opinion of the Justices*, 795 So.2d 630, 641 (Ala. 2001) ("Mathematicians, engineers, physical scientists, or others familiar with scientific calculations might be considered more 'skilled' at using the 'laws of probability' to predict a particular outcome. A guess by someone educated in any discipline still, in its essence, remains a guess."). Thus, the ability of a poker player to calculate odds or assess the probability of outcomes may not be viewed as a skill sufficient to overcome the chance element inherent in the random distribution of cards in any poker game.

CONCLUSION

LB 619, as amended, proposes to define draw poker and community card games like Texas Hold'em as games of skill, and to authorize betting on such games in either cash games or poker tournaments. If these forms of poker are games of chance, the Legislature cannot authorize them by defining them as games of skill. Based on the Nebraska Supreme Court's *Indoor Recreation* decision, and the nature in which it is played, draw poker appears to be a game whose outcome is determined primarily by chance, not player skill, at least when the outcome is viewed as the determination of a single hand. A community card game such as Texas Hold'em, however, differs in nature from draw poker, and there is empirical evidence indicating that, over multiple hands, skill plays a greater role than chance in outcome determination in this form of poker. It would be inappropriate for us to

attempt to undertake the factfinding required to judge the predominance of chance or skill in either draw or community card poker games like Texas Hold'em in the context of play over multiple hands or in a tournament. We can advise that a majority of courts have held that poker is predominately a game of chance and not skill, but there is also authority to the contrary. Accordingly, while the Legislature's recognition of draw and community card poker games as games of skill in LB 619 would likely be found by a court to be an improper attempt to authorize games of chance prohibited by art. III, § 24, we cannot say with complete certainty that LB 619 is unconstitutional on this basis.

¹ While there is judicial disagreement as to whether versions of live poker are primarily games of chance or skill, video or electronic poker games have almost universally been recognized as games of chance. *E.g. State ex rel. Spire v. Strawberries, Inc.*, 239 Neb. 1, 473 N.W.2d 428 (1991) (Video poker and blackjack games were unauthorized games of chance.); *Score Family Fun Ctr., Inc. v. County of San Diego*, 225 Cal. App. 3d 1217, 122, 275 Cal. Rptr. 358, 361 (Cal. Ct. App. 1990) (Video game including variations of poker "present[ed] the user with, at most, only an illusion of skill..." and was "predominately a game of chance."). *Commonwealth v. Two Elec. Poker Game Machs.*, 465 A.2d 973, 976-79 (Pa. Comm. Ct. 1983) (Outcome of draw poker video game was "largely determined by chance..." noting any skill involved was "not the same skill that can indeed determine the outcome in a game of poker between human players...when it is realized that holding, folding, bluffing and raising have no role to play in [video] poker.").

² The Second Circuit reversed the judgment of acquittal and reinstated the jury verdict and judgment of conviction, holding that poker was "gambling" under the plain terms of the IGBA. 726 F.3d at 106. In light of its interpretation of the IGBA, the appeals court noted that "the question of whether skill or chance predominates in poker [was] inapposite to [the] appeal." *Id.* at 100.

³ Among the studies listed were: Paco Hope & Sean McCulloch, *Statistical Analysis of Texas Hold'em 6* (March 4, 2009) (unpublished article) (Analysis of 102 million hands of Texas Hold'em showing that 75 percent of poker hands ended when one player bets and induces his opponents to fold, so the cards are never revealed or compared, leading the authors to conclude that "in the sampled data, the vast majority of games are determined by something other than the value of the cards, since no player reveals any cards to determine the winner."; Noga Alon, *Poker, Chance, and Skill 15-16* (unpublished manuscript) (Using computer model, concluding that "although like in essentially almost any other game there is some influence of chance in poker, the game is predominately a game of skill," and that "the significance of skill increases dramatically as the number of hands played grows."); Steven D. Levitt & Thomas J. Miles, *The Role of Skill Versus Luck in Poker: Evidence from the World Series of Poker 12-14* (May 2011) (unpublished manuscript) (Analyzing data from the 2010 World

Series of Poker, and finding that "[p]layers classified as high skill [based on past performance in other tournaments] are 12 percent more likely to make the final table....").

⁴ The focus by courts on a single hand in assessing the degree of chance versus skill in poker has been criticized on the ground that it fails to consider the impact of skill over the course of repeated hands or rounds of play. Steven D. Levitt, Thomas J. Miles, and Andrew M. Rosenfeld, *Is Texas Hold'em a Game of Chance? A Legal and Economic Analysis*, 101 *Geo. L. J.* 581, 595-601 (2013).

⁵ We note that, while LB 619 proposes to authorize betting on both draw poker and community card poker games, it does not alter the definition of gambling in Neb. Rev. Stat. § 28-1101(4) (2008), which provides, in part: "A person engages in gambling if he or she bets something of value upon the outcome of a future event, which is determined by an element of chance, or upon the outcome of a game, contest, or election...." (emphasis added). In *American Amusements*, the Court recently confirmed that the phrase "outcome is determined by an element of chance" means that "an activity is gambling ...if its outcome is predominantly caused by chance." 282 Neb. at 921, 807 N.W.2d at 502. Engaging in gambling under § 28-1101(4), however, also includes betting something of value "upon the outcome of a game...." Thus, gambling includes any activity involving betting upon the outcome of a game, without any requirement that the game be only one of chance. Interpreting a statute prohibiting wagering on the outcome of a "game," the Supreme Court of South Carolina held wagering on Texas Hold'em, which it stated was "a game in which skill predominates," was unlawful as the statute included "betting money on the outcome of any 'game' whatsoever, regardless of the amount of skill involved in the game." *Town of Mount Pleasant v. Chimento*, 401 S.C. 522, 532-33, 737 S.E.2d 830, 837 (S.C. 2013). In order to remove any conflict between § 28-1101(4) and the betting proposed to be authorized on certain poker games in LB 619, the bill should be amended to exclude such betting from the definition of gambling in § 28-1101(4).

Very truly yours,
Douglas J. Peterson
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

pc Patrick J. O'Donnell
Clerk of the Nebraska Legislature

07-947-29

GENERAL FILE

LEGISLATIVE BILL 623. Senator Kintner renewed his amendment, FA63, found on page 1567.

SPEAKER HADLEY PRESIDING

Senator Nordquist offered the following motion:

MO116

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Nordquist moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Nordquist requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 39:

| | | | | |
|----------|----------|-----------|----------------|------------|
| Baker | Ebke | Hilkemann | McCollister | Schumacher |
| Bolz | Friesen | Howard | Mello | Seiler |
| Campbell | Garrett | Hughes | Morfeld | Smith |
| Chambers | Gloor | Johnson | Nordquist | Stinner |
| Coash | Haar, K. | Kolowski | Pansing Brooks | Sullivan |
| Cook | Hadley | Kolterman | Riepe | Watermeier |
| Crawford | Hansen | Krist | Scheer | Williams |
| Davis | Harr, B. | Kuehn | Schilz | |

Voting in the negative, 6:

| | | |
|--------|---------|---------|
| Brasch | Kintner | Murante |
| Groene | McCoy | Schnoor |

Present and not voting, 4:

| | | | |
|------------|-----------|--------|-----------|
| Bloomfield | Craighead | Larson | Lindstrom |
|------------|-----------|--------|-----------|

The Nordquist motion to invoke cloture prevailed with 39 ayes, 6 nays, and 4 present and not voting.

The Kintner amendment, FA63, lost with 6 ayes, 38 nays, and 5 present and not voting.

Senator Murante requested a record vote on the advancement of the bill.

Voting in the affirmative, 37:

| | | | | |
|----------|----------|-----------|----------------|----------|
| Baker | Ebke | Hilkemann | McCollister | Seiler |
| Bolz | Friesen | Howard | Mello | Smith |
| Campbell | Garrett | Hughes | Morfeld | Stinner |
| Chambers | Gloor | Johnson | Nordquist | Sullivan |
| Coash | Haar, K. | Kolowski | Pansing Brooks | Williams |
| Cook | Hadley | Kolterman | Scheer | |
| Crawford | Hansen | Krist | Schilz | |
| Davis | Harr, B. | Kuehn | Schumacher | |

Voting in the negative, 8:

| | | | |
|------------|---------|---------|---------|
| Bloomfield | Kintner | McCoy | Riepe |
| Brasch | Larson | Murante | Schnoor |

Present and not voting, 4:

| | | | |
|-----------|--------|-----------|------------|
| Craighead | Groene | Lindstrom | Watermeier |
|-----------|--------|-----------|------------|

Advanced to Enrollment and Review Initial with 37 ayes, 8 nays, and 4 present and not voting.

The Chair declared the call raised.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Buhl, Jeremy J. - Environmental Quality Council - Natural Resources

(Signed) Bob Krist, Chairperson
Executive Board

RESOLUTION(S)

LEGISLATIVE RESOLUTION 285. Introduced by Kolowski, 31.

PURPOSE: The purpose of this resolution is to study class size in Nebraska's public schools. The study shall include, but not be limited to, the following:

- (1) An analysis of data compiled by the State Department of Education relating to teachers and students assigned to classrooms across the state;
- (2) The identification of specific issues leading to overcrowded classrooms;
- (3) An examination of class size as it relates to students dealing with issues of poverty, special needs, English language deficiencies, and other needs;
- (4) A review of research regarding class size as a factor impacting student achievement;

(5) The best practices in Nebraska and other states to reduce class size; and

(6) Any legislation needed to incentivize best class size practices.

In order to carry out the purposes of this resolution, the committee shall consider input of interested persons including teachers, administrators, school board members, the State Department of Education, and experts on effective education.

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 286. Introduced by Garrett, 3; Coash, 27; Ebke, 32; Krist, 10; Pansing Brooks, 28.

PURPOSE: The purpose of this resolution is to examine the effectiveness of civil forfeiture under the Uniform Controlled Substances Act. The issues examined in this study shall include, but not be limited to:

(1) How the process of civil forfeiture currently works under the act;

(2) The current use of civil forfeiture;

(3) The types of civil forfeitures made and whether the forfeitures accompany criminal prosecutions;

(4) How funds seized by civil forfeitures are being expended;

(5) How reporting of, and accountability for, civil forfeitures is currently being conducted;

(6) Whether indigent property owners should be allowed to obtain court appointed counsel in civil forfeiture cases;

(7) Whether the act should be changed to shift the burden of proof to the government;

(8) A review of the act to determine whether changes are needed to reform or eliminate civil forfeiture; and

(9) An investigation of reform of civil forfeiture laws in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 287. Introduced by Larson, 40.

PURPOSE: The purpose of this resolution is to study craft breweries and whether brewpubs and microbreweries should be licensed as craft breweries or should have separate licenses. This study shall include, but not be limited to, an examination of the following issues:

- (1) The types of businesses that currently qualify for a Class L craft brewery license under section 53-123.14 of the Nebraska statutes;
- (2) How Nebraska's craft brewery licenses compare to those in other states and the federal government's classification of similar businesses; and
- (3) How the current classification and any proposed changes to the classification impacts the Nebraska Liquor Control Commission's ability to regulate Class L licensees.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 288. Introduced by Larson, 40.

PURPOSE: The purpose of this resolution is to study the statutory relationship between cities of the second class and villages and the public libraries within their jurisdictions. This study shall include, but not be limited to, an examination of the following issues:

- (1) The administration of public libraries and their budgetary process;
- (2) The current statutory structure outlined in sections 51-201 to 51-220 of the Nebraska statutes; and
- (3) Possible alternatives to the statutory structure outlined in sections 51-201 to 51-220 of the Nebraska statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 289. Introduced by Larson, 40.

PURPOSE: The purpose of this resolution is to study the current alcohol policies of the University of Nebraska system. The study shall include, but not be limited to, an examination of the following issues:

- (1) The University of Nebraska system's current policies regarding alcohol on its campuses;
- (2) Policies of state universities in other states regarding alcohol on campus and the subsequent impact of those policies; and
- (3) Whether the University of Nebraska system's alcohol policies should be changed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 290. Introduced by Larson, 40.

PURPOSE: The purpose of this resolution is to study how public libraries are archiving newspapers. This study shall include, but not be limited to, an examination of the following issues:

- (1) The best practices for preserving Nebraska newspapers;
- (2) Whether there should be a statewide standard for the digitization of Nebraska newspapers;
- (3) The role libraries and the Nebraska State Historical Society should have in the digitization of Nebraska newspapers; and
- (4) Who maintains proprietary ownership of the news content.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 291. Introduced by Campbell, 25.

PURPOSE: The purpose of this resolution is to study stroke systems of care. The rapid identification, diagnosis, and treatment of strokes can save the lives of stroke patients, and in some cases can reverse neurological damage such as paralysis and speech and language impairments, leaving stroke patients with few or no detrimental neurological effects.

Despite significant advances in diagnosis, treatment, and prevention, strokes are the fifth leading cause of death and the leading cause of disability. With the aging of the population, the number of persons who have strokes is projected to increase. Forecasting by the American Heart Association predicts stroke prevalence to increase by 24.9% between 2010 and 2030.

The cost of treating strokes continues to increase. In Nebraska, total hospital charges for strokes increased by over \$54 million between 2001 and 2010, with an average charge of \$31,100 per stroke hospitalization in 2010. Nationally, direct medical costs for strokes are expected to increase by 238% from \$28.3 billion in 2010 to \$95.6 billion by 2030.

A fragmented and disorganized delivery system prohibits patients from receiving acute treatment. An effective system is needed in our communities in order to treat stroke patients in a timely manner and to improve the overall outcomes of these patients. Creation and enhancement of stroke systems of care provides patients the highest quality care while ensuring seamless transitions along the care continuum.

This study shall include, but not be limited to, an examination of the following:

- (1) Designating comprehensive stroke centers, primary stroke centers, and acute stroke-ready hospitals;
- (2) Adoption and distribution of a nationally recognized stroke triage assessment tool;
- (3) Establishment of pre-hospital protocols and related assessment, treatment, and transport of patients by licensed emergency medical service (EMS) providers in the state;
- (4) Training for EMS and public safety answering points personnel on assessment and treatment of stroke patients;
- (5) The costs and logistics of implementing and maintaining a statewide stroke database to improve quality of care; and
- (6) Coverage for the cost of health services provided through medicine.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 292. Introduced by Campbell, 25.

PURPOSE: The purpose of this resolution is to examine issues related to public assistance programs for relative or kinship caregivers who provide full-time care for minor children through the formal child welfare system or through an informal arrangement. This study shall include, but not be limited to, an examination of the following issues:

- (1) The use and availability of public assistance programs for relative or kinship caregivers inside and outside the formal child welfare system;
- (2) Financial barriers that prevent otherwise suitable adults from becoming relative or kinship caregivers;
- (3) Policies in other states that encourage and support kinship caregiving through access to public assistance programs, especially for the purpose of preventing future or continued involvement in the child welfare system; and
- (4) The interaction between public assistance program access and the availability of stable and loving homes for children with caregivers who are not their parents.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 293. Introduced by Morfeld, 46; Baker, 30; Cook, 13; Kolowski, 31; Pansing Brooks, 28; Sullivan, 41; Watermeier, 1.

PURPOSE: The purpose of this resolution is to thoroughly examine the funding distribution for the community college areas. The current funding distribution has been considered a short-term solution. The presidents of the six community college areas have agreed that the funding distribution needs to be analyzed and have pledged their time and effort to recommend changes in the funding distribution to ensure a viable statewide community college education is available to all Nebraskans.

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 by December 1, 2015.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 294. Introduced by Murante, 49.

PURPOSE: The purpose of this resolution is to examine issues within the jurisdiction of the Government, Military and Veterans Affairs Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 295. Introduced by Bolz, 29.

PURPOSE: The purpose of this resolution is to study how to improve behavioral health and mental health services in Nebraska in order to prevent crime and reduce costs associated with the incarceration of people who have heightened behavioral and mental health needs. Behavioral and mental health treatment is an important part of Nebraska's public safety and health care systems. The Department of Correctional Services Special Investigative Committee created by the Legislature with passage of LR424 in 2014 noted that a more exhaustive examination of the availability of mental health care in Nebraska must be undertaken by the Legislature. Specifically, this study shall examine the availability of behavioral and mental health services as an essential public safety strategy.

The issues examined in this study shall include, but not be limited to, the following:

(1) The relationship between the availability of behavioral and mental health services and criminal activity;

(2) An examination of crimes committed by, and incarceration rates of, people with behavioral and mental health diagnoses^{3/4}

(3) The demand for public behavioral and mental health services in relation to the supply of such services through the behavioral health regions and the medicaid program, including supply and demand (a) by region, (b) for those with a criminal charge related to their behavioral or mental health status, and (c) for juvenile justice; and

(4) Reviewing best practices from other states and other strategies to address needs.

The study committee is encouraged to work with the Health and Human Services Committee of the Legislature and the Department of Correctional Services Special Investigative Committee of the Legislature to examine the

issues involved in this study and, if and when appropriate, hold joint hearings.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 296. Introduced by Bolz, 29.

PURPOSE: The purpose of this resolution is to examine the financing of Nebraska's child welfare system. This study shall include, but not be limited to, an examination of the following issues:

(1) Nebraska's utilization of federal funding to support child welfare services such as medicaid, the federal Temporary Assistance for Needy Families (TANF) program, and Title IV-E of the federal Social Security Act;

(2) How Nebraska can more effectively use federal funds to allow state child welfare dollars to fill in funding gaps and implement approaches to improve outcomes for children and families;

(3) The status of funding within Nebraska's Title IV-E demonstration project;

(4) The use of state funds appropriated for child welfare services as part of Budget Program 354 and how Nebraska can increase transparency and accountability in this program and others that utilize state dollars to fund child welfare;

(5) The savings Nebraska has captured as a result of the federal government decoupling adoption assistance and aid to families with dependent children income standards as part of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008; and

(6) How Nebraska is reinvesting those savings in post-adoption and post-guardianship services or reunification services required by federal law.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 297. Introduced by Mello, 5; Haar, K., 21.

PURPOSE: The purpose of this resolution is to study career technical education (CTE) in Nebraska. When employers are given surveys on concerns of the business climate, they routinely rank the need for a highly skilled workforce as one of their top concerns. CTE provides students with the academic and technical skills, knowledge, and training necessary to succeed in future careers and to become lifelong learners. CTE prepares these students for the world of work by introducing them to workplace competencies and makes academic content accessible in a hands-on context. In addition, the high school graduation rate for CTE students is about 15% higher than the national average.

This study shall examine CTE programs and the feasibility and potential benefits of their expansion in Nebraska. This study shall include, but not be limited to, an examination of the following issues:

- (1) Successful CTE pilot programs in other states;
- (2) Expanding CTE programs at various educational levels including secondary education and the transition to postsecondary study;
- (3) The impact that CTE has on preparing the emerging workforce for high demand jobs and existing unfilled jobs in Nebraska;
- (4) An analysis of existing federal, state, local, and philanthropic funding sources for CTE programs in Nebraska; and
- (5) How existing CTE programs may be integrated into the process of implementing the federal Workforce Innovation and Opportunity Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB243:
AM1622

(Amendments to Final Reading copy)

- 1 1. On page 4, strike beginning with "one" in line 19 through line 21
- 2 and insert "seven hundred fifty thousand dollars from the General Fund
- 3 for each of fiscal years 2015-16 and 2016-17 and one million five hundred
- 4 thousand dollars from the General Fund for each of fiscal years 2017-18
- 5 and 2018-19 to the department".

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB656 with 45 ayes, 1 nay, and 3 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 656. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2013, LB195, sections 34, 35, 44, 112, and 175; Laws 2014, LB905, sections 52, 54, 59, and 60; and Laws 2014, LB907A, section 3; to define terms; to provide, change, and eliminate provisions relating to appropriations; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 49:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Lindstrom | Schilz |
| Bloomfield | Ebke | Howard | McCollister | Schnoor |
| Bolz | Friesen | Hughes | McCoy | Schumacher |
| Brasch | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Chambers | Groene | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB657 with 45 ayes, 1 nay, and 3 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 657. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 2017; to transfer funds; to provide duties; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Lindstrom | Schilz |
| Bloomfield | Ebke | Howard | McCollister | Schnoor |
| Bolz | Friesen | Hughes | McCoy | Schumacher |
| Brasch | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Chambers | Groene | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 658. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY2015-16 and FY2016-17; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the

emergency clause attached?' "

Voting in the affirmative, 49:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Lindstrom | Schilz |
| Bloomfield | Ebke | Howard | McCollister | Schnoor |
| Bolz | Friesen | Hughes | McCoy | Schumacher |
| Brasch | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Chambers | Groene | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 659. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY2015-16 and FY2016-17; to define terms; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Davis | Howard | McCollister | Schnoor |
| Bloomfield | Ebke | Hughes | McCoy | Schumacher |
| Bolz | Friesen | Johnson | Mello | Seiler |
| Brasch | Garrett | Kintner | Morfeld | Smith |
| Campbell | Gloor | Kolowski | Murante | Stinner |
| Chambers | Haar, K. | Kolterman | Nordquist | Sullivan |
| Coash | Hadley | Krist | Pansing Brooks | Watermeier |
| Cook | Hansen | Kuehn | Riepe | Williams |
| Craighead | Harr, B. | Larson | Scheer | |
| Crawford | Hilkemann | Lindstrom | Schilz | |

Voting in the negative, 1:

Groene

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB660 with 44 ayes, 1 nay, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 660. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements and a request for funding; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

| | | | | |
|-----------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schnoor |
| Bolz | Friesen | Hughes | McCoy | Schumacher |
| Brasch | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Chambers | Groene | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |
| Davis | Hilkemann | Lindstrom | Schilz | |

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB661 to Select File

Senator Chambers moved to return LB661 to Select File for the following specific amendment:

FA65

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB661 with 43 ayes, 1 nay, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 661. With Emergency Clause.

A BILL FOR AN ACT relating to state government; to amend sections 2-1587, 13-1905, 13-1906, 13-1907, 13-2610, 81-1201.21, 81-1354.05, 81-3119, and 85-1401, Reissue Revised Statutes of Nebraska, and sections 2-1507, 2-1513, 2-1588, 13-2704, 39-1390, 61-222, 71-7611, and 77-2602, Revised Statutes Cumulative Supplement, 2014; to provide for fund transfers; to create funds; to provide for and change the source and use of certain funds; to state findings and intent; to change provisions relating to certain funds, financial assistance, and cigarette tax proceeds as prescribed; to provide for oral health training and services contracts; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

| | | | | |
|-----------|-----------|-------------|----------------|------------|
| Baker | Gloor | Kintner | McCoy | Schilz |
| Bolz | Haar, K. | Kolowski | Mello | Schnoor |
| Brasch | Hadley | Kolterman | Morfeld | Schumacher |
| Campbell | Hansen | Krist | Murante | Smith |
| Coash | Harr, B. | Kuehn | Nordquist | Stinner |
| Craighead | Hilkemann | Larson | Pansing Brooks | Sullivan |
| Crawford | Howard | Lindstrom | Riepe | Watermeier |
| Davis | Hughes | McCollister | Scheer | Williams |

Voting in the negative, 9:

| | | | | |
|------------|------|---------|---------|--------|
| Bloomfield | Cook | Friesen | Groene | Seiler |
| Chambers | Ebke | Garrett | Johnson | |

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 662. With Emergency Clause.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Reissue Revised Statutes of Nebraska; to provide for transfers; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Friesen | Hughes | McCoy | Schumacher |
| Bloomfield | Garrett | Kintner | Mello | Smith |
| Bolz | Gloor | Kolowski | Morfeld | Stinner |
| Brasch | Haar, K. | Kolterman | Murante | Sullivan |
| Campbell | Hadley | Krist | Nordquist | Watermeier |
| Coash | Hansen | Kuehn | Pansing Brooks | Williams |
| Craighead | Harr, B. | Larson | Riepe | |
| Crawford | Hilkemann | Lindstrom | Scheer | |
| Davis | Howard | McCollister | Schilz | |

Voting in the negative, 7:

| | | | |
|----------|--------|---------|--------|
| Chambers | Ebke | Johnson | Seiler |
| Cook | Groene | Schnoor | |

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 663. With Emergency Clause.

A BILL FOR AN ACT relating to judges' salaries; to amend section 24-201.01, Revised Statutes Cumulative Supplement, 2014; to change judges' salaries; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

| | | | | |
|-----------|-----------|-------------|----------------|------------|
| Baker | Ebke | Hughes | McCoy | Schumacher |
| Bolz | Friesen | Johnson | Mello | Seiler |
| Brasch | Garrett | Kintner | Morfeld | Smith |
| Campbell | Gloor | Kolowski | Murante | Stinner |
| Chambers | Haar, K. | Kolterman | Nordquist | Sullivan |
| Coash | Hadley | Krist | Pansing Brooks | Watermeier |
| Cook | Hansen | Kuehn | Riepe | Williams |
| Craighead | Harr, B. | Larson | Scheer | |
| Crawford | Hilkemann | Lindstrom | Schilz | |
| Davis | Howard | McCollister | Schnoor | |

Voting in the negative, 2:

Bloomfield Groene

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 663A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 663, One Hundred Fourth Legislature, First Session, 2015; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

| | | | | |
|-----------|-----------|-------------|----------------|------------|
| Baker | Friesen | Johnson | Mello | Seiler |
| Bolz | Garrett | Kintner | Morfeld | Smith |
| Brasch | Gloor | Kolowski | Murante | Stinner |
| Campbell | Haar, K. | Kolterman | Nordquist | Sullivan |
| Chambers | Hadley | Krist | Pansing Brooks | Watermeier |
| Coash | Hansen | Kuehn | Riepe | Williams |
| Craighead | Harr, B. | Larson | Scheer | |
| Crawford | Hilkemann | Lindstrom | Schilz | |
| Davis | Howard | McCollister | Schnoor | |
| Ebke | Hughes | McCoy | Schumacher | |

Voting in the negative, 2:

Bloomfield Groene

Present and not voting, 1:

Cook

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 554. With Emergency Clause.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Lindstrom | Schilz |
| Bloomfield | Ebke | Howard | McCollister | Schnoor |
| Bolz | Friesen | Hughes | McCoy | Schumacher |
| Brasch | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Chambers | Groene | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB294 with 46 ayes, 0 nays, and 3 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 294. With Emergency Clause.

A BILL FOR AN ACT relating to law; to amend sections 21-20,177, 29-812, 29-815, 86-2,108, and 86-2,112, Reissue Revised Statutes of Nebraska, and sections 21-2,212, 27-413, 28-801.01, 28-802, 28-804, 28-831, 43-250, and 43-1303, Revised Statutes Cumulative Supplement, 2014; to adopt the Human Trafficking Victims Civil Remedy Act; to change certain service of process provisions; to redefine offense of sexual assault; to change penalties for solicitation of prostitution, pandering, keeping a place of prostitution, and human trafficking; to change provisions relating to search warrants, temporary custody requirements for juveniles, and foster care placement reports; to provide for forfeiture of assets for persons engaged in human trafficking; to create a fund; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 21-20,177, Reissue Revised Statutes of Nebraska, as amended by this legislative bill; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 49:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Lindstrom | Schilz |
| Bloomfield | Ebke | Howard | McCollister | Schnoor |
| Bolz | Friesen | Hughes | McCoy | Schumacher |
| Brasch | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Chambers | Groene | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB360 with 44 ayes, 1 nay, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 360.

A BILL FOR AN ACT relating to animals; to amend sections 28-1011, 54-603, 54-628, 54-628.01, 54-632, and 54-633, Reissue Revised Statutes of Nebraska, and sections 28-1006, 28-1008, 28-1012, 28-1013, 28-1014, 28-1015, 28-1016, 28-1019, 29-818, 54-625, 54-626, 54-627, and 54-630, Revised Statutes Cumulative Supplement, 2014; to change enforcement procedures related to crimes involving animals; to provide for seizure and disposition of certain animals; to define and redefine terms; to change state licensing fees relating to dogs and cats; to change provisions relating to fees, inspections, licenses, and enforcement under the Commercial Dog and Cat Operator Inspection Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|-----------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schnoor |
| Bolz | Friesen | Hughes | McCoy | Schumacher |
| Brasch | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Chambers | Groene | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |
| Davis | Hilkemann | Lindstrom | Schilz | |

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 360A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 360, One Hundred Fourth Legislature, First Session, 2015.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|-----------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schnoor |
| Bolz | Friesen | Hughes | McCoy | Schumacher |
| Brasch | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Chambers | Groene | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |
| Davis | Hilkemann | Lindstrom | Schilz | |

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB575 with 42 ayes, 0 nays, and 7 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 575. With Emergency Clause.

A BILL FOR AN ACT relating to elections; to amend sections 13-404, 23-148, 23-2,100, 32-227, 32-228, 32-330, 32-528, 32-569, 32-612, 32-813, 32-952, 32-1032, 32-1037, 32-1308, and 81-2901, Reissue Revised Statutes of Nebraska, and sections 10-703.01, 32-101, 32-208, 32-304, 32-567, 32-607, 32-615, 32-710, 32-941, 32-942, 32-947, 32-953, 32-1203, and 60-4,144, Revised Statutes Cumulative Supplement, 2014; to change

provisions relating to election expenses, filling vacancies, election commissioners, payment and service of election workers, implementation of the electronic voter registration application process, the voter registration register, county commissioners, candidate filings, deadlines for write-in candidates, political party conventions, statewide general election ballots, ballots for early voting, special elections by mail, inspection of election materials, and the board of state canvassers; to provide access to certain commercial driver's license information; to eliminate obsolete provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Ebke | Hughes | McCoy | Schnoor |
| Bloomfield | Garrett | Kintner | Mello | Seiler |
| Bolz | Gloor | Kolowski | Morfeld | Smith |
| Brasch | Groene | Kolterman | Murante | Stinner |
| Campbell | Haar, K. | Krist | Nordquist | Sullivan |
| Coash | Hadley | Kuehn | Pansing Brooks | Watermeier |
| Craighead | Hansen | Larson | Riepe | Williams |
| Crawford | Harr, B. | Lindstrom | Scheer | |
| Davis | Hilkemann | McCollister | Schilz | |

Voting in the negative, 2:

Chambers Schumacher

Present and not voting, 3:

Cook Friesen Howard

Excused and not voting, 1:

Johnson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

GENERAL FILE

LEGISLATIVE BILL 226. Title read. Considered.

Committee AM585, found on page 772, was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 656, 657, 658, 659, 660, 661, 662, 663, 663A, 554, 294, 360, 360A, and 575.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 382. Placed on Select File with amendment.
ER127

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 79-2306, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 79-2306 (1) ~~The Using the funds allocated from the Education~~
6 ~~Innovation Fund pursuant to subdivision (4)(b)(viii) of section 9-812,~~
7 ~~the State Department of Education shall provide for grants to any entity~~
8 ~~each institution offering a high school equivalency program, which entity~~
9 ~~is not an institution. Grants pursuant to this section shall be awarded~~
10 ~~to applicants which meet the requirements of section 79-2304 a one-time~~
11 ~~payment for the acquisition and upgrade of equipment and software~~
12 ~~necessary to administer examinations for diplomas of high school~~
13 ~~equivalency.~~
14 (2) The High School Equivalency Grant Fund is created. Any money in
15 the fund available for investment shall be invested by the state
16 investment officer pursuant to the Nebraska Capital Expansion Act and the
17 Nebraska State Funds Investment Act.
18 (3) It is the intent of the Legislature to transfer four hundred
19 thousand dollars from the Job Training Cash Fund to the High School
20 Equivalency Grant Fund to carry out the purposes of subsection (1) of
21 this section.
22 Sec. 2. Section 81-1201.21, Reissue Revised Statutes of Nebraska, is
23 amended to read:
24 81-1201.21 (1) There is hereby created the Job Training Cash Fund.
25 The fund shall be under the direction of the Department of Economic
26 Development. Money may be transferred to the fund pursuant to subdivision
27 (1)(b)(iii) of section 48-621 and from the Cash Reserve Fund at the
1 direction of the Legislature. The department shall establish a subaccount
2 for all money transferred from the Cash Reserve Fund to the Job Training
3 Cash Fund on or after July 1, 2005.
4 (2) ~~The money in department shall use~~ the Job Training Cash Fund or
5 the subaccount established in subsection (1) of this section shall be
6 used (a) to provide reimbursements for job training activities, including
7 employee assessment, preemployment training, on-the-job training,
8 training equipment costs, and other reasonable costs related to helping

9 industry and business locate or expand in Nebraska, (b) to provide
 10 upgrade skills training of the existing labor force necessary to adapt to
 11 new technology or the introduction of new product lines, ~~or~~ (c) to
 12 provide grants pursuant to section 81-1210.02, or (d) as provided in
 13 section 79-2306. The department shall give a preference to job training
 14 activities carried out in whole or in part within an enterprise zone
 15 designated pursuant to the Enterprise Zone Act.
 16 (3) The department shall establish a subaccount within the fund to
 17 provide training grants for training employees and potential employees of
 18 businesses that (a) employ twenty-five or fewer employees on the
 19 application date, (b) employ, or train for potential employment,
 20 residents of rural areas of Nebraska, or (c) are located in or employ, or
 21 train for potential employment, residents of high-poverty areas as
 22 defined in section 81-1203. The department shall calculate the amount of
 23 prior year investment income earnings accruing to the fund and allocate
 24 such amount to the subaccount for training grants under this subsection.
 25 The subaccount shall also be used as provided in the Teleworker Job
 26 Creation Act and as provided in section 81-1210.02. The department shall
 27 give a preference to training grants for businesses located in whole or
 28 in part within an enterprise zone designated pursuant to the Enterprise
 29 Zone Act.
 30 (4) Any money in the fund available for investment shall be invested
 31 by the state investment officer pursuant to the Nebraska Capital
 1 Expansion Act and the Nebraska State Funds Investment Act.
 2 Sec. 3. Original sections 79-2306 and 81-1201.21, Reissue Revised
 3 Statutes of Nebraska, are repealed.
 4 2. On page 1, line 4, strike "provide" and insert "create".

LEGISLATIVE BILL 382A. Placed on Select File.

LEGISLATIVE BILL 325. Placed on Select File with amendment.

ER125

- 1 1. On page 2, line 31, after "service" insert an underscored comma.
- 2 2. On page 5, line 19, strike the period and insert "; and".

LEGISLATIVE BILL 547. Placed on Select File with amendment.

ER126

- 1 1. In the Campbell amendment, AM1275:
- 2 a. On page 2, line 15, after "seven" insert "percent"; and
- 3 b. On page 4, line 24, strike the comma.
- 4 2. On page 1, strike beginning with "the" in line 1 through line 4
- 5 and insert "child care and early childhood education; to amend sections
- 6 43-2621 and 79-1104.02, Reissue Revised Statutes of Nebraska; to provide
- 7 for reservation and allocation of federal funds for child care
- 8 activities; to provide for and change provisions relating to grants to
- 9 early childhood education programs; and to repeal the original
- 10 sections."

LEGISLATIVE BILL 547A. Placed on Select File.

LEGISLATIVE BILL 591. Placed on Select File with amendment.
ER128 is available in the Bill Room.

LEGISLATIVE BILL 591A. Placed on Select File.
LEGISLATIVE BILL 605A. Placed on Select File.
LEGISLATIVE BILL 598A. Placed on Select File.
LEGISLATIVE BILL 173A. Placed on Select File.
LEGISLATIVE BILL 629A. Placed on Select File.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Jim Hellbusch - Nebraska Environmental Trust Board
Robert F. Krohn - Nebraska Environmental Trust Board

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Ken Schilz, Chairperson

EASE

The Legislature was at ease from 12:15 p.m. until 12:37 p.m.

SENATOR KRIST PRESIDING

GENERAL FILE

LEGISLATIVE BILL 586. Title read. Considered.

Committee AM289, found on page 521, was offered.

Senator Morfeld withdrew his amendment, AM998, found on page 945.

Senator Campbell offered the following amendment to the committee amendment:

AM1644

(Amendments to Standing Committee amendments, AM289)

1 1. Strike section 9 and insert the following new section:

2 Sec. 9. Section 48-1103, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 48-1103 (1) The Nebraska Fair Employment Practice Act shall not
5 apply to:

6 (a) A religious corporation, association, or society with respect
7 to the employment of individuals of a particular religion to perform work
8 connected with the carrying on by such corporation, association, or
9 society of its religious activities;~~or~~

10 (b) The employment of any individual (i) by his or her parent,
11 grandparent, spouse, child, or grandchild or (ii) in the domestic
12 service of any person; or

13 (c) The hiring or termination of individuals whose duties are
14 ministerial, in that they consist of teaching or spreading theological
15 doctrine or belief, religious governance, supervision of a religious
16 order, supervision of persons teaching or spreading theological doctrine
17 or belief, or supervision or participation in religious ritual or worship
18 by any religious corporation, association, or society.

19 (2) The Nebraska Fair Employment Practice Act shall not be
20 interpreted to infringe upon the freedom of expressive association or the
21 free exercise of religion protected by the First Amendment of the United
22 States Constitution. An employee may express the employee's religious or
23 moral beliefs and commitments in the workplace in a reasonable, non-
24 disruptive, and non-harassing way on equal terms with similar types of
25 expression of beliefs or commitments allowed by the employer in the
26 workplace unless the expression is in direct conflict with the essential
1 business-related interests of the employer. This subsection does not
2 apply to speech directed at customers, clients, or patients of any
3 covered entity.

SPEAKER HADLEY PRESIDING

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 298. Introduced by Watermeier, 1;
Davis, 43; Kolterman, 24.

PURPOSE: The purpose of this resolution is to examine issues to improve the emergency medical services system in Nebraska.

Residents, workers, and visitors in rural, suburban, and nonurban areas rely, almost exclusively, on volunteer providers of emergency medical services. Volunteer firefighters and volunteer emergency medical services personnel have provided emergency medical services to their local communities for over a century at only a fraction of the cost to the taxpayers which would have resulted from implementing a system of paid fire departments and paid emergency medical services. Many cities, villages, and rural areas cannot afford the cost of maintaining their current level of emergency medical services without the presence of a local pool of

committed and dedicated volunteer firefighters and volunteer emergency medical services personnel.

Nebraska communities which rely on volunteers to provide emergency medical services are faced with numerous economic and demographic trends and conditions which make the recruitment and retention of qualified volunteers increasingly difficult. As a consequence, some volunteer departments are trying to cope with declining rosters of active volunteers. However, recruiting people to volunteer their time to serve as volunteer emergency medical services personnel is very difficult because there are extensive educational requirements including at least 160 hours of classroom time plus independent study time. Upon completion of the classwork lasting at least six months, an emergency medical services candidate must pass the National Registry of Emergency Medical Technicians exam in order to obtain a credential to serve as an emergency medical services provider. Many candidates fail to pass the exam making recruitment and retention efforts that much more difficult in Nebraska.

Nebraska must ensure that volunteer providers of emergency medical services and volunteer firefighters are given the support they need in order to continue to provide emergency medical services in the communities they serve. The study shall include, but not be limited to, an examination of the following issues:

(1) The number of volunteer providers of emergency medical services in Nebraska over the past 15 years;

(2) The current delivery and possible improvement of emergency medical services instruction and training to volunteer emergency medical service candidates in Nebraska;

(3) Barriers which limit the passage of the National Registry of Emergency Medical Technicians exam by those being tested;

(4) The efforts which have been undertaken in other states to address the education, training, testing, and certification of volunteer providers of emergency medical services;

(5) The cost of emergency medical services apparatus and equipment used by providers of emergency medical services, as well as the costs of training and the sources of funds available to pay for such costs;

(6) The composition of the Board of Emergency Medical Services and the possible expansion of the board in an effort to make sure there is an adequate representation of volunteers; and

(7) Steps to improve the emergency medical services system in Nebraska in consultation with the Board of Emergency Medical Services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 299. Introduced by Kolowski, 31.

PURPOSE: The purpose of this resolution is to study the opportunity gap in 3rd grade reading scores. The study shall include, but not be limited to, an examination of the following issues:

- (1) Data compiled by the State Department of Education relating to 3rd grade reading scores across the state;
- (2) Third grade reading scores as they relate to students dealing with poverty, special needs, English language deficiencies, and other obstacles;
- (3) Research regarding 3rd grade reading scores as a factor in graduation rates and juvenile delinquency;
- (4) The best practices in Nebraska and other states and countries to increase 3rd grade reading scores;
- (5) Developing performance goals for increasing 3rd grade reading scores and lessening opportunity gaps; and
- (6) Any legislation needed to incentivize best practices to achieve reading success for all students in 3rd grade.

In order to carry out this study, the committee shall develop a team of interested persons including students, teachers, parents, administrators, school board members, the State Department of Education, child welfare advocates, and experts on effective education.

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 300. Introduced by Campbell, 25.

PURPOSE: The purpose of this resolution is to study the out-of-state placements of Nebraska children pursuant to section 43-247 of the Nebraska statutes. During FY2014, the Foster Care Review Office found there were 381 children in out-of-state placements with 25% in relative placements, 28% in group homes, and 42% in treatment placements. For the first quarter of 2015, the Office of Probation Administration reported 158 youth in out-of-state placements with 3% in relative placements, 39% in group homes, and 51% in treatment placements. This study shall include, but not be limited to, an examination of the following issues:

- (1) The types of out-of-state congregate care placements where Nebraska children are or have been placed, including group homes, treatment facilities, staff secure facilities, or other institutional care;
- (2) The rates of such placements and the lengths of stay;

- (3) Whether the level of care needed and the placements are appropriate;
- (4) The reasons why children are not placed in Nebraska;
- (5) The role of medicaid and other funding sources in paying for out-of-state placements;
- (6) Family input and preference regarding the placement of children in out-of-state or instate placements; and
- (7) The possibility of utilizing geographically closer placements or strengthening Nebraska's provider system to allow instate treatment or placement.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 301. Introduced by Nebraska Retirement Systems Committee: Nordquist, 7, Chairperson; Davis, 43; Groene, 42; Kolowski, 31; Kolterman, 24; Mello, 5.

PURPOSE: The purpose of this study is to examine the practice of "double dipping" which occurs when public employees retire with a public pension and become reemployed by the same or a different public employer and earn a second public pension benefit. The study shall include, but not be limited to, the frequency of double dipping, the cost, if any, to public retirement systems, and possible mechanisms to limit or eliminate the practice.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 302. Introduced by Schumacher, 22.

PURPOSE: The purpose of this resolution is to examine whether imposition of a sales or income tax upon the sale of agricultural land may provide funding for a targeted property tax relief fund for agricultural property owners and whether there are any more viable alternatives to meaningfully

address the agricultural property tax situation. The issues to be considered by this study shall include, but not be limited to:

(1) The dramatic increase in the price, and thus the valuation, of agricultural land in the past decade and the failure to offset the increase with a decrease in the levy which has resulted in significant increases in the property tax burden on agricultural land and corresponding increases in local spending commitments;

(2) Whether significant relief from the increased property tax burden on agricultural property can only come from a severe downturn in the price of agricultural land or from large increases in income or sales taxes which already are high;

(3) The variability of agricultural income due to weather, grain or livestock prices, and other economic factors which can from time to time cause shortfalls in available cash and acute difficulty in paying agricultural property taxes;

(4) How the dramatic increase in the price of agricultural land causes very large amounts of income to be transferred, often to out-of-state heirs at the time of the sale of agricultural land; and

(5) Why there is currently no sales tax collected at the time of the sale of agricultural land and, in cases where the owner is deceased, no income tax collected on very large amounts of income.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 14, 2015, at 12:37 p.m. were the following: LBs 656e, 657e, 658e, 659e, 660e, 661e, 662e, 663e, 663Ae, 554e, 294e, 360, 360A, and 575e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 468A. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to

aid in carrying out the provisions of Legislative Bill 468, One Hundred Fourth Legislature, First Session, 2015; and to declare an emergency.

AMENDMENT(S) - Print in Journal

Senator Schumacher filed the following amendment to LB591:
AM1624

(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, 2016, 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, 2016, 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, 2016, 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) beginning
6 January 1, 2016, any carryforward of a net operating loss to the extent
7 deducted for federal income tax purposes, of the claimant and spouse, and
8 any additional owners who are natural persons and who occupy the
9 homestead, for the taxable year of the claimant immediately prior to the
10 year for which the claim for exemption is made, less all medical expenses
11 actually incurred and paid by the claimant, his or her spouse, or any
12 owner-occupant which are in excess of four percent of household income
13 calculated prior to the deduction for medical expenses. For purposes of
14 this section, medical expenses means the costs of health insurance
15 premiums and the costs of goods and services purchased from a person
16 licensed under the Uniform Credentialing Act or a health care facility or
17 health care service licensed under the Health Care Facility Licensure Act
18 for purposes of restoring or maintaining health, including insulin and
19 prescription medicine, but not including nonprescription medicine.

20 2. Renumber the remaining sections and correct the repealer
21 accordingly.

MOTION - Override Veto on LB610

Senator Smith offered his motion, MO108, found on page 1532, that LB610 becomes law notwithstanding the objections of the Governor.

Senator Gloor moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Senator Smith moved for a call of the house. The motion prevailed with 45 ayes, 0 nays, and 4 not voting.

Senator Smith requested a roll call vote, in reverse order, on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

| | | | | |
|----------|----------|-----------|----------------|------------|
| Baker | Gloor | Hughes | Lindstrom | Scheer |
| Campbell | Haar, K. | Johnson | McCollister | Schumacher |
| Coash | Hadley | Kolowski | Mello | Seiler |
| Crawford | Hansen | Kolterman | Morfeld | Smith |
| Davis | Harr, B. | Krist | Nordquist | Stinner |
| Friesen | Howard | Kuehn | Pansing Brooks | Williams |

Voting in the negative, 16:

| | | | |
|------------|-----------|-----------|------------|
| Bloomfield | Craighead | Hilkemann | Murante |
| Bolz | Ebke | Kintner | Riepe |
| Brasch | Garrett | Larson | Sullivan |
| Chambers | Groene | McCoy | Watermeier |

Present and not voting, 3:

| | | |
|------|--------|---------|
| Cook | Schilz | Schnoor |
|------|--------|---------|

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

MOTION - Override Veto on LB610A

Senator Smith offered his motion, MO109, found on page 1532, that LB610A becomes law notwithstanding the objections of the Governor.

Senator Smith moved for a call of the house. The motion prevailed with 29

ayes, 0 nays, and 20 not voting.

Senator Smith requested a roll call vote, in reverse order, on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

| | | | | |
|----------|----------|-----------|----------------|------------|
| Baker | Gloor | Hughes | Lindstrom | Scheer |
| Campbell | Haar, K. | Johnson | McCollister | Schumacher |
| Coash | Hadley | Kolowski | Mello | Seiler |
| Crawford | Hansen | Kolterman | Morfeld | Smith |
| Davis | Harr, B. | Krist | Nordquist | Stinner |
| Friesen | Howard | Kuehn | Pansing Brooks | Williams |

Voting in the negative, 13:

| | | | | |
|------------|-----------|-----------|---------|----------|
| Bloomfield | Craighead | Hilkemann | McCoy | Sullivan |
| Brasch | Garrett | Kintner | Murante | |
| Chambers | Groene | Larson | Riepe | |

Present and not voting, 6:

| | | |
|------|--------|------------|
| Bolz | Ebke | Schnoor |
| Cook | Schilz | Watermeier |

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 303. Introduced by Krist, 10.

PURPOSE: The purpose of this resolution is to study the issues raised in LB501 (2015). LB501 was introduced to address the appropriate use of legislative audio or video materials produced by a public television or public radio broadcasting station.

The study shall include, but not be limited to, an examination of the following issues:

(1) The Legislature's partnership with Nebraska Educational Telecommunications (NET), including a review of NET's appropriate use policy to ensure that the use of legislative audio or video content does not jeopardize NET's Federal Communications Commission license;

(2) Whether statutory restrictions are needed to address the use of audio or video created and owned by public entities for campaign or commercial purposes;

(3) First Amendment issues related to restricted use; and

(4) Archiving and displaying audio and video streams, including file size and compression, formatting, and file management.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the board 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 304. Introduced by Campbell, 25; Sullivan, 41.

PURPOSE: The purpose of this resolution is to study and assess the behavioral health needs of children and youth in Nebraska and the resources available to meet those needs. The study shall include, but not be limited to, an examination of the following issues:

(1) Nebraska's system of care strategic plan;

(2) Behavioral health programs and services available to children and youth through the State Department of Education, the Department of Health and Human Services, and the behavioral health regions;

(3) Funding sources for assessment, treatment, and community support; and

(4) Model policies and programs used by school districts or other groups to ensure that children's behavioral health needs are met.

The study committee is encouraged to work with the Education Committee of the Legislature to examine the issues involved in this study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 305. Introduced by Mello, 5.

PURPOSE: To investigate and review matters and issues which are within the jurisdiction of the Appropriations Committee of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 306. Introduced by McCollister, 20; Campbell, 25; Cook, 13; Craighead, 6; Crawford, 45; Gloor, 35; Hilkemann, 4; Howard, 9; Krist, 10; Kuehn, 38; Mello, 5; Nordquist, 7; Scheer, 19; Stinner, 48; Williams, 36.

PURPOSE: The purpose of this resolution is to study the various ways in which medicaid expansion could be implemented in Nebraska under the federal Patient Protection and Affordable Care Act for medical assistance for newly eligible individuals described under section 1902(a)(10)(A)(i)(VIII) of the federal Social Security Act, as amended. This study shall include, but not be limited to, an examination of the following issues:

(1) Plans adopted by other states to expand medicaid eligibility to newly eligible individuals, including comparing plan elements and actual or projected impacts on health plan enrollment, health outcomes, and state budgets;

(2) Options for incorporating innovative practices to reform and improve the quality of health care services in Nebraska;

(3) Possible demonstration projects or waivers for which Nebraska could apply under section 1115 of the federal Social Security Act; and

(4) Existing areas of flexibility in Nebraska's medicaid and health care policies that provide opportunities for lowered costs and improved health outcomes without a demonstration project or waiver.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 307. Introduced by Larson, 40.

PURPOSE: The purpose of this resolution is to examine the issues within the jurisdiction of the General Affairs Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 308. Introduced by Harr, B., 8.

PURPOSE: The purpose of this study is to examine issues regarding the growth of Nebraska's agricultural-related economy in order to determine what actions can be taken to spur population growth and the expansion of businesses in rural communities throughout Nebraska. The study shall include, but not be limited to, an examination of the following issues:

(1) A review of past studies and reports related to the growth of Nebraska's agricultural-related economy and rural economic development programs;

(2) The delivery and effectiveness of rural economic development programs in Nebraska;

(3) Policies in Nebraska and other states that partner urban areas with more rural areas; and

(4) Policies in Nebraska and other states that promote job creation in rural communities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 309. Introduced by Harr, B., 8.

PURPOSE: The purpose of this resolution is to examine the personal income tax rates in Nebraska. The study shall include, but not be limited to, an examination of the following issues:

- (1) The history of personal income tax rates, including deductions allowed;
- (2) The fiscal impact of past changes of personal income tax rates and related deductions; and
- (3) Options for improving Nebraska's personal income tax rates and any related fiscal impacts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 310. Introduced by Harr, B., 8.

PURPOSE: The purpose of this resolution is to examine the services provided by community paramedics including the ability of community paramedics to provide additional services in order to deliver unique health care services in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 311. Introduced by Harr, B., 8.

PURPOSE: The purpose of this resolution is to examine Second Chances, the operating while intoxicated jail diversion program in Iowa, in order to determine whether the program would be workable and successful in Nebraska. The program in Iowa is a weekend diversion program that is an alternative to jail for people convicted of a first offense of operating a motor vehicle while intoxicated. Under the law in Iowa, a person convicted of first offense operating while intoxicated is sentenced to serve a minimum of two

days of drinking drivers education training. The program is administered by community colleges and private entities and the costs of the program are charged to the individual.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 312. Introduced by Harr, B., 8.

PURPOSE: The purpose of this resolution is to examine ways to improve and fund child behavioral health programming in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

COMMUNICATION

May 14, 2015

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB610 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB610, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 610, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 14th day of May 2015.

(Signed) Galen Hadley
President of the Legislature

COMMUNICATION

May 14, 2015

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB610A with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB610A, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 610A, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 14th day of May 2015.

(Signed) Galen Hadley
President of the Legislature

AMENDMENT(S) - Print in Journal

Senator Sullivan filed the following amendment to LB525:
AM1645

(Amendments to E & R amendments, ER120)

1 1. On page 34, line 16, after "qualifications" insert "for free

2 meals".

3 2. On page 64, line 18, strike "plan" and insert "program"; and in

4 line 21 after "Education" insert "adopted and promulgated pursuant to

5 section 79-777".

SENATOR KRIST PRESIDING

GENERAL FILE

LEGISLATIVE BILL 586. Senator Campbell renewed her amendment, AM1644, found in this day's Journal, to the committee amendment.

Senator Campbell moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Campbell requested a roll call vote on the amendment.

Voting in the affirmative, 20:

| | | | | |
|----------|----------|----------|-------------|----------------|
| Baker | Cook | Hadley | Lindstrom | Nordquist |
| Bolz | Crawford | Harr, B. | McCollister | Pansing Brooks |
| Campbell | Gloor | Howard | Mello | Schumacher |
| Coash | Haar, K. | Kolowski | Morfeld | Sullivan |

Voting in the negative, 12:

| | | | |
|-----------|---------|---------|------------|
| Brasch | Krist | Riepe | Seiler |
| Kintner | McCoy | Scheer | Watermeier |
| Kolterman | Murante | Schnoor | Williams |

Present and not voting, 16:

| | | | |
|------------|---------|-----------|---------|
| Bloomfield | Friesen | Hilkemann | Larson |
| Chambers | Garrett | Hughes | Schilz |
| Davis | Groene | Johnson | Smith |
| Ebke | Hansen | Kuehn | Stinner |

Absent and not voting, 1:

Craighead

The Campbell amendment lost with 20 ayes, 12 nays, 16 present and not voting, and 1 absent and not voting.

The Chair declared the call raised.

Senator Hansen offered the following motion:

MO117

Reconsider the vote taken on AM1644.

SENATOR SCHEER PRESIDING**SENATOR KRIST PRESIDING**

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 607. Placed on Select File with amendment.
ER129

1 1. On page 1, strike beginning with "health" in line 1 through line
2 2 and insert "public assistance; to amend sections 43-512, 68-1713, and
3 68-1726, Revised Statutes Cumulative Supplement, 2014; to change
4 provisions relating to aid to dependent children; to change provisions
5 related to an earned income disregard; to create the Intergenerational
6 Poverty Task Force; to provide powers and duties; to require reports; to
7 provide a termination date; to provide operative dates; to repeal the
8 original sections; and to declare an emergency."

LEGISLATIVE BILL 607A. Placed on Select File.

LEGISLATIVE BILL 196. Placed on Select File with amendment.
ER131

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 71-5650, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 71-5650 Sections 71-5650 to 71-5670 and section 10 of this act shall
6 be known and may be cited as the Rural Health Systems and Professional
7 Incentive Act.
8 Sec. 2. Section 71-5652, Reissue Revised Statutes of Nebraska, is
9 amended to read:
10 71-5652 The purposes of the Rural Health Systems and Professional
11 Incentive Act are to (1) create the Nebraska Rural Health Advisory
12 Commission and establish its powers and duties, (2) establish a student
13 loan program that will provide financial incentives to medical, dental,
14 master's level and doctorate-level mental health, and physician assistant
15 students who agree to practice their profession in a designated health
16 profession shortage area within Nebraska, ~~and~~ (3) establish a loan
17 repayment program that will provide financial incentives to medical
18 residents who agree to practice their profession in a designated health
19 profession shortage area within Nebraska, and (4) establish a loan
20 repayment program that will require community matching funds and will
21 provide financial incentives to eligible health professionals who agree
22 to practice their profession in a designated health profession shortage
23 area within Nebraska.
24 Sec. 3. Section 71-5653, Reissue Revised Statutes of Nebraska, is

25 amended to read:

26 71-5653 For purposes of the Rural Health Systems and Professional
27 Incentive Act:

1 (1) Approved medical specialty means family practice, general
2 practice, general internal medicine, general pediatrics, general surgery,
3 obstetrics/gynecology, and psychiatry;

4 (2) Approved dental specialty means general practice, pediatric
5 dentistry, and oral surgery;

6 (3) Approved mental health practice program means an approved
7 educational program consisting of a master's or doctorate degree with the
8 focus being primarily therapeutic mental health and meeting the
9 educational requirements for licensure in mental health practice or
10 psychology by the department;

11 (4) Commission means the Nebraska Rural Health Advisory Commission;

12 (5) Department means the Division of Public Health of the Department
13 of Health and Human Services;

14 (6) Doctorate-level mental health student means a graduate student
15 enrolled in or accepted for enrollment in an approved mental health
16 practice program leading to a doctorate degree and meeting the
17 educational requirements for licensure in psychology by the department;

18 (7) Full-time practice means a minimum of forty hours per week;

19 (8) Health care means both somatic and mental health care services;

20 (9) Master's level mental health student means a graduate student
21 enrolled in or accepted for enrollment in an approved mental health
22 practice program leading to a master's degree and meeting the educational
23 requirements for licensure in mental health practice by the department;

24 (10) Office means the Office of Rural Health;

25 (11) Part-time practice means less than full-time practice but at
26 least twenty hours per week;

27 (12 44) Qualified educational debts means government and commercial
28 student-loan loans obtained by students for postsecondary education
29 tuition, other educational expenses, and reasonable living expenses, as
30 determined by the department, but does not include loans received under
31 the act or the Nebraska Medical Student Assistance Act; and

1 (13 42) Rural means located within any county in Nebraska having a
2 population of less than fifteen thousand inhabitants and not included
3 within a metropolitan statistical area as defined by the United States
4 Department of Commerce, Bureau of the Census.

5 Sec. 4. Section 71-5661, Revised Statutes Cumulative Supplement,
6 2014, is amended to read:

7 71-5661 (1) The financial incentives provided by the Rural Health
8 Systems and Professional Incentive Act shall consist of (a) student loans
9 to eligible students for attendance at an eligible school as determined
10 pursuant to section 71-5662, ~~and~~ (b) the repayment of qualified
11 educational debts owed by physicians in an approved medical specialty
12 residency program in Nebraska as determined pursuant to section 71-5662,
13 and (c) the repayment of qualified educational debts owed by eligible
14 health professionals as determined pursuant to ~~such~~ section 71-5662.
15 Funds for such incentives shall be appropriated from the General Fund to

16 the department for such purposes.

17 (2) The Rural Health Professional Incentive Fund is created. The
 18 fund shall be used to carry out the purposes of the act, except that
 19 transfers may be made from the fund to the General Fund at the direction
 20 of the Legislature. Money credited pursuant to section 71-5670.01 and
 21 payments received pursuant to sections 71-5666 and 71-5668 and section 10
 22 of this act shall be remitted to the State Treasurer for credit to the
 23 Rural Health Professional Incentive Fund. Any money in the fund available
 24 for investment shall be invested by the state investment officer pursuant
 25 to the Nebraska Capital Expansion Act and the Nebraska State Funds
 26 Investment Act.

27 Sec. 5. Section 71-5662, Reissue Revised Statutes of Nebraska, is
 28 amended to read:

29 71-5662 (1) To be eligible for a student loan under the Rural Health
 30 Systems and Professional Incentive Act, an applicant or a recipient shall
 31 be enrolled or accepted for enrollment in an accredited medical or dental
 1 education program or physician assistant education program or an approved
 2 mental health practice program in Nebraska.

3 (2) To be eligible for the medical resident incentive under the act,
 4 an applicant or a recipient shall be enrolled or accepted for enrollment
 5 in an approved medical specialty residency program in Nebraska.

6 (3) ~~2~~ To be eligible for loan repayment under the act, an applicant
 7 or a recipient shall be a pharmacist, a dentist, a physical therapist, an
 8 occupational therapist, a mental health practitioner, a psychologist
 9 licensed ~~before December 1, 2008, under the requirements of the Uniform~~
 10 ~~Licensing Law or on or after December 1, 2008, under the requirements of~~
 11 section 38-3114 or the equivalent thereof, a nurse practitioner, a
 12 physician assistant, or a physician in an approved specialty and shall be
 13 licensed to practice in Nebraska, not be enrolled in a residency program,
 14 not be practicing under a provisional or temporary license, and enter
 15 practice in a designated health profession shortage area in Nebraska.

16 Sec. 6. Section 71-5663, Reissue Revised Statutes of Nebraska, is
 17 amended to read:

18 71-5663 (1) The amount of financial assistance provided through
 19 student loans pursuant to the Rural Health Systems and Professional
 20 Incentive Act shall be limited to ~~thirty twenty~~ thousand dollars for each
 21 recipient for each academic year and shall not exceed ~~one hundred twenty~~
 22 ~~eighty~~ thousand dollars per medical, dental, or doctorate-level mental
 23 health student or ~~thirty twenty~~ thousand dollars per master's level
 24 mental health or physician assistant student.

25 (2) The amount of financial assistance provided through the medical
 26 resident incentive program pursuant to the act shall be limited to forty
 27 thousand dollars for each recipient for each year of residency and shall
 28 not exceed one hundred twenty thousand dollars.

29 (3) ~~2~~ The amount of financial assistance provided by the state
 30 through loan repayments pursuant to the act (a) for physicians, dentists,
 31 and psychologists shall be limited to ~~thirty twenty~~ thousand dollars per
 1 recipient per year of full-time practice in a designated health
 2 profession shortage area and shall not exceed ~~ninety sixty~~ thousand

3 dollars per recipient and (b) for physician assistants, nurse
4 practitioners, pharmacists, physical therapists, occupational therapists,
5 and mental health practitioners shall be limited to ~~fifteen~~ ~~ten~~ thousand
6 dollars per recipient per year of full-time practice in a designated
7 health profession shortage area and shall not exceed ~~forty-five~~ ~~thirty~~
8 thousand dollars per recipient.

9 Sec. 7. Section 71-5666, Revised Statutes Cumulative Supplement,
10 2014, is amended to read:

11 71-5666 Each student loan recipient shall execute an agreement with
12 the state. Such agreement shall be exempt from the requirements of
13 sections 73-501 to 73-510 and shall include the following terms, as
14 appropriate:

15 (1) The borrower agrees to practice the equivalent of one year of
16 full-time practice of an approved specialty in a designated health
17 profession shortage area in Nebraska for each year of education for which
18 a loan is received and agrees to accept medicaid patients in his or her
19 practice;

20 (2) If the borrower practices an approved specialty in a designated
21 health profession shortage area in Nebraska, the loan shall be forgiven
22 as provided in this section. Practice in a designated area shall commence
23 within three months of the completion of formal education, which may
24 include a period not to exceed five years to complete specialty training
25 in an approved specialty. The commission may approve exceptions to any
26 period required for completion of training ~~the three-month restriction~~
27 upon showing good cause. Loan forgiveness shall occur on a quarterly
28 basis, with completion of the equivalent of three months of full-time
29 practice resulting in the cancellation of one-fourth of the annual loan
30 amount. Part-time practice in a shortage area shall result in a prorated
31 reduction in the cancellation of the loan amount;

1 (3) If the borrower practices an approved specialty in Nebraska but
2 not in a designated health profession shortage area, practices a
3 specialty other than an approved specialty in Nebraska, does not practice
4 the profession for which the loan was given, discontinues practice of the
5 profession for which the loan was given, or practices outside Nebraska,
6 the borrower shall repay one hundred fifty percent of the outstanding
7 loan principal with interest at a rate of eight percent simple interest
8 per year from the date of default. Such repayment shall commence within
9 six months of the completion of formal education, which may include a
10 period not to exceed five years to complete specialty training in an
11 approved specialty, and shall be completed within a period not to exceed
12 twice the number of years for which loans were awarded;

13 (4) If a borrower who is a medical, dental, or doctorate-level
14 mental health student determines during the first or second year of
15 medical, dental, or doctorate-level mental health education that his or
16 her commitment to the loan program cannot be honored, the borrower may
17 repay the outstanding loan principal, plus six percent simple interest
18 per year from the date the loan was granted, prior to graduation from
19 medical or dental school or a mental health practice program without
20 further penalty or obligation. Master's level mental health and physician

21 assistant student loan recipients shall not be eligible for this
 22 provision;
 23 (5) If the borrower discontinues the course of study for which the
 24 loan was granted, the borrower shall repay one hundred percent of the
 25 outstanding loan principal. Such repayment shall commence within six
 26 months of the date of discontinuation of the course of study and shall be
 27 completed within a period of time not to exceed the number of years for
 28 which loans were awarded; and

29 (6) Any practice or payment obligation incurred by the student loan
 30 recipient under the student loan program is canceled in the event of the
 31 student loan recipient's total and permanent disability or death ~~In the~~
 1 ~~event of a borrower's total and permanent disability or death, the unpaid~~
 2 ~~debt accrued under the Rural Health Systems and Professional Incentive~~
 3 ~~Act shall be canceled.~~

4 Sec. 8. Section 71-5667, Revised Statutes Cumulative Supplement,
 5 2014, is amended to read:

6 71-5667 Agreements ~~Loan agreements~~ executed prior to July 1, 2007,
 7 under ~~the Nebraska Medical Student Assistance Act or the Rural Health~~
 8 ~~Systems and Professional Incentive Act~~ may be renegotiated and new
 9 agreements executed to reflect the terms required by section 71-5666. No
 10 funds repaid by borrowers under the terms of agreements executed prior to
 11 July 1, 2007, shall be refunded. Any repayments being made under the
 12 terms of prior agreements may be discontinued upon execution of a new
 13 agreement if conditions permit. Any agreement renegotiated pursuant to
 14 this section shall be exempt from the requirements of sections 73-501 to
 15 73-510.

16 Sec. 9. Section 71-5668, Revised Statutes Cumulative Supplement,
 17 2014, is amended to read:

18 71-5668 Each loan repayment recipient shall execute an agreement
 19 with the department and a local entity. Such agreement shall be exempt
 20 from the requirements of sections 73-501 to 73-510 and shall include, at
 21 a minimum, the following terms:

22 (1) The loan repayment recipient agrees to practice his or her
 23 profession, and a physician, dentist, nurse practitioner, or physician
 24 assistant also agrees to practice an approved specialty, in a designated
 25 health profession shortage area for at least three years and to accept
 26 medicaid patients in his or her practice;

27 (2) In consideration of the agreement by the recipient, the State of
 28 Nebraska and a local entity within the designated health profession
 29 shortage area will provide equal funding for the repayment of the
 30 recipient's qualified educational debts, in amounts up to thirty ~~twenty~~
 31 ~~thousand~~ dollars per year per recipient for physicians, dentists, and
 1 psychologists and up to fifteen ~~ten~~ thousand dollars per year per
 2 recipient for physician assistants, nurse practitioners, pharmacists,
 3 physical therapists, occupational therapists, and mental health
 4 practitioners toward qualified educational debts for up to three years.
 5 The department shall make payments directly to the recipient; ~~and~~

6 (3) If the loan repayment recipient discontinues practice in the
 7 shortage area prior to completion of the three-year requirement, the

8 recipient shall repay to the state one hundred ~~fifty~~ twenty-five percent
9 of the total amount of funds provided to the recipient for loan repayment
10 with interest at a rate of eight percent simple interest per year from
11 the date of default. Upon repayment by the recipient to the department,
12 the department shall reimburse the local entity its share of the funds
13 which shall not be more than the local entity's share paid to the loan
14 repayment recipient; and -
15 (4) Any practice or payment obligation incurred by the loan
16 repayment recipient under the loan repayment program is canceled in the
17 event of the loan repayment recipient's total and permanent disability or
18 death.
19 Sec. 10. Each medical resident incentive recipient shall execute an
20 agreement with the department. Such agreement shall be exempt from the
21 requirements of sections 73-501 to 73-510 and shall include, at a
22 minimum, the following terms:
23 (1) The medical resident incentive recipient agrees to practice an
24 approved medical specialty the equivalent of one year of full-time
25 practice in a designated health profession shortage area and to accept
26 medicaid patients in his or her practice;
27 (2) In consideration of the agreement by the medical resident
28 incentive recipient, the State of Nebraska will provide funding for the
29 repayment of the recipient's qualified educational debts, in amounts up
30 to forty thousand dollars per year for up to three years while in an
31 approved medical specialty residency program in Nebraska. The department
1 shall make payments directly to the medical resident incentive recipient;
2 (3) If the medical resident incentive recipient extends his or her
3 residency training but not in an approved specialty, practices an
4 approved specialty in Nebraska but not in a designated health profession
5 shortage area, practices a specialty other than an approved specialty in
6 Nebraska, does not practice the profession for which the loan was given,
7 discontinues practice of the profession for which the loan was given, or
8 practices outside Nebraska, the medical resident incentive recipient
9 shall repay to the state one hundred fifty percent of the outstanding
10 loan principal with interest at a rate of eight percent simple interest
11 per year from the date of default. Such repayment shall commence within
12 six months of the completion or discontinuation of an approved specialty
13 residency training in Nebraska and shall be completed within a period not
14 to exceed twice the number of years for which the medical resident
15 incentive recipient received awards; and
16 (4) Any practice or payment obligation incurred by the medical
17 resident incentive recipient under the medical resident incentive program
18 is canceled in the event of the medical resident incentive recipient's
19 total and permanent disability or death.
20 Sec. 11. Original sections 71-5650, 71-5652, 71-5653, 71-5662, and
21 71-5663, Reissue Revised Statutes of Nebraska, and sections 71-5661,
22 71-5666, 71-5667, and 71-5668, Revised Statutes Cumulative Supplement,
23 2014, are repealed.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Judiciary

LEGISLATIVE BILL 326. Placed on General File with amendment. AM1453 is available in the Bill Room.

(Signed) Les Seiler, Chairperson

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB390:
AM1646

(Amendments to Standing Committee amendments, AM1011)

- 1 1. Strike section 10 and insert the following new section:
- 2 Sec. 10. Section 71-7611, Revised Statutes Cumulative Supplement,
- 3 2014, is amended to read:
- 4 71-7611 (1) The Nebraska Health Care Cash Fund is created. The State
- 5 Treasurer shall transfer (a) fifty-six million one hundred thousand
- 6 dollars no later than July 15, 2009, (b) fifty-nine million one hundred
- 7 thousand dollars on or before July 15, 2010, July 15, 2011, July 15,
- 8 2012, and July 15, 2013, ~~and~~ (c) sixty million one hundred thousand
- 9 dollars on or before July 15, 2014, (d) sixty million three hundred fifty
- 10 thousand dollars on or before July 15, 2015. (e) sixty million three
- 11 hundred fifty thousand dollars on or before July 15, 2016. (f) sixty
- 12 million three hundred fifty thousand dollars on or before July 15, 2017.
- 13 (g) sixty million three hundred fifty thousand dollars on or before July
- 14 15, 2018, and (h) sixty million one hundred thousand dollars ~~and~~ on or
- 15 before every July 15 thereafter from the Nebraska Medicaid
- 16 Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust
- 17 Fund to the Nebraska Health Care Cash Fund, except that such amount shall
- 18 be reduced by the amount of the unobligated balance in the Nebraska
- 19 Health Care Cash Fund at the time the transfer is made. The state
- 20 investment officer upon consultation with the Nebraska Investment Council
- 21 shall advise the State Treasurer on the amounts to be transferred from
- 22 the Nebraska Medicaid Intergovernmental Trust Fund and from the Nebraska
- 23 Tobacco Settlement Trust Fund under this section in order to sustain such
- 24 transfers in perpetuity. The state investment officer shall report
- 25 electronically to the Legislature on or before October 1 of every even-
- 26 numbered year on the sustainability of such transfers. Except as
- 1 otherwise provided by law, no more than the amount specified in this
- 2 subsection may be appropriated or transferred from the Nebraska Health
- 3 Care Cash Fund in any fiscal year.
- 4 It is the intent of the Legislature that no additional programs are
- 5 funded through the Nebraska Health Care Cash Fund until funding for all
- 6 programs with an appropriation from the fund during FY2012-13 are
- 7 restored to their FY2012-13 levels.
- 8 (2) Any money in the Nebraska Health Care Cash Fund available for
- 9 investment shall be invested by the state investment officer pursuant to

- 10 the Nebraska Capital Expansion Act and the Nebraska State Funds
 11 Investment Act.
 12 (3) The University of Nebraska and postsecondary educational
 13 institutions having colleges of medicine in Nebraska and their affiliated
 14 research hospitals in Nebraska, as a condition of receiving any funds
 15 appropriated or transferred from the Nebraska Health Care Cash Fund,
 16 shall not discriminate against any person on the basis of sexual
 17 orientation.
 18 2. On page 1, line 6; page 3, line 15; page 9, lines 1, 3, and 18;
 19 and page 11, line 28, strike "10" and insert "9".
 20 3. On page 1, strike lines 21 through 25; and in line 26 strike the
 21 new matter and reinstate the stricken matter.
 22 4. On pages 2, 4, 5, 6, 7, and 8, strike the new matter and
 23 reinstate the stricken matter.
 24 5. On page 3, lines 3, 6, and 22, strike the new matter and
 25 reinstate the stricken matter.
 26 6. On page 9, lines 3 and 4, strike "intractable" and insert "
 27 (a) Cannabidiol means processed cannabis plant extract, oil, or
 28 resin that contains more than ten percent cannabidiol by weight, but not
 29 more than three-tenths of one percent tetrahydrocannabinols by weight,
 30 and delivered in the form of a liquid or solid dosage form; and
 31 (b) Intractable"; and in line 24 after "research" insert "for
 1 purposes of the Medical Cannabidiol Pilot Study".
 2 7. On page 10, line 11, strike "rules and regulations" and insert
 3 "policies and procedures".
 4 8. On page 12, lines 12 and 17, strike "11" and insert "9"; in lines
 5 24 and 25 after the first "the" insert "chairperson of the"; in line 24
 6 strike "and" and insert an underscored comma; and in line 25 after the
 7 second "the" insert "Legislature, and the Clerk of the".
 8 9. On page 13, line 10, strike "10" and insert "9".
 9 10. Renumber the remaining sections and correct the repealer
 10 accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 313. Introduced by Scheer, 19.

PURPOSE: The purpose of this resolution is to examine the process utilized by the Department of Roads in the design and construction of the Nebraska expressway system, specifically the design and standards utilized in the replacement of bridges along the route of highways designated, but not yet constructed, as a four lane expressway. The study shall examine and determine the cost-effectiveness of the department replacing existing two lane bridges with bridges sufficient to meet existing expressway standards when it is necessary to replace a bridge on a designated expressway route.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 314. Introduced by Kolowski, 31.

PURPOSE: The use of restraint and seclusion techniques in American schools is substantial nationwide. Allegations of severe injury and the death of students resulting from the use of restraints and seclusion in schools have been well-documented. Students are often restrained as a disciplinary measure even when the student's behavior appeared not to be aggressive. Students continue to be restrained or secluded without prior parental consent and cases have been identified where schools and staff ignored explicit parental instructions not to use restraint or seclusion.

The use of restraint and seclusion presents significant risks to the health and safety of students. Children are subjected to restraint or seclusion at higher rates than adults and are also at greater risk of injury from the use of restraint or seclusion. Many students subjected to restraint or seclusion have been physically injured, traumatized, or died as a result. Children with disabilities are at particular risk of being restrained or secluded. Students with disabilities are also disproportionately subject to the use of restraint or seclusion.

There are no federal laws which govern the use of restraint and seclusion for schools in the United States. Consequently, states are left to regulate the use of restraint and seclusion. The resulting patchwork of state legislation and regulation of the use of restraint and seclusion in schools is an uneven and confusing array of protections that still give wide latitude to school staff in responding to student behavior with aversive techniques like restraints and seclusion. Nebraska lacks specific state laws or regulations governing the use of restraints and seclusion in Nebraska schools. Consequently, there is little uniformity in the regulation of restraint and seclusion in Nebraska.

This study shall include, but not be limited to, an examination of the following issues:

- (1) Existing regulatory and statutory mechanisms that allow or circumscribe the use of restraint or seclusion in Nebraska schools;
- (2) Data collection techniques used by schools to report incidences of the use of restraint or seclusion, to whom incidences are reported, and how those reports are catalogued;
- (3) The incidence of the use of restraint or seclusion in Nebraska schools and the extent and duration of the restraint or seclusion used on students, especially those with disabilities; and
- (4) Nebraska school policies and procedures on the use of restraint or seclusion, including, but not limited to, when these practices are prescribed and for what purpose, the school staff authorized to use them, the training

school staff receive regarding the use of these techniques, and the extent to which parents or legal guardians are notified when such techniques are used.

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 315. Introduced by Schilz, 47; Coash, 27.

PURPOSE: The purpose of this resolution is to study the contractual relationship between craft breweries and distributors. This study shall include, but not be limited to, an examination of the following issues:

(1) The three-tier system and the contractual relationship between beer manufacturers and distributors under Chapter 53, article 2, of the Nebraska statutes;

(2) The intent and underlying policy behind the franchise laws under Chapter 53, article 2, of the Nebraska statutes; and

(3) Whether there should be changes to allow craft beer manufacturers more flexibility when entering and exiting distribution contracts under section 53-218 of the Nebraska statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 316. Introduced by Lindstrom, 18; Gloor, 35.

PURPOSE: In 1998, Nebraska joined the Master Settlement Agreement (MSA) and enacted related statutes contained in Chapter 69, article 27, of the Nebraska statutes. Under the MSA, participating tobacco product manufacturers agreed to restrictions on certain marketing practices and agreed to make payments into a fund which is distributed to the states to enforce the MSA and investigate and litigate potential violations of state tobacco laws.

Currently the MSA payment is \$6.36 per carton. The most recent figures show the MSA allocation received by Nebraska in FY2013-14 was \$37.5 million. Currently the Nebraska tobacco excise tax is \$6.40 per carton. That excise tax generated \$55.5 million in FY2013-14. Since the excise tax and MSA payment are roughly equivalent, it would seem that the excise tax generated and the MSA allocation received should be roughly equivalent. However, Nebraska's MSA allocation is approximately only two-thirds of the amount generated by the excise tax. It appears that Nebraska residents are paying significantly more into the MSA than Nebraska is receiving back. Since most of the other restrictions agreed to by tobacco product manufacturers in the MSA have been incorporated into federal or state law, this study shall examine Nebraska withdrawing from the MSA and increasing its excise tax to approximate the MSA payment. In this way, an additional \$15-\$20 million per year could be generated for Nebraska without increasing the amount paid by Nebraska residents.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 317. Introduced by Smith, 14.

PURPOSE: The purpose of this resolution is to review the Nebraska Rules of the Road and examine those provisions which establish maximum weight limits for vehicles operated upon public roads.

The study shall specifically examine existing axle and overall vehicle weight limits for registered motor vehicles, equipment, machinery, and implements of husbandry utilized in farm and ranch operations.

The study shall also review the appropriateness of existing penalties for operating overweight vehicles on a public road and the penalties for the damage to, or the destruction of, a bridge by vehicles that exceed authorized weight limitations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 318. Introduced by Smith, 14.

PURPOSE: The purpose of this resolution is to conduct a comprehensive study of Nebraska's state and local roads system, including current and potential funding sources dedicated to highways, roads, and bridges. The study shall include, but not be limited to, the following subjects:

(1) A review of the needs of the state highway system, including preservation of the current system, rural and urban needs, bridge conditions, and proposals to accelerate the completion of the state expressway system;

(2) A review of the needs of county and municipal roads, including bridge needs and the allocation of state funding to counties and municipalities;

(3) A review of current statutory restrictions on the use of roads funding allocated to counties and municipalities and the need to provide for further restrictions on the allowed expenditures of such funding;

(4) An examination of the sustainability of current funding sources dedicated to state and local highways;

(5) An examination of alternative or expanded highway funding sources and practices including, but not limited to, vehicle fees, vehicle miles traveled fees, non-motor vehicle related revenue sources, highway bonding, vehicle tolling, and the utilization of design-build projects and public-private partnership programs. The examination of the feasibility of authorizing the use of public-private partnership programs shall include the feasibility of using this method for three pending projects: (a) The south Lincoln beltway; (b) the east Lincoln beltway; and (c) the completion of the four lane expansion of Highway 275; and

(6) The existing management structure and overall efficiency of the Department of Roads and any statutory changes required to increase productivity and the financial efficiency of the department in project development, design, and delivery.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 319. Introduced by Smith, 14.

PURPOSE: The purpose of this resolution is to study the following issues under the jurisdiction of the Public Service Commission:

(1) The administration of Enhanced Wireless 911 service and proposals to implement next-generation 911 services;

(2) Policy options and the role of legislation in promoting the availability and adoption of affordable broadband internet services in all regions of the state;

(3) The regulation and oversight of transportation service provided by transportation network companies; and

(4) The manner of the imposition and collection of the Nebraska Telecommunications Universal Service Fund surcharge upon prepaid wireless telecommunications services.

The committee shall seek the input of the public, the Public Service Commission, and service providers in conducting this study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 320. Introduced by Murante, 49.

PURPOSE: The purpose of this resolution is to study the membership, role, and duties of the Nebraska Police Standards Advisory Council. It is important that the council represent all aspects and membership of law enforcement officers statewide. Law enforcement officers have different duties and experiences based upon rank, role, and location across Nebraska. The study shall also review the membership, role, and duties of law enforcement oversight councils in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 321. Introduced by Morfeld, 46; Stinner, 48.

PURPOSE: The purpose of this resolution is to examine the potential growth for tourism in Nebraska and to develop funding recommendations for designated Nebraska tourism sites. The study shall include, but not be limited to, an examination of the following issues:

(1) The criteria by which to designate specific tourism sites or specifically identify three to six existing tourism sites, or potential tourism sites, that have the ability to attract national and international visitors;

(2) The amount of funding necessary to properly develop tourism sites as a source of economic development;

(3) The guidelines that should be used for developing these tourism sites;

(4) Efforts and strategies in similarly situated states in funding specific tourism sites that lead to economic development; and

(5) The role of political subdivisions in the promotion and development of tourism sites.

The study committee shall develop a scoring model, matrix, or other criteria relative to comparing the economic impact of each proposed project. A proposed project should obtain a minimum economic impact score or ranking to be considered. Projects that are ranked the highest in economic development and impact should receive deference over other lower ranked projects. The study committee may collaborate with the Nebraska Tourism Commission to carry out this study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 322. Introduced by Kolowski, 31.

PURPOSE: The purpose of this resolution is to study the potential for the expansion of fruit and produce gleaning in Nebraska. Gleaning is the act of collecting post-harvest crops from farmers' fields and orchards after the crops have been commercially harvested and it is not economically feasible to harvest further. Gleaning can also occur at farmer's markets when unsold fruit and produce remains. The study shall include, but not be limited to, an examination of the following:

(1) Data compiled by the Department of Agriculture relating to the number of fruit and produce producers in Nebraska;

(2) The estimated amount of edible crop left in the field or that does not make it to market;

(3) Research regarding gleaning as an effective tool in providing fresh fruit and produce to food deserts and reducing food waste;

(4) Research regarding the environmental impact of food waste that is placed into landfills;

(5) The best practices in Nebraska, other states, and countries to increase opportunities for gleaning;

(6) Developing performance goals for increasing gleaning opportunities in Nebraska; and

(7) Any legislation needed to incentivize the use of best practices by producers to support gleaning opportunities and help reduce hunger in both rural and urban communities.

The study committee shall work with interested persons including farmers and other producers, food pantries, gleaning organizations, the Department of Agriculture, and other experts on fruit and produce production and harvesting data, effective gleaning practices, and current food waste reduction best practices.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 323. Introduced by Groene, 42; Ebke, 32.

PURPOSE: Agriculture is one of the most important drivers of the state's economy and irrigation is essential to the ability of most producers to raise crops in Nebraska. Nebraska irrigates 8.3 million acres which is more irrigated farmland than in any other state according to the United States Department of Agriculture. Because ground water is essential to irrigation agriculture, it is important to understand ground water depletion and the complex effects that ground water pumping has on stream base flow as well as the timing of ground water pumping and the response of hydrologically connected streams.

Augmentation projects have been utilized in the Republican and Platte Rivers to offset excessive depletions to the stream flow from hydrologically connected ground water withdrawals. Nebraska has two options to meet its obligation under the Republican River Compact. Nebraska can either reduce beneficial consumptive use, or increase the water supply in the basin. Nebraska has elected to import more water from the Platte River to meet river flow obligations. Specifically, the Nebraska Cooperative Republican Platte Enhancement project (N-CORPE) is a joint effort of four natural resources districts designed in part to assist in complying with the Republican River Compact. The project consists of 19,500 acres in Lincoln County. Over 15,000 irrigated acres have been retired and approximately 65,000 acre feet of water made available annually to be piped into the Republican and Platte Rivers. Water can be banked when not immediately needed so that it will be available in future years. The cost of the N-CORPE project has been paid for by producers in the area and the project has produced some controversy.

The purpose of this resolution is to examine the issues surrounding the N-CORPE augmentation project and to give local producers an opportunity to hear and to be heard on the subject of augmentation. The study shall include, but not be limited to, an examination of the following issues:

(1) The long-term consequences of annual ground water pumping from N-CORPE for purposes of compliance with the Republican River Compact and the Twin Platte Natural Resources District Integrated Management Plan and how the effects of the pumping are determined;

(2) The potential for banking water from the N-CORPE project when banking is determined to be appropriate and how the decision to bank water is determined;

(3) Which entity is responsible for enforcement, reporting, and oversight of augmentation projects;

(4) How information about the project and the consequences to streamflow, compliance with the compact, and the tax base are disseminated to producers, taxpayers, and the general public;

(5) What impact augmentation will have on long-term sustainability including the ability of future generations of producers to remain in agriculture and be able to irrigate;

(6) Whether augmentation is causing unintended harm to other landowners, producers, agencies, counties, or other political subdivisions; and

(7) What are the long-term consequences of augmentation projects on property taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 324. Introduced by Kolterman, 24.

PURPOSE: The purpose of this resolution is to analyze the ability of, and methods for, employers or associations to enter into contracts, agreements, or other arrangements with an agent or a broker for compensation to be paid to the agent or broker for the sale of a health benefit plan.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 325. Introduced by Davis, 43.

PURPOSE: The purpose of this resolution is to examine the current method of using adjusted property valuation as the primary measurement of local resources in Nebraska's public education funding formula. The study shall examine the impact of this method on the state's reliance on property taxes.

This study may include, but shall not be limited to, an examination of the following issues:

(1) The degree to which the current measurement of resources, primarily the value of real property, accurately reflects a community's and an individual's ability to contribute to local public school funding;

(2) The concentration of real property and income in different parts of the state and in urban and rural public school districts;

(3) Methods used to measure local resources in other states, such as the utilization of local sales and income tax as a component to determine school aid;

(4) The impact of creating a local income surtax and including it in the local resources calculation and the extent to which this may improve the ability to contribute to local public school funding; and

(5) The impact of reducing state aid valuation for agricultural land to a smaller percentage of its actual value without affecting the taxable valuation of such land.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 326. Introduced by Davis, 43; Friesen, 34; Hughes, 44; Larson, 40; Schilz, 47; Schnoor, 15.

PURPOSE: The purpose of this resolution is to examine the procedure for and use of like-kind exchanges under section 1031 of the United States Internal Revenue Code and their potential impact on the taxable value of agricultural and horticultural land. This study shall include, but not be limited to:

(1) The prevalence of the use of section 1031 exchanges for the acquisition or disposition of agricultural and horticultural land and the

number of section 1031 exchanges used to determine the taxable value of agricultural and horticultural land;

(2) The impact on the taxable value of agricultural and horticultural land with the use of section 1031 exchanges in the sales file;

(3) The adequacy of the information required on real estate transfer statements, otherwise known as form 521, with regard to section 1031 exchanges and the adequacy of the information obtained by assessors with regard to section 1031 exchanges in addition to that information obtained from the form 521; and

(4) Recommendations on policy alternatives to mitigate the impacts of section 1031 exchanges on taxable value, if warranted.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 327. Introduced by Davis, 43; Larson, 40; Schilz, 47.

PURPOSE: The purpose of this resolution is to examine the procedures and categories used by county assessors to classify types of land for valuation and taxation purposes. This study shall include, but not be limited to, an examination of the following:

(1) Whether the uses and land classifications are being properly identified and applied by county assessors and whether the property assessment division of the Department of Revenue is providing appropriate oversight of county assessors' practices;

(2) Whether the uses and land classifications are sufficiently taking into account the difference in soil types, climate, and other local factors that could affect the actual value of the land;

(3) Situations in which land within a county is valued based on comparable land in a different county and whether this is a justifiable procedure by county assessors;

(4) Whether the category for recreational land is being properly utilized by county assessors in assessing land value;

(5) Whether the assessment practices and categories of classification for acreages in urban areas are appropriately identifying the type and value of that land;

(6) Recommendations of statutory changes to promote consistent and accurate classification of agricultural and other types of land; and

(7) Whether an additional category called irrigated grassland is merited as opposed to classifying it as irrigated cropland.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 328. Introduced by Davis, 43; Friesen, 34; Groene, 42; Hughes, 44; Kuehn, 38; Larson, 40; Schilz, 47; Schnoor, 15.

PURPOSE: The purpose of this resolution is to examine options for implementing a "circuit breaker" tax credit to protect agricultural property owners in Nebraska from a property tax "overload" by providing a tax credit when property taxes are excessive relative to the taxpayer's income. This study shall examine the circuit breaker mechanism that was included as a property tax relief option in LR566 (2014) and as a property tax recommendation in the report of the Tax Modernization Committee created by LR155 (2013).

This study shall include, but not be limited to, an examination of the following issues:

- (1) Property taxes paid by Nebraska agricultural property owners relative to their incomes;
- (2) Mechanisms for reducing property taxes for agricultural property owners paying high property taxes relative to their incomes, particularly the agricultural property tax circuit breaker concept and its variations, including multiple threshold and sliding scale circuit breakers;
- (3) Agricultural property tax circuit breakers and similar programs in other states including Michigan's Farmland and Open Space Preservation Program and Wisconsin's farmland preservation and tax relief credit programs;
- (4) Recommendations for definitions and limitations in using an agricultural property tax circuit breaker to avoid abuse of the program and ensure credits are delivered to those with the highest need, including the types of land use that would qualify as agricultural uses, the duration of agricultural use required to qualify for the credit, which families and businesses would be eligible, which property taxes would be included, and the measure of income to be used; and
- (5) The fiscal impact of potential options for an agricultural property tax circuit breaker in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 329. Introduced by Gloor, 35.

PURPOSE: The purpose of this resolution is to examine the structure of, compliance with, and administration of the state and local sales and use taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 330. Introduced by Gloor, 35.

PURPOSE: The purpose of this resolution is to examine the structure of, compliance with, and administration of real and personal property taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 331. Introduced by Gloor, 35.

PURPOSE: The purpose of this resolution is to examine the structure of, compliance with, and administration of Nebraska individual and corporate income taxes, including financial institution and insurance premium taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 332. Introduced by Gloor, 35.

PURPOSE: 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. The purpose of this resolution is to continue the work of the Tax Modernization Committee by further examining the tax revenues for public schools and to develop recommendations for any changes to the current structure of such tax revenues. The study committee is encouraged to work with the Education 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 between and among taxpayers of Nebraska;
- (2) Efficiency and effectiveness in the availability of tax resources necessary to educate the public school students of Nebraska;
- (3) Stability in the resources available to school districts and the tax expectations for citizens of the state in light of the unique constitutional limitations imposed by the uniformity clause of our state constitution; and
- (4) Competitiveness for the state in terms of the state's ability to attract and keep well-paying jobs and investments based on the state's economic climate.

The study committee shall examine relevant studies, literature, and any other information with a focus on the mix of taxable resources available and used to support public education, as well as any other information deemed appropriate by the study committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 333. Introduced by Watermeier, 1.

PURPOSE: The purpose of this resolution is to examine methods to improve government efficiency. Nebraska's overall state spending has increased faster than the cost of living for numerous budget cycles. This trend at the state level is not sustainable over the long-term and will eventually result in significant financial challenges for the state as well as

Nebraska taxpayers. These spending levels have also led to Nebraska maintaining its position as one of the highest tax states in the United States.

Controlling growth in government spending at the state and local levels while simultaneously delivering high quality public services will require governmental entities to evaluate new strategies and methods for delivering these services in a more efficient and effective way. These new strategies must focus on simpler program delivery and waste reduction.

For more than 25 years, private sector employers in the United States have utilized a wide variety of quality improvement techniques to improve the development and delivery of their products and services while lowering their overall cost structure. Many of these improvement processes were derived by businesses from around the world. American automobile manufacturers, for example, copied the principles of lean manufacturing in an effort to make American cars more competitive in the world marketplace. Private businesses have more recently adopted additional strategies like Six Sigma, Kaizen, executive coaching, and supply chain management.

These various quality improvement strategies first practiced in the private sector are now being implemented in the health care, utility, and government sectors. Nebraska employers like Blue Cross and Blue Shield are fully committed to their quality improvement efforts and have committed short-term resources with the goal of improving their product offerings and lowering costs over the long term. Today, more than 13 states from both sides of the political spectrum have implemented aggressive and focused quality improvement strategies. States like Iowa have used lean government strategies to successfully decrease the amount of time necessary to improve an air quality permit. These positive results were accomplished with less overall cost.

This study shall examine, but not be limited to, the following issues:

- (1) Whether there is a clear need to improve the effective delivery of programs implemented by and administered in the State of Nebraska;
- (2) What quality improvement initiatives other states have undertaken to address program inefficiencies and cost;
- (3) What has been the result in states that have implemented lean government and other similar strategies;
- (4) What quality improvement strategies would have the greatest likelihood of success in Nebraska;
- (5) Whether initiatives should be on a wide scale or pilot basis if Nebraska decides to implement quality improvement strategies;
- (6) Whether there will be support within both the legislative and executive branches to support and implement strategies derived through quality improvement efforts;
- (7) How the state can successfully engage current employees in the quality improvement process;
- (8) How the state can engage customers in improving service delivery; and
- (9) Whether quality improvement processes could ultimately lead to cost savings.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 334. Introduced by Morfeld, 46; Cook, 13; Kolowski, 31; Pansing Brooks, 28.

PURPOSE: The purpose of this resolution is to study the integral link between academic achievement and risky health behaviors and to identify specific strategies in schools proven to simultaneously address and improve both academic achievement and health outcomes.

Comprehensive sex education in schools can promote healthy attitudes on adolescent growth and development, body image, dating, relationships, and family. Comprehensive sex education can also positively affect adolescent behavior and provide teens with the information, skills, and support needed to develop positive values and make healthy decisions.

The issues examined by this study shall include, but not be limited to:

(1) How other states have institutionalized medically accurate and age appropriate comprehensive sex education;

(2) Effective partnerships between families, schools, and health providers in providing information on sexual and reproductive health and how parents and caregivers can be equipped to provide accurate information to children and youth;

(3) Strategies in schools to increase protective factors and decrease risk factors related to improving adolescent sexual and reproductive health outcomes; and

(4) Recommendations for any legislation necessary to address issues and provide solutions suggested by this study.

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 335. Introduced by Hansen, 26.

PURPOSE: The purpose of this resolution is to examine the most recent report published by the Presidential Commission on Election Administration (Commission), review the recommended election law changes, and compare

them to current Nebraska law. The study shall include, but not be limited to, an examination of the following issues:

- (1) The recommendations made by the Commission;
- (2) The recommendations made by the Commission that are not currently enacted into Nebraska law;
- (3) The recommendations made by the Commission that are already completely or partially enacted into Nebraska law; and
- (4) Legislative action necessary to mirror those recommendations made by the Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 336. Introduced by Hansen, 26.

PURPOSE: The purpose of this resolution is to examine the appropriation of funds to the State Department of Education to implement mentor teacher programs which provide ongoing support for individuals entering the teaching profession. The study shall examine mentor teacher programs in other states and how those programs are funded.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 337. Introduced by Riepe, 12.

PURPOSE: The purpose of this resolution is to examine issues surrounding distracted driving due to texting or using a hand-held device while operating a motor vehicle. The study shall examine, but not be limited to, the following issues:

- (1) The dangers of distracted driving;
- (2) The efficacy of current Nebraska statutes on this subject;

(3) The complications of enforcing a primary offense of distracted driving; and

(4) What legislative action has been taken in other states to address these and similar safety concerns.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 338. Introduced by Davis, 43; Campbell, 25; Cook, 13; Crawford, 45; Friesen, 34; Gloor, 35; Groene, 42; Haar, K., 21; Harr, B., 8; Howard, 9; Hughes, 44; Johnson, 23; Kolowski, 31; Kolterman, 24; Krist, 10; Lindstrom, 18; Mello, 5; Morfeld, 46; Nordquist, 7; Pansing Brooks, 28; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Williams, 36.

WHEREAS, the Federal Railroad Administration is in the process of drafting federal rules on the subject of appropriate train crew size; and

WHEREAS, the purpose of these rules is to establish minimum requirements for train crew size based on the type of operation; and

WHEREAS, the minimum requirements for train crew size are expected to take into account the various safety risks posed to railroad employees, the general public, and the environment; and

WHEREAS, the volume of freight transported by rail is particularly heavy through Nebraska, and these freight shipments include hazardous materials such as ethanol, chlorine, and Bakken crude oil; and

WHEREAS, the safety risks posed by such shipments could be reduced by requiring a train crew of at least two individuals whenever a train or light engine is used in connection with the movement of freight.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature urges the Federal Railroad Administration to adopt a rule requiring a train crew of at least two individuals whenever a train or light engine is used in connection with the movement of freight.

2. That a copy of this resolution be sent to Sarah Feinberg, Acting Administrator of the Federal Railroad Administration, and to each member of the Nebraska congressional delegation.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 361. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 1 nay, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 231. Title read. Considered.

Committee AM296, found on page 605, was adopted with 36 ayes, 1 nay, 9 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 1 nay, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 539. Title read. Considered.

Committee AM487, found on page 618, was offered.

Senator Crawford offered her amendment, AM653, found on page 792, to the committee amendment.

The Crawford amendment was adopted with 35 ayes, 1 nay, 10 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 200. Title read. Considered.

Committee AM646, found on page 716, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 200A. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR338 was referred to the Reference Committee.

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB320A:
AM1655

(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) \$165,652 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 Cook filed the following amendment to LB382:
AM1638

(Amendments to E and R amendments, ER127)

- 1 1. Strike section 1 and insert the following new sections:
- 2 Section 1. Section 79-2301, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 79-2301 Sections 79-2301 to 79-2307 and section 2 of this act shall
- 5 be known and may be cited as the Diploma of High School Equivalency
- 6 Assistance Act.
- 7 Sec. 2. (1) The State Department of Education shall provide for
- 8 grants to any entity offering a high school equivalency program, which
- 9 entity is not an institution. Grants pursuant to this section shall be
- 10 awarded to applicants which meet the requirements of section 79-2304.
- 11 (2) The High School Equivalency Grant Fund is created. Any money in
- 12 the fund available for investment shall be invested by the state
- 13 investment officer pursuant to the Nebraska Capital Expansion Act and the
- 14 Nebraska State Funds Investment Act.
- 15 (3) It is the intent of the Legislature to transfer four hundred
- 16 thousand dollars from the Job Training Cash Fund to the High School
- 17 Equivalency Grant Fund to carry out the purposes of subsection (1) of
- 18 this section.
- 19 2. Renumber the remaining sections and correct the repealer
- 20 accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 339. Introduced by Garrett, 3.

PURPOSE: The purpose of this study is to examine the current statutory requirements governing the removal of roadside vegetation. The study shall consider the concepts proposed by LB 639 (2015) which would require the Department of Roads to adopt a vegetation control program and authorize the department to issue permits for the removal of vegetation if such vegetation obstructs or obscures a lawfully placed advertising sign, display, or device. The study shall also include a review of the statutory fee charged for the issuance or renewal of a vegetation control permit.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were Darryl Baker from Beatrice; Senator Nordquist's brother, Tim, and girlfriend, Michelle Kornman, from La Vista; 100 fourth-grade students and teachers from Newell Elementary, Grand Island; 60 fourth-grade students and teachers from G. Stanley Hall Elementary, La Vista; 38 sixth-grade students and teachers from Superior; 20 third- and fourth-grade students and teachers from Exeter-Milligan; Jamy and Teghan Sullivan from Superior; and 30 fourth-grade students and teachers from Holy Cross School, Omaha.

ADJOURNMENT

At 6:57 p.m., on a motion by Senator Nordquist, the Legislature adjourned until 9:00 a.m., Friday, May 15, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-FIRST DAY - MAY 15, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

EIGHTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 15, 2015

PRAYER

The prayer was offered by Senator Krist.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senator Murante who was excused; and Senators Cook, Hansen, Kolowski, Mello, Pansing Brooks, Scheer, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eightieth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 14, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

CP Strategies LLC
Nebraska Petroleum Producers Association

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

SELECT FILE

LEGISLATIVE BILL 268. ER85, found on page 1228, was adopted.

Senator McCoy asked unanimous consent to withdraw his amendment, AM722, found on page 760, and replace it with his substitute amendment, AM1286. No objections. So ordered.

AM1286

(Amendments to Standing Committee amendments, AM754)

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. At a special election to be held in conjunction with the
- 4 statewide primary election in May 2016, the following proposed amendment
- 5 to the Constitution of Nebraska shall be submitted to the electors of the
- 6 State of Nebraska for approval or rejection:
- 7 To add a new section 26 to Article XV:
- 8 XV-26 Capital punishment shall be an available punishment for the
- 9 crime of first degree murder in this state. The Legislature shall carry
- 10 out the intent of this constitutional amendment by appropriate
- 11 legislation.
- 12 Sec. 2. The proposed amendment shall be submitted to the electors
- 13 in the manner prescribed by the Constitution of Nebraska, Article XVI,
- 14 section 1, with the following ballot language:
- 15 A constitutional amendment to make capital punishment an available
- 16 punishment for the crime of first degree murder in this state.
- 17 For
- 18 Against.

Senator Chambers offered the following motion:

MO119

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Chambers moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator McCoy requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 34:

| | | | | |
|----------|----------|-----------|----------------|------------|
| Baker | Davis | Harr, B. | Larson | Schilz |
| Bolz | Ebke | Hilkemann | Lindstrom | Schumacher |
| Campbell | Garrett | Howard | McCollister | Seiler |
| Chambers | Gloor | Johnson | Mello | Smith |
| Coash | Haar, K. | Kolowski | Morfeld | Sullivan |
| Cook | Hadley | Kolterman | Nordquist | Williams |
| Crawford | Hansen | Krist | Pansing Brooks | |

Voting in the negative, 14:

| | | | | |
|------------|---------|---------|---------|------------|
| Bloomfield | Friesen | Kintner | Riepe | Stinner |
| Brasch | Groene | Kuehn | Scheer | Watermeier |
| Craighead | Hughes | McCoy | Schnoor | |

Excused and not voting, 1:

Murante

The Chambers motion to invoke cloture prevailed with 34 ayes, 14 nays, and 1 excused and not voting.

The McCoy amendment, AM1286, lost with 18 ayes, 25 nays, 5 present and not voting, and 1 excused and not voting.

Senator McCoy requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 30:

| | | | | |
|----------|----------|-----------|-------------|----------------|
| Baker | Crawford | Hansen | Kolterman | Nordquist |
| Bolz | Davis | Harr, B. | Krist | Pansing Brooks |
| Campbell | Ebke | Hilkemann | Lindstrom | Schumacher |
| Chambers | Garrett | Howard | McCollister | Seiler |
| Coash | Haar, K. | Johnson | Mello | Sullivan |
| Cook | Hadley | Kolowski | Morfeld | Williams |

Voting in the negative, 16:

| | | | |
|------------|---------|--------|------------|
| Bloomfield | Gloor | Kuehn | Schnoor |
| Brasch | Groene | McCoy | Smith |
| Craighead | Hughes | Riepe | Stinner |
| Friesen | Kintner | Scheer | Watermeier |

Present and not voting, 2:

Larson Schilz

Excused and not voting, 1:

Murante

Advanced to Enrollment and Review for Engrossment with 30 ayes, 16 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 623. Placed on Select File with amendment.
ER130

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 60-484.04, Revised Statutes Cumulative

4 Supplement, 2014, is amended to read:

5 60-484.04 (1) The Legislature finds and declares that section 202(c)

6 (2)(B)(i) through (ix) of the federal REAL ID Act of 2005, Public Law

7 109-13, enumerated categories of individuals who may demonstrate lawful
8 status for the purpose of eligibility for a federally secure motor
9 vehicle operator's license or state identification card. The Legislature
10 further finds and declares that it was the intent of the Legislature in
11 2011 to adopt the enumerated categories by the passage of Laws 2011, LB
12 215. The Legislature declares that the passage of this legislative bill
13 is for the limited purpose of reaffirming the original legislative intent
14 of Laws 2011, LB 215. Except as provided in section 60-4,144 with respect
15 to operators of commercial motor vehicles, before being issued any other
16 type of operator's license or a state identification card under the Motor
17 Vehicle Operator's License Act, the department shall require an applicant
18 to present valid documentary evidence that he or she has lawful status in
19 the United States as enumerated in section 202(c)(2)(B)(i) through (ix)
20 of the federal REAL ID Act of 2005, Public Law 109-13. Lawful status may
21 be shown by:
22 (a) A valid, unexpired United States passport;
23 (b) A certified copy of a birth certificate filed with a state
24 office of vital statistics or equivalent agency in the individual's state
25 of birth;
26 (c) A Consular Report of Birth Abroad (CRBA) issued by the United
27 States Department of State, Form FS-240, DS-1350, or FS-545;
1 (d) A valid, unexpired Permanent Resident Card (Form I-551) issued
2 by the United States Department of Homeland Security or United States
3 Citizenship and Immigration Services;
4 (e) An unexpired employment authorization document (EAD) issued by
5 the United States Department of Homeland Security, Form I-766 or Form
6 I-688B;
7 (f) An unexpired foreign passport with a valid, unexpired United
8 States visa affixed accompanied by the approved I-94 form documenting the
9 applicant's most recent admittance into the United States;
10 (g) A Certificate of Naturalization issued by the United States
11 Department of Homeland Security, Form N-550 or Form N-570;
12 (h) A Certificate of Citizenship, Form N-560 or Form N-561, issued
13 by the United States Department of Homeland Security;
14 (i) A driver's license or identification card issued in compliance
15 with the standards established by the REAL ID Act of 2005, Public Law
16 109-13, division B, section 1, 119 Stat. 302; or
17 (j) Such other documents as the director may approve.
18 (2)(a) If an applicant presents one of the documents listed under
19 subdivision (1)(a), (b), (c), (d), (g), or (h) of this section, the
20 verification of the applicant's identity in the manner prescribed in
21 section 60-484 will also provide satisfactory evidence of lawful status.
22 (b) If the applicant presents one of the identity documents listed
23 under subdivision (1)(e), (f), or (i) of this section, the verification
24 of the identity documents does not provide satisfactory evidence of
25 lawful status. The applicant must also present a second document from
26 subsection (1) of this section or documentation issued by the United
27 States Department of Homeland Security, the United States Citizenship and
28 Immigration Services, or other federal agencies, such as one of the types
29 of Form I-797 used by the United States Citizenship and Immigration
30 Services, demonstrating that the applicant has lawful status as
31 enumerated in section 202(c)(2)(B)(i) through (ix) of the federal REAL ID
1 Act of 2005, Public Law 109-13 lawful status as determined by the United
2 States Citizenship and Immigration Services.
3 (3) An applicant may present other documents as designated by the
4 director as proof of lawful status as enumerated in section 202(c)(2)(B)
5 (i) through (ix) of the federal REAL ID Act of 2005, Public Law 109-13.

6 Any documents accepted shall be recorded according to a written
 7 exceptions process established by the director.
 8 Sec. 2. Section 60-484.05, Revised Statutes Cumulative Supplement,
 9 2014, is amended to read:
 10 60-484.05 (1) The department shall only issue an operator's license
 11 or a state identification card that is temporary to any applicant who
 12 presents documentation under sections 60-484 and 60-484.04 that shows his
 13 or her authorized stay in the United States is temporary. An operator's
 14 license or a state identification card that is temporary shall be valid
 15 only during the period of time of the applicant's authorized stay in the
 16 United States or, if there is no definite end to the period of authorized
 17 stay, a period of one year.
 18 (2) An operator's license or state identification card that is
 19 temporary shall clearly indicate that it is temporary with a special
 20 notation on the front of the license or card and shall state the date on
 21 which it expires.
 22 (3) An operator's license or state identification card that is
 23 temporary may be renewed only upon presentation of valid documentary
 24 evidence that the status by which the applicant qualified for the
 25 operator's license or state identification card that is temporary has
 26 been extended by the United States Department of Homeland Security.
 27 (4) If an individual has an operator's license or a state
 28 identification card issued based on approved lawful status granted under
 29 section 202(c)(2)(B)(i) through (ix) of the federal REAL ID Act of 2005,
 30 Public Law 109-13, and the basis for the approved lawful status is
 31 terminated, the individual shall return the operator's license or state
 1 identification card to the Department of Motor Vehicles.
 2 Sec. 3. Original sections 60-484.04 and 60-484.05, Revised Statutes
 3 Cumulative Supplement, 2014, are repealed.
 4 Sec. 4. Since an emergency exists, this act takes effect when
 5 passed and approved according to law.
 6 2. On page 1, strike lines 2 through 5 and insert "to amend sections
 7 60-484.04 and 60-484.05, Revised Statutes Cumulative Supplement, 2014; to
 8 state findings and intent; to change provisions relating to evidence of
 9 lawful status, operators' licenses, and state identification cards; to
 10 repeal the original sections; and to declare an emergency."

LEGISLATIVE BILL 226. Placed on Select File with amendment.
 ER133

1 1. In the Standing Committee amendments, AM585, on page 22, line 24,
 2 strike the semicolon and insert an underscored colon.

(Signed) Matt Hansen, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 581A. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 581, One Hundred Fourth Legislature, First Session, 2015.

NOTICE OF COMMITTEE HEARING(S)

Natural Resources

Room 1525

Tuesday, May 26, 2015 12:00 p.m.

Douglas M. Anderson - Environmental Quality Council
Jeremy J. Buhl - Environmental Quality Council
Dennis D. Grams - Environmental Quality Council
John Kinter - Environmental Quality Council
Ronald J. Sheppard - Environmental Quality Council
John C. Turnbull - Environmental Quality Council

(Signed) Ken Schilz, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR **Committee**
LR338 Transportation and Telecommunications

(Signed) Bob Krist, Chairperson
Executive Board**COMMITTEE REPORT(S)**

General Affairs

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

James S. Brummer - State Electrical Board

Aye: 8 Coash, Hansen, Hughes, Kolterman, Krist, Larson, Riepe, Schilz.
Nay: 0. Absent: 0. Present and not voting: 0.

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Janelle Beveridge - State Racing Commission

Aye: 8 Coash, Hansen, Hughes, Kolterman, Krist, Larson, Riepe, Schilz.
Nay: 0. Absent: 0. Present and not voting: 0.

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Paul Leckband - Nebraska Commission on Problem Gambling
Terry L. Scoville - Nebraska Commission on Problem Gambling

Aye: 8 Coash, Hansen, Hughes, Kolterman, Krist, Larson, Riepe, Schilz.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tyson Larson, Chairperson

MOTION(S) - Print in Journal

Senator McCoy filed the following motion to LB176:
MO120
Bracket until June 5, 2015.

Senator McCoy filed the following motion to LB619:
MO121
Bracket until June 5, 2015.

AMENDMENT(S) - Print in Journal

Senator Morfeld filed the following amendment to LB390:
AM1651 is available in the Bill Room.

Senator Krist filed the following amendment to LB265:
AM1629

(Amendments to Final Reading copy)

- 1 1. Strike sections 4 and 7 and insert the following new section:
- 2 Sec. 6. Section 43-2,108.05, Revised Statutes Cumulative Supplement,
- 3 2014, is amended to read:
- 4 43-2,108.05 (1) If the court orders the record of a juvenile sealed
- 5 pursuant to section 43-2,108.04, the court shall:
- 6 (a) Order that all records, including any information or other data
- 7 concerning any proceedings relating to the offense, including the arrest,
- 8 taking into custody, petition, complaint, indictment, information, trial,
- 9 hearing, adjudication, correctional supervision, dismissal, or other
- 10 disposition or sentence, be deemed never to have occurred;
- 11 (b) Send notice of the order to seal the record (i) to the Nebraska
- 12 Commission on Law Enforcement and Criminal Justice, (ii) if the record
- 13 includes impoundment or prohibition to obtain a license or permit
- 14 pursuant to section 43-287, to the Department of Motor Vehicles, (iii) if
- 15 the juvenile whose record has been ordered sealed was a ward of the state
- 16 at the time the proceeding was initiated or if the Department of Health
- 17 and Human Services was a party in the proceeding, to such department, and
- 18 (iv) to law enforcement agencies, county attorneys, and city attorneys
- 19 referenced in the court record;

20 (c) Order all notified under subdivision (1)(b) of this section to
21 seal all records pertaining to the offense;
22 (d) If the case was transferred from district court to juvenile
23 court or was transferred under section 43-282, send notice of the order
24 to seal the record to the transferring court; and
25 (e) Explain to the juvenile what sealing the record means verbally
26 if the juvenile is present in the court at the time the court issues the
1 sealing order or by written notice sent by regular mail to the juvenile's
2 last-known address if the juvenile is not present in the court at the
3 time the court issues the sealing order.
4 (2) The effect of having a record sealed under section 43-2,108.04
5 is that thereafter no person is allowed to release any information
6 concerning such record, except as provided by this section. After a
7 record is sealed, the person whose record was sealed can respond to any
8 public inquiry as if the offense resulting in such record never occurred.
9 A government agency and any other public office or agency shall reply to
10 any public inquiry that no information exists regarding a sealed record.
11 Except as provided in subsection (3) of this section, an order to seal
12 the record applies to every government agency and any other public office
13 or agency that has a record relating to the offense, regardless of
14 whether it receives notice of the hearing on the sealing of the record or
15 a copy of the order. Upon the written request of a person whose record
16 has been sealed and the presentation of a copy of such order, a
17 government agency or any other public office or agency shall seal all
18 records pertaining to the offense.
19 (3) A sealed record is accessible to law enforcement officers,
20 county attorneys, and city attorneys in the investigation, prosecution,
21 and sentencing of crimes, to the sentencing judge in the sentencing of
22 criminal defendants, to a judge making a determination whether to
23 transfer a case to or from juvenile court, and to any attorney
24 representing the subject of the sealed record. Inspection of records that
25 have been ordered sealed under section 43-2,108.04 may be made by the
26 following persons or for the following purposes:
27 (a) By the court or by any person allowed to inspect such records by
28 an order of the court for good cause shown;
29 (b) By the court, city attorney, or county attorney for purposes of
30 collection of any remaining parental support or obligation balances under
31 section 43-290;
1 (c) By the Nebraska Probation System for purposes of juvenile intake
2 services, for presentence and other probation investigations, and for the
3 direct supervision of persons placed on probation and by the Department
4 of Correctional Services, the Office of Juvenile Services, a juvenile
5 assessment center, a criminal detention facility, a juvenile detention
6 facility, or a staff secure juvenile facility, for an individual
7 committed to it, placed with it, or under its care;
8 (d) By the Department of Health and Human Services for purposes of
9 juvenile intake services, the preparation of case plans and reports, the
10 preparation of evaluations, compliance with federal reporting
11 requirements, or the supervision and protection of persons placed with

12 the department or for licensing or certification purposes under sections
13 71-1901 to 71-1906.01, the Child Care Licensing Act, or the Children's
14 Residential Facilities and Placing Licensure Act;

15 (e) Upon application, by the person who is the subject of the sealed
16 record and by persons authorized by the person who is the subject of the
17 sealed record who are named in that application;

18 (f) At the request of a party in a civil action that is based on a
19 case that has a sealed record, as needed for the civil action. The party
20 also may copy the sealed record as needed for the civil action. The
21 sealed record shall be used solely in the civil action and is otherwise
22 confidential and subject to this section;

23 (g) By persons engaged in bona fide research, with the permission of
24 the court, only if the research results in no disclosure of the person's
25 identity and protects the confidentiality of the sealed record; or

26 (h) By a law enforcement agency if a person whose record has been
27 sealed applies for employment with the law enforcement agency.

28 (4) Nothing in this section prohibits the Department of Health and
29 Human Services from releasing information from sealed records in the
30 performance of its duties with respect to the supervision and protection
31 of persons served by the department.

1 (5) In any application for employment, bonding, license, education,
2 or other right or privilege, any appearance as a witness, or any other
3 public inquiry, a person cannot be questioned with respect to any offense
4 for which the record is sealed. If an inquiry is made in violation of
5 this subsection, the person may respond as if the offense never occurred.
6 Applications for employment shall contain specific language that states
7 that the applicant is not obligated to disclose a sealed record.
8 Employers shall not ask if an applicant has had a record sealed. The
9 Department of Labor shall develop a link on the department's web site to
10 inform employers that employers cannot ask if an applicant had a record
11 sealed and that an application for employment shall contain specific
12 language that states that the applicant is not obligated to disclose a
13 sealed record.

14 (6) Any person who violates this section may be held in contempt of
15 court.

16 2. On page 1, line 2; and page 30, line 18, strike "43-2,129," and
17 insert "43-2,108.05,".

18 3. On page 6, line 18, strike the new matter and insert "or (11)".

19 4. On page 10, line 5, after the semicolon insert "and"; strike
20 beginning with "Any" in line 6 through "(13)" in line 8; and in line 8
21 strike "subdivisions (11) and (12)" and insert "subdivision (11)".

22 5. On page 24, line 17, strike "15" and insert "14".

23 6. On page 30, line 11, strike "14,"; and in line 12 strike "17, and
24 20" and insert "16, and 19".

25 7. Renumber the remaining sections accordingly.

WITHDRAW - Amendments to LB599

Senator Crawford withdrew her amendment, AM1348, found on page 1304, to LB599.

Senator Hansen withdrew his amendments, AM1296 and AM1281, found on page 1304, to LB599.

Senator Riepe withdrew his amendment, AM1461, found on page 1337, to LB599.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 599.

A BILL FOR AN ACT relating to the Wage and Hour Act; to amend section 48-1203, Reissue Revised Statutes of Nebraska, as amended by section 1, Initiative Law 2014, No. 425; to provide a minimum wage for certain young student workers; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 29:

| | | | | |
|------------|---------|-----------|-------------|------------|
| Bloomfield | Friesen | Johnson | McCollister | Smith |
| Brasch | Garrett | Kintner | McCoy | Stinner |
| Coash | Gloor | Kolterman | Riepe | Sullivan |
| Craighead | Groene | Kuehn | Scheer | Watermeier |
| Davis | Hadley | Larson | Schilz | Williams |
| Ebke | Hughes | Lindstrom | Schnoor | |

Voting in the negative, 17:

| | | | | |
|----------|----------|-----------|----------------|------------|
| Baker | Cook | Harr, B. | Mello | Schumacher |
| Bolz | Crawford | Hilkemann | Morfeld | |
| Campbell | Haar, K. | Howard | Nordquist | |
| Chambers | Hansen | Kolowski | Pansing Brooks | |

Present and not voting, 1:

Krist

Excused and not voting, 2:

Murante Seiler

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass.

WITHDRAW - Amendment to LB320A

Senator Bolz withdrew her amendment, AM1617, found on page 1548, to LB320A.

SENATOR KRIST PRESIDING

MOTION - Return LB320A to Select File

Senator Bolz moved to return LB320A to Select File for her specific amendment, AM1655, found on page 1658.

The Bolz motion to return prevailed with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 320A. The Bolz specific amendment, AM1655, found on page 1658, was adopted with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

GENERAL FILE

LEGISLATIVE BILL 468A. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 643A. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 5 nays, 14 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 173A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 629A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 259. ER118, found on page 1457, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 259A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 325. ER125, found on page 1613, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 547. ER126, found on page 1613, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 547A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 607. ER129, found on page 1632, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 607A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 196. ER131, found on page 1632, was adopted.

Advanced to Enrollment and Review for Engrossment.

AMENDMENT(S) - Print in Journal

Senator Kintner filed the following amendment to LB268:
AM1284

(Amendments to Standing Committee amendments, AM754)

- 1 1. Strike section 23.
- 2 2. Renumber the remaining sections accordingly.

VISITORS

Visitor to the Chamber was Senator Garrett's daughter, Maude, from Bellevue.

The Doctor of the Day was Dr. Jason Bepalec from Geneva.

ADJOURNMENT

At 1:30 p.m., on a motion by Senator Morfeld, the Legislature adjourned until 9:00 a.m., Monday, May 18, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

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 |
|---------|--------|-------|

Excused and not voting, 2:

| | |
|-----------|---------|
| Craighead | Garrett |
|-----------|---------|

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 |
|-----------|---------|-----------|

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 Delinquency Services, to provide training and technical assistance to

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

EIGHTY-THIRD DAY - MAY 19, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

EIGHTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 19, 2015

PRAYER

The prayer was offered by Senator Kolowski.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senators Craighead, Hansen, Lindstrom, Morfeld, Pansing Brooks, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-second day was approved.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 346. Introduced by Williams, 36.

WHEREAS, Gothenburg has hosted the Nebraska Championship Meet since 2010; and

WHEREAS, this event provides an opportunity for 7th and 8th grade student-athletes to compete at a high level, statewide, all-class track and field meet run by officials adhering to standards set for championship competition; and

WHEREAS, student-athletes from 135 schools across Nebraska competed at the 2015 Nebraska Championship Meet; and

WHEREAS, the Nebraska Championship Meet could not happen without the work of more than 200 dedicated meet staff and officials.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the student-athletes, volunteers, and officials for their outstanding accomplishments in the 2015 Nebraska Championship Meet.

2. That a copy of this resolution be sent to the director of the Nebraska Championship Meet, Jim Clark.

Laid over.

SELECT FILE

LEGISLATIVE BILL 598A. Senator Bolz offered her amendment, AM1676, found on page 1693.

The Bolz amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 605A. Senator Mello offered his amendment, AM1675, found on page 1685.

The Mello amendment was adopted with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

MOTION - Return LB243 to Select File

Senator Bolz moved to return LB243 to Select File for her specific amendment, AM1622, found on page 1599.

The Bolz motion to return prevailed with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 243. The Bolz specific amendment, AM1622, found on page 1599, was offered.

Senator Baker moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

The Bolz specific amendment was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Senator Bloomfield requested a record vote on the advancement of the bill.

Voting in the affirmative, 32:

| | | | | |
|----------|-----------|-------------|----------------|----------|
| Baker | Gloor | Kolowski | Morfeld | Seiler |
| Bolz | Haar, K. | Kolterman | Nordquist | Stinner |
| Brasch | Hadley | Krist | Pansing Brooks | Sullivan |
| Campbell | Hansen | Kuehn | Riepe | Williams |
| Cook | Hilkemann | McCollister | Scheer | |
| Crawford | Howard | McCoy | Schnoor | |
| Davis | Johnson | Mello | Schumacher | |

Voting in the negative, 2:

| | |
|--------|---------|
| Groene | Kintner |
|--------|---------|

Present and not voting, 10:

| | | | | |
|------------|-------|---------|----------|-----------|
| Bloomfield | Coash | Friesen | Harr, B. | Lindstrom |
| Chambers | Ebke | Garrett | Hughes | Smith |

Excused and not voting, 5:

| | | | | |
|-----------|--------|---------|--------|------------|
| Craighead | Larson | Murante | Schilz | Watermeier |
|-----------|--------|---------|--------|------------|

Advanced to Enrollment and Review for Reengrossment with 32 ayes, 2 nays, 10 present and not voting, and 5 excused and not voting.

SENATOR COASH PRESIDING

MOTION - Return LB243A to Select File

Senator Bolz moved to return LB243A to Select File for her specific amendment, AM1657, found on page 1692.

The Bolz motion to return prevailed with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 243A. The Bolz specific amendment, AM1657, found on page 1692, was adopted with 37 ayes, 2 nays, 5 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION - Return LB265 to Select File

Senator Krist moved to return LB265 to Select File for his specific amendment, AM1629, found on page 1667.

The Krist motion to return prevailed with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 265. The Krist specific amendment, AM1629, found on page 1667, was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION - Return LB265A to Select File

Senator Campbell moved to return LB265A to Select File for her specific amendment, AM1678, found on page 1693.

The Campbell motion to return prevailed with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 265A. The Campbell specific amendment, AM1678, found on page 1693, was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION - Return LB320A to Select File

Senator Bolz moved to return LB320A to Select File for her specific amendment, AM1683, found on page 1692.

The Bolz motion to return prevailed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 320A. The Bolz specific amendment, AM1683, found on page 1692, was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

WITHDRAW - Amendment to LB500

Senator Howard withdrew her amendment, AM1668, found on page 1680, to LB500.

MOTION - Return LB500 to Select File

Senator Howard moved to return LB500 to Select File for her specific amendment, AM1694, found on page 1708.

The Howard motion to return prevailed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 500. The Howard specific amendment, AM1694, found on page 1708, was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION - Return LB500A to Select File

Senator Howard moved to return LB500A to Select File for her specific amendment, AM1696, found on page 1711.

The Howard motion to return prevailed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 500A. The Howard specific amendment, AM1696, found on page 1711, was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 347. Introduced by Schumacher, 22; Bloomfield, 17; Brasch, 16.

WHEREAS, Pilger, a small town of 350 people located in Stanton County, is celebrating the progress made to rebuild one year after rare twin tornadoes directly hit and devastated the town on June 16, 2014; and

WHEREAS, two lives were lost and several people were injured, three-fourths of the homes were destroyed or damaged leaving more than half of the residents displaced, and the business district, a church, and the school were leveled in the storm; and

WHEREAS, although overwhelmed yet undeterred by the extent of the damage, the people of Pilger immediately launched plans to rebuild their town and began the massive task of cleaning up tons of debris with the help of scores of volunteers from throughout Nebraska and the United States who arrived over the ensuing months to lend a hand; and

WHEREAS, just ten months into the recovery effort, local officials reported that 931 truckloads of debris had been removed, infrastructure repairs were under way, 38 zoning permits were issued with 17 of those for residences, the library was repaired, the co-op rebuilt an office and constructed 7 grain bins, a new restaurant and community center are under construction, groundbreaking is pending for a new church, and blueprints are being drawn to replace the branch bank; and

WHEREAS, Pilger will hold "Pilger RE: A Celebration of REbuilding, REsilience, and REcovery" on June 12 through June 14, 2015, for everyone who supported Pilger over the past year and on June 14, 2015, a ceremony will be held in the town square to dedicate the community flagpole made available through a statewide drive conducted by the American Legion.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature commends Pilger for its resiliency and strength after the devastating tornadoes on June 16, 2014.
2. That a copy of this resolution be sent to the Village of Pilger.

Laid over.

SELECT FILE

LEGISLATIVE BILL 591. ER128, found on page 1614, was adopted.

Senator Schumacher withdrew his amendment, AM1624, found on page 1620.

Senator Schumacher offered his amendment, AM1682, found on page 1698.

The Schumacher amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 591A. Senator Bolz offered her amendment, AM1663, found on page 1678.

The Bolz amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 361. ER137, found on page 1673, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 539. ER136, found on page 1674, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 200. ER134, found on page 1674, was adopted.

SPEAKER HADLEY PRESIDING

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 200A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 231. ER135, found on page 1674, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 448. ER139, found on page 1707, was adopted.

Senator Nordquist offered the following amendment:

AM1698

(Amendments to Standing Committee amendments, AM1555)

1 1. Insert the following new sections:

2 Sec. 32. Section 79-9,105, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 79-9,105 (1) Any member with five or more years of creditable

5 service, excluding years of prior service acquired pursuant to section

6 79-990, 79-991, 79-994, 79-995, or 79-997, who becomes totally disabled

7 for further performance of duty on or after March 22, 2000, may be

8 approved for deferred disability retirement by the board of trustees. In

9 the case of such deferred disability retirement, the member, during the

10 period specified in subsection (3) of this section, shall be credited

11 with creditable service for each year or portion thereof, to be

12 determined in accordance with ~~board~~ policies of the board of trustees

13 governing creditable service, that the member defers retirement, up to a

14 maximum of thirty-five years of total creditable service, including

15 creditable service accrued before the member became totally disabled. The

16 member approved for deferred disability retirement may at any time of the

17 member's choosing request the deferral to end and retirement annuity

18 payments to begin. The retirement annuity of such member shall be based

19 on the total number of years of the member's creditable service,

20 including the years credited to the member during his or her total

21 disability under this section, and the member's final average salary as

22 of the date that the member became totally disabled and as adjusted from

23 such date by a percentage equal to the cumulative percentage cost-of-
24 living adjustments that were made or declared for annuities in pay status
25 pursuant to section 79-9,103 after the date of the board's approval of
26 the board of trustees for deferred disability retirement and before the
1 cessation of the accrual of additional creditable service pursuant to
2 subsection (3) of this section. Except as provided in subsection (4) of
3 this section, the retirement annuity so determined for the member shall
4 be payable to the member without reduction due to any early commencement
5 of benefits, except that the retirement annuity shall be reduced by the
6 amount of any periodic payments to such employee as workers' compensation
7 benefits. Additional creditable service acquired through deferred
8 disability retirement shall apply to the service requirements specified
9 in section 79-9,106. The board of trustees shall consider a member to be
10 totally disabled when it has received an application by the member and a
11 statement by at least two licensed and practicing physicians designated
12 by the board of trustees certifying that the member is totally and
13 presumably permanently disabled and unable to perform his or her duties
14 as a consequence thereof.

15 (2) Notwithstanding the provisions of subsection (1) of this
16 section, the payment of the retirement annuity of a member may not be
17 deferred later than the member's required beginning date as defined in
18 section 401(a)(9) of the Internal Revenue Code, as defined in section
19 49-801.01. If the payment of a disabled member's retirement annuity is
20 required to commence before the member has elected to end his or her
21 deferred disability retirement, the amount of benefit that would have
22 accrued pursuant to subsection (1) of this section in the fiscal year of
23 the member's required beginning date, and in each subsequent fiscal year
24 through the year of the member's election to end the deferred disability
25 retirement period, shall be reduced, but not below zero, by the actuarial
26 equivalent of the payments which were paid to the member during each such
27 fiscal year and after the member's required beginning date. The
28 retirement annuity of any member that commences before the end of the
29 member's deferred disability retirement shall be adjusted as of each
30 September 1 pursuant to the requirements of this subsection.

31 (3) The accrual of creditable service and any adjustment of final
1 average salary provided in subsection (1) of this section shall begin
2 from the first day of the month following the date of the first of the
3 two examinations by which the member is determined by the board of
4 trustees to be totally disabled, shall continue only so long as the
5 member does not receive any wages or compensation for services, and shall
6 end at the earlier of (a) the time total disability ceases as determined
7 by the board of trustees or (b) the date the member elects to end the
8 deferred disability retirement and begin to receive his or her retirement
9 annuity. The board of trustees may require periodic proof of disability
10 but not more frequently than semiannually.

11 (4) The payment of any retirement annuity to a disabled member,
12 which begins to be paid under this section (a) before the member's sixty-
13 second birthday or (b) at a time before the sum of the member's attained
14 age and creditable service is eighty-five or more, shall be suspended if

15 the board of trustees determines at any time before the member's sixty-
 16 second birthday that the member's total disability has ceased. Payment of
 17 the retirement annuity of such member as determined under this section
 18 shall recommence at the member's early retirement date or normal
 19 retirement date but shall be subject to reduction at such time as
 20 specified in section 79-9,100.

21 Sec. 42. Sections 12 and 45 of this act become operative on July 1,
 22 2015. Sections 25 and 46 of this act become operative on September 1,
 23 2015. The other sections of this act become operative on their effective
 24 date.

25 Sec. 45. Original section 79-980, Reissue Revised Statutes of
 26 Nebraska, is repealed.

27 Sec. 46. Original section 79-996, Reissue Revised Statutes of
 28 Nebraska, is repealed.

29 2. On page 4, lines 12 and 13 and 18 and 19; page 5, lines 30 and
 30 31; page 6, lines 10 and 11 and 15; page 7, lines 17 and 18; page 26,
 31 line 2; page 62, lines 21 and 22; and page 69, lines 17 and 18, strike
 1 "the Class V School Employees Retirement System" and insert "a retirement
 2 system provided for under the Class V School Employees Retirement Act".

3 3. On page 13, line 8, after "(c)" insert "(i)"; in line 11 after
 4 "year" insert "and (ii) prior to September 1, 2015,"; reinstate the
 5 stricken matter in lines 11 through 15; in line 28 after "means" insert
 6 ", for members hired prior to July 1, 2015, who have attained age fifty-
 7 five,"; and strike beginning with "and" in line 30 through line 31 and
 8 all amendments thereto, show the old matter as stricken, and insert "
 9 Early retirement date means, for members hired on or after July 1, 2015,
 10 that month and year selected by a member".

11 4. On page 14, line 1, strike "hired on or after July 1, 2015,"; and
 12 in line 2 after "and" insert "who has".

13 5. On page 28, line 15, strike "Class V School Employees Retirement
 14 System administrator" and insert "administrator of a retirement system
 15 provided for under the Class V School Employees Retirement Act".

16 6. On page 44, line 18, strike "prior to".

17 7. On page 51, line 7, strike "or", show as stricken, and insert "of
 18 education or board of".

19 8. On page 51, line 10; and page 55, line 12, after "board" insert
 20 "of trustees".

21 9. On page 59, line 8, after "board" insert "of education".

22 10. On page 64, lines 4 and 5, strike "Class V School Employees
 23 Retirement System assets" and insert "assets of a retirement system
 24 provided for under the Class V School Employees Retirement Act"; and in
 25 line 9 strike "account or funds" and insert "fund".

26 11. On page 69, line 26, strike "79-980,"; and in line 28 strike
 27 "79-996," and after "79-9,104," insert "79-9,105,".

28 12. Renumber the remaining sections and correct internal references
 29 accordingly.

Senator Nordquist moved for a call of the house. The motion prevailed with
 26 ayes, 0 nays, and 23 not voting.

The Nordquist amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

EASE

The Legislature was at ease from 12:04 p.m. until 12:26 p.m.

COMMITTEE REPORT(S) Enrollment and Review

LEGISLATIVE BILL 330. Placed on Final Reading.

ST48

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E and R amendments, ER92:
 - a. On page 1, lines 5 and 6, "4 to 7, 13, 14, and 21" has been struck and "5 to 8, 14, 15, and 22" inserted; and in line 11 "4 to 6" has been struck and "5 to 7" inserted; and
 - b. On page 28, line 5, "29-431," has been inserted after "sections"; in line 8 "penalties; to provide" has been inserted after "provide"; and in line 15 "to provide operative dates; to provide severability;" has been inserted after the first semicolon.

LEGISLATIVE BILL 330A. Placed on Final Reading.

LEGISLATIVE BILL 468. Placed on Final Reading.

ST47

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E and R amendments, ER119, on page 1, line 12, "29-3602, 29-3606," has been struck; and the matter beginning with "to" in line 17 through the first semicolon in line 18 has been struck.

LEGISLATIVE BILL 468A. Placed on Final Reading.

LEGISLATIVE BILL 480. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

SELECT FILE

LEGISLATIVE BILL 448. Senator Nordquist offered the following amendment:

AM1704

(Amendments to Standing Committee amendments, AM1555)

- 1 1. On page 10, line 10, strike "state shall transfer" and insert
- 2 "Appropriations Committee of the Legislature shall hold a hearing to
- 3 consider transferring".

SENATOR SCHEER PRESIDING

Senator McCollister moved the previous question. The question is, "Shall the debate now close?"

Senator McCollister moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

The motion to cease debate prevailed with 25 ayes, 10 nays, 12 present and not voting, and 2 excused and not voting.

The Nordquist amendment was adopted with 27 ayes, 10 nays, 10 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Kolterman offered the following amendment:
AM1705 is available in the Bill Room.

Senator McCollister moved the previous question. The question is, "Shall the debate now close?"

Senator McCollister moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The motion to cease debate prevailed with 25 ayes, 2 nays, 20 present and not voting, and 2 excused and not voting.

Senator Nordquist requested a record vote on the amendment

Voting in the affirmative, 17:

| | | | | |
|------------|-----------|-------------|------------|----------|
| Bloomfield | Hilkemann | Larson | Scheer | Williams |
| Brasch | Hughes | McCollister | Schilz | |
| Ebke | Johnson | McCoy | Stinner | |
| Friesen | Kolterman | Murante | Watermeier | |

Voting in the negative, 18:

| | | | | |
|----------|----------|----------|-----------|----------------|
| Baker | Cook | Hadley | Krist | Pansing Brooks |
| Bolz | Crawford | Hansen | Mello | Sullivan |
| Campbell | Davis | Harr, B. | Morfeld | |
| Chambers | Haar, K. | Kolowski | Nordquist | |

Present and not voting, 12:

| | | | |
|---------|---------|-----------|------------|
| Garrett | Howard | Lindstrom | Schumacher |
| Gloor | Kintner | Riepe | Seiler |
| Groene | Kuehn | Schnoor | Smith |

Excused and not voting, 2:

Coash Craighead

The Kolterman amendment lost with 17 ayes, 18 nays, 12 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Nordquist offered the following amendment:

FA71

Amend AM1698

Strike beginning on page 1, line 1 through page 3, line 20.

Senator Larson offered the following motion:

MO125

Unanimous consent to bracket until April 15, 2016.

No objections. So ordered.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 348. Introduced by Ebke, 32.

WHEREAS, St. Paul's Lutheran Church in Gilead will be celebrating its 125th anniversary on August 16, 2015; and

WHEREAS, the day of celebration will start with a worship service followed by a catered meal and an afternoon program at the church; and

WHEREAS, St. Paul's Lutheran Church is a member of the Evangelical Lutheran Church in America and was founded southwest of Gilead on August 15, 1890.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates St. Paul's Lutheran Church in Gilead on celebrating its 125th anniversary.
2. That a copy of this resolution be sent to St. Paul's Lutheran Church.

Laid over.

SELECT FILE

LEGISLATIVE BILL 390. ER138, found on page 1707, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 390A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 623. ER130, found on page 1663, was adopted.

Senator Kintner offered his amendment, FA64, found on page 1567.

SENATOR KRIST PRESIDING

Senator Pansing Brooks moved the previous question. The question is, "Shall the debate now close?"

Senator Pansing Brooks moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The motion to cease debate prevailed with 25 ayes, 5 nays, 16 present and not voting, and 3 excused and not voting.

The Kintner amendment lost with 7 ayes, 32 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

NOTICE OF COMMITTEE HEARING(S)
Transportation and Telecommunications

Room 1113

Wednesday, May 27, 2015 8:00 a.m.

LR338

(Signed) Jim Smith, Chairperson

UNANIMOUS CONSENT - Time Change

Senator Smith asked unanimous consent that the Transportation and Telecommunications Committee conduct its hearing on Thursday, May 21, 2015, at 8:00 a.m. instead of 10:00 a.m. No objections. So ordered.

MESSAGE(S) FROM THE GOVERNOR

May 19, 2015

Patrick J. O'Donnell
Clerk of the Nebraska Legislature
2018 State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 294e, 360, 360A, and 575e were received in my office on May 14, 2015.

These bills were signed and delivered to the Secretary of State on May 19, 2015.

Sincerely,
(Signed) Pete Ricketts
Governor

PR/lhk

SELECT FILE

LEGISLATIVE BILL 623. Senator Groene withdrew his amendment, AM1647, found on page 1676.

Senator Groene offered the following amendment:
AM1706 is available in the Bill Room.

SENATOR SCHEER PRESIDING

Senator Kintner offered the following amendment to the Groene amendment:

FA72

Amend AM1706

On page 12, line 26, strike "October 1, 2015" insert "January 1, 2017".

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 175. Placed on Final Reading.

ST50

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Harr amendment, AM1513:
 - a. Sections 8 to 14 and 16 have been renumbered as sections 9 to 15 and 17 respectively; and

- b. On page 7, line 7, "10 to 14" has been struck and "11 to 15" inserted.
2. In the E and R amendments, ER122, on page 12, line 7, "and" has been struck; and in line 8 "81-2,147.01, and 81-2,147.05," has been inserted before "Reissue".
3. On page 1, the matter beginning with "agriculture" in line 1 through line 7 and all amendments thereto have been struck and "law; to amend sections 54-2801, 54-2802, 77-27,187.01, 77-27,188, 81-2,147.01, and 81-2,147.05, Reissue Revised Statutes of Nebraska, and section 77-27,187.02, Revised Statutes Cumulative Supplement, 2014; to name and adopt the Livestock Growth Act; to restate findings; to provide for grants; to create a fund; to change application procedures and credits allowed under the Nebraska Advantage Rural Development Act; to exempt seed libraries from certain provisions of the Nebraska Seed Law; to define and redefine terms; to adopt the Community Gardens Act; to harmonize provisions; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 243. Placed on Final Reading Second.

LEGISLATIVE BILL 243A. Placed on Final Reading Second.

LEGISLATIVE BILL 329. Placed on Final Reading.

LEGISLATIVE BILL 525. Placed on Final Reading.

ST49

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E and R amendments, ER120:
 - a. Section 27 has been struck;
 - b. On page 30, line 21, "2" has been struck and "3" inserted;
 - c. On page 49, lines 4 and 6, the stricken matter has been reinstated; and in lines 6 and 7 the new matter has been struck;
 - d. On page 66, lines 12 and 19, "79-1007.13," has been struck;
 - e. On page 67, the matter beginning with the first "to" in line 3 through the second semicolon in line 4 has been struck; and
 - f. Sections 28 to 42 have been renumbered as sections 21 to 35, respectively.

LEGISLATIVE BILL 598A. Placed on Final Reading.

ST51

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 1, "to amend sections 162, 164, and 266, Legislative Bill 657, One Hundred Fourth Legislature, First Session, 2015;" has been inserted after the semicolon; and the matter beginning with "and" in line 3 through line 4 has been struck and "to provide and change appropriations; to change provisions relating to funds; to state intent; and to repeal the original sections." inserted.

LEGISLATIVE BILL 605A. Placed on Final Reading.

ST52

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 1, "to amend section 162, Legislative Bill 657, One Hundred Fourth Legislature, First Session, 2015;" has been inserted after the semicolon; and "; to change appropriations; and to repeal the original section" has been inserted after "2015".

(Signed) Matt Hansen, Chairperson

SELECT FILE

LEGISLATIVE BILL 623. The Kintner amendment, FA72, found in this day's Journal, to the Groene amendment, was renewed.

SPEAKER HADLEY PRESIDING**SENATOR SCHEER PRESIDING****SPEAKER HADLEY PRESIDING**

Senator Nordquist offered the following motion:

MO126

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Nordquist moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Senator Nordquist requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 39:

| | | | | |
|-----------|----------|-----------|----------------|------------|
| Baker | Davis | Harr, B. | Kuehn | Schumacher |
| Bolz | Ebke | Hilkemann | McCollister | Seiler |
| Campbell | Friesen | Howard | Mello | Smith |
| Chambers | Garrett | Hughes | Morfeld | Stinner |
| Coash | Gloor | Johnson | Nordquist | Sullivan |
| Cook | Haar, K. | Kolowski | Pansing Brooks | Watermeier |
| Craighead | Hadley | Kolterman | Scheer | Williams |
| Crawford | Hansen | Krist | Schilz | |

Voting in the negative, 8:

| | | | |
|------------|---------|---------|---------|
| Bloomfield | Groene | McCoy | Riepe |
| Brasch | Kintner | Murante | Schnoor |

Excused and not voting, 2:

Larson Lindstrom

The Nordquist motion to invoke cloture prevailed with 39 ayes, 8 nays, and 2 excused and not voting.

The Kintner amendment, FA72, lost with 2 ayes, 36 nays, 9 present and not voting, and 2 excused and not voting.

The Groene amendment, AM1706, lost with 11 ayes, 31 nays, 5 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment with 37 ayes, 9 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 226. ER133, found on page 1665, was adopted.

Advanced to Enrollment and Review for Engrossment.

MOTION - Return LB591A to Select File

Senator Bolz moved to return LB591A to Select File for the following specific amendment:

AM1709

1 1. Insert the following new sections:

2 Section 1. Section 69, Legislative Bill 657, One Hundred Fourth

3 Legislature, 2015, is amended to read:

4 Sec. 69. AGENCY NO. 16 — DEPARTMENT OF REVENUE

5 Program No. 108 - Homestead Exemption

| | | | |
|----|--------------------------|------------|------------|
| 6 | | FY2015-16 | FY2016-17 |
| 7 | GENERAL FUND | 71,000,000 | 73,000,000 |
| 8 | PROGRAM TOTAL | 71,000,000 | 73,000,000 |
| 9 | GENERAL FUND | 71,000,000 | 71,315,000 |
| 10 | PROGRAM TOTAL | 71,000,000 | 71,315,000 |

11 There is included in the appropriation to this program for FY2015-16

12 \$71,000,000 General Funds for state aid, which shall only be used for

13 such purpose. There is included in the appropriation to this program for

14 FY2016-17 ~~\$73,000,000~~ \$71,315,000 General Funds for state aid, which

15 shall only be used for such purpose.

16 Sec. 4. Original section 69, Legislative Bill 657, One Hundred

17 Fourth Legislature, 2015, is repealed.

18 2. On page 2, line 9, strike "\$17,024" and insert "\$47,708".

19 3. Renumber the remaining sections accordingly.

The Bolz motion to return prevailed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 591A. The Bolz specific amendment, AM1709, found in this day's Journal, was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 643. ER124, found on page 1555, was adopted.

Senator Garrett offered the following amendment:
AM1702 is available in the Bill Room.

Senator McCoy offered the following amendment to the Garrett amendment:
AM1711

(Amendments to Garrett amendments, AM1702)

1 1. On page 4, line 28, strike "requires" and insert "allows".

SENATOR KRIST PRESIDING

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 265. Placed on Final Reading Second.

ST53

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Final Reading Copy, on page 1, lines 10 and 11, "to extend juvenile court jurisdiction to young adults as prescribed;" has been struck.

LEGISLATIVE BILL 265A. Placed on Final Reading Second.

LEGISLATIVE BILL 320A. Placed on Final Reading Third.

LEGISLATIVE BILL 500. Placed on Final Reading Second.

LEGISLATIVE BILL 500A. Placed on Final Reading Second.

(Signed) Matt Hansen, Chairperson

MOTION - Print in Journal

Senator McCoy filed the following motion to LB268:

MO127

Bracket until April 16, 2016.

AMENDMENT(S) - Print in Journal

Senator Nordquist filed the following amendment to LB623:

FA73

On page 1, strike beginning with "The" in line 7 through "215." in line 10.

Senator Nordquist filed the following amendment to LB623:

FA74

On page 1, strike the word "section" in line 3 through "of" in line 4.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 349. Introduced by Howard, 9; Krist, 10; Williams, 36.

WHEREAS, Duchesne Academy of the Sacred Heart in Omaha won the 2015 National High School Mock Trial Championship in Raleigh, North Carolina; and

WHEREAS, the goal of the National High School Mock Trial Championship is to promote an understanding and appreciation of the American judicial system through academic competitions; and

WHEREAS, forty-six teams were entered in the National High School Mock Trial Championship; and

WHEREAS, members of the Duchesne Academy mock trial team are Taylor Anderson, Claire Benedix, Ariana Haddad, Collette Hanusek, Molly Laughlin, Elizabeth Matthews, Divya Nimmagadda, Natalie Taylor, and the team's teacher coach, Adam Klepper.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Duchesne Academy of the Sacred Heart on winning the 2015 National High School Mock Trial Championship.

2. That a copy of this resolution be sent to Duchesne Academy of the Sacred Heart.

Laid over.

SELECT FILE

LEGISLATIVE BILL 643. The McCoy amendment, AM1711, found in this day's Journal, to the Garrett amendment, was renewed.

Senator Garrett moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Bloomfield moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 8 nays, and 12 not voting.

The McCoy amendment lost with 22 ayes, 9 nays, 14 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Garrett asked unanimous consent to withdraw his amendment, AM1702, found in this day's Journal, and replace it with the B. Harr substitute amendment, AM1722. No objections. So ordered. AM1722 is available in the Bill Room.

Senator McCoy offered the following amendment to the B. Harr amendment:

FA75

Amend AM1722

Page 23, line 28 Strike "gifts".

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 200. Placed on Final Reading.
LEGISLATIVE BILL 200A. Placed on Final Reading.
LEGISLATIVE BILL 226. Placed on Final Reading.
LEGISLATIVE BILL 231. Placed on Final Reading.
LEGISLATIVE BILL 361. Placed on Final Reading.
LEGISLATIVE BILL 390. Placed on Final Reading.
LEGISLATIVE BILL 390A. Placed on Final Reading.
LEGISLATIVE BILL 539. Placed on Final Reading.

LEGISLATIVE BILL 591. Placed on Final Reading.

ST45

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "individuals" in line 1 through line 7 and all amendments thereto have been struck and "revenue and taxation; to amend sections 72-1239.01, 77-3504, and 84-618, Reissue Revised Statutes of Nebraska, and sections 68-1201, 77-2715.07, and 77-2716, Revised Statutes Cumulative Supplement, 2014; to define terms; to create the achieving a better life experience program; to provide powers and duties; to change provisions relating to federal tax credits; to provide for adjustments to taxable income; to redefine household income for purposes of the homestead exemption; to provide startup funding; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 591A. Placed on Final Reading.

ST54

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Bolz amendment, AM1709, on page 1, lines 3 and 17, "First Session," has been inserted after the first comma.

2. On page 1, the matter beginning with "appropriate" in line 1 through line 3 has been struck and "amend section 69, Legislative Bill 657, One Hundred Fourth Legislature, First Session, 2015; to appropriate funds to aid in carrying out the provisions of Legislative Bill 591, One Hundred Fourth Legislature, First Session, 2015; to change an appropriation; to repeal the original section; and to declare an emergency." inserted.

LEGISLATIVE BILL 623. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in JournalSenator Larson filed the following amendment to LB619:

AM1654

(Amendments to Standing Committee amendments, AM115)

1 1. On page 3, line 15, strike "draw or"; and strike beginning with

2 "a" in line 18 through "and" in line 20.

3 2. On page 4, lines 4 and 5 and 12, strike "draw and".

Senator Bloomfield filed the following amendment to LB176:

AM1636

1 1. On page 2, lines 6 and 9, strike "livestock" and insert "swine".

Senator McCoy filed the following amendment to LB643:

AM1726

(Amendments to AM1722)

1 1. On page 25, line 20, after the period insert "No board member

2 shall have a financial interest in a manufacturer or a compassion

3 center".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 350. Introduced by Coash, 27; Baker, 30; Bloomfield, 17; Bolz, 29; Brasch, 16; Campbell, 25; Chambers, 11; Cook, 13; Craighead, 6; Crawford, 45; Davis, 43; Ebke, 32; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Haar, K., 21; Hadley, 37; Hansen, 26; Harr, B., 8; Hilkemann, 4; Howard, 9; Hughes, 44; Johnson, 23; Kintner, 2; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; McCollister, 20; McCoy, 39; Mello, 5; Morfeld, 46; Murante, 49; Nordquist, 7; Pansing Brooks, 28; Riepe, 12; Scheer, 19; Schilz, 47; Schnoor, 15; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Watermeier, 1; Williams, 36.

WHEREAS, the staff of the Department of Correctional Services are committed and dedicated state employees who command respect and

admiration for their exemplary contribution and service on behalf of others; and

WHEREAS, correctional facility staff put their lives on the line to keep Nebraskans safe; and

WHEREAS, correctional facility staff perform a variety of duties to maintain public safety; and

WHEREAS, it is the sense of the Legislature that correctional facility staff should be recognized for their selfless acts of bravery and for putting themselves in harm's way every day; and

WHEREAS, it is the sense of the Legislature that these committed public servants who unselfishly dedicate their lives to working in a correctional facility are worthy of and due full praise for their commitment to making Nebraska safer.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. The Legislature recognizes and honors correctional facility staff in Nebraska who demonstrate great courage and diligence in their work.

2. The Legislature recognizes correctional facility staff for their efforts to create a safer community and expresses its strong support for the state's correctional facility staff.

3. That a copy of this resolution be sent to Scott Frakes, director of the Department of Correctional Services.

Laid over.

VISITORS

Visitors to the Chamber were 13 members of the Dawson Area Development Association; 15 seventh- and eighth-grade students and teachers from St. Paul's Lutheran School, Norfolk; Former House Representative and State Senator, Doug Bereuter, from Cedar Bluffs; 80 fourth-grade students from York; 56 fourth-grade students and teachers from J. Sterling Morton Elementary, Omaha; 60 fourth-grade students and teachers from Calvert Elementary, Auburn; Senator K. Haar's brother and nephew, Dave and Tim Haar, from Omaha; Senator Hilkemann's wife, brother, and sister-in-law, Julie, Ron, and Donna Hilkeman, from Norfolk; Don Liedmann from Carroll, and Joyce Eucker from Norfolk; 12 fifth- and sixth-grade students and sponsors from Thedford; and 85 fourth-grade students and teachers from Jefferson Elementary, Omaha.

The Doctor of the Day was Dr. Aaron Lanik from Geneva.

ADJOURNMENT

At 8:58 p.m., on a motion by Senator Coash, the Legislature adjourned until 9:00 a.m., Wednesday, May 20, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-FOURTH DAY - MAY 20, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

EIGHTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 20, 2015

PRAYER

The prayer was offered by Senator Lindstrom.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Larson and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-third day was approved.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 251, 253, 264, 267, and 268 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 251, 253, 264, 267, and 268.

MOTION - Bracket LB268

Senator McCoy offered his motion, MO127, found on page 1732, to bracket LB268 until April 16, 2016.

Senator Chambers offered the following motion:

MO130

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Chambers requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 34:

| | | | | |
|----------|----------|-----------|-------------|----------------|
| Baker | Davis | Harr, B. | Larson | Pansing Brooks |
| Bolz | Ebke | Hilkemann | Lindstrom | Schilz |
| Campbell | Garrett | Howard | McCollister | Schumacher |
| Chambers | Gloor | Johnson | Mello | Seiler |
| Coash | Haar, K. | Kolowski | Morfeld | Sullivan |
| Cook | Hadley | Kolterman | Murante | Williams |
| Crawford | Hansen | Krist | Nordquist | |

Voting in the negative, 14:

| | | | | |
|------------|---------|---------|---------|------------|
| Bloomfield | Friesen | Kintner | Riepe | Stinner |
| Brasch | Groene | Kuehn | Scheer | Watermeier |
| Craighead | Hughes | McCoy | Schnoor | |

Present and not voting, 1:

Smith

The Chambers motion to invoke cloture prevailed with 34 ayes, 14 nays, and 1 present and not voting.

The McCoy motion to bracket failed with 14 ayes, 31 nays, and 4 present and not voting.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB268 with 37 ayes, 8 nays, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 268.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 23-3406, 23-3408, 24-1106, 25-1140.09, 28-104, 28-202, 28-303, 29-1602, 29-1822, 29-2004, 29-2005, 29-2006, 29-2020, 29-2027, 29-2407, 29-2801, 29-3205, 29-3920, 29-3928, 29-3929, 29-3930, 55-480, 83-1,110.02, and 83-4,143, Reissue Revised Statutes of Nebraska, and sections 28-105, 28-201, 28-1356, 29-1603, 29-2204, 29-2261, and 29-3922, Revised Statutes Cumulative Supplement, 2014; to eliminate the death penalty; to change and eliminate provisions relating to murder in the first degree,

presentence reports, indeterminate sentences, the Commission on Public Advocacy, and the authority of courts and the Department of Correctional Services; to state intent; to eliminate a homicide-case report, provisions on capital punishment, proportionality review provisions, and obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 24-1105, 29-2519, 29-2521, 29-2521.01, 29-2521.03, 29-2521.04, 29-2521.05, 29-2523, 29-2524.01, 29-2524.02, 29-2525, 29-2527, 29-2528, 29-2811, 83-1,105.01, 83-1,132, 83-964, 83-965, 83-966, 83-967, 83-968, 83-969, 83-970, 83-971, and 83-972, Reissue Revised Statutes of Nebraska, and sections 28-105.01, 29-2520, 29-2521.02, 29-2522, 29-2524, 29-2537, 29-2538, 29-2539, 29-2540, 29-2541, 29-2542, 29-2543, and 29-2546, Revised Statutes Cumulative Supplement, 2014.

Senator McCoy requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

| | | | | |
|----------|----------|-----------|----------------|------------|
| Baker | Davis | Harr, B. | Lindstrom | Schumacher |
| Bolz | Ebke | Hilkemann | McCollister | Seiler |
| Campbell | Garrett | Howard | Mello | Sullivan |
| Chambers | Gloor | Johnson | Morfeld | Williams |
| Coash | Haar, K. | Kolowski | Murante | |
| Cook | Hadley | Kolterman | Nordquist | |
| Crawford | Hansen | Krist | Pansing Brooks | |

Voting in the negative, 15:

| | | | | |
|------------|---------|---------|---------|------------|
| Bloomfield | Friesen | Kintner | Riepe | Smith |
| Brasch | Groene | Kuehn | Scheer | Stinner |
| Craighead | Hughes | McCoy | Schnoor | Watermeier |

Present and not voting, 2:

| | |
|--------|--------|
| Larson | Schilz |
|--------|--------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MESSAGE(S) FROM THE GOVERNOR

May 20, 2015

Patrick J. O'Donnell
Clerk of the Nebraska Legislature
2018 State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 554e, 656e, 657e, 658e, 659e, 660e, 661e, 662e, 663e, and 663Ae were received in my office on May 14, 2015.

These bills were signed and delivered to the Secretary of State on May 20, 2015.

Sincerely,
(Signed) Pete Ricketts
Governor

PR/lhk

COMMITTEE REPORT(S)

Judiciary

The Judiciary 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.

Teresa L. Bittinger - Board of Parole
Virgil J. Patlan Sr. - Board of Parole

Aye: 6 Coash, Krist, Morfeld, Pansing Brooks, Seiler, Williams. Nay: 0.
Absent: 2 Chambers, Ebke. Present and not voting: 0.

(Signed) Les Seiler, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 55.

A BILL FOR AN ACT relating to the Emergency Management Act; to amend section 81-829.42, Reissue Revised Statutes of Nebraska; to provide authority to the Adjutant General to make emergency expenditures as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|------------|----------|-------------|----------------|------------|
| Baker | Ebke | Johnson | Mello | Seiler |
| Bloomfield | Friesen | Kintner | Morfeld | Smith |
| Bolz | Garrett | Kolowski | Murante | Stinner |
| Brasch | Gloor | Kolterman | Nordquist | Sullivan |
| Campbell | Groene | Krist | Pansing Brooks | Watermeier |
| Chambers | Haar, K. | Kuehn | Riepe | Williams |
| Coash | Hadley | Larson | Scheer | |
| Craighead | Hansen | Lindstrom | Schilz | |
| Crawford | Harr, B. | McCollister | Schnoor | |
| Davis | Howard | McCoy | Schumacher | |

Voting in the negative, 0.

Present and not voting, 2:

Hilkemann Hughes

Excused and not voting, 1:

Cook

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 104.

A BILL FOR AN ACT relating to utility service; to amend section 70-1605, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to notice of discontinuance of service; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|-----------|----------|-------------|----------------|------------|
| Baker | Friesen | Johnson | Mello | Seiler |
| Bolz | Garrett | Kintner | Morfeld | Smith |
| Brasch | Gloor | Kolowski | Murante | Stinner |
| Campbell | Groene | Kolterman | Nordquist | Sullivan |
| Chambers | Haar, K. | Krist | Pansing Brooks | Watermeier |
| Coash | Hadley | Kuehn | Riepe | Williams |
| Craighead | Hansen | Larson | Scheer | |
| Crawford | Harr, B. | Lindstrom | Schilz | |
| Davis | Howard | McCollister | Schnoor | |
| Ebke | Hughes | McCoy | Schumacher | |

Voting in the negative, 0.

Present and not voting, 2:

Bloomfield Hilkemann

Excused and not voting, 1:

Cook

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 123.

A BILL FOR AN ACT relating to warrants; to amend sections 77-2206 and 77-2214, Reissue Revised Statutes of Nebraska; to change provisions relating to the payment of warrants; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schumacher |
| Bloomfield | Friesen | Hughes | McCoy | Seiler |
| Bolz | Garrett | Johnson | Mello | Smith |
| Brasch | Gloor | Kintner | Morfeld | Stinner |
| Campbell | Groene | Kolowski | Murante | Sullivan |
| Chambers | Haar, K. | Kolterman | Nordquist | Watermeier |
| Coash | Hadley | Krist | Pansing Brooks | Williams |
| Craighead | Hansen | Kuehn | Riepe | |
| Crawford | Harr, B. | Larson | Schilz | |
| Davis | Hilkemann | Lindstrom | Schnoor | |

Voting in the negative, 0.

Present and not voting, 1:

Scheer

Excused and not voting, 1:

Cook

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB138 with 44 ayes, 1 nay, 3 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 138.

A BILL FOR AN ACT relating to land surveyors; to amend sections 23-1901, 23-1908, 23-1911, 39-1311.02, 81-8,108, 81-8,109, 81-8,110.01, 81-8,110.07, 81-8,118, 81-8,119.01, 81-8,120, 81-8,122.01, 81-8,123, 81-8,126, and 81-8,127, Reissue Revised Statutes of Nebraska; to name the Land Surveyors Regulation Act; to provide for a code of practice for land surveyors; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Ebke | Howard | McCoy | Schumacher |
| Bloomfield | Friesen | Hughes | Mello | Seiler |
| Bolz | Garrett | Johnson | Morfeld | Smith |
| Brasch | Gloor | Kolowski | Murante | Stinner |
| Campbell | Groene | Kolterman | Nordquist | Sullivan |
| Chambers | Haar, K. | Krist | Pansing Brooks | Watermeier |
| Coash | Hadley | Kuehn | Riepe | Williams |
| Craighead | Hansen | Larson | Scheer | |
| Crawford | Harr, B. | Lindstrom | Schilz | |
| Davis | Hilkemann | McCollister | Schnoor | |

Voting in the negative, 0.

Present and not voting, 1:

Kintner

Excused and not voting, 1:

Cook

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB195 with 46 ayes, 1 nay, and 2 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 195.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1010 and 25-1056, Reissue Revised Statutes of Nebraska; to change provisions relating to summons and orders of garnishment on financial institutions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Lindstrom | Schilz |
| Bloomfield | Ebke | Howard | McCollister | Schnoor |
| Bolz | Friesen | Hughes | McCoy | Schumacher |
| Brasch | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Chambers | Groene | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB206 with 41 ayes, 1 nay, and 7 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 206.

A BILL FOR AN ACT relating to the Erosion and Sediment Control Act; to amend sections 2-4603, 2-4604, 2-4605, 2-4608, 2-4610, 2-4612, and 2-4613, Reissue Revised Statutes of Nebraska; to define and redefine terms;

to change provisions relating to the state erosion and sediment control program; to provide for an order to cease and desist as prescribed; to eliminate certain exemptions and obsolete provisions as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Ebke | Howard | McCoy | Schumacher |
| Bloomfield | Friesen | Hughes | Mello | Seiler |
| Bolz | Garrett | Johnson | Morfeld | Smith |
| Brasch | Gloor | Kolowski | Murante | Stinner |
| Campbell | Groene | Kolterman | Nordquist | Sullivan |
| Chambers | Haar, K. | Krist | Pansing Brooks | Watermeier |
| Coash | Hadley | Kuehn | Riepe | Williams |
| Cook | Hansen | Larson | Scheer | |
| Crawford | Harr, B. | Lindstrom | Schilz | |
| Davis | Hilkemann | McCollister | Schnoor | |

Voting in the negative, 0.

Present and not voting, 2:

Craighead Kintner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 246.

A BILL FOR AN ACT relating to the Nebraska Advantage Microenterprise Tax Credit Act; to amend section 77-5903, Reissue Revised Statutes of Nebraska; to redefine microbusiness; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|------------|----------|-------------|----------------|------------|
| Baker | Davis | Hughes | McCoy | Schumacher |
| Bloomfield | Ebke | Johnson | Mello | Seiler |
| Bolz | Friesen | Kintner | Morfeld | Smith |
| Brasch | Garrett | Kolowski | Murante | Sinner |
| Campbell | Gloor | Kolterman | Nordquist | Sullivan |
| Chambers | Haar, K. | Krist | Pansing Brooks | Watermeier |
| Coash | Hadley | Kuehn | Riepe | Williams |
| Cook | Hansen | Larson | Scheer | |
| Craighead | Harr, B. | Lindstrom | Schilz | |
| Crawford | Howard | McCollister | Schnoor | |

Voting in the negative, 0.

Present and not voting, 2:

Groene Hilkemann

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 257.

A BILL FOR AN ACT relating to insurance; to require insurers to provide descriptions relating to telehealth and telemonitoring as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Lindstrom | Schilz |
| Bloomfield | Ebke | Howard | McCollister | Schnoor |
| Bolz | Friesen | Hughes | McCoy | Schumacher |
| Brasch | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Chambers | Groene | Kolowski | Murante | Sinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 277.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1838 and 77-1842, Reissue Revised Statutes of Nebraska; to change a provision relating to tax deed lien priority; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Lindstrom | Schnoor |
| Bloomfield | Ebke | Howard | McCollister | Schumacher |
| Bolz | Friesen | Hughes | McCoy | Seiler |
| Brasch | Garrett | Johnson | Mello | Smith |
| Campbell | Gloor | Kintner | Morfeld | Stinner |
| Chambers | Groene | Kolowski | Murante | Sullivan |
| Coash | Haar, K. | Kolterman | Nordquist | Watermeier |
| Cook | Hadley | Krist | Pansing Brooks | Williams |
| Craighead | Hansen | Kuehn | Riepe | |
| Crawford | Harr, B. | Larson | Schilz | |

Voting in the negative, 0.

Present and not voting, 1:

Scheer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 283. With Emergency Clause.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 13-511, 73-106, 79-1023, 81-829.49, and 81-829.51, Reissue Revised Statutes of Nebraska; to change provisions relating to budgets, public lettings, and state aid for school districts as prescribed; to provide for payment of emergency expenses by school districts and educational service units as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

| | | | | |
|-----------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schnoor |
| Bolz | Friesen | Hughes | McCoy | Schumacher |
| Brasch | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Chambers | Groene | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |
| Davis | Hilkemann | Lindstrom | Schilz | |

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB287 with 44 ayes, 1 nay, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 287.

A BILL FOR AN ACT relating to civil rights; to amend sections 20-150, 20-151, 20-156, and 20-159, Reissue Revised Statutes of Nebraska, and section 71-4728, Revised Statutes Cumulative Supplement, 2014; to define and redefine terms; to change provisions relating to licensure of interpreters for deaf and hard of hearing persons; to provide for video remote interpreting services; to provide for civil penalties for unlicensed practice; to provide exceptions as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Davis | Howard | McCollister | Schnoor |
| Bloomfield | Friesen | Hughes | McCoy | Schumacher |
| Bolz | Garrett | Johnson | Mello | Seiler |
| Brasch | Gloor | Kintner | Morfeld | Smith |
| Campbell | Groene | Kolowski | Murante | Stinner |
| Chambers | Haar, K. | Kolterman | Nordquist | Sullivan |
| Coash | Hadley | Krist | Pansing Brooks | Watermeier |
| Cook | Hansen | Kuehn | Riepe | Williams |
| Craighead | Harr, B. | Larson | Scheer | |
| Crawford | Hilkemann | Lindstrom | Schilz | |

Voting in the negative, 0.

Present and not voting, 1:

Ebke

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 291. With Emergency Clause.

A BILL FOR AN ACT relating to the State Athletic Commissioner; to amend sections 81-8,129, 81-8,130.01, 81-8,132, 81-8,133, 81-8,133.01, 81-8,135, and 81-8,139, Reissue Revised Statutes of Nebraska; to remove professional wrestling from the commissioner's jurisdiction; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Lindstrom | Schilz |
| Bloomfield | Ebke | Howard | McCollister | Schnoor |
| Bolz | Friesen | Hughes | McCoy | Schumacher |
| Brasch | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Chambers | Groene | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 296. With Emergency Clause.

A BILL FOR AN ACT relating to foster care; to amend sections 43-1311.01 and 43-1311.02, Revised Statutes Cumulative Supplement, 2014; to provide notification after removal of a child as prescribed; to define a term; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Lindstrom | Schilz |
| Bloomfield | Ebke | Howard | McCollister | Schnoor |
| Bolz | Friesen | Hughes | McCoy | Schumacher |
| Brasch | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Chambers | Groene | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 310.

A BILL FOR AN ACT relating to the Niobrara Scenic River Act; to amend section 72-2007, Reissue Revised Statutes of Nebraska; to change provisions relating to the Niobrara Council; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Lindstrom | Schilz |
| Bloomfield | Ebke | Howard | McCollister | Schnoor |
| Bolz | Friesen | Hughes | McCoy | Schumacher |
| Brasch | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Chambers | Groene | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

EASE

The Legislature was at ease from 11:59 a.m. until 12:25 p.m.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 55, 104, 123, 138, 195, 206, 246, 257, 277, 283, 287, 291, 296, 310, and 268.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Bolz - LB268

Ebke, Garrett, Hansen, Hilkemann, McCollister, Scheer, Schnoor - LR338

Bolz, Schilz - LR338

SENATOR KRIST PRESIDING

GENERAL FILE

LEGISLATIVE BILL 315. Title read. Considered.

Committee AM458, found on page 614, was offered.

Senator Howard offered her amendment, AM510, found on page 1570, to the committee amendment.

The Howard amendment was adopted with 28 ayes, 0 nays, 19 present and

not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 315A. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 452. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 540. Title read. Considered.

Senator Krist withdrew his amendment, AM1529, found on page 1430.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 351. Introduced by Mello, 5; Bolz, 29; Campbell, 25; Cook, 13; Crawford, 45; Gloor, 35; Haar, K., 21; Hansen, 26; Harr, B., 8; Howard, 9; Kolowski, 31; Nordquist, 7; Pansing Brooks, 28.

WHEREAS, the Steamfitters and Plumbers Local Union 464 was chartered by the United Association of Plumbers and Pipefitters on April 3, 1915; and

WHEREAS, the Steamfitters and Plumbers Local Union 464 has grown to over 800 members across Nebraska and Iowa; and

WHEREAS, the Steamfitters and Plumbers Union is dedicated to outstanding professional training and safety; and

WHEREAS, the Steamfitters and Plumbers Union serves the local community through charitable activities including the Heats On project for low-income and elderly individuals, as well as by donating time and labor to Habitat for Humanity, the Potter's House in Omaha, and inCOMMON Community Development.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Steamfitters and Plumbers Local Union 464 on its 100th anniversary.

2. That a copy of this resolution be sent to the Steamfitters and Plumbers Local Union 464.

Laid over.

LEGISLATIVE RESOLUTION 352. Introduced by Mello, 5; Cook, 13; Crawford, 45; Howard, 9; Nordquist, 7; Riepe, 12.

WHEREAS, the National Association of Town Watch (NATW) is sponsoring a unique nationwide crime and drug prevention program on August 4, 2015, called National Night Out; and

WHEREAS, the 32nd annual National Night Out provides a unique opportunity for Nebraska communities to join forces with thousands of other communities across the country in promoting involvement in crime prevention activities, police-community partnerships, and neighborhood camaraderie; and

WHEREAS, Nebraska's citizens, businesses, and neighborhood associations play a vital role in assisting law enforcement through joint crime, drug, and violence prevention efforts and disaster preparedness and support National Night Out 2015; and

WHEREAS, it is essential that all Nebraska residents be aware of the importance of crime prevention programs and the impact that their participation can have on reducing crime, drug abuse, and violence and in assisting with disaster preparedness; and

WHEREAS, community partnerships, neighborhood safety and awareness, and community emergency response teams are important themes of the National Night Out program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature proclaims August 4, 2015, as National Night Out in Nebraska.

2. That the Legislature calls upon all Nebraskans to join in supporting the 32nd annual National Night Out on August 4, 2015.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 20, 2015, at 12:29 p.m. were the following: LBs 268, 55, 104, 123, 138, 195, 206, 246, 257, 277, 283e, 287, 291e, 296e, and 310.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

MOTION - Return LB173 to Select File

Senator B. Harr moved to return LB173 to Select File for his specific amendment, AM1641, found on page 1694.

Senator Pansing Brooks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 7 nays, and 16 not voting.

The B. Harr motion to return prevailed with 28 ayes, 6 nays, 13 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 173. The B. Harr specific amendment, AM1641, found on page 1694, was offered.

PRESIDENT FOLEY PRESIDING

Senator Seiler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The B. Harr specific amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Pending.

COMMITTEE REPORT(S)

Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Michelle Marie Hynes - Foster Care Advisory Committee
Sheree L. Keely - Foster Care Advisory Committee

Aye: 7 Baker, Campbell, Cook, Crawford, Howard, Kolterman, Riepe. Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Jim Trebbien - State Board of Health

Aye: 7 Baker, Campbell, Cook, Crawford, Howard, Kolterman, Riepe. Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Jeremy Fitzpatrick - Commission for the Deaf and Hard of Hearing
John Hogue - Commission for the Deaf and Hard of Hearing

Aye: 7 Baker, Campbell, Cook, Crawford, Howard, Kolterman, Riepe. Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Michael D. Bailey - Board of Emergency Medical Services

Aye: 7 Baker, Campbell, Cook, Crawford, Howard, Kolterman, Riepe. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB173A:
AM1738

(Amendments to Final Reading copy)

1 1. On page 2, line 3, strike "\$119,351" and insert "\$12,491"; and in
2 line 5 strike "\$350,069" and insert "\$129,225".

MOTION - Return LB623 to Select File

Senator Nordquist moved to return LB623 to Select File for his specific amendment, FA73, found on page 1733.

SPEAKER HADLEY PRESIDING

Senator Nordquist withdrew his motion to return.

WITHDRAW - Amendment to LB623

Senator Nordquist withdrew his amendment, FA74, found on page 1733, to LB623.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 334. With Emergency Clause.

A BILL FOR AN ACT relating to labor; to amend section 81-401, Reissue Revised Statutes of Nebraska; to eliminate the Nebraska Workforce Investment Act and the Nebraska Workforce Investment Board; to harmonize provisions; to repeal the original section; to outright repeal sections 48-1616, 48-1618, 48-1619, 48-1620, 48-1621, 48-1622, 48-1626, and 48-1627, Reissue Revised Statutes of Nebraska, and sections 48-1617, 48-1623, 48-1624, and 48-1625, Revised Statutes Cumulative Supplement, 2014; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Davis | Howard | Mello | Seiler |
| Bloomfield | Ebke | Hughes | Morfeld | Smith |
| Bolz | Friesen | Johnson | Murante | Sinner |
| Brasch | Gloor | Kintner | Nordquist | Sullivan |
| Campbell | Groene | Kolowski | Pansing Brooks | Watermeier |
| Chambers | Haar, K. | Kolterman | Riepe | Williams |
| Coash | Hadley | Kuehn | Scheer | |
| Cook | Hansen | Lindstrom | Schilz | |
| Craighead | Harr, B. | McCollister | Schnoor | |
| Crawford | Hilkemann | McCoy | Schumacher | |

Voting in the negative, 0.

Present and not voting, 1:

Garrett

Excused and not voting, 2:

Krist Larson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 342.

A BILL FOR AN ACT relating to insurers; to permit contracts for pharmacist professional services.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|------------|----------|-------------|----------------|------------|
| Baker | Davis | Hilkemann | Mello | Seiler |
| Bloomfield | Ebke | Howard | Morfeld | Smith |
| Bolz | Friesen | Hughes | Murante | Stinner |
| Brasch | Garrett | Johnson | Nordquist | Sullivan |
| Campbell | Gloor | Kolowski | Pansing Brooks | Watermeier |
| Chambers | Groene | Kolterman | Riepe | Williams |
| Coash | Haar, K. | Kuehn | Scheer | |
| Cook | Hadley | Lindstrom | Schilz | |
| Craighead | Hansen | McCollister | Schnoor | |
| Crawford | Harr, B. | McCoy | Schumacher | |

Voting in the negative, 0.

Present and not voting, 1:

Kintner

Excused and not voting, 2:

Krist Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 365.

A BILL FOR AN ACT relating to public records; to amend section 84-1413, Reissue Revised Statutes of Nebraska; to allow school districts and educational service units to keep electronic records; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|------------|----------|-------------|----------------|------------|
| Baker | Davis | Hilkemann | McCoy | Schumacher |
| Bloomfield | Ebke | Howard | Mello | Seiler |
| Bolz | Friesen | Hughes | Morfeld | Smith |
| Brasch | Garrett | Johnson | Murante | Sinner |
| Campbell | Gloor | Kolowski | Nordquist | Sullivan |
| Chambers | Groene | Kolterman | Pansing Brooks | Watermeier |
| Coash | Haar, K. | Kuehn | Riepe | Williams |
| Cook | Hadley | Larson | Scheer | |
| Craighead | Hansen | Lindstrom | Schilz | |
| Crawford | Harr, B. | McCollister | Schnoor | |

Voting in the negative, 0.

Present and not voting, 1:

Kintner

Excused and not voting, 1:

Krist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 375.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend sections 81-885.01 and 81-885.16, Reissue Revised Statutes of Nebraska; to change provisions relating to broker's price opinions and comparative market analyses; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|------------|----------|-------------|----------------|------------|
| Baker | Davis | Hilkemann | McCoy | Schumacher |
| Bloomfield | Ebke | Howard | Mello | Seiler |
| Bolz | Friesen | Hughes | Morfeld | Smith |
| Brasch | Garrett | Johnson | Murante | Sinner |
| Campbell | Gloor | Kolowski | Nordquist | Sullivan |
| Chambers | Groene | Kolterman | Pansing Brooks | Watermeier |
| Coash | Haar, K. | Kuehn | Riepe | Williams |
| Cook | Hadley | Larson | Scheer | |
| Craighead | Hansen | Lindstrom | Schilz | |
| Crawford | Harr, B. | McCollister | Schnoor | |

Voting in the negative, 0.

Present and not voting, 1:

Kintner

Excused and not voting, 1:

Krist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 408.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1744, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to penalties for corporations and companies that fail to pay taxes; to harmonize provisions; to repeal the original section; and to outright repeal section 77-1726, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Ebke | Hughes | Mello | Seiler |
| Bloomfield | Friesen | Johnson | Morfeld | Smith |
| Bolz | Garrett | Kintner | Murante | Stinner |
| Brasch | Gloor | Kolowski | Nordquist | Sullivan |
| Campbell | Groene | Kolterman | Pansing Brooks | Watermeier |
| Coash | Haar, K. | Kuehn | Riepe | Williams |
| Cook | Hadley | Larson | Scheer | |
| Craighead | Hansen | Lindstrom | Schilz | |
| Crawford | Hilkemann | McCollister | Schnoor | |
| Davis | Howard | McCoy | Schumacher | |

Voting in the negative, 0.

Present and not voting, 2:

Chambers Harr, B.

Excused and not voting, 1:

Krist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 412.

A BILL FOR AN ACT relating to the Rural Community-Based Energy Development Act; to amend section 70-1907, Reissue Revised Statutes of Nebraska, and section 70-1903, Revised Statutes Cumulative Supplement, 2014; to redefine terms; to change requirements for project developers; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Ebke | Howard | McCoy | Schumacher |
| Bloomfield | Friesen | Hughes | Mello | Seiler |
| Bolz | Garrett | Johnson | Morfeld | Smith |
| Brasch | Gloor | Kintner | Murante | Stinner |
| Campbell | Groene | Kolowski | Nordquist | Sullivan |
| Coash | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Cook | Hadley | Kuehn | Riepe | Williams |
| Craighead | Hansen | Larson | Scheer | |
| Crawford | Harr, B. | Lindstrom | Schilz | |
| Davis | Hilkemann | McCollister | Schnoor | |

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Krist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 422.

A BILL FOR AN ACT relating to the Nebraska Probate Code; to amend section 30-2201, Revised Statutes Cumulative Supplement, 2014; to provide for reasonable fees and costs for proceedings involving a minor as prescribed; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Ebke | Howard | McCoy | Schumacher |
| Bloomfield | Friesen | Hughes | Mello | Seiler |
| Bolz | Garrett | Johnson | Morfeld | Smith |
| Brasch | Gloor | Kintner | Murante | Sinner |
| Campbell | Groene | Kolowski | Nordquist | Sullivan |
| Coash | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Cook | Hadley | Kuehn | Riepe | Williams |
| Craighead | Hansen | Larson | Scheer | |
| Crawford | Harr, B. | Lindstrom | Schilz | |
| Davis | Hilkemann | McCollister | Schnoor | |

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Krist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB424 with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 424.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-518, Reissue Revised Statutes of Nebraska, and sections 77-105, 77-202, 77-6201, 77-6202, 77-6203, and 77-6204, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the nameplate capacity tax; to redefine terms; to change a property tax exemption; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Ebke | Howard | McCoy | Schumacher |
| Bloomfield | Friesen | Hughes | Mello | Seiler |
| Bolz | Garrett | Johnson | Morfeld | Smith |
| Brasch | Gloor | Kintner | Murante | Stinner |
| Campbell | Groene | Kolowski | Nordquist | Sullivan |
| Coash | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Cook | Hadley | Kuehn | Riepe | Williams |
| Craighead | Hansen | Larson | Scheer | |
| Crawford | Harr, B. | Lindstrom | Schilz | |
| Davis | Hilkemann | McCollister | Schnoor | |

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Krist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 455.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-222.02, Reissue Revised Statutes of Nebraska; to change provisions relating to employment of a full-time fire chief; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Ebke | Hughes | Mello | Seiler |
| Bloomfield | Friesen | Johnson | Morfeld | Smith |
| Bolz | Garrett | Kintner | Murante | Stinner |
| Brasch | Gloor | Kolowski | Nordquist | Sullivan |
| Campbell | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Coash | Hadley | Kuehn | Riepe | Williams |
| Cook | Hansen | Larson | Scheer | |
| Craighead | Harr, B. | Lindstrom | Schilz | |
| Crawford | Hilkemann | McCollister | Schnoor | |
| Davis | Howard | McCoy | Schumacher | |

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 2:

Chambers Krist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 456. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Exchange Transparency Act; to amend section 44-8704, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to meetings of a commission; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Ebke | Howard | McCoy | Schumacher |
| Bloomfield | Friesen | Hughes | Mello | Seiler |
| Bolz | Garrett | Johnson | Morfeld | Smith |
| Brasch | Gloor | Kintner | Murante | Stinner |
| Campbell | Groene | Kolowski | Nordquist | Sullivan |
| Coash | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Cook | Hadley | Kuehn | Riepe | Williams |
| Craighead | Hansen | Larson | Scheer | |
| Crawford | Harr, B. | Lindstrom | Schilz | |
| Davis | Hilkemann | McCollister | Schnoor | |

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Krist

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 464.

A BILL FOR AN ACT relating to liens; to amend sections 52-1307, 52-1312, and 52-1317, Reissue Revised Statutes of Nebraska; to change provisions relating to information provided on effective financing statements as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schnoor |
| Bloomfield | Friesen | Hughes | McCoy | Schumacher |
| Bolz | Garrett | Johnson | Mello | Seiler |
| Brasch | Gloor | Kintner | Morfeld | Smith |
| Campbell | Groene | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |
| Davis | Hilkemann | Lindstrom | Schilz | |

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 477.

A BILL FOR AN ACT relating to schools; to amend section 79-499, Reissue Revised Statutes of Nebraska; to change provisions relating to a district maintaining the only public high school in a county as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Davis | Howard | McCollister | Schnoor |
| Bloomfield | Ebke | Hughes | McCoy | Schumacher |
| Bolz | Friesen | Johnson | Mello | Seiler |
| Brasch | Garrett | Kintner | Morfeld | Smith |
| Campbell | Groene | Kolowski | Murante | Stinner |
| Chambers | Haar, K. | Kolterman | Nordquist | Sullivan |
| Coash | Hadley | Krist | Pansing Brooks | Watermeier |
| Cook | Hansen | Kuehn | Riepe | Williams |
| Craighead | Harr, B. | Larson | Scheer | |
| Crawford | Hilkemann | Lindstrom | Schilz | |

Voting in the negative, 0.

Present and not voting, 1:

Gloor

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 479.

A BILL FOR AN ACT relating to veterans; to amend section 80-201, Reissue Revised Statutes of Nebraska; to change provisions relating to memorials of veterans; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Lindstrom | Schilz |
| Bloomfield | Ebke | Howard | McCollister | Schnoor |
| Bolz | Friesen | Hughes | McCoy | Schumacher |
| Brasch | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Chambers | Groene | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 511.

A BILL FOR AN ACT relating to schools; to state findings; and to require schools to develop return-to-learn protocols for pediatric cancer survivors returning to school as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schnoor |
| Bloomfield | Friesen | Hughes | McCoy | Schumacher |
| Bolz | Garrett | Johnson | Mello | Seiler |
| Brasch | Gloor | Kintner | Morfeld | Smith |
| Campbell | Groene | Kolowski | Murante | Sinner |
| Chambers | Haar, K. | Kolterman | Nordquist | Sullivan |
| Coash | Hadley | Krist | Pansing Brooks | Watermeier |
| Cook | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |
| Davis | Hilkemann | Lindstrom | Schilz | |

Voting in the negative, 0.

Present and not voting, 1:

Craighead

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 513.

A BILL FOR AN ACT relating to schools; to amend section 79-10,107, Reissue Revised Statutes of Nebraska; to change provisions relating to leasing and use of school property as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schnoor |
| Bloomfield | Friesen | Hughes | McCoy | Schumacher |
| Bolz | Garrett | Johnson | Mello | Seiler |
| Brasch | Gloor | Kintner | Morfeld | Smith |
| Campbell | Groene | Kolowski | Murante | Stinner |
| Chambers | Haar, K. | Kolterman | Nordquist | Sullivan |
| Coash | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |
| Davis | Hilkemann | Lindstrom | Schilz | |

Voting in the negative, 0.

Present and not voting, 1:

Cook

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 515.

A BILL FOR AN ACT relating to the Nebraska Investment Finance Authority Act; to amend section 58-242, Reissue Revised Statutes of Nebraska; to change an aggregate loan limit for agricultural projects as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Lindstrom | Schilz |
| Bloomfield | Ebke | Howard | McCollister | Schnoor |
| Bolz | Friesen | Hughes | McCoy | Schumacher |
| Brasch | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Chambers | Groene | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 541.

A BILL FOR AN ACT relating to the Taxpayer Transparency Act; to amend section 84-602.02, Reissue Revised Statutes of Nebraska; to change provisions related to a data base for expired contracts; to provide for disposal of records; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Lindstrom | Schilz |
| Bloomfield | Ebke | Howard | McCollister | Schnoor |
| Bolz | Friesen | Hughes | McCoy | Schumacher |
| Brasch | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Chambers | Groene | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 570.

A BILL FOR AN ACT relating to golf car vehicles; to amend section 60-6,381, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the operation of golf car vehicles; to provide and change ordinance authority relating to operation of golf car vehicles; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Lindstrom | Schilz |
| Bloomfield | Ebke | Howard | McCollister | Schnoor |
| Bolz | Friesen | Hughes | McCoy | Schumacher |
| Brasch | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Chambers | Groene | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 640.

A BILL FOR AN ACT relating to veterans; to amend section 80-413, Reissue Revised Statutes of Nebraska; to provide for retrocession of jurisdiction for land on which the Omaha National Cemetery is located; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Davis | Howard | McCoy | Schumacher |
| Bloomfield | Friesen | Hughes | Mello | Seiler |
| Bolz | Garrett | Johnson | Morfeld | Smith |
| Brasch | Gloor | Kintner | Murante | Stinner |
| Campbell | Groene | Kolowski | Nordquist | Sullivan |
| Chambers | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Coash | Hadley | Krist | Riepe | Williams |
| Cook | Hansen | Kuehn | Scheer | |
| Craighead | Harr, B. | Lindstrom | Schilz | |
| Crawford | Hilkemann | McCollister | Schnoor | |

Voting in the negative, 0.

Present and not voting, 2:

Ebke Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 334, 342, 365, 375, 408, 412, 422, 424, 455, 456, 464, 477, 479, 511, 513, 515, 541, 570, and 640.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 315. Placed on Select File with amendment.
ER140

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 68-974, Revised Statutes Cumulative Supplement,
- 4 2014, is amended to read:
- 5 68-974 (1) The department shall contract with one or more recovery
- 6 audit contractors to promote the integrity of the medical assistance
- 7 program and to assist with cost-containment efforts and recovery audits.
- 8 The contract or contracts shall include services for (a) cost-avoidance
- 9 through identification of third-party liability, (b) cost recovery of
- 10 third-party liability through postpayment reimbursement, (c) casualty
- 11 recovery of payments by identifying and recovering costs for claims that
- 12 were the result of an accident or neglect and payable by a casualty
- 13 insurer, and (d) reviews of claims submitted by providers of services or
- 14 other individuals furnishing items and services for which payment has
- 15 been made to determine whether providers have been underpaid or overpaid,
- 16 and to take actions to recover any overpayments identified or make
- 17 payment for any underpayment identified.
- 18 (2) Notwithstanding any other provision of law, all recovery audit
- 19 contractors retained by the department when conducting a recovery audit
- 20 shall:
- 21 (a) Review claims within two years from the date of the payment;
- 22 (b) Send a determination letter concluding an audit within sixty
- 23 days after receipt of all requested material from a provider;
- 24 (c) In any records request to a provider, furnish information
- 25 sufficient for the provider to identify the patient, procedure, or
- 26 location;
- 27 (d) Develop and implement with the department a procedure in which
- 1 an improper payment identified by an audit is permitted to be rebilled as
- 2 a corrected claim;
- 3 (e) Utilize a licensed health care professional from the area of
- 4 practice being audited to establish relevant audit methodology consistent
- 5 with established practice guidelines, standards of care, and state-issued
- 6 medicaid provider handbooks;
- 7 (f) Provide a written notification and explanation of an adverse
- 8 determination that includes the reason for the adverse determination, the
- 9 medical criteria on which the adverse determination was based, an
- 10 explanation of the provider's appeal rights, and, if applicable, an

11 explanation of the appropriate procedure to rebill in accordance with
12 subdivision (2)(d) of this section; and
13 (g) Schedule any onsite audits with advance notice of not less than
14 ten business days and make a good faith effort to establish a mutually
15 agreed upon time and date for the onsite audit.
16 (3) The department shall exclude the following from the scope of
17 review of recovery audit contractors: (a) Claims processed or paid
18 through a capitated medicaid managed care program; (b) medical necessity
19 reviews in which the provider has obtained prior authorization for the
20 service and in which the authorized service was provided; and (c) any
21 claims that are currently being audited or that have already been audited
22 by the recovery audit contractor or by another entity.
23 (4 2) The department shall contract with one or more persons to
24 support a health insurance premium assistance payment program.
25 (5 3) The department may enter into any other contracts deemed to
26 increase the efforts to promote the integrity of the medical assistance
27 program.
28 (6 4) Contracts entered into under the authority of this section may
29 be on a contingent fee basis. Contracts entered into on a contingent fee
30 basis shall provide that contingent fee payments are based upon amounts
31 recovered, not amounts identified, and that contingent fee payments are
1 not to be paid on amounts subsequently repaid due to determinations made
2 in appeal proceedings. Whether the contract is a contingent fee contract
3 or otherwise, the contractor shall not recover overpayments by the
4 department until all appeals have been completed unless there is a
5 credible allegation of fraudulent activity by the provider, the
6 contractor has referred the claims to the department for investigation,
7 and an investigation has commenced. In that event, the contractor may
8 recover overpayment prior to the conclusion of the appeals process. In
9 any contract between the department and a recovery audit contractor, the
10 payment or fee provided for identification of overpayments shall be the
11 same provided for identification of underpayments. Contracts shall be in
12 compliance with federal law and regulations when pertinent, including a
13 limit on contingent fees of no more than twelve and one-half percent of
14 amounts recovered, and initial contracts shall be entered into as soon as
15 practicable under such federal law and regulations.
16 (7 5) All amounts recovered and savings generated as a result of
17 this section shall be returned to the medical assistance program.
18 (8) Records requests made by a recovery audit contractor in any one-
19 hundred-eighty-day period shall be limited to not more than five percent
20 of the number of claims filed by the provider for the specific service
21 being reviewed, not to exceed two hundred records. The contractor shall
22 allow a provider no less than forty-five days to respond to and comply
23 with a record request. If the contractor can demonstrate a significant
24 provider error rate relative to an audit of records, the contractor may
25 make a request to the department to initiate an additional records
26 request regarding the subject under review for the purpose of further
27 review and validation. The contractor shall not make the request until
28 the time period for the appeals process has expired and the provider has

29 been given the opportunity to contest to the department the second
30 records request.
31 (9) On an annual basis, the department shall require the recovery
1 audit contractor to compile and publish on the department's Internet web
2 site metrics related to the performance of each recovery audit
3 contractor. Such metrics shall include: (a) The number and type of issues
4 reviewed; (b) the number of medical records requested; (c) the number of
5 overpayments and the aggregate dollar amounts associated with the
6 overpayments identified by the contractor; (d) the number of
7 underpayments and the aggregate dollar amounts associated with the
8 identified underpayments; (e) the duration of audits from initiation to
9 time of completion; (f) the number of adverse determinations and the
10 overturn rating of those determinations in the appeal process; (g) the
11 number of appeals filed by providers and the disposition status of such
12 appeals; (h) the contractor's compensation structure and dollar amount of
13 compensation; and (i) a copy of the department's contract with the
14 recovery audit contractor.
15 (10) The recovery audit contractor, in conjunction with the
16 department, shall perform educational and training programs annually for
17 providers that encompass a summary of audit results, a description of
18 common issues, problems, and mistakes identified through audits and
19 reviews, and a discussion of opportunities for improvement in provider
20 performance with respect to claims, billing, and documentation.
21 (11) Providers shall be allowed to submit records requested as a
22 result of an audit in electronic format which shall include compact disc,
23 digital versatile disc, or other electronic format deemed appropriate by
24 the department or via facsimile transmission, at the request of the
25 provider.
26 (12)(a) A provider shall have the right to appeal a determination
27 made by the recovery audit contractor.
28 (b) The contractor shall establish an informal consultation process.
29 Within thirty days after receipt of notification of an adverse
30 determination from the contractor, the provider may request an informal
31 consultation with the contractor and the Medicaid Program Integrity Unit
1 of the Division of Medicaid and Long-Term Care of the department to
2 discuss and attempt to resolve the findings or portion of such findings
3 in the adverse determination letter. The request shall be made to the
4 contractor. The consultation shall occur within thirty days after the
5 provider's request for informal consultation.
6 (c) Within thirty days after an informal consultation, or within
7 thirty days after notification of a final decision or an adverse
8 determination if no informal consultation is requested, a provider may
9 request an administrative appeal of the final decision or adverse
10 determination as set forth in the Administrative Procedure Act.
11 (13) (6) The department shall by December 1 of each year, 2012,
12 report to the Legislature the status of the contracts, including the
13 parties, the programs and issues addressed, the estimated cost recovery,
14 and the savings accrued as a result of the contracts. Such report shall
15 be filed electronically.

16 (14 7) For purposes of this section:

17 (a) Adverse determination means any decision rendered by the
 18 recovery audit contractor that results in a payment to a provider for a
 19 claim for service being reduced or rescinded;

20 (b a) Person means bodies politic and corporate, societies,
 21 communities, the public generally, individuals, partnerships, limited
 22 liability companies, joint-stock companies, and associations; and
 23 (c b) Recovery audit contractor means private entities with which
 24 the department contracts to audit claims for medical assistance, identify
 25 underpayments and overpayments, and recoup overpayments.
 26 Sec. 2. Original section 68-974, Revised Statutes Cumulative
 27 Supplement, 2014, is repealed.

LEGISLATIVE BILL 315A. Placed on Select File.

LEGISLATIVE BILL 452. Placed on Select File.

LEGISLATIVE BILL 540. Placed on Select File.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 353. Introduced by Davis, 43.

WHEREAS, Gordon Memorial Hospital in Gordon was named one of the iVantage Health Analytics Top 100 Critical Access Hospitals in the United States; and

WHEREAS, the iVantage Hospital Strength Index, a comprehensive rating of acute care hospitals in the United States, was used to create this ranking; and

WHEREAS, this hospital strength index measures over 60 performance metrics including quality, outcomes, patient perspectives, affordability, financial stability, population risk, and efficiency; and

WHEREAS, Gordon Memorial Hospital is one of 7 hospitals in Nebraska to be given this award in 2015; and

WHEREAS, critical access hospitals provide an invaluable service to rural America.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Gordon Memorial Hospital on being named one of the iVantage Health Analytics Top 100 Critical Access Hospitals in the United States.

2. That a copy of this resolution be sent to Gordon Memorial Hospital.

Laid over.

LEGISLATIVE RESOLUTION 354. Introduced by Davis, 43.

WHEREAS, Rachel Ostrander of Rushville has won the 2015 Peter Kiewit Student Entrepreneurial Award; and

WHEREAS, the Peter Kiewit Student Entrepreneurial Award is designed to recognize University of Nebraska students who have directed their energies, ideas, and talents toward community and business improvements with the use of information technology; and

WHEREAS, Rachel is the founder, chief executive officer, and programmer of MooManager, an agricultural software company providing management software to cattle ranchers. The application enables more accurate record keeping and provides ancestry tracking, inventory management, employee tasking, pasture management, live-time cattle work management, and automated data import; and

WHEREAS, Rachel also won first place at the 2013 Maverick Business Plan Competition, first place at the 2014 BigIdea! Elevator Pitch Competition, and second place at the National Collegiate Entrepreneurs' Organization Elevator Pitch Competition for her idea; and

WHEREAS, Rachel graduated from the University of Nebraska Omaha with a bachelor's degree in IT innovation in May 2015.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Rachel Ostrander on winning the 2015 Peter Kiewit Student Entrepreneurial Award.
2. That a copy of this resolution be sent to Rachel Ostrander.

Laid over.

LEGISLATIVE RESOLUTION 355. Introduced by Campbell, 25.

WHEREAS, the USS Oriskany, an Essex-class aircraft carrier, was ordered in August 1942, launched in October 1945, and commissioned in 1950. It was nicknamed "Mighty O" and was the last Essex-class ship constructed. The ship is named for the Revolutionary War Battle of Oriskany, New York, which occurred in 1777; and

WHEREAS, the USS Oriskany was the first aircraft carrier to round Cape Horn in 1952, operated primarily in the Pacific into the 1970s, and earned two battle stars for service in the Korean War and five battle stars for service in the Vietnam War; and

WHEREAS, in 1966 one of the worst shipboard fires since World War II broke out on USS Oriskany when a magnesium flare was accidentally ignited, killing 44 of the crew, many of whom were veteran combat pilots; and

WHEREAS, following repairs which were completed in March 1967, the USS Oriskany returned to service and on October 26, 1967, Lieutenant Commander John McCain flew from the USS Oriskany in an A-4 Skyhawk on his 23rd bombing mission of the Vietnam War before being shot down and captured; and

WHEREAS, USS Oriskany is referenced in the 1986 film Top Gun and featured in films such as The Bridges of Toko-Ri; and

WHEREAS, the USS Oriskany was decommissioned in 1976, and in 2006 the ship was sunk to form an artificial reef in the Gulf of Mexico off the coast of Florida where it remains and is known popularly as the "Great Carrier Reef." It is considered one of the top ten wreck diving sites in the world; and

WHEREAS, 470 United States Navy and Marine Corps veterans who served on the USS Oriskany, together with veterans' widows, have formed the USS Oriskany Reunion Association and hold reunions annually; and

WHEREAS, on October 4-7, 2015, the USS Oriskany reunion will be held in Lincoln.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature commends the veterans who served on the USS Oriskany and welcomes to Nebraska those who will attend the 25th USS Oriskany reunion on October 4-7, 2015.

2. That a copy of this resolution be presented to the organizers of the USS Oriskany reunion, Bob and Barbara Frazier of Lincoln.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Davis filed the following amendment to LB320:
AM1734

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 Sec. 14. Section 71-5829.04, Revised Statutes Cumulative Supplement,
- 3 2014, is amended to read:
- 4 71-5829.04 (1) All long-term care beds which require a certificate
- 5 of need under section 71-5829.03 are subject to a moratorium unless one
- 6 of the following exceptions applies:
- 7 (a) An exception to the moratorium may be granted if the department
- 8 establishes that the needs of individuals whose medical and nursing needs
- 9 are complex or intensive and are above the level of capabilities of staff
- 10 and above the services ordinarily provided in a long-term care bed are
- 11 not currently being met by the long-term care beds licensed in the health
- 12 planning region;~~or~~
- 13 (b) If the average occupancy for all licensed long-term care beds
- 14 located in a twenty-five-mile radius of the proposed site has exceeded
- 15 ninety percent occupancy during the most recent three consecutive
- 16 calendar quarters as reported at the time of the application filing and
- 17 there is a long-term care bed need as determined under this section, the
- 18 department may grant an exception to the moratorium and issue a
- 19 certificate of need. If the department determines average occupancy for
- 20 all licensed long-term care beds located in a twenty-five-mile radius of
- 21 the proposed site has not exceeded ninety percent occupancy during the

22 most recent three consecutive calendar quarters as reported at the time
23 of the application filing, the department shall deny the application
24 unless the department determines that all long-term care beds in a
25 licensed facility located in a city of the second class or village have
26 been sold or transferred to another facility or facilities located
1 outside of the twenty-five-mile radius of the city or village resulting
2 in no licensed long-term care beds within the corporate limits of the
3 city of the second class or village. In such case, the department shall
4 waive the certificate of need limitations of this subdivision for
5 development and licensure of a long-term care facility by a political
6 subdivision or a nonprofit organization in such a city of the second
7 class or village if the political subdivision or nonprofit organization
8 agrees not to sell long-term care beds licensed under such waiver or
9 increase the number of long-term care beds as allowed under subdivision
10 (2) of section 71-5829.03 until five years have passed after such beds
11 are first occupied. The number of licensed long-term care beds in the
12 facility shall be limited to the number of long-term care beds sold or
13 transferred as described in this subdivision; or -

14 (c) When a long-term care facility has been placed in receivership
15 and its license is terminated without the licensed beds having been sold
16 or transferred to another person, the department may grant an exception
17 to the moratorium and issue a certificate of need to a political
18 subdivision, a joint entity under the Interlocal Cooperation Act, or a
19 joint public agency under the Joint Public Agency Act. The certificate of
20 need shall be limited to the number of licensed beds that were placed in
21 the receivership.

22 (2) The department shall review applications which require a
23 certificate of need under section 71-5829.03 and determine if there is a
24 need for additional long-term care beds as provided in this section. No
25 such application shall be approved if the current supply of licensed
26 long-term care beds in the health planning region of the proposed site
27 exceeds the long-term care bed need for that health planning region. For
28 purposes of this section:

29 (a) Long-term care bed need is equal to the population of the health
30 planning region, multiplied by the utilization rate of long-term care
31 beds within the health planning region, and the result divided by the
1 minimum occupancy rate of long-term care beds within the health planning
2 region;

3 (b) Population is the most recent projection of population for the
4 health planning region for the year which is closest to the fifth year
5 immediately following the date of the application. The applicant shall
6 provide such projection as part of the application using data from the
7 University of Nebraska-Lincoln Bureau of Business Research or other
8 source approved by the department;

9 (c) The utilization rate is the number of people using long-term
10 care beds living in the health planning region in which the proposed
11 project is located divided by the population of the health planning
12 region; and

13 (d) The minimum occupancy rate is ninety-five percent for health

14 planning regions which are part of or contain a Metropolitan Statistical
15 Area as defined by the United States Bureau of the Census. For all other
16 health planning regions in the state, the minimum occupancy rate is
17 ninety percent.

18 (3) To facilitate the review and determination required by this
19 section, each health care facility with long-term care beds shall report
20 on a quarterly basis to the department the number of residents at such
21 facility on the last day of the immediately preceding quarter on a form
22 provided by the department. Such report shall be provided to the
23 department no later than ninety days after the last day of the
24 immediately preceding quarter. The department shall provide the occupancy
25 data collected from such reports upon request. Any facility failing to
26 timely report such information shall be ineligible for any exception to
27 the requirement for a certificate of need under section 71-5830.01 and
28 any exception to the moratorium imposed under this section and may not
29 receive, transfer, or relocate long-term care beds.

30 Sec. 15. Original section 71-5829.04, Revised Statutes Cumulative
31 Supplement, 2014, is repealed.

1 2. On page 1, line 2, strike "and 68-1109" and insert "68-1109, and
2 71-5829.04".

3 3. On page 10, line 26, strike "and 9" and insert "9, 14, and 15".

4 4. Renumber the remaining sections accordingly.

Senator Groene filed the following amendment to LB176:

AM1634

1 1. On page 2, strike beginning with "an" in line 7 through "or" in
2 line 8 and insert "a".

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of 334e, 342,
365, 375, 408, 412, 422, 424, 455, and 456e.

(Signed) Bob Krist

VISITORS

Visitors to the Chamber were 60 fourth-grade students from Pawnee
Elementary, Omaha; former Senator Howard Lamb from Anselmo-Merna;
Senator Crawford's husband, David; and 25 fourth-grade students and
teachers from Ponca Elementary, Omaha.

The Doctor of the Day was Dr. Jeff Gotschall from Columbus.

ADJOURNMENT

At 5:09 p.m., on a motion by Senator Hilkemann, the Legislature adjourned until 9:00 a.m., Thursday, May 21, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-FIFTH DAY - MAY 21, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

EIGHTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 21, 2015

PRAYER

The prayer was offered by Pastor Mike Wing, Grace Community Bible Church, North Platte.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Chambers, Craighead, Friesen, Hilkemann, Larson, Scheer, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-fourth day was approved.

REFERENCE COMMITTEE REPORT

2015 Resolutions calling for an Interim Study

| | | |
|------|---|---------------------------|
| LR22 | Interim study to monitor medical care transformation in Nebraska including the health care delivery process of patient-centered medical home | Health and Human Services |
| LR38 | Interim study to examine statutes governing prisons and parole to ensure the Board of Parole is independent from the Dept. of Correctional Services | Judiciary |
| LR39 | Interim study to examine certain acts to ensure the evaluation procedures regarding potentially mentally ill and dangerous inmates and potentially dangerous sex offenders are clear and consistent | Judiciary |

| | | |
|-------|---|---|
| LR52 | Interim study to examine the Child and Maternal Death Review Act | Health and Human Services |
| LR152 | Interim study to examine the Local Option Municipal Economic Development Act | Urban Affairs |
| LR154 | Interim study regarding the authority of the Nebraska Oil and Gas Conservation Commission and its role in decisions regarding the disposal of salt wastewater into dry wells | Natural Resources |
| LR155 | Interim study to examine current and potential economic development tools available to municipalities in Nebraska | Urban Affairs |
| LR156 | Interim study to examine issues under the jurisdiction of the Urban Affairs Committee | Urban Affairs |
| LR159 | Interim study to examine issues surrounding handicapped parking | Urban Affairs |
| LR174 | Interim study to examine issues surrounding the Nebraska Energy Code | Urban Affairs |
| LR181 | Interim study to examine how to build Nebraska's workforce, especially in high-need areas, and support personal responsibility and professional growth for all Nebraskans | Health and Human Services |
| LR182 | Interim study to investigate and make recommendations regarding what can be done to provide Nebraska consumers the necessary information to enable them to make informed decisions as to which health care plan to purchase | Banking, Commerce and Insurance |
| LR185 | Interim study to examine issues faced by Nebraska's licensed mental health practitioners, doctoral-level graduate students, nurses, and psychiatrists | Health and Human Services |
| LR186 | Interim study to examine state services available to victims of human trafficking in Nebraska | Judiciary |
| LR196 | Interim study to examine current state statutes governing population thresholds for Nebraska counties | Government, Military and Veterans Affairs |

| | | |
|-------|---|---|
| LR198 | Interim study to examine how the state can assist individuals who are blind or who have other disabilities to achieve personal independence through gainful employment | Government, Military and Veterans Affairs |
| LR200 | Interim study to examine the history and development of the Nebraska Innovation Campus at the University of Nebraska-Lincoln | Appropriations |
| LR211 | Interim study to examine synthetic recreational drugs that are marketed and sold as incense | Judiciary |
| LR212 | Interim study to examine the utilization of authority given to various state commodity development programs to make expenditures for the purpose of influencing federal legislation | Agriculture |
| LR213 | Interim study to examine development of a reference manual for the state commodity promotion programs and other federal commodity programs that are significant to Nebraska agriculture | Agriculture |
| LR214 | Interim study to review the information in the Dairy Growth and Development Study Report | Agriculture |
| LR215 | Interim study to examine implementation of the recommendations of a report produced as a result of LR309, 2013, relating to the feasibility of creating a buffer strip program | Agriculture |
| LR216 | Interim study to examine implementation of recommendations of LR309, 2013, investigating whether alternative models for compensating specialty or sensitive crop growers incurring herbicide drift are feasible | Agriculture |
| LR217 | Interim study to complete the work of LR309, 2013, investigating ways to avoid and mitigate conflicts arising from herbicide and drift damage to sensitive crops | Agriculture |
| LR218 | Interim study to examine the utility of the in-store transfer method by producers and grain warehouses as an option to meet direct delivery obligations | Agriculture |

| | | |
|-------|---|---------------------------------|
| LR222 | Interim study to examine issues relating to family and medical leave | Business and Labor |
| LR223 | Interim study to examine strategies and ideas to ensure more adults have the education and skills needed to fill positions for in demand industries in Nebraska | Education |
| LR227 | Interim study to examine opportunities to train Nebraska's youth for the workforce while addressing both educational and workforce needs | Business and Labor |
| LR228 | Interim study to examine the Commission of Industrial Relations | Business and Labor |
| LR229 | Interim study to examine Nebraska's unemployment insurance laws and unemployment insurance program | Business and Labor |
| LR230 | Interim study to examine pensions provided for firefighters from cities of the first class | Nebraska Retirement Systems |
| LR231 | Interim study to examine the effectiveness of the prescription drug monitoring program currently housed within the Nebraska Health Information Initiative | Health and Human Services |
| LR232 | Interim study to examine the process by which a person changes his or her name | Judiciary |
| LR233 | Interim study to examine payday loans and other short-term lending practices where high interest rates are charged and collected from customers | Banking, Commerce and Insurance |
| LR239 | Interim study to examine issues surrounding the implementation of the federal Workforce Innovation and Opportunity Act in Nebraska | Business and Labor |
| LR240 | Interim study to examine state law governing cities of the first class in Chapter 16 of the Nebraska statutes | Urban Affairs |
| LR242 | Interim study to examine the interplay between developmental disability and child welfare services to ensure proper treatment and protection of the rights of state wards | Health and Human Services |

| | | |
|-------|--|-----------------------------|
| LR243 | Interim study to examine the public employees retirement systems administered by the Public Employees Retirement Board | Nebraska Retirement Systems |
| LR244 | Interim study to examine the salaries of all judges in Nebraska, including the history of adjusting these salaries | Judiciary |
| LR245 | Interim study to review reimbursement rates for ambulatory surgical centers and outpatient hospitals with respect to workers' compensation services in Nebraska | Business and Labor |
| LR246 | Interim study to analyze the effectiveness of vocational rehabilitation in workers' compensation cases in Nebraska | Business and Labor |
| LR247 | Interim study to examine the process of eliminating the Nebraska Oil and Gas Conservation Commission | Natural Resources |
| LR248 | Interim study to examine the federal Preventing Sex Trafficking and Strengthening Families Act and its implementation in Nebraska | Health and Human Services |
| LR249 | Interim study to examine the use of seclusion in public and private schools for children with behavioral issues or special needs | Education |
| LR250 | Interim study to examine issues under the jurisdiction of the Health and Human Services Committee | Health and Human Services |
| LR252 | Interim study to examine court costs and fees in Nebraska | Judiciary |
| LR254 | Interim study to examine public charitable corporations in Nebraska | Executive Board |
| LR255 | Interim study to investigate issues under the jurisdiction of the Education Committee | Education |
| LR256 | Interim study to examine the history and development of the Peter Kiewit Institute to include the University of Nebraska-Omaha College of Information Science and Technology and the University of Nebraska-Lincoln College of Engineering | Appropriations |

| | | |
|-------|---|---------------------------------------|
| LR257 | Interim study to examine how to create a sustainable and adequate stream of state funds to local public health departments to ensure the departments are able to meet their core responsibilities and functions | Appropriations |
| LR258 | Interim study to determine whether the Real Property Appraiser Act should be amended | Banking, Commerce and Insurance |
| LR259 | Interim study to examine Nebraska's current programming regarding home visitation for early childhood education and development and assess the feasibility of expansion to universal statewide programming | Health and Human Services |
| LR260 | Interim study to examine feasibility of developing tax-preferential zones on college and university campuses for the strategic development of new start-up businesses and expanding the commercialization of joint public/private research ventures | Revenue |
| LR261 | Interim study to examine implementing the use of body cameras for state and local law enforcement in Nebraska | Judiciary |
| LR262 | Interim study to examine creation of a separate program within the budget of the Dept. of Health and Human Services for long-term care expenditures made from all funding sources | Appropriations |
| LR263 | Interim study to examine possible changes to the Nebraska Model Business Corporation Act | Banking, Commerce and Insurance |
| LR265 | Interim study to examine minor traffic violation, adult, and juvenile pretrial diversion programs authorized by counties and municipalities | Judiciary |
| LR266 | Interim study to examine state law as it relates to weight limits for a single axle and a group of axles and the maximum load limits for motor vehicles carrying agricultural products or commodities | Transportation and Telecommunications |

| | | |
|-------|--|---|
| LR269 | Interim study to examine the aerial and aviation safety concerns of structures over fifty feet in height on which an antenna, sensor, camera, or other equipment is mounted | Government, Military and Veterans Affairs |
| LR270 | Interim study to review the fee structure of the Nebraska Brand Committee | Agriculture |
| LR271 | Interim study to examine the positive and negative effects of education funding if Nebraska chooses not to accept federal funds that are tied to federal mandates | Education |
| LR272 | Interim study to examine the Niobrara Council and its current statutory authority outlined in the Niobrara Scenic River Act | Natural Resources |
| LR273 | Interim study to examine the current practices of municipalities using tax increment financing under the Community Development Law | Urban Affairs |
| LR274 | Interim study to examine the feasibility of using pay for success financing in Nebraska | Appropriations |
| LR275 | Interim study to examine issues surrounding the affordability, delivery, and taxation of child care in Nebraska | Health and Human Services |
| LR276 | Interim study to examine bullying by and against students and youth | Judiciary |
| LR277 | Interim study to examine workforce development that will support growth and retention of youth talent and startup businesses in the areas of technology, computer sciences, and related fields | Business and Labor |
| LR278 | Interim study to examine existing resources and the need for additional tools for municipalities to further encourage revitalization of neighborhoods | Urban Affairs |
| LR279 | Interim study to examine issues under the jurisdiction of the Judiciary Committee | Judiciary |
| LR280 | Interim study to examine municipal bankruptcy | Urban Affairs |

| | | |
|-------|---|---------------------------|
| LR281 | Interim study to review issues concerning the dates on which the fiscal year for Nebraska's public schools begin and end | Education |
| LR282 | Interim study to examine the reasons for the higher cost of juvenile services under the Office of Probation Administration | Appropriations |
| LR283 | Interim study to examine potential state policy and funding improvements to address unique educational needs of low-achieving students in poverty and students with limited English proficiency | Education |
| LR284 | Interim study to examine potential modifications to the laws governing learning communities | Education |
| LR285 | Interim study to examine class size in Nebraska's public schools | Education |
| LR286 | Interim study to examine the effectiveness of civil forfeiture under the Uniform Controlled Substances Act | Judiciary |
| LR287 | Interim study to examine craft breweries and whether brewpubs and microbreweries should be licensed as craft breweries or should have separate licenses | General Affairs |
| LR288 | Interim study to examine the statutory relationship between cities of the second class and villages and the public libraries within their jurisdictions | General Affairs |
| LR289 | Interim study to examine the current alcohol policies of the University of Nebraska system | General Affairs |
| LR290 | Interim study to examine how public libraries are archiving newspapers | General Affairs |
| LR291 | Interim study to examine stroke systems of care | Health and Human Services |
| LR292 | Interim study to examine issues relating to public assistance programs for relative or kinship caregivers | Health and Human Services |
| LR293 | Interim study to examine the funding distribution for the community college areas | Education |

| | | |
|-------|--|---|
| LR294 | Interim study to examine issues under the jurisdiction of the Government, Military and Veterans Affairs Committee | Government, Military and Veterans Affairs |
| LR295 | Interim study to examine how to improve behavioral health and mental health services in Nebraska in order to prevent crime and reduce costs associated with the incarceration of people who have heightened behavioral and mental health needs | Judiciary |
| LR296 | Interim study to examine the financing of Nebraska's child welfare system | Appropriations |
| LR297 | Interim study to examine career technical education in Nebraska | Business and Labor |
| LR298 | Interim study to examine issues to improve the emergency medical services system in Nebraska | Health and Human Services |
| LR299 | Interim study to examine the opportunity gap in third grade reading scores | Education |
| LR300 | Interim study to examine the out-of-state placements of Nebraska children | Health and Human Services |
| LR301 | Interim study to examine the practice of "double dipping" which occurs when public employees retire with a public pension and become reemployed by the same or different public employer and earn a second public pension benefit | Nebraska Retirement Systems |
| LR302 | Interim study to examine whether imposition of a sales or income tax upon the sale of agricultural land may provide funding for a targeted property tax relief fund for agricultural property owners | Revenue |
| LR303 | Interim study to examine issues raised in LB501, 2015, addressing the appropriate use of legislative audio or video materials produced by a public television or public radio broadcasting station | Executive Board |
| LR304 | Interim study to examine and assess the behavioral health needs of children and youth in Nebraska and the resources available to meet those needs | Health and Human Services |

| | | |
|-------|---|---------------------------------------|
| LR305 | Interim study to examine issues under the jurisdiction of the Appropriations Committee | Appropriations |
| LR306 | Interim study to examine ways in which medicaid expansion could be implemented in Nebraska under the federal Patient Protection and Affordable Care Act for medical assistance for newly eligible individuals | Health and Human Services |
| LR307 | Interim study to examine issues under the jurisdiction of the General Affairs Committee | General Affairs |
| LR308 | Interim study to examine issues regarding the growth of Nebraska's agricultural-related economy | Revenue |
| LR309 | Interim study to examine the personal income tax rates in Nebraska | Revenue |
| LR310 | Interim study to examine services provided by community paramedics | Health and Human Services |
| LR311 | Interim study to examine Second Chances, the operating while intoxicated jail diversion program in Iowa, to determine whether the program would be workable in Nebraska | Judiciary |
| LR312 | Interim study to examine ways to improve and fund child behavioral health programming in Nebraska | Health and Human Services |
| LR313 | Interim study to examine the process utilized by the Dept. of Roads in the design and construction of the Nebraska expressway system | Transportation and Telecommunications |
| LR314 | Interim study to examine issues relating to the use of restraint and seclusion techniques in Nebraska schools | Education |
| LR315 | Interim study to examine the contractual relationship between craft breweries and distributors | General Affairs |
| LR316 | Interim study to examine Nebraska withdrawing from the Master Settlement Agreement and increasing its tobacco excise tax to approximate the Master Settlement Agreement payment | Revenue |
| LR317 | Interim study to review the Nebraska Rules of the Road and provisions which establish maximum weight limits | Transportation and Telecommunications |

| | | |
|-------|--|---------------------------------------|
| LR318 | Interim study to conduct a comprehensive study of Nebraska's state and local roads system | Transportation and Telecommunications |
| LR319 | Interim study to examine certain issues under the jurisdiction of the Public Service Commission | Transportation and Telecommunications |
| LR320 | Interim study to examine the membership, role, and duties of the Nebraska Police Standards Advisory Council | Judiciary |
| LR321 | Interim study to examine the potential growth for tourism in Nebraska and to develop funding recommendations for designated Nebraska tourism sites | Appropriations |
| LR322 | Interim study to examine the potential for the expansion of fruit and produce gleaning in Nebraska | Agriculture |
| LR323 | Interim study to examine issues surrounding the N-CORPE augmentation project | Natural Resources |
| LR324 | Interim study to analyze the ability of employers or associations to enter into contracts with an agent or broker for compensation to be paid to the agent or broker for the sale of a health benefit plan | Banking, Commerce and Insurance |
| LR325 | Interim study to examine the current method of using adjusted property valuation as the primary measurement of local resources in Nebraska's public education funding formula | Revenue |
| LR326 | Interim study to examine the procedure for and use of like-kind exchanges under section 1031 of the Internal Revenue Code and their impact on the taxable value of agricultural and horticultural land | Revenue |
| LR327 | Interim study to examine the procedures and categories used by county assessors to classify types of land for valuation and taxation purposes | Revenue |
| LR328 | Interim study to examine options for implementing a "circuit breaker" tax credit to protect agricultural property owners from a property tax overload | Revenue |

| | | |
|-------|---|---|
| LR329 | Interim study to examine the structure of, compliance with, and administration of the state and local sales and use taxes | Revenue |
| LR330 | Interim study to examine the structure of, compliance with, and administration of real and personal property taxes | Revenue |
| LR331 | Interim study to examine the structure of, compliance with, and administration of real and personal property taxes | Revenue |
| LR332 | Interim study to examine the tax revenues for public schools | Revenue |
| LR333 | Interim study to examine methods to improve government efficiency | Appropriations |
| LR334 | Interim study to examine the integral link between achievement and risky health behaviors | Education |
| LR335 | Interim study to examine the most recent report published by the Presidential Commission on Election Administration | Government, Military and Veterans Affairs |
| LR336 | Interim study to examine the appropriation of funds to the State Department of Education to implement mentor teacher programs | Appropriations |
| LR337 | Interim study to examine issues surrounding distracted driving due to texting or using a hand-held device while operating a motor vehicle | Transportation and Telecommunications |
| LR339 | Interim study to examine the current statutory requirements governing the removal of roadside vegetation | Transportation and Telecommunications |
| LR344 | Interim study to examine the financing of public education and to develop recommendations for improving school funding in Nebraska | Education |

(Signed) Bob Krist, Chairperson
Executive Board

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 20, 2015, at 5:10 p.m. were the following: LBs 334e, 342, 365, 375, 408, 412, 422, 424, 455, 456e, 464, 477, 479, 511, 513, 515, 541, 570, and 640.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 623. With Emergency Clause.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-484.04 and 60-484.05, Revised Statutes Cumulative Supplement, 2014; to state findings and intent; to change provisions relating to evidence of lawful status, operators' licenses, and state identification cards; to repeal the original sections; and to declare an emergency.

Senator Nordquist requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

| | | | | |
|----------|----------|-----------|----------------|------------|
| Baker | Davis | Hansen | Krist | Schumacher |
| Bolz | Ebke | Harr, B. | Kuehn | Seiler |
| Campbell | Friesen | Howard | McCollister | Smith |
| Chambers | Garrett | Hughes | Mello | Stinner |
| Coash | Gloor | Johnson | Morfeld | Sullivan |
| Cook | Haar, K. | Kolowski | Nordquist | Williams |
| Crawford | Hadley | Kolterman | Pansing Brooks | |

Voting in the negative, 9:

| | | | | |
|------------|---------|-----------|---------|---------|
| Bloomfield | Groene | Lindstrom | Murante | Schnoor |
| Brasch | Kintner | McCoy | Riepe | |

Present and not voting, 2:

Hilkemann Watermeier

Excused and not voting, 4:

Craighead Larson Scheer Schilz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB70 with 33 ayes, 2 nays, 10 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 70. With Emergency Clause.

A BILL FOR AN ACT relating to mechanical amusement devices; to amend sections 77-3001, 77-3004, 77-3005, 77-3006, 77-3007, 77-3008, 77-3009, 77-3010, and 77-3011, Reissue Revised States of Nebraska, and section 9-1006, Revised Statutes Cumulative Supplement, 2014; to provide revenue for the Compulsive Gamblers Assistance Fund; to change provisions of the Mechanical Amusement Device Tax Act; to define and redefine terms; to require an additional occupation tax on certain mechanical amusement devices; to provide procedures and requirements for and provide for the distribution of additional occupation taxes as prescribed; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Senator Schumacher requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 32:

| | | | | |
|----------|----------|----------|----------------|----------|
| Baker | Davis | Hansen | McCollister | Smith |
| Bolz | Ebke | Harr, B. | Mello | Stinner |
| Campbell | Friesen | Howard | Morfeld | Sullivan |
| Chambers | Garrett | Hughes | Nordquist | Williams |
| Coash | Gloor | Kolowski | Pansing Brooks | |
| Cook | Haar, K. | Krist | Schumacher | |
| Crawford | Hadley | Kuehn | Seiler | |

Voting in the negative, 12:

| | | | |
|-----------|-----------|-----------|------------|
| Brasch | Hilkemann | Lindstrom | Riepe |
| Craighead | Kintner | McCoy | Schnoor |
| Groene | Kolterman | Murante | Watermeier |

Present and not voting, 1:

Bloomfield

Excused and not voting, 4:

| | | | |
|---------|--------|--------|--------|
| Johnson | Larson | Scheer | Schilz |
|---------|--------|--------|--------|

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached.

MOTION - Reconsider Action on LB70

Senator Schumacher offered the following motion to LB70:
MO132

Reconsider the vote taken on final reading with the emergency clause attached.

Senator Schumacher asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

BILL ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 70.

Whereupon the President stated: "The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 30:

| | | | | |
|----------|----------|----------|----------------|------------|
| Baker | Crawford | Hadley | Krist | Schumacher |
| Bolz | Ebke | Hansen | Kuehn | Seiler |
| Campbell | Friesen | Harr, B. | Mello | Smith |
| Chambers | Garrett | Howard | Morfeld | Stinner |
| Coash | Gloor | Hughes | Nordquist | Sullivan |
| Cook | Haar, K. | Kolowski | Pansing Brooks | Williams |

Voting in the negative, 11:

| | | | |
|-----------|-----------|-----------|------------|
| Brasch | Hilkemann | Lindstrom | Schnoor |
| Craighead | Kintner | McCoy | Watermeier |
| Groene | Kolterman | Murante | |

Present and not voting, 4:

Bloomfield Davis McCollister Riepe

Excused and not voting, 4:

Johnson Larson Scheer Schilz

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

MOTION - Reconsider Action on LB70

Senator Bloomfield offered the following motion to LB70:

MO133

Reconsider the vote taken on final reading with the emergency clause attached.

Senator Pansing Brooks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

The Bloomfield motion to reconsider prevailed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 70. With Emergency Clause.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

| | | | | |
|----------|----------|-----------|----------------|------------|
| Bolz | Ebke | Harr, B. | Kuehn | Schilz |
| Campbell | Friesen | Howard | McCollister | Schumacher |
| Chambers | Garrett | Hughes | Mello | Seiler |
| Coash | Gloor | Johnson | Morfeld | Smith |
| Cook | Haar, K. | Kolowski | Nordquist | Stinner |
| Crawford | Hadley | Kolterman | Pansing Brooks | Sullivan |
| Davis | Hansen | Krist | Scheer | Williams |

Voting in the negative, 11:

| | | | |
|-----------|-----------|---------|------------|
| Brasch | Hilkemann | McCoy | Schnoor |
| Craighead | Kintner | Murante | Watermeier |
| Groene | Lindstrom | Riepe | |

Present and not voting, 2:

Baker Bloomfield

Excused and not voting, 1:

Larson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 70A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 70, One Hundred Fourth Legislature, First Session, 2015; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

| | | | | |
|----------|----------|-----------|----------------|------------|
| Bolz | Ebke | Harr, B. | Kuehn | Schumacher |
| Campbell | Friesen | Howard | Mello | Seiler |
| Chambers | Garrett | Hughes | Morfeld | Smith |
| Coash | Gloor | Johnson | Nordquist | Stinner |
| Cook | Haar, K. | Kolowski | Pansing Brooks | Sullivan |
| Crawford | Hadley | Kolterman | Scheer | Williams |
| Davis | Hansen | Krist | Schilz | |

Voting in the negative, 11:

| | | | |
|-----------|-----------|---------|------------|
| Brasch | Hilkemann | McCoy | Schnoor |
| Craighead | Kintner | Murante | Watermeier |
| Groene | Lindstrom | Riepe | |

Present and not voting, 3:

Baker Bloomfield McCollister

Excused and not voting, 1:

Larson

A constitutional two-thirds majority having voted in the affirmative, the bill

was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 81.

A BILL FOR AN ACT relating to social services; to amend section 81-3133, Reissue Revised Statutes of Nebraska, and section 68-1206, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to eligibility for assistance; to require reporting regarding transitional child care assistance programs; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | McCollister | Schumacher |
| Bloomfield | Ebke | Howard | McCoy | Seiler |
| Bolz | Friesen | Hughes | Mello | Smith |
| Brasch | Garrett | Johnson | Morfeld | Sinner |
| Campbell | Gloor | Kintner | Murante | Sullivan |
| Chambers | Groene | Kolowski | Nordquist | Watermeier |
| Coash | Haar, K. | Kolterman | Pansing Brooks | Williams |
| Cook | Hadley | Krist | Riepe | |
| Craighead | Hansen | Kuehn | Scheer | |
| Crawford | Harr, B. | Lindstrom | Schnoor | |

Voting in the negative, 0.

Present and not voting, 1:

Schilz

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 81A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 81, One Hundred Fourth Legislature, First Session, 2015.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Crawford | Harr, B. | Lindstrom | Schilz |
| Bloomfield | Davis | Hilkemann | McCollister | Schnoor |
| Bolz | Ebke | Howard | McCoy | Schumacher |
| Brasch | Friesen | Hughes | Mello | Seiler |
| Campbell | Garrett | Johnson | Morfeld | Smith |
| Chambers | Gloor | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Scheer | Williams |

Voting in the negative, 1:

Kintner

Present and not voting, 2:

Groene Riepe

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 106.

A BILL FOR AN ACT relating to zoning; to provide for a committee and an assessment matrix; and to provide powers and duties.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|-----------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schilz |
| Bolz | Friesen | Hughes | McCoy | Schnoor |
| Brasch | Garrett | Johnson | Mello | Schumacher |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Chambers | Groene | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Harr, B. | Kuehn | Riepe | Williams |
| Crawford | Hilkemann | Lindstrom | Scheer | |

Voting in the negative, 2:

Bloomfield Davis

Present and not voting, 2:

Hansen Seiler

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 106A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 106, One Hundred Fourth Legislature, First Session, 2015.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|-----------|-----------|-------------|----------------|------------|
| Baker | Friesen | Hughes | Mello | Seiler |
| Bolz | Garrett | Johnson | Morfeld | Smith |
| Brasch | Gloor | Kintner | Murante | Stinner |
| Campbell | Groene | Kolowski | Nordquist | Sullivan |
| Chambers | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Coash | Hadley | Krist | Riepe | Williams |
| Cook | Hansen | Kuehn | Scheer | |
| Craighead | Harr, B. | Lindstrom | Schilz | |
| Crawford | Hilkemann | McCollister | Schnoor | |
| Ebke | Howard | McCoy | Schumacher | |

Voting in the negative, 2:

Bloomfield Davis

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 156. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-6306, 77-6307, and 77-6309, Revised Statutes Cumulative Supplement, 2014; to change the amount of tax credits allowed and reporting requirements under the Angel Investment Tax Credit Act; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Ebke | Hughes | Mello | Seiler |
| Bloomfield | Friesen | Johnson | Morfeld | Smith |
| Bolz | Garrett | Kintner | Murante | Stinner |
| Brasch | Gloor | Kolowski | Nordquist | Sullivan |
| Campbell | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Chambers | Hadley | Krist | Riepe | Williams |
| Coash | Hansen | Kuehn | Scheer | |
| Cook | Harr, B. | Lindstrom | Schilz | |
| Crawford | Hilkemann | McCollister | Schnoor | |
| Davis | Howard | McCoy | Schumacher | |

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 2:

Craighead Larson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB175 with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 175. With Emergency Clause.

A BILL FOR AN ACT relating to law; to amend sections 54-2801, 54-2802,

77-27,187.01, 77-27,188, 81-2,147.01, and 81-2,147.05, Reissue Revised Statutes of Nebraska, and section 77-27,187.02, Revised Statutes Cumulative Supplement, 2014; to name and adopt the Livestock Growth Act; to restate findings; to provide for grants; to create a fund; to change application procedures and credits allowed under the Nebraska Advantage Rural Development Act; to exempt seed libraries from certain provisions of the Nebraska Seed Law; to define and redefine terms; to adopt the Community Gardens Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Ebke | Hughes | McCoy | Schumacher |
| Bloomfield | Friesen | Johnson | Mello | Seiler |
| Bolz | Garrett | Kintner | Morfeld | Smith |
| Brasch | Gloor | Kolowski | Murante | Stinner |
| Campbell | Haar, K. | Kolterman | Nordquist | Sullivan |
| Coash | Hadley | Krist | Pansing Brooks | Watermeier |
| Cook | Hansen | Kuehn | Riepe | Williams |
| Craighead | Harr, B. | Larson | Scheer | |
| Crawford | Hilkemann | Lindstrom | Schilz | |
| Davis | Howard | McCollister | Schnoor | |

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 183.

A BILL FOR AN ACT relating to the Grain Dealer Act; to amend sections 75-902, 75-903, 75-904, 75-905, and 75-908, Reissue Revised Statutes of Nebraska; to redefine a term, change licensure and receipt requirements, and change enforcement provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schnoor |
| Bloomfield | Friesen | Hughes | McCoy | Schumacher |
| Bolz | Garrett | Johnson | Mello | Seiler |
| Brasch | Gloor | Kintner | Morfeld | Smith |
| Campbell | Groene | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |
| Davis | Hilkemann | Lindstrom | Schilz | |

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB196 with 48 ayes, 0 nays, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 196.

A BILL FOR AN ACT relating to the Rural Health Systems and Professional Incentive Act; to amend sections 71-5650, 71-5652, 71-5653, 71-5662, and 71-5663, Reissue Revised Statutes of Nebraska, and sections 71-5661, 71-5666, 71-5667, and 71-5668, Revised Statutes Cumulative Supplement, 2014; to provide for a medical resident incentive program; to change provisions relating to student loans and loan repayment; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schnoor |
| Bloomfield | Friesen | Hughes | McCoy | Schumacher |
| Bolz | Garrett | Johnson | Mello | Seiler |
| Brasch | Gloor | Kintner | Morfeld | Smith |
| Campbell | Groene | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |
| Davis | Hilkemann | Lindstrom | Schilz | |

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 199.

A BILL FOR AN ACT relating to child welfare services; to provide for stipends for social work students as prescribed; and to provide duties for the Department of Health and Human Services and governing boards of Nebraska colleges and universities.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|-----------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schilz |
| Bolz | Friesen | Hughes | McCoy | Schnoor |
| Brasch | Garrett | Johnson | Mello | Schumacher |
| Campbell | Gloor | Kolowski | Morfeld | Seiler |
| Coash | Haar, K. | Kolterman | Murante | Smith |
| Cook | Hadley | Krist | Nordquist | Stinner |
| Craighead | Hansen | Kuehn | Pansing Brooks | Sullivan |
| Crawford | Harr, B. | Larson | Riepe | Watermeier |
| Davis | Hilkemann | Lindstrom | Scheer | Williams |

Voting in the negative, 0.

Present and not voting, 3:

Bloomfield Groene Kintner

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 199A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 199, One Hundred Fourth Legislature, First Session, 2015.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|-----------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schilz |
| Bolz | Friesen | Hughes | McCoy | Schnoor |
| Brasch | Garrett | Johnson | Mello | Schumacher |
| Campbell | Gloor | Kolowski | Morfeld | Seiler |
| Coash | Haar, K. | Kolterman | Murante | Smith |
| Cook | Hadley | Krist | Nordquist | Stinner |
| Craighead | Hansen | Kuehn | Pansing Brooks | Sullivan |
| Crawford | Harr, B. | Larson | Riepe | Watermeier |
| Davis | Hilkemann | Lindstrom | Scheer | Williams |

Voting in the negative, 0.

Present and not voting, 3:

Bloomfield Groene Kintner

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 200.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Revised Statutes Cumulative Supplement, 2014; to provide duties for the Department of Revenue; to change the distribution of sales and use tax revenue; to provide a termination date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schumacher |
| Bloomfield | Friesen | Hughes | McCoy | Seiler |
| Bolz | Garrett | Johnson | Mello | Smith |
| Brasch | Gloor | Kintner | Morfeld | Stinner |
| Campbell | Groene | Kolowski | Murante | Sullivan |
| Coash | Haar, K. | Kolterman | Nordquist | Watermeier |
| Cook | Hadley | Krist | Pansing Brooks | Williams |
| Craighead | Hansen | Kuehn | Riepe | |
| Crawford | Harr, B. | Larson | Schilz | |
| Davis | Hilkemann | Lindstrom | Schnoor | |

Voting in the negative, 0.

Present and not voting, 1:

Scheer

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 200A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 200, One Hundred Fourth Legislature, First Session, 2015.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schnoor |
| Bloomfield | Friesen | Hughes | McCoy | Schumacher |
| Bolz | Garrett | Johnson | Mello | Seiler |
| Brasch | Gloor | Kintner | Morfeld | Smith |
| Campbell | Groene | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |
| Davis | Hilkemann | Lindstrom | Schilz | |

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB226 with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 226.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1111, Revised Statutes Cumulative Supplement, 2014; to authorize crowdfunding as prescribed and to exempt crowdfunding from registration; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schnoor |
| Bloomfield | Friesen | Hughes | McCoy | Schumacher |
| Bolz | Garrett | Johnson | Mello | Seiler |
| Brasch | Gloor | Kintner | Morfeld | Smith |
| Campbell | Groene | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |
| Davis | Hilkemann | Lindstrom | Schilz | |

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB231 with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 231.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 44-7703, 60-124, 60-340, 60-376, 60-3,118, 60-3,143, 60-4,123, 60-4,123.01, 60-639, 60-6,219, 60-6,226, 60-6,265, 60-6,266, 60-6,270, 60-6,272, 60-6,273, 60-1401.02, and 60-1401.28, Reissue Revised Statutes of Nebraska, and sections 60-101, 60-102, 60-301, 60-302, 60-3,100, 60-3,104, 60-3,113, 60-3,135.01, 60-3,187, 60-3,190, 60-462, 60-463, 60-4,114, 60-4,124, 60-4,182, 60-601, 60-605, 60-6,267, 60-1401, and 71-1907, Revised Statutes Cumulative Supplement, 2014; to define and redefine terms; to provide for certificates of title, registration, and operating and dealership regulations for autocycles; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schnoor |
| Bloomfield | Friesen | Hughes | McCoy | Schumacher |
| Bolz | Garrett | Johnson | Mello | Seiler |
| Brasch | Gloor | Kintner | Morfeld | Smith |
| Campbell | Groene | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |
| Davis | Hilkemann | Lindstrom | Schilz | |

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB243 with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 243. With Emergency Clause.

A BILL FOR AN ACT relating to children; to amend sections 43-284.02, 43-285, 43-905, 43-1312.01, 43-4501, 43-4503, 43-4504, 43-4505, 43-4506, 43-4508, 43-4511, 43-4512, 43-4513, 43-4514, and 71-824, Revised Statutes Cumulative Supplement, 2014; to create a pilot project relating to family finding services; to state intent; to define and redefine terms; to provide and change duties for the Department of Health and Human Services; to state intent relating to appropriations; to provide for rules and regulations; to require juvenile courts to hold an independence hearing for certain children; to provide for health care and medical assistance for certain children as prescribed; to change provisions relating to services and support provided under the bridge to independence program and permanency review hearings; to provide for guardianship assistance and adoption assistance as prescribed; to require certain documents and proceedings to be confidential as prescribed; to provide duties for the Nebraska Children's Commission and the Bridge to Independence Advisory Committee; to adopt federal law by reference; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure

having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

| | | | | |
|-----------|-----------|-----------|----------------|------------|
| Baker | Friesen | Howard | McCollister | Schnoor |
| Bolz | Garrett | Hughes | Mello | Schumacher |
| Campbell | Gloor | Johnson | Morfeld | Seiler |
| Cook | Haar, K. | Kolowski | Murante | Smith |
| Craighead | Hadley | Kolterman | Nordquist | Stinner |
| Crawford | Hansen | Krist | Pansing Brooks | Sullivan |
| Davis | Harr, B. | Kuehn | Scheer | Williams |
| Ebke | Hilkemann | Larson | Schilz | |

Voting in the negative, 5:

| | | | | |
|------------|--------|--------|---------|-------|
| Bloomfield | Brasch | Groene | Kintner | McCoy |
|------------|--------|--------|---------|-------|

Present and not voting, 4:

| | | | |
|-------|-----------|-------|------------|
| Coash | Lindstrom | Riepe | Watermeier |
|-------|-----------|-------|------------|

Excused and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 243A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 243, One Hundred Fourth Legislature, First Session, 2015.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

| | | | | |
|-----------|----------|-----------|----------------|------------|
| Baker | Ebke | Hilkemann | Larson | Schilz |
| Bolz | Friesen | Howard | McCollister | Schnoor |
| Campbell | Garrett | Hughes | Mello | Schumacher |
| Coash | Gloor | Johnson | Morfeld | Seiler |
| Cook | Haar, K. | Kolowski | Murante | Stinner |
| Craighead | Hadley | Kolterman | Nordquist | Sullivan |
| Crawford | Hansen | Krist | Pansing Brooks | Williams |
| Davis | Harr, B. | Kuehn | Scheer | |

Voting in the negative, 5:

| | | | | |
|------------|--------|--------|---------|-------|
| Bloomfield | Brasch | Groene | Kintner | McCoy |
|------------|--------|--------|---------|-------|

Present and not voting, 4:

| | | | |
|-----------|-------|-------|------------|
| Lindstrom | Riepe | Smith | Watermeier |
|-----------|-------|-------|------------|

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB259 with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 259.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-518, 77-693, 77-801, 77-1248, and 77-5209.02, Reissue Revised Statutes of Nebraska, and sections 77-202 and 77-1514, Revised Statutes Cumulative Supplement, 2014; to adopt the Personal Property Tax Relief Act; to provide duties for the Property Tax Administrator; to provide for and change provisions relating to tax exemptions; to change provisions relating to taxation of personal property; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Ebke | Howard | McCoy | Schumacher |
| Bloomfield | Friesen | Hughes | Mello | Seiler |
| Bolz | Garrett | Johnson | Morfeld | Smith |
| Brasch | Gloor | Kintner | Murante | Sinner |
| Campbell | Groene | Kolterman | Nordquist | Sullivan |
| Coash | Haar, K. | Krist | Pansing Brooks | Watermeier |
| Cook | Hadley | Kuehn | Riepe | Williams |
| Craighead | Hansen | Larson | Scheer | |
| Crawford | Harr, B. | Lindstrom | Schilz | |
| Davis | Hilkemann | McCollister | Schnoor | |

Voting in the negative, 0.

Present and not voting, 1:

Kolowski

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 623, 70, 70A, 81, 81A, 106, 106A, 156, 175, 183, 196, 199, 199A, 200, 200A, 226, 231, 243, 243A, and 259.

SPEAKER HADLEY PRESIDING

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 259A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 259, One Hundred Fourth Legislature, First Session, 2015.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Ebke | Hughes | McCoy | Schumacher |
| Bloomfield | Friesen | Johnson | Mello | Seiler |
| Bolz | Garrett | Kintner | Morfeld | Smith |
| Brasch | Gloor | Kolowski | Murante | Sinner |
| Campbell | Groene | Kolterman | Nordquist | Sullivan |
| Coash | Haar, K. | Krist | Pansing Brooks | Watermeier |
| Cook | Hadley | Kuehn | Riepe | Williams |
| Craighead | Hansen | Larson | Scheer | |
| Crawford | Harr, B. | Lindstrom | Schilz | |
| Davis | Hilkemann | McCollister | Schnoor | |

Voting in the negative, 0.

Present and not voting, 1:

Howard

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB265 with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 265. With Emergency Clause.

A BILL FOR AN ACT relating to juveniles and child welfare; to amend sections 29-1816, 43-245, 43-246.01, 43-247, 43-297.01, 43-2,108.05, 43-1301, 43-1302, 43-1303, 43-1304, 43-1308, 43-1309, 43-1313, 43-1318, and 43-2404.02, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to arraignment of juveniles, court jurisdiction of juveniles, placement of juveniles, foster care placements, duties of the Foster Care Review Office, membership of the Foster Care Advisory Committee, local foster care review boards, foster care records, and the Community-based Juvenile Services Aid Program; to define and redefine terms; to provide for a foster care case file review process; to exempt certain meetings of local foster care review boards from the Open Meetings Act; to create a pilot project and advisory group regarding data on out-of-home placements; to provide for development of a common data set relating to juveniles; to eliminate obsolete provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an

emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

| | | | | |
|-----------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schilz |
| Bolz | Friesen | Hughes | McCoy | Schnoor |
| Brasch | Garrett | Johnson | Mello | Schumacher |
| Campbell | Gloor | Kolowski | Morfeld | Seiler |
| Coash | Haar, K. | Kolterman | Murante | Smith |
| Cook | Hadley | Krist | Nordquist | Stinner |
| Craighead | Hansen | Kuehn | Pansing Brooks | Sullivan |
| Crawford | Harr, B. | Larson | Riepe | Watermeier |
| Davis | Hilkemann | Lindstrom | Scheer | Williams |

Voting in the negative, 1:

Kintner

Present and not voting, 2:

Bloomfield Groene

Excused and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 265A.

A BILL FOR AN ACT relating to appropriations; to amend section 236, Legislative Bill 657, One Hundred Fourth Legislature, First Session, 2015; to appropriate funds to aid in carrying out the provisions of Legislative Bill 265, One Hundred Fourth Legislature, First Session, 2015; to change an appropriation; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

| | | | | |
|-----------|-----------|-------------|----------------|------------|
| Baker | Ebke | Hughes | Mello | Schumacher |
| Bolz | Friesen | Johnson | Morfeld | Seiler |
| Brasch | Garrett | Kolowski | Murante | Smith |
| Campbell | Gloor | Krist | Nordquist | Sinner |
| Coash | Haar, K. | Kuehn | Pansing Brooks | Sullivan |
| Cook | Hadley | Larson | Riepe | Watermeier |
| Craighead | Hansen | Lindstrom | Scheer | Williams |
| Crawford | Hilkemann | McCollister | Schilz | |
| Davis | Howard | McCoy | Schnoor | |

Voting in the negative, 1:

Kintner

Present and not voting, 4:

Bloomfield Groene Harr, B. Kolterman

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB292 with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 292.

A BILL FOR AN ACT relating to public welfare and safety; to amend sections 28-713.01, 28-720, 28-720.01, 28-721, 29-4001.01, 29-4006, and 29-4007, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the central registry of child protection cases; to eliminate certain registration and notification requirements under the Sex Offender Registration Act; to eliminate the offense of unlawful use of the Internet by a prohibited sex offender; to harmonize provisions; to repeal the original sections; and to outright repeal section 28-322.05, Revised Statutes Cumulative Supplement, 2014.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Ebke | Hughes | Mello | Seiler |
| Bloomfield | Friesen | Johnson | Morfeld | Smith |
| Bolz | Garrett | Kintner | Murante | Stinner |
| Brasch | Gloor | Kolowski | Nordquist | Sullivan |
| Campbell | Haar, K. | Krist | Pansing Brooks | Watermeier |
| Coash | Hadley | Kuehn | Riepe | Williams |
| Cook | Hansen | Larson | Scheer | |
| Craighead | Harr, B. | Lindstrom | Schilz | |
| Crawford | Hilkemann | McCollister | Schnoor | |
| Davis | Howard | McCoy | Schumacher | |

Voting in the negative, 0.

Present and not voting, 2:

Groene Kolterman

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 292A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 292, One Hundred Fourth Legislature, First Session, 2015.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Ebke | Hughes | McCoy | Schumacher |
| Bloomfield | Friesen | Johnson | Mello | Seiler |
| Bolz | Garrett | Kintner | Morfeld | Smith |
| Brasch | Gloor | Kolowski | Murante | Stinner |
| Campbell | Haar, K. | Kolterman | Nordquist | Sullivan |
| Coash | Hadley | Krist | Pansing Brooks | Watermeier |
| Cook | Hansen | Kuehn | Riepe | Williams |
| Craighead | Harr, B. | Larson | Scheer | |
| Crawford | Hilkemann | Lindstrom | Schilz | |
| Davis | Howard | McCollister | Schnoor | |

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB320 to Select File

Senator Davis moved to return LB320 to Select File for his specific amendment, AM1734, found on page 1775.

The Davis motion to return prevailed with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 320. The Davis specific amendment, AM1734, found on page 1775, was offered.

Senator Davis withdrew his amendment.

Readvanced to Final Reading.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB320 with 37 ayes, 1 nay, 10 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 320. With Emergency Clause.

A BILL FOR AN ACT relating to public health; to amend sections 68-1107, 68-1108, and 68-1109, Revised Statutes Cumulative Supplement, 2014; to adopt the Aging and Disability Resource Center Demonstration Project Act; to require the Aging Nebraskans Task Force to develop a state plan regarding persons with Alzheimer's or related disorders; to change a termination date; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

| | | | | |
|-----------|-----------|-------------|----------------|------------|
| Baker | Ebke | Howard | Mello | Seiler |
| Bolz | Friesen | Hughes | Morfeld | Smith |
| Brasch | Garrett | Johnson | Murante | Stinner |
| Campbell | Gloor | Kolowski | Nordquist | Sullivan |
| Coash | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Cook | Hadley | Krist | Scheer | Williams |
| Craighead | Hansen | Kuehn | Schilz | |
| Crawford | Harr, B. | Larson | Schnoor | |
| Davis | Hilkemann | McCollister | Schumacher | |

Voting in the negative, 3:

Groene Kintner McCoy

Present and not voting, 3:

Bloomfield Lindstrom Riepe

Excused and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 320A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 320, One Hundred Fourth Legislature, First Session, 2015.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

| | | | | |
|-----------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Larson | Schnoor |
| Bolz | Ebke | Howard | McCollister | Schumacher |
| Brasch | Friesen | Hughes | Mello | Seiler |
| Campbell | Garrett | Johnson | Morfeld | Smith |
| Coash | Haar, K. | Kolowski | Murante | Stinner |
| Cook | Hadley | Kolterman | Nordquist | Sullivan |
| Craighead | Hansen | Krist | Pansing Brooks | Watermeier |
| Crawford | Harr, B. | Kuehn | Scheer | Williams |

Voting in the negative, 3:

Groene Kintner McCoy

Present and not voting, 5:

Bloomfield Gloor Lindstrom Riepe Schilz

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB325 to Select File

Senator Groene moved to return LB325 to Select File for the following specific amendment:

FA77

Strike the enacting clause.

Senator Groene withdrew his motion to return.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB325 with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 325.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-303, 13-2809, 35-508, 35-509, 35-514.02, 35-517, and 77-3443, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Cumulative Supplement, 2014; to change levy provisions for rural and

suburban fire protection districts; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|-----------|-----------|-----------|----------------|------------|
| Bolz | Garrett | Hughes | Lindstrom | Schnoor |
| Brasch | Gloor | Johnson | McCollister | Schumacher |
| Campbell | Haar, K. | Kintner | McCoy | Seiler |
| Cook | Hadley | Kolowski | Mello | Smith |
| Craighead | Hansen | Kolterman | Nordquist | Stinner |
| Crawford | Harr, B. | Krist | Pansing Brooks | Sullivan |
| Davis | Hilkemann | Kuehn | Scheer | Watermeier |
| Ebke | Howard | Larson | Schilz | Williams |

Voting in the negative, 2:

Bloomfield Groene

Present and not voting, 6:

| | | |
|-------|---------|---------|
| Baker | Friesen | Murante |
| Coash | Morfeld | Riepe |

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 329.

A BILL FOR AN ACT relating to tourism; to adopt the Nebraska Agritourism Promotion Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Ebke | Hughes | McCoy | Seiler |
| Bloomfield | Friesen | Johnson | Mello | Smith |
| Bolz | Garrett | Kintner | Murante | Stinner |
| Brasch | Gloor | Kolowski | Nordquist | Sullivan |
| Campbell | Groene | Kolterman | Pansing Brooks | Watermeier |
| Coash | Haar, K. | Krist | Riepe | Williams |
| Cook | Hadley | Kuehn | Scheer | |
| Craighead | Harr, B. | Larson | Schilz | |
| Crawford | Hilkemann | Lindstrom | Schnoor | |
| Davis | Howard | McCollister | Schumacher | |

Voting in the negative, 0.

Present and not voting, 2:

Hansen Morfeld

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendments to LB330

Senator Kintner withdrew his amendment, AM1690, found on page 1701, to LB330.

Senator McCoy withdrew his amendments, FA69 and FA70, found on pages 1702 and 1703, to LB330.

Senator Larson withdrew his amendment, AM1565, found on page 1702, to LB330.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB330 with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 330. With Emergency Clause.

A BILL FOR AN ACT relating to alcoholic liquor; to amend sections 53-117.07, 53-123.11, 53-130, 53-135, 53-167.02, 53-167.03, 53-1,111, and

53-1,113, Reissue Revised Statutes of Nebraska, and sections 29-431, 53-101, 53-103, 53-103.03, 53-117, 53-123, 53-123.15, 53-124, 53-124.01, 53-131, 53-133, and 53-177, Revised Statutes Cumulative Supplement, 2014; to define and redefine terms; to prohibit powdered alcohol as prescribed; to provide penalties; to provide for licensure and regulation of pedal-pub vehicles; to provide for manufacture, sale, and distribution of hard cider as prescribed, a limited bottling endorsement, and a nonrefundable tax credit for use of certain beer-related crops; to change and eliminate provisions relating to shipping licenses, application for and renewal of licenses, location of licensees, keg sales, and disposition of seized alcoholic liquor; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Harr, B. | Larson | Schilz |
| Bloomfield | Ebke | Hilkemann | Lindstrom | Schumacher |
| Bolz | Friesen | Hughes | McCollister | Seiler |
| Campbell | Garrett | Johnson | Mello | Smith |
| Chambers | Gloor | Kintner | Murante | Stinner |
| Coash | Groene | Kolowski | Nordquist | Sullivan |
| Cook | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Craighead | Hadley | Krist | Riepe | Williams |
| Crawford | Hansen | Kuehn | Scheer | |

Voting in the negative, 1:

McCoy

Present and not voting, 4:

Brasch Howard Morfeld Schnoor

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 330A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 330, One Hundred Fourth Legislature, First Session, 2015; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Larson | Schilz |
| Bloomfield | Ebke | Howard | Lindstrom | Schumacher |
| Bolz | Friesen | Hughes | McCollister | Seiler |
| Campbell | Garrett | Johnson | Mello | Smith |
| Chambers | Gloor | Kintner | Murante | Stinner |
| Coash | Haar, K. | Kolowski | Nordquist | Sullivan |
| Cook | Hadley | Kolterman | Pansing Brooks | Watermeier |
| Craighead | Hansen | Krist | Riepe | Williams |
| Crawford | Harr, B. | Kuehn | Scheer | |

Voting in the negative, 1:

McCoy

Present and not voting, 4:

| | | | |
|--------|--------|---------|---------|
| Brasch | Groene | Morfeld | Schnoor |
|--------|--------|---------|---------|

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB347 with 44 ayes, 0 nays, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 347.

A BILL FOR AN ACT relating to juveniles and child welfare; to amend section 29-1926, Reissue Revised Statutes of Nebraska, and sections 43-2,108, 43-3001, 43-4301, 43-4302, 43-4303, 43-4304, 43-4316, 43-4318, 43-4319, 43-4320, 43-4321, 43-4324, 43-4325, 43-4326, 43-4327, 43-4328, 43-4330, and 43-4331, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to certain videotape depositions, dissemination of confidential record information, and court-ordered access to confidential information as prescribed; to change provisions relating to investigations, complaints, access to and disclosure of certain information, and reports under the Office of Inspector General of Nebraska Child Welfare Act; to authorize investigations and reviews of juvenile justice services; to define and redefine terms; to harmonize provisions; and to repeal the original

sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schumacher |
| Bloomfield | Friesen | Hughes | McCoy | Seiler |
| Bolz | Garrett | Johnson | Mello | Smith |
| Campbell | Gloor | Kintner | Murante | Stinner |
| Chambers | Groene | Kolowski | Nordquist | Sullivan |
| Coash | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Cook | Hadley | Krist | Riepe | Williams |
| Craighead | Hansen | Kuehn | Scheer | |
| Crawford | Harr, B. | Larson | Schilz | |
| Davis | Hilkemann | Lindstrom | Schnoor | |

Voting in the negative, 0.

Present and not voting, 2:

| | |
|--------|---------|
| Brasch | Morfeld |
|--------|---------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 347A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 347, One Hundred Fourth Legislature, First Session, 2015.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Crawford | Harr, B. | Lindstrom | Schilz |
| Bloomfield | Davis | Hilkemann | McCollister | Schnoor |
| Bolz | Ebke | Howard | McCoy | Schumacher |
| Brasch | Friesen | Hughes | Mello | Seiler |
| Campbell | Garrett | Johnson | Murante | Smith |
| Chambers | Gloor | Kintner | Nordquist | Stinner |
| Coash | Haar, K. | Kolowski | Pansing Brooks | Sullivan |
| Cook | Hadley | Kolterman | Riepe | Watermeier |
| Craighead | Hansen | Larson | Scheer | Williams |

Voting in the negative, 0.

Present and not voting, 4:

Groene Krist Kuehn Morfeld

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB361 with 44 ayes, 1 nay, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 361.

A BILL FOR AN ACT relating to special assessments; to amend sections 14-105, 14-363, 14-364, 14-392, 14-398, 14-3,102, 14-3,103, 14-3,106, 14-3,107, 14-537, 14-1733, 15-211, 15-268, 15-709, 15-713, 15-718, 16-207, 16-250, 16-615, 16-630, 16-631, 16-652, 16-664, 16-669, 16-672, 16-708, 17-149.01, 17-510, 17-511, 17-512, 17-539, 17-555, 17-557.01, 17-913, 17-921, 17-971, 17-972, 18-406, 18-1719, 18-1751, 19-2404, 19-2407, 19-2418, 19-2427, 23-316, 23-317, 31-202.03, 31-230, 31-509, 31-740, 31-749, 39-1622, 39-1623, 39-1636.01, and 46-544, Reissue Revised Statutes of Nebraska, and sections 16-230 and 17-563, Revised Statutes Cumulative Supplement, 2014; to clarify that certain assessments levied by a sanitary drainage district, sanitary and improvement district, road improvement district, reclamation district, county, city, or village are levied and collected as special assessments; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Lindstrom | Schilz |
| Bloomfield | Ebke | Howard | McCollister | Schnoor |
| Bolz | Friesen | Hughes | McCoy | Schumacher |
| Brasch | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Chambers | Groene | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Watermeier |
| Craighead | Hansen | Kuehn | Riepe | Williams |
| Crawford | Harr, B. | Larson | Scheer | |

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 366.

A BILL FOR AN ACT relating to social services; to amend section 68-1006.01, Revised Statutes Cumulative Supplement, 2014; to change the personal needs allowance under the Medical Assistance Act; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

| | | | | |
|-----------|----------|-----------|----------------|------------|
| Baker | Davis | Harr, B. | Larson | Schumacher |
| Bolz | Ebke | Hilkemann | McCollister | Seiler |
| Campbell | Friesen | Howard | Mello | Smith |
| Chambers | Garrett | Hughes | Morfeld | Stinner |
| Coash | Gloor | Johnson | Nordquist | Sullivan |
| Cook | Haar, K. | Kolowski | Pansing Brooks | |
| Craighead | Hadley | Krist | Scheer | |
| Crawford | Hansen | Kuehn | Schilz | |

Voting in the negative, 8:

| | | | |
|------------|---------|-----------|----------|
| Bloomfield | Groene | Lindstrom | Riepe |
| Brasch | Kintner | McCoy | Williams |

Present and not voting, 4:

| | | | |
|-----------|---------|---------|------------|
| Kolterman | Murante | Schnoor | Watermeier |
|-----------|---------|---------|------------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 366A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 366, One Hundred Fourth Legislature, First Session, 2015.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

| | | | | |
|-----------|----------|-----------|----------------|----------|
| Baker | Davis | Harr, B. | McCollister | Seiler |
| Bolz | Ebke | Hilkemann | Mello | Smith |
| Campbell | Friesen | Howard | Morfeld | Stinner |
| Chambers | Garrett | Hughes | Nordquist | Sullivan |
| Coash | Gloor | Johnson | Pansing Brooks | Williams |
| Cook | Haar, K. | Kolowski | Scheer | |
| Craighead | Hadley | Krist | Schilz | |
| Crawford | Hansen | Kuehn | Schumacher | |

Voting in the negative, 6:

| | | |
|--------|-----------|-------|
| Brasch | Kintner | McCoy |
| Groene | Lindstrom | Riepe |

Present and not voting, 6:

| | | |
|------------|---------|------------|
| Bloomfield | Larson | Schnoor |
| Kolterman | Murante | Watermeier |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 382.

A BILL FOR AN ACT relating to the Diploma of High School Equivalency Assistance Act; to amend sections 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.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Davis | Howard | McCollister | Seiler |
| Bloomfield | Ebke | Hughes | Mello | Smith |
| Bolz | Friesen | Johnson | Morfeld | Stinner |
| Brasch | Garrett | Kintner | Murante | Sullivan |
| Campbell | Gloor | Kolowski | Nordquist | Watermeier |
| Chambers | Haar, K. | Kolterman | Pansing Brooks | Williams |
| Coash | Hadley | Krist | Riepe | |
| Cook | Hansen | Kuehn | Scheer | |
| Craighead | Harr, B. | Larson | Schnoor | |
| Crawford | Hilkemann | Lindstrom | Schumacher | |

Voting in the negative, 0.

Present and not voting, 3:

Groene McCoy Schilz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 382A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 382, One Hundred Fourth Legislature, First Session, 2015; and to provide for a transfer.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Davis | Howard | McCollister | Seiler |
| Bloomfield | Ebke | Hughes | Mello | Smith |
| Bolz | Friesen | Johnson | Morfeld | Stinner |
| Brasch | Garrett | Kintner | Murante | Sullivan |
| Campbell | Gloor | Kolowski | Nordquist | Watermeier |
| Chambers | Haar, K. | Kolterman | Pansing Brooks | Williams |
| Coash | Hadley | Krist | Scheer | |
| Cook | Hansen | Kuehn | Schilz | |
| Craighead | Harr, B. | Larson | Schnoor | |
| Crawford | Hilkemann | Lindstrom | Schumacher | |

Voting in the negative, 0.

Present and not voting, 2:

Groene Riepe

Excused and not voting, 1:

McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB390 with 39 ayes, 1 nay, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 390. With Emergency Clause.

A BILL FOR AN ACT relating to controlled substances; to amend sections 28-101, 28-401, 28-401.01, 28-405, and 71-7611, Revised Statutes Cumulative Supplement, 2014; to provide for the medical use of cannabidiol as prescribed; to create the Medical Cannabidiol Pilot Study; to provide powers and duties for the Department of Health and Human Services and the University of Nebraska Medical Center; to define and redefine terms; to change schedules of controlled substances under the Uniform Controlled Substances Act; to provide for use of naxolone; to provide immunity from certain punitive actions as prescribed; to change provisions relating to the Nebraska Health Care Cash Fund; to harmonize provisions; to provide a termination date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Harr, B. | Kuehn | Schilz |
| Bloomfield | Ebke | Hilkemann | Larson | Schumacher |
| Bolz | Friesen | Howard | Lindstrom | Seiler |
| Campbell | Garrett | Hughes | McCollister | Smith |
| Chambers | Gloor | Johnson | Mello | Stinner |
| Coash | Groene | Kintner | Morfeld | Sullivan |
| Cook | Haar, K. | Kolowski | Nordquist | Watermeier |
| Craighead | Hadley | Kolterman | Pansing Brooks | Williams |
| Crawford | Hansen | Krist | Scheer | |

Voting in the negative, 2:

| | |
|--------|-------|
| Brasch | Riepe |
|--------|-------|

Present and not voting, 2:

Murante Schnoor

Excused and not voting, 1:

McCoy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 390A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 390, One Hundred Fourth Legislature, First Session, 2015; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Bloomfield | Ebke | Howard | Lindstrom | Seiler |
| Bolz | Friesen | Hughes | McCollister | Smith |
| Campbell | Garrett | Johnson | Mello | Sinner |
| Chambers | Gloor | Kintner | Morfeld | Sullivan |
| Coash | Haar, K. | Kolowski | Nordquist | Watermeier |
| Cook | Hadley | Kolterman | Pansing Brooks | Williams |
| Craighead | Hansen | Krist | Scheer | |
| Crawford | Harr, B. | Kuehn | Schilz | |
| Davis | Hilkemann | Larson | Schumacher | |

Voting in the negative, 2:

Brasch Riepe

Present and not voting, 3:

Groene Murante Schnoor

Excused and not voting, 2:

Baker McCoy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 419.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2014; to exempt certain sales and purchases by certain zoos and aquariums from sales and use taxes as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

| | | | | |
|-----------|-----------|-------------|----------------|------------|
| Bolz | Ebke | Johnson | Mello | Schumacher |
| Brasch | Gloor | Kolowski | Morfeld | Seiler |
| Campbell | Haar, K. | Kolterman | Murante | Smith |
| Chambers | Hadley | Krist | Nordquist | Stinner |
| Coash | Hansen | Kuehn | Pansing Brooks | Sullivan |
| Craighead | Harr, B. | Larson | Riepe | Watermeier |
| Crawford | Hilkemann | Lindstrom | Scheer | Williams |
| Davis | Howard | McCollister | Schilz | |

Voting in the negative, 5:

| | | | | |
|------------|---------|--------|---------|---------|
| Bloomfield | Friesen | Hughes | Kintner | Schnoor |
|------------|---------|--------|---------|---------|

Present and not voting, 3:

| | | |
|------|---------|--------|
| Cook | Garrett | Groene |
|------|---------|--------|

Excused and not voting, 2:

| | |
|-------|-------|
| Baker | McCoy |
|-------|-------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 259A, 265, 265A, 292, 292A, 320, 320A, 325, 329, 330, 330A, 347, 347A, 361, 366, 366A, 382, and 382A.

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB469 with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 469. With Emergency Clause.

A BILL FOR AN ACT relating to law; to amend sections 3-402, 3-408, 81-1601, 81-1602, 81-1603, 81-1605, 81-1606, and 81-1607.01, Reissue Revised Statutes of Nebraska; to define terms; to provide procedures and reporting requirements relating to a state plan regarding carbon dioxide emissions; to provide requirements for meteorological evaluation towers; to provide penalties; to provide and change duties of the State Energy Office; to require a strategic state energy plan as prescribed; to eliminate provisions relating to wind measurement equipment; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; to outright repeal section 66-1901, Revised Statutes Cumulative Supplement, 2014; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

| | | | | |
|-----------|-----------|-----------|----------------|------------|
| Bolz | Friesen | Hughes | McCollister | Schnoor |
| Brasch | Garrett | Johnson | Mello | Schumacher |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Coash | Haar, K. | Kolowski | Murante | Stinner |
| Cook | Hadley | Kolterman | Nordquist | Sullivan |
| Craighead | Hansen | Krist | Pansing Brooks | Watermeier |
| Crawford | Harr, B. | Kuehn | Riepe | Williams |
| Davis | Hilkemann | Larson | Scheer | |
| Ebke | Howard | Lindstrom | Schilz | |

Voting in the negative, 1:

Bloomfield

Present and not voting, 2:

Groene Seiler

Excused and not voting, 3:

Baker Chambers McCoy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 469A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 469, One Hundred Fourth Legislature, First Session, 2015.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

| | | | | |
|----------|-----------|-------------|----------------|------------|
| Bolz | Gloor | Kintner | Mello | Schumacher |
| Brasch | Haar, K. | Kolowski | Morfeld | Seiler |
| Coash | Hadley | Kolterman | Murante | Smith |
| Cook | Hansen | Krist | Nordquist | Stinner |
| Crawford | Harr, B. | Kuehn | Pansing Brooks | Sullivan |
| Davis | Hilkemann | Larson | Riepe | Watermeier |
| Ebke | Howard | Lindstrom | Scheer | Williams |
| Friesen | Hughes | McCollister | Schilz | |
| Garrett | Johnson | McCoy | Schnoor | |

Voting in the negative, 0.

Present and not voting, 4:

Bloomfield Campbell Craighead Groene

Excused and not voting, 2:

Baker Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB480 with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 480.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-145, Reissue Revised Statutes of Nebraska, and sections 48-120, 48-125, and 48-1,110, Revised Statutes Cumulative Supplement, 2014; to provide for denial of compensation in situations of false representation; to change provisions relating to the collection of fees; to change interest rate provisions on certain compensation court awards; to change provisions relating to the investment of trust funds for self-insurers; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Bloomfield | Friesen | Hughes | McCoy | Schumacher |
| Bolz | Garrett | Johnson | Mello | Seiler |
| Brasch | Gloor | Kintner | Morfeld | Smith |
| Campbell | Groene | Kolowski | Murante | Sinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Williams |
| Craighead | Hansen | Kuehn | Riepe | |
| Crawford | Harr, B. | Larson | Scheer | |
| Davis | Hilkemann | Lindstrom | Schilz | |
| Ebke | Howard | McCollister | Schnoor | |

Voting in the negative, 0.

Present and not voting, 1:

Watermeier

Excused and not voting, 2:

Baker Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SENATOR KRIST PRESIDING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 500. With Emergency Clause.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Cumulative Supplement, 2014; to require application for a medicaid state plan amendment for multisystemic therapy; to harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

| | | | | |
|-----------|-----------|-----------|----------------|------------|
| Bolz | Friesen | Howard | Lindstrom | Schilz |
| Campbell | Garrett | Hughes | McCollister | Schnoor |
| Coash | Gloor | Johnson | Mello | Schumacher |
| Cook | Haar, K. | Kolowski | Morfeld | Seiler |
| Craighead | Hadley | Kolterman | Murante | Smith |
| Crawford | Hansen | Krist | Nordquist | Stinner |
| Davis | Harr, B. | Kuehn | Pansing Brooks | Sullivan |
| Ebke | Hilkemann | Larson | Scheer | Williams |

Voting in the negative, 1:

Kintner

Present and not voting, 5:

| | | | | |
|------------|--------|--------|-------|------------|
| Bloomfield | Brasch | Groene | Riepe | Watermeier |
|------------|--------|--------|-------|------------|

Excused and not voting, 3:

| | | |
|-------|----------|-------|
| Baker | Chambers | McCoy |
|-------|----------|-------|

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 500A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 500, One Hundred Fourth Legislature, First Session, 2015; and to reduce appropriations.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

| | | | | |
|-----------|-----------|-------------|----------------|----------|
| Bolz | Friesen | Hughes | Mello | Seiler |
| Brasch | Garrett | Johnson | Morfeld | Smith |
| Campbell | Gloor | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hadley | Krist | Pansing Brooks | Williams |
| Craighead | Hansen | Kuehn | Scheer | |
| Crawford | Harr, B. | Larson | Schilz | |
| Davis | Hilkemann | Lindstrom | Schnoor | |
| Ebke | Howard | McCollister | Schumacher | |

Voting in the negative, 2:

| | |
|--------|---------|
| Groene | Kintner |
|--------|---------|

Present and not voting, 3:

| | | |
|------------|-------|------------|
| Bloomfield | Riepe | Watermeier |
|------------|-------|------------|

Excused and not voting, 3:

| | | |
|-------|----------|-------|
| Baker | Chambers | McCoy |
|-------|----------|-------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 504.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2261, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to presentence reports and examinations; to provide for access to substance abuse evaluations; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Bloomfield | Ebke | Hughes | McCollister | Schumacher |
| Bolz | Friesen | Johnson | Mello | Seiler |
| Brasch | Garrett | Kintner | Morfeld | Smith |
| Campbell | Haar, K. | Kolowski | Murante | Stinner |
| Coash | Hadley | Kolterman | Nordquist | Sullivan |
| Cook | Hansen | Krist | Pansing Brooks | Watermeier |
| Craighead | Harr, B. | Kuehn | Riepe | Williams |
| Crawford | Hilkemann | Larson | Scheer | |
| Davis | Howard | Lindstrom | Schnoor | |

Voting in the negative, 0.

Present and not voting, 3:

Gloor Groene Schilz

Excused and not voting, 3:

Baker Chambers McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 504A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 504, One Hundred Fourth Legislature, First Session, 2015.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Bloomfield | Ebke | Hughes | McCollister | Schnoor |
| Bolz | Friesen | Johnson | Mello | Schumacher |
| Brasch | Garrett | Kintner | Morfeld | Seiler |
| Campbell | Groene | Kolowski | Murante | Smith |
| Coash | Haar, K. | Kolterman | Nordquist | Stinner |
| Cook | Hadley | Krist | Pansing Brooks | Sullivan |
| Craighead | Hansen | Kuehn | Riepe | Watermeier |
| Crawford | Harr, B. | Larson | Scheer | Williams |
| Davis | Howard | Lindstrom | Schilz | |

Voting in the negative, 0.

Present and not voting, 2:

Gloor Hilkemann

Excused and not voting, 3:

Baker Chambers McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB525 with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 525.

A BILL FOR AN ACT relating to education; to amend sections 79-101, 79-215, 79-2,144, 79-301, 79-308, 79-309.01, 79-318, 79-420, 79-760.01, 79-760.02, 79-760.06, 79-761, 79-8,137, 79-8,137.04, 79-1003, 79-1003.01, 79-1007.06, 79-1007.07, 79-1013, 79-1018.01, 79-1028.01, 79-1035, 79-1205, 79-1315, 79-2110, 79-2113, 79-2115, 79-2120, 79-2204, 79-2205, 85-2102, and 85-2104, Reissue Revised Statutes of Nebraska, and section 71-1962, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the Nebraska Early Childhood Professional Record System, state aid for school districts, admission of homeless students, duties of the state school security director, deputy commissioners of education, duties of the State Board of Education, reorganization of school districts, academic content standards, the statewide assessment and reporting system, the mentor teacher program, the Attracting Excellence to Teaching Program, the Enhancing Excellence in Teaching Program, adjustment of educational service unit boundaries, the Nebraska Educational Telecommunications Commission, learning communities, the State Council on Educational Opportunity for Military Children, and the Access to College Early Scholarship Program Act; to provide requirements for free or reduced-price lunches; to provide for an educator-effectiveness system; to define and redefine terms; to eliminate provisions relating to school lands and annual school meetings as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Bloomfield | Friesen | Hughes | Mello | Seiler |
| Bolz | Garrett | Johnson | Morfeld | Smith |
| Brasch | Gloor | Kintner | Murante | Stinner |
| Campbell | Groene | Kolowski | Nordquist | Sullivan |
| Coash | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Cook | Hadley | Krist | Riepe | Williams |
| Craighead | Hansen | Kuehn | Scheer | |
| Crawford | Harr, B. | Larson | Schilz | |
| Davis | Hilkemann | Lindstrom | Schnoor | |
| Ebke | Howard | McCollister | Schumacher | |

Voting in the negative, 0.

Excused and not voting, 3:

Baker Chambers McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB538 with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 538.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 50-1206, 50-1212, and 77-5208, Reissue Revised Statutes of Nebraska, and sections 50-1203, 50-1204, 50-1208, 50-1209, 50-1210, 50-1211, 77-1116, 77-27,187.02, 77-2912, 77-5725, 77-5806, and 77-5905, Revised Statutes Cumulative Supplement, 2014; to require tax incentive performance audits as prescribed; to provide, change, and eliminate requirements of the Legislative Performance Audit Act; to provide and change sunset dates for certain tax incentive programs; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Bloomfield | Friesen | Hughes | Mello | Seiler |
| Bolz | Garrett | Johnson | Morfeld | Smith |
| Brasch | Gloor | Kintner | Murante | Stinner |
| Campbell | Groene | Kolowski | Nordquist | Sullivan |
| Coash | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Cook | Hadley | Krist | Riepe | Williams |
| Craighead | Hansen | Kuehn | Scheer | |
| Crawford | Harr, B. | Larson | Schilz | |
| Davis | Hilkemann | Lindstrom | Schnoor | |
| Ebke | Howard | McCollister | Schumacher | |

Voting in the negative, 0.

Excused and not voting, 3:

Baker Chambers McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 538A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 538, One Hundred Fourth Legislature, First Session, 2015.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

| | | | | |
|-----------|----------|-----------|----------------|------------|
| Bolz | Friesen | Hughes | McCollister | Schumacher |
| Brasch | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Coash | Groene | Kolowski | Murante | Stinner |
| Cook | Haar, K. | Kolterman | Nordquist | Sullivan |
| Craighead | Hadley | Krist | Pansing Brooks | Watermeier |
| Crawford | Hansen | Kuehn | Scheer | Williams |
| Davis | Harr, B. | Larson | Schilz | |
| Ebke | Howard | Lindstrom | Schnoor | |

Voting in the negative, 0.

Present and not voting, 3:

Bloomfield Hilkemann Riepe

Excused and not voting, 3:

Baker Chambers McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB539 with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 539. With Emergency Clause.

A BILL FOR AN ACT relating to government auditing; to amend sections 29-2011.02, 29-2011.03, 50-1215, 84-304, 84-304.02, 84-305, and 84-311, Reissue Revised Statutes of Nebraska, and sections 50-1213, 50-1214, 77-2711, and 77-27,119, Revised Statutes Cumulative Supplement, 2014; to provide subpoena powers as prescribed for the Auditor of Public Accounts; to change provisions relating to access to information by the office of Legislative Audit and the Auditor of Public Accounts, review of certain reports, and access to certain documents by audited entities as prescribed; to prohibit personnel actions in certain circumstances as prescribed; to provide and change penalties; to provide and change powers to audit certain entities; to define a term; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Bloomfield | Friesen | Hughes | Mello | Seiler |
| Bolz | Garrett | Johnson | Morfeld | Smith |
| Brasch | Gloor | Kintner | Murante | Stinner |
| Campbell | Groene | Kolowski | Nordquist | Sullivan |
| Coash | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Cook | Hadley | Krist | Riepe | Williams |
| Craighead | Hansen | Kuehn | Scheer | |
| Crawford | Harr, B. | Larson | Schilz | |
| Davis | Hilkemann | Lindstrom | Schnoor | |
| Ebke | Howard | McCollister | Schumacher | |

Voting in the negative, 0.

Excused and not voting, 3:

Baker Chambers McCoy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 547.

A BILL FOR AN ACT relating to child care and early childhood education; to amend sections 43-2621 and 79-1104.02, Reissue Revised Statutes of Nebraska; to provide for reservation and allocation of federal funds for child care activities; to provide for and change provisions relating to grants to early childhood education programs; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

| | | | | |
|-----------|-----------|-------------|----------------|------------|
| Bolz | Friesen | Johnson | Mello | Seiler |
| Brasch | Garrett | Kintner | Morfeld | Smith |
| Campbell | Gloor | Kolowski | Murante | Stinner |
| Coash | Haar, K. | Kolterman | Nordquist | Sullivan |
| Cook | Hansen | Krist | Pansing Brooks | Watermeier |
| Craighead | Harr, B. | Kuehn | Riepe | Williams |
| Crawford | Hilkemann | Larson | Scheer | |
| Davis | Howard | Lindstrom | Schilz | |
| Ebke | Hughes | McCollister | Schumacher | |

Voting in the negative, 0.

Present and not voting, 4:

| | | | |
|------------|--------|--------|---------|
| Bloomfield | Groene | Hadley | Schnoor |
|------------|--------|--------|---------|

Excused and not voting, 3:

| | | |
|-------|----------|-------|
| Baker | Chambers | McCoy |
|-------|----------|-------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 547A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 547, One Hundred Fourth Legislature, First Session, 2015.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Bloomfield | Ebke | Howard | Mello | Seiler |
| Bolz | Friesen | Hughes | Murante | Smith |
| Brasch | Garrett | Johnson | Nordquist | Stinner |
| Campbell | Gloor | Kintner | Pansing Brooks | Sullivan |
| Coash | Haar, K. | Kolterman | Riepe | Watermeier |
| Cook | Hadley | Krist | Scheer | Williams |
| Craighead | Hansen | Larson | Schilz | |
| Crawford | Harr, B. | Lindstrom | Schnoor | |
| Davis | Hilkemann | McCollister | Schumacher | |

Voting in the negative, 0.

Present and not voting, 4:

| | | | |
|--------|----------|-------|---------|
| Groene | Kolowski | Kuehn | Morfeld |
|--------|----------|-------|---------|

Excused and not voting, 3:

| | | |
|-------|----------|-------|
| Baker | Chambers | McCoy |
|-------|----------|-------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 559. With Emergency Clause.

A BILL FOR AN ACT relating to the New Markets Job Growth Investment Act; to amend section 77-1113, Revised Statutes Cumulative Supplement, 2014; to change provisions regarding how tax credits are treated; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Bloomfield | Ebke | Hilkemann | Lindstrom | Schilz |
| Bolz | Friesen | Howard | McCollister | Schnoor |
| Brasch | Garrett | Hughes | Mello | Schumacher |
| Campbell | Gloor | Johnson | Morfeld | Seiler |
| Coash | Groene | Kintner | Murante | Smith |
| Cook | Haar, K. | Kolterman | Nordquist | Stinner |
| Craighead | Hadley | Krist | Pansing Brooks | Sullivan |
| Crawford | Hansen | Kuehn | Riepe | Watermeier |
| Davis | Harr, B. | Larson | Scheer | Williams |

Voting in the negative, 0.

Present and not voting, 1:

Kolowski

Excused and not voting, 3:

Baker Chambers McCoy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB566 with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 566.

A BILL FOR AN ACT relating to Indian child welfare; to amend sections 43-512.04, 43-1406, 43-1501, 43-1502, 43-1504, 43-1505, 43-1506, 43-1507, 43-1508, 43-1509, and 43-1514, Reissue Revised Statutes of Nebraska, and sections 43-279.01 and 43-1503, Revised Statutes Cumulative Supplement, 2014; to require inquiry by juvenile courts regarding Indian children; to provide for recognition of tribal law in paternity determinations; to change provisions of the Nebraska Indian Child Welfare Act; to provide requirements for voluntary and involuntary proceedings under the act; to define and redefine terms; to provide powers and duties for the Department of Health and Human Services; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Bloomfield | Ebke | Hilkemann | Lindstrom | Schilz |
| Bolz | Friesen | Howard | McCollister | Schnoor |
| Brasch | Garrett | Hughes | Mello | Schumacher |
| Campbell | Gloor | Johnson | Morfeld | Seiler |
| Coash | Groene | Kintner | Murante | Smith |
| Cook | Haar, K. | Kolterman | Nordquist | Stinner |
| Craighead | Hadley | Krist | Pansing Brooks | Sullivan |
| Crawford | Hansen | Kuehn | Riepe | Watermeier |
| Davis | Harr, B. | Larson | Scheer | Williams |

Voting in the negative, 0.

Present and not voting, 1:

Kolowski

Excused and not voting, 3:

Baker Chambers McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 566A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 566, One Hundred Fourth Legislature, First Session, 2015.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Bloomfield | Ebke | Howard | Mello | Schumacher |
| Bolz | Friesen | Hughes | Morfeld | Seiler |
| Brasch | Garrett | Johnson | Murante | Smith |
| Campbell | Gloor | Kintner | Nordquist | Sinner |
| Coash | Haar, K. | Kolterman | Pansing Brooks | Sullivan |
| Cook | Hadley | Krist | Riepe | Watermeier |
| Craighead | Hansen | Kuehn | Scheer | Williams |
| Crawford | Harr, B. | Larson | Schilz | |
| Davis | Hilkemann | Lindstrom | Schnoor | |

Voting in the negative, 0.

Present and not voting, 3:

Groene Kolowski McCollister

Excused and not voting, 3:

Baker Chambers McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB591 with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 591. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 72-1239.01, 77-3504, and 84-618, Reissue Revised Statutes of Nebraska, and sections 68-1201, 77-2715.07, and 77-2716, Revised Statutes Cumulative Supplement, 2014; to define terms; to create the achieving a better life experience program; to provide powers and duties; to change provisions relating to federal tax credits; to provide for adjustments to taxable income; to redefine household income for purposes of the homestead exemption; to provide startup funding; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schumacher |
| Bloomfield | Friesen | Hughes | Mello | Seiler |
| Bolz | Garrett | Johnson | Morfeld | Smith |
| Brasch | Gloor | Kintner | Murante | Stinner |
| Campbell | Groene | Kolowski | Nordquist | Sullivan |
| Coash | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Cook | Hadley | Krist | Riepe | Williams |
| Craighead | Hansen | Kuehn | Scheer | |
| Crawford | Harr, B. | Larson | Schilz | |
| Davis | Hilkemann | Lindstrom | Schnoor | |

Voting in the negative, 0.

Excused and not voting, 2:

Chambers McCoy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 591A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend section 69, Legislative Bill 657, One Hundred Fourth Legislature, First Session, 2015; to appropriate funds to aid in carrying out the provisions of Legislative Bill 591, One Hundred Fourth Legislature, First Session, 2015; to change an appropriation; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Larson | Schilz |
| Bloomfield | Ebke | Howard | Lindstrom | Schnoor |
| Bolz | Friesen | Hughes | McCollister | Schumacher |
| Brasch | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Coash | Haar, K. | Kolowski | Murante | Stinner |
| Cook | Hadley | Kolterman | Nordquist | Sullivan |
| Craighead | Hansen | Krist | Pansing Brooks | Watermeier |
| Crawford | Harr, B. | Kuehn | Scheer | Williams |

Voting in the negative, 0.

Present and not voting, 2:

Groene Riepe

Excused and not voting, 2:

Chambers McCoy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB598 with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 598.

A BILL FOR AN ACT relating to treatment and corrections; to amend sections 81-8,241, 81-8,244, 81-8,245, 83-170, 83-171, 83-173, 83-180, 83-186.01, 83-188, 83-1,100, 83-1,107, 83-1,135, 83-4,114, 83-4,114.01, 83-904, 83-931, 83-933, and 83-962, Reissue Revised Statutes of Nebraska; to adopt the Office of Inspector General of the Nebraska Correctional System Act; to change provisions relating to the Public Counsel; to provide and change powers and duties of the Director of Correctional Services and the Department of Correctional Services; to provide and change requirements regarding screening for risk assessment and mental illness and treatment and segregation of inmates with mental illness; to provide for employees of the Board of Parole as prescribed; to change provisions relating to the Office of Parole Administration; to prescribe requirements for compensation for certain parole officers and staff; to require reporting on and place restrictions on use of certain levels of confinement; to provide for creation of a long-term restrictive housing work group; to provide for investment of funds; to change provisions relating to a correctional system overcrowding emergency as prescribed; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schumacher |
| Bloomfield | Friesen | Hughes | Mello | Seiler |
| Bolz | Garrett | Johnson | Morfeld | Smith |
| Brasch | Gloor | Kintner | Murante | Stinner |
| Campbell | Groene | Kolowski | Nordquist | Sullivan |
| Coash | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Cook | Hadley | Krist | Riepe | Williams |
| Craighead | Hansen | Kuehn | Scheer | |
| Crawford | Harr, B. | Larson | Schilz | |
| Davis | Hilkemann | Lindstrom | Schnoor | |

Voting in the negative, 0.

Excused and not voting, 2:

Chambers McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB598A with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 598A.

A BILL FOR AN ACT relating to appropriations; to amend sections 162, 164, and 266, Legislative Bill 657, One Hundred Fourth Legislature, First Session, 2015; to appropriate funds to aid in carrying out the provisions of Legislative Bill 598, One Hundred Fourth Legislature, First Session, 2015; to provide and change appropriations; to change provisions relating to funds; to state intent; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Davis | Howard | Lindstrom | Schilz |
| Bloomfield | Ebke | Hughes | McCollister | Schnoor |
| Bolz | Garrett | Johnson | Mello | Schumacher |
| Brasch | Gloor | Kintner | Morfeld | Seiler |
| Campbell | Haar, K. | Kolowski | Murante | Smith |
| Coash | Hadley | Kolterman | Nordquist | Stinner |
| Cook | Hansen | Krist | Pansing Brooks | Sullivan |
| Craighead | Harr, B. | Kuehn | Riepe | Watermeier |
| Crawford | Hilkemann | Larson | Scheer | Williams |

Voting in the negative, 0.

Present and not voting, 2:

Friesen Groene

Excused and not voting, 2:

Chambers McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB605 with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 605.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 9-262, 9-352, 9-434, 9-652, 23-135.01, 28-204, 28-305, 28-310.01, 28-311.01, 28-311.04, 28-320, 28-322.02, 28-322.03, 28-322.04, 28-393, 28-397, 28-507, 28-514, 28-519, 28-620, 28-621, 28-622, 28-627, 28-703, 28-912, 28-1102, 28-1103, 28-1104, 28-1222, 28-1224, 28-1344, 28-1345, 29-2246, 29-2260, 29-2263, 29-2266, 29-2268, 29-2281, 29-2308, 29-3523, 60-6,197.06, 71-2228, 71-2229, 81-1185, 81-1415, 81-1416, 81-1423, 81-1802, 81-1803, 81-1813, 81-1823, 81-1848, 83-182.01, 83-183, 83-183.01, 83-184, 83-1,100, 83-1,107, 83-1,119, 83-1,122, 83-1,135, 83-1,135.02, and 83-915.01, Reissue Revised Statutes of Nebraska, and sections 28-105, 28-106, 28-201, 28-306, 28-309, 28-311, 28-311.08, 28-323, 28-394, 28-416, 28-504, 28-518, 28-603, 28-604, 28-611, 28-611.01, 28-631, 28-638, 28-639, 28-707, 28-813.01, 28-932, 28-1005, 28-1009, 28-1212.03, 28-1463.05, 28-1501, 29-1816, 29-2204, 29-2252, 29-2252.01, 29-2262, 29-4011, 43-412, 60-6,197.03, 68-1017, and 68-1017.01, Revised Statutes Cumulative Supplement, 2014; to provide, change, and eliminate offenses, penalties, and punishments as prescribed; to change and eliminate sentencing provisions; to change provisions and provide requirements relating to restitution, probation, and parole; to provide for post-release supervision; to change provisions of the Nebraska Probation Administration Act, the Nebraska Crime Victim's Reparations Act, and the Nebraska Treatment and Corrections Act; to authorize access to criminal records as prescribed; to provide powers and duties for the Department of Correctional Services, the Office of Probation Administration, the Office of Parole Administration, and the Board of Parole; to create the Committee on Justice Reinvestment Oversight and the County Justice Reinvestment Grant Program; to provide for studies and reports; to change provisions relating to victims' rights and the Inmate Welfare and Club Accounts Fund; to provide for suspension of medical assistance for inmates of public institutions as prescribed; to provide for applicability of provisions; to eliminate requirements relating to indeterminate sentences, the Nebraska Justice Reinvestment Working Group, and certain evaluations of juveniles and obsolete provisions; to harmonize provisions; to provide severability; to repeal the original sections; and to outright repeal sections 29-2204.01 and 83-1,105.01, Reissue Revised Statutes of Nebraska, and section 43-413, Revised Statutes Cumulative Supplement, 2014.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Harr, B. | Kuehn | Schilz |
| Bloomfield | Ebke | Hilkemann | Lindstrom | Schnoor |
| Bolz | Friesen | Howard | McCollister | Schumacher |
| Brasch | Garrett | Hughes | Mello | Seiler |
| Campbell | Gloor | Johnson | Morfeld | Smith |
| Coash | Groene | Kintner | Nordquist | Stinner |
| Cook | Haar, K. | Kolowski | Pansing Brooks | Sullivan |
| Craighead | Hadley | Kolterman | Riepe | Watermeier |
| Crawford | Hansen | Krist | Scheer | Williams |

Voting in the negative, 0.

Present and not voting, 2:

Larson Murante

Excused and not voting, 2:

Chambers McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 605A.

A BILL FOR AN ACT relating to appropriations; to amend section 162, Legislative Bill 657, One Hundred Fourth Legislature, First Session, 2015; to appropriate funds to aid in carrying out the provisions of Legislative Bill 605, One Hundred Fourth Legislature, First Session, 2015; to change appropriations; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Harr, B. | Kuehn | Schnoor |
| Bloomfield | Ebke | Hilkemann | Lindstrom | Schumacher |
| Bolz | Friesen | Howard | McCollister | Seiler |
| Brasch | Garrett | Hughes | Mello | Smith |
| Campbell | Gloor | Johnson | Morfeld | Stinner |
| Chambers | Groene | Kintner | Nordquist | Sullivan |
| Cook | Haar, K. | Kolowski | Pansing Brooks | Watermeier |
| Craighead | Hadley | Kolterman | Riepe | Williams |
| Crawford | Hansen | Krist | Scheer | |

Voting in the negative, 3:

Coash Larson Murante

Present and not voting, 1:

Schilz

Excused and not voting, 1:

McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB607 with 38 ayes, 1 nay, 9 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 607. With Emergency Clause.

A BILL FOR AN ACT relating to public assistance; to amend sections 43-512, 68-1713, and 68-1726, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to aid to dependent children; to change provisions related to an earned income disregard; to create the Intergenerational Poverty Task Force; to provide powers and duties; to require reports; to provide a termination date; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

| | | | | |
|-----------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | Lindstrom | Schilz |
| Bolz | Garrett | Hughes | McCollister | Schnoor |
| Brasch | Gloor | Johnson | Mello | Schumacher |
| Campbell | Groene | Kintner | Morfeld | Seiler |
| Chambers | Haar, K. | Kolowski | Murante | Smith |
| Cook | Hadley | Kolterman | Nordquist | Stinner |
| Craighead | Hansen | Krist | Pansing Brooks | Sullivan |
| Crawford | Harr, B. | Kuehn | Riepe | Watermeier |
| Davis | Hilkemann | Larson | Scheer | Williams |

Voting in the negative, 0.

Present and not voting, 2:

Bloomfield Friesen

Excused and not voting, 2:

Coash McCoy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 607A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 607, One Hundred Fourth Legislature, First Session, 2015.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Ebke | Hughes | McCollister | Schnoor |
| Bloomfield | Garrett | Johnson | Mello | Schumacher |
| Bolz | Gloor | Kintner | Morfeld | Seiler |
| Brasch | Groene | Kolowski | Murante | Smith |
| Campbell | Haar, K. | Kolterman | Nordquist | Stinner |
| Chambers | Hadley | Krist | Pansing Brooks | Sullivan |
| Cook | Hansen | Kuehn | Riepe | Watermeier |
| Crawford | Harr, B. | Larson | Scheer | Williams |
| Davis | Howard | Lindstrom | Schilz | |

Voting in the negative, 0.

Present and not voting, 3:

Craighead Friesen Hilkemann

Excused and not voting, 2:

Coash McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB629 with 38 ayes, 1 nay, 8 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 629. With Emergency Clause.

A BILL FOR AN ACT relating to transportation; to amend sections 75-304, 75-305, 75-306, 75-307, 75-309, 75-310, and 75-313, Reissue Revised Statutes of Nebraska, and sections 75-109.01, 75-302, and 75-311, Revised Statutes Cumulative Supplement, 2014; to provide for regulation of transportation network companies; to provide and change powers and duties for the Public Service Commission; to define terms; to provide requirements for insurance coverage; to require an annual report to the Legislature; to provide for a fee; to create a fund; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schumacher |
| Bloomfield | Friesen | Hughes | Mello | Seiler |
| Bolz | Garrett | Johnson | Morfeld | Smith |
| Brasch | Gloor | Kintner | Murante | Stinner |
| Campbell | Groene | Kolowski | Nordquist | Sullivan |
| Chambers | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Cook | Hadley | Krist | Riepe | Williams |
| Craighead | Hansen | Kuehn | Scheer | |
| Crawford | Harr, B. | Larson | Schilz | |
| Davis | Hilkemann | Lindstrom | Schnoor | |

Voting in the negative, 0.

Excused and not voting, 2:

Coash McCoy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 629A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 629, One Hundred Fourth Legislature, First Session, 2015; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schumacher |
| Bloomfield | Friesen | Hughes | Mello | Seiler |
| Bolz | Garrett | Johnson | Morfeld | Smith |
| Brasch | Gloor | Kintner | Murante | Stinner |
| Campbell | Groene | Kolowski | Nordquist | Sullivan |
| Chambers | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Cook | Hadley | Krist | Riepe | Williams |
| Craighead | Hansen | Kuehn | Scheer | |
| Crawford | Harr, B. | Larson | Schilz | |
| Davis | Hilkemann | Lindstrom | Schnoor | |

Voting in the negative, 0.

Excused and not voting, 2:

Coash McCoy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 642.

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend sections 60-3,122 and 60-3,124, Reissue Revised Statutes of Nebraska, and sections 37-1214, 37-1278, 60-144, and 60-386, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to motorboat, motor vehicle, and trailer registration and titling; to eliminate a

fee for certain license plates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|-----------|-----------|-------------|----------------|------------|
| Baker | Friesen | Hughes | Mello | Seiler |
| Bolz | Garrett | Johnson | Morfeld | Smith |
| Brasch | Gloor | Kintner | Murante | Stinner |
| Campbell | Groene | Kolowski | Nordquist | Sullivan |
| Chambers | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Cook | Hadley | Krist | Riepe | Williams |
| Craighead | Hansen | Kuehn | Scheer | |
| Crawford | Harr, B. | Larson | Schilz | |
| Davis | Hilkemann | Lindstrom | Schnoor | |
| Ebke | Howard | McCollister | Schumacher | |

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 2:

Coash McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 21, 2015, at 11:08 a.m. were the following: LBs 623e, 70e, 70Ae, 81, 81A, 106, 106A, 156e, 175e, 183, 196, 199, 199A, 200, 200A, 226, 231, 243e, and 243A.

Presented to the Governor on May 21, 2015, at 12:48 p.m. were the following: LBs 259, 259A, 265e, 265A, 292, 292A, 320e, 320A, 325, 329, 330e, 330Ae, 347, 347A, 361, 366, 366A, 382, and 382A.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 591e, 591Ae, 605, and 605A.

(Signed) Beau McCoy

RESOLUTION(S)

LEGISLATIVE RESOLUTION 356. Introduced by Bloomfield, 17; Brasch, 16; Campbell, 25; Chambers, 11; Coash, 27; Cook, 13; Davis, 43; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Haar, K., 21; Hadley, 37; Harr, B., 8; Hilkekmann, 4; Hughes, 44; Johnson, 23; Kintner, 2; Kolowski, 31; Kolterman, 24; Krist, 10; Larson, 40; Lindstrom, 18; Mello, 5; Nordquist, 7; Pansing Brooks, 28; Riepe, 12; Scheer, 19; Schnoor, 15; Schumacher, 22; Seiler, 33; Stinner, 48; Sullivan, 41.

WHEREAS, Winside, a town located in Wayne County, is celebrating its 125th anniversary; and

WHEREAS, in 1886 Dr. R. B. Crawford chose the name Winside for the new town which won out over the town of Northside for location of the new railway depot; and

WHEREAS, incorporated in 1890, Winside had a population of 130 persons and over 20 businesses including a hardware, grocery, and clothing store, two elevators, a blacksmith shop, a newspaper, saloons, and professional offices; and

WHEREAS, by 1900 the population of Winside had grown to 400 people and reached its peak population in 1930 with 479 residents; and

WHEREAS, during the 1930s many businesses including the bank closed their doors and the town experienced a decline in population; and

WHEREAS, today Winside continues to have a K-12 school, a Methodist church, and two Lutheran churches; and

WHEREAS, current businesses on Winside's main street include Thies Family Locker, Jensen's AK Café, Winside State Bank, Winside Store, Farmers Co-operative, Weible Transfer, Hasemann Funeral Home, Fugglies Bar, and a new seed store in development; and

WHEREAS, the Village of Winside's Q125 celebration will be held June 19-21, 2015.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Winside on celebrating its 125th anniversary.
2. That a copy of this resolution be sent to the Village of Winside.

Laid over.

LEGISLATIVE RESOLUTION 357. Introduced by Kolowski, 31.

WHEREAS, Millard West High School defeated Marian High School to win the 2015 Class A Girls State Soccer Championship; and

WHEREAS, the championship game was won in a dramatic 2-1 shootout victory for the Millard West Wildcats; and

WHEREAS, the win gave the Millard West Wildcats their second state girls soccer championship in three years; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Millard West High School girls soccer team and coaches for winning the 2015 Class A Girls State Soccer Championship.

2. That a copy of this resolution be sent to Millard West High School girls soccer team and their head coach, Jacque Tevis-Butler.

Laid over.

LEGISLATIVE RESOLUTION 358. Introduced by Kolowski, 31.

WHEREAS, top-ranked Elkhorn South High School defeated third-ranked Gretna High School to win the 2015 Class B Girls State Soccer Championship; and

WHEREAS, the Elkhorn South Storm girls soccer team finished the season with a perfect 21-0 record; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Elkhorn South High School girls soccer team and coaches for winning the 2015 Class B Girls State Soccer Championship.

2. That a copy of this resolution be sent to Elkhorn South High School girls soccer team and their head coach, Lindsay Aliano.

Laid over.

LEGISLATIVE RESOLUTION 359. Introduced by Kolowski, 31.

WHEREAS, Millard West High School defeated Creighton Prep High School to win the 2015 Class A Boys State Soccer Championship; and

WHEREAS, in each of their three state tournament matches, the Millard West Wildcats avenged a regular season loss, including the 3-1 victory against the Creighton Prep Bluejays in the final championship match; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Millard West High School boys soccer team and coaches for winning the 2015 Class A Boys State Soccer Championship.

2. That a copy of this resolution be sent to Millard West High School boys soccer team and their head coach, Ron Beernink.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Davis, Kolowski, Mello - LB448

SPEAKER HADLEY PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 390, 390A, 419, 469, 469A, 480, 500, 500A, 504, 504A, 525, 538, 538A, 539, 547, 547A, 559, 566, 566A, 591, 591A, 598, 598A, 605, 605A, 607, 607A, 629, 629A, and 642.

VISITORS

Visitors to the Chamber were Senator Pansing Brooks' sister, Ginny Plummer, from Atlanta, GA; Paul and Sandy Surpe from Columbus; and 100 fourth-grade students and teachers from Picotte Elementary, Omaha.

ADJOURNMENT

At 2:03 p.m., on a motion by Senator Garrett, the Legislature adjourned until 9:00 a.m., Tuesday, May 26, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-SIXTH DAY - MAY 26, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

EIGHTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 26, 2015

PRAYER

The prayer was offered by Reverend Barry Williams, St. John's Lutheran Church, Madison.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Cook, Kuehn, and Larson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-fifth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 21, 2015, at 2:12 p.m. were the following: LBs 390e, 390Ae, 419, 469e, 469A, 480, 500e, 500A, 504, 504A, 525, 538, 538A, 539e, 547, 547A, 559e, 566, 556A, 591e, 591Ae, 598, 598A, 605, 605A, 607e, 607A, 629e, 629Ae, and 642.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

RESOLUTION(S)

LEGISLATIVE RESOLUTION 360. Introduced by Kuehn, 38; Bolz, 29; Campbell, 25; Coash, 27; Cook, 13; Craighead, 6; Crawford, 45; Davis, 43; Ebke, 32; Friesen, 34; Garrett, 3; Gloor, 35; Haar, K., 21; Hadley, 37; Hansen, 26; Harr, B., 8; Hilkemann, 4; Hughes, 44; Johnson, 23; Kintner, 2; Kolterman, 24; McCollister, 20; McCoy, 39; Mello, 5; Morfeld, 46; Nordquist, 7; Pansing Brooks, 28; Scheer, 19; Schnoor, 15; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Watermeier, 1; Williams, 36.

WHEREAS, Captain Dustin Lukasiewicz of the United States Marine Corps was killed when his helicopter crashed in the mountains of Nepal; and

WHEREAS, Capt. Lukasiewicz, along with five other Marines and two Nepalese soldiers, were on a mission of mercy delivering food, blankets, and medicine to villages cut off from civilization by two devastating earthquakes that hit Nepal in April; and

WHEREAS, Capt. Lukasiewicz was serving with Light Attack Helicopter Squadron 469 based at Camp Pendleton, California. The squadron had traveled to the Philippines for a training mission when it was deployed to Nepal as part of the military aid mission; and

WHEREAS, as a Marine, Capt. Lukasiewicz earned several awards including an Air Medal with Strike/Flight Numeral 5, a Sea Service Deployment Ribbon with bronze star, and the Afghanistan Campaign Medal; and

WHEREAS, days before the helicopter crash, Capt. Lukasiewicz appeared in a Marine Corps video about relief efforts in Nepal where he stated, "My name is Captain Lukasiewicz and we stand with Nepal."; and

WHEREAS, Capt. Lukasiewicz is a 2003 graduate of Wilcox-Hildreth High School and a 2007 graduate of the University of Nebraska-Lincoln; and

WHEREAS, Capt. Lukasiewicz leaves behind his wife, Ashley, who is expecting a child in June and a daughter, Izzy.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature honors Captain Dustin Lukasiewicz for his service to his country and the world community, and extends its deep sympathy to his family.

2. That a copy of this resolution be sent to the family of Captain Dustin Lukasiewicz.

Laid over.

COMMITTEE REPORT(S)

Business and Labor

The Business and Labor 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.

William G. Blake - Commission of Industrial Relations

Aye: 7 Bloomfield, Chambers, Crawford, Ebke, Harr, B., Johnson, McCollister. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Burke Harr, Chairperson

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB468 with 36 ayes, 1 nay, 9 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 468. With Emergency Clause.

A BILL FOR AN ACT relating to judges' retirement; to amend sections 33-123, 33-124, and 33-125, Reissue Revised Statutes of Nebraska, and sections 24-701, 24-701.01, 24-703, and 24-710.13, Revised Statutes Cumulative Supplement, 2014; to redefine a term; to provide for and change provisions relating to contributions by judges and cost-of-living adjustments; to provide powers and duties; to change provisions relating to court fees; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

| | | | | |
|-----------|-----------|-------------|----------------|------------|
| Baker | Ebke | Howard | McCoy | Schnoor |
| Bolz | Friesen | Hughes | Mello | Schumacher |
| Brasch | Garrett | Johnson | Morfeld | Seiler |
| Campbell | Gloor | Kintner | Murante | Smith |
| Chambers | Haar, K. | Kolowski | Nordquist | Stinner |
| Coash | Hadley | Kolterman | Pansing Brooks | Sullivan |
| Craighead | Hansen | Krist | Riepe | Watermeier |
| Crawford | Harr, B. | Lindstrom | Scheer | Williams |
| Davis | Hilkemann | McCollister | Schilz | |

Voting in the negative, 2:

Bloomfield Groene

Excused and not voting, 3:

Cook Kuehn Larson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 468A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 468, One Hundred Fourth Legislature, First Session, 2015; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

| | | | | |
|-----------|-----------|-------------|----------------|------------|
| Baker | Ebke | Howard | McCoy | Schnoor |
| Bolz | Friesen | Hughes | Mello | Schumacher |
| Brasch | Garrett | Johnson | Morfeld | Seiler |
| Campbell | Gloor | Kintner | Murante | Smith |
| Chambers | Haar, K. | Kolowski | Nordquist | Stinner |
| Coash | Hadley | Kolterman | Pansing Brooks | Sullivan |
| Craighead | Hansen | Krist | Riepe | Watermeier |
| Crawford | Harr, B. | Lindstrom | Scheer | Williams |
| Davis | Hilkemann | McCollister | Schilz | |

Voting in the negative, 1:

Groene

Present and not voting, 1:

Bloomfield

Excused and not voting, 3:

Cook Kuehn Larson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 468 and 468A.

GENERAL FILE

LEGISLATIVE BILL 457. Title read. Considered.

Committee AM694, found on page 772, was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 577. Title read. Considered.

Committee AM189, found on page 753, was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 581. Title read. Considered.

Committee AM935, found on page 949, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Senator Nordquist withdrew his amendment, AM1660, found on page 1678.

Senator Friesen withdrew his amendment, AM1666, found on page 1709.

Senator Friesen offered the following amendment:

AM1743

- 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 9 strike "or"; in
 6 line 10 before the semicolon insert ", or gasoline containing at least
 7 fifteen percent by volume ethanol"; in line 11 strike "(3)" and insert
 8 "(4)"; in line 28 strike "and"; and in line 30 after the semicolon insert
 9 "and
 10 (iv) Flex fuel dispenser";.
 11 2. On page 3, line 1, after "to" insert "the dispensing of ethanol-
 12 blended fuels containing at least fifteen percent by volume ethanol or";
 13 in line 12 after "vehicle" add "or flex fuel dispenser"; in line 27 after
 14 the period insert "No more than thirty-five percent of the fund annually
 15 shall be used as rebates for flex fuel dispensers and conversions of
 16 motor vehicles to allow the use of gasoline containing at least fifteen
 17 percent by volume ethanol"; and strike lines 28 through 30 and insert
 18 the following new subsection:
 19 "(3) Within five days after the effective date of this act, the
 20 State Treasurer shall transfer five hundred thousand dollars from the
 21 General Fund to the Clean-burning Motor Fuel Development Fund to carry
 22 out the Nebraska Clean-burning Motor Fuel Development Act".

The Friesen amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Nordquist moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Nordquist requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 27:

| | | | | |
|----------|----------|-----------|----------------|------------|
| Baker | Crawford | Harr, B. | Mello | Schumacher |
| Bolz | Garrett | Hilkemann | Morfeld | Seiler |
| Brasch | Gloor | Howard | Nordquist | Sullivan |
| Campbell | Haar, K. | Kolowski | Pansing Brooks | |
| Chambers | Hadley | Krist | Scheer | |
| Coash | Hansen | Lindstrom | Schilz | |

Voting in the negative, 13:

| | | | | |
|------------|---------|-------------|---------|----------|
| Bloomfield | Groene | Kintner | Riepe | Williams |
| Craighead | Hughes | Kolterman | Schnoor | |
| Ebke | Johnson | McCollister | Stinner | |

Present and not voting, 5:

| | | | | |
|-------|---------|---------|-------|------------|
| Davis | Friesen | Murante | Smith | Watermeier |
|-------|---------|---------|-------|------------|

Excused and not voting, 4:

| | | | |
|------|-------|--------|-------|
| Cook | Kuehn | Larson | McCoy |
|------|-------|--------|-------|

Advanced to Enrollment and Review Initial with 27 ayes, 13 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 581A. Title read. Considered.

Senator Nordquist offered the following amendment:

AM1742

1 1. Strike section 1 and insert the following new section:
2 Section 1. There is hereby appropriated \$500,000 from the Clean-
3 burning Motor Fuel Development Fund for FY2015-16 to the State Energy
4 Office, for Program 106, to aid in carrying out the provisions of
5 Legislative Bill 581, One Hundred Fourth Legislature, First Session,
6 2015.

The Nordquist amendment was adopted with 27 ayes, 4 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 8 nays, 12 present and not voting, and 4 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 26, 2015, at 9:28 a.m. were the following: LBs 468e and 468Ae.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB28:

AM1741

(Amendments to Standing Committee amendments, AM708)

1 1. On page 3, line 26, strike the first "and" and insert an
2 underscored comma; and in line 27 after "Legislature" insert ", and to
3 the Urban Affairs Committee of the Legislature".

COMMITTEE REPORT(S)

Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Lisa Kramer - Board of Public Roads Classifications and Standards

Aye: 7 Brasch, Davis, Friesen, Garrett, Murante, Seiler, Smith. Nay: 0. Absent: 1 McCoy. Present and not voting: 0.

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Joe Kosiski - Nebraska Motor Vehicle Industry Licensing Board

Ricky Pearson - Motor Vehicle Industry Licensing Board

Lori G. Scherer - Nebraska Motor Vehicle Industry Licensing Board

Aye: 7 Brasch, Davis, Friesen, Garrett, Murante, Seiler, Smith. Nay: 0. Absent: 1 McCoy. Present and not voting: 0.

(Signed) Jim Smith, Chairperson

GENERAL FILE

LEGISLATIVE BILL 176. Title read. Considered.

SENATOR SCHEER PRESIDING

The McCoy motion, MO120, found on page 1667, to bracket until June 5, 2015, was withdrawn.

Committee AM495, found on page 651, was offered.

Senator Bloomfield offered the following motion:

MO134

Bracket until April 15, 2016.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 361. Introduced by McCoy, 39.

WHEREAS, Donald McPherson of Adams and Lester Arasmith of Lincoln were recently awarded the Congressional Gold Medal, the highest civilian honor bestowed by the United States Congress; and

WHEREAS, Donald and Lester were both fighter pilots who were designated as American fighter aces, a title reserved for those who shot down at least five enemy aircraft in aerial combat during World War I, World War II, the Korean War, and the Vietnam War; and

WHEREAS, Donald was an ensign in the Navy and flew a Grumman F6F Hellcat during World War II. He is a member of the Nebraska Aviation Hall of Fame; and

WHEREAS, Lester was a second lieutenant in the Army Air Corps and flew various aircraft in Burma, China, Korea, and Vietnam. After his retirement as a colonel from the Air Force, Lester received his doctorate degree in economics from the University of Colorado; and

WHEREAS, of the approximate 1,450 American fighter aces from the wars of the 20th Century, only 79 are still living.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Donald McPherson and Lester Arasmith on being awarded the Congressional Gold Medal.

2. That a copy of this resolution be sent to Donald McPherson and Lester Arasmith.

Laid over.

EASE

The Legislature was at ease from 12:03 p.m. until 12:25 p.m.

SENATOR KRIST PRESIDING

ANNOUNCEMENT

The Chair announced the birthday of Senator Kuehn.

GENERAL FILE

LEGISLATIVE BILL 176. The Bloomfield motion, MO134, found in this day's Journal, to bracket until April 15, 2016, was renewed.

SENATOR CAMPBELL PRESIDING

SENATOR KRIST PRESIDING

Senator Bloomfield moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Bloomfield requested a roll call vote on the motion to bracket.

Voting in the affirmative, 10:

| | | | | |
|------------|-------|----------|----------|----------|
| Bloomfield | Cook | Groene | Kolowski | Schnoor |
| Brasch | Davis | Haar, K. | McCoy | Sullivan |

Voting in the negative, 17:

| | | | | |
|----------|-----------|----------------|------------|----------|
| Campbell | Hilkemann | Krist | Schilz | Williams |
| Friesen | Hughes | McCollister | Seiler | |
| Gloor | Johnson | Murante | Stinner | |
| Hadley | Kolterman | Pansing Brooks | Watermeier | |

Present and not voting, 14:

| | | | | |
|----------|-----------|---------|-----------|------------|
| Baker | Craighead | Garrett | Nordquist | Schumacher |
| Bolz | Crawford | Hansen | Riepe | Smith |
| Chambers | Ebke | Morfeld | Scheer | |

Excused and not voting, 8:

| | | | |
|----------|---------|--------|-----------|
| Coash | Howard | Kuehn | Lindstrom |
| Harr, B. | Kintner | Larson | Mello |

The Bloomfield motion to bracket failed with 10 ayes, 17 nays, 14 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Committee AM495, found on page 651 and considered in this day's Journal, was renewed.

Senator Schilz withdrew his amendment, AM1263, found on page 1196.

Senator Schnoor offered his amendment, AM1633, found on page 1711, to the committee amendment.

SPEAKER HADLEY PRESIDING

Senator Schnoor moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Senator Schnoor requested a roll call vote, in reverse order, on the amendment.

Voting in the affirmative, 10:

| | | | | |
|--------|-------|----------|----------|----------|
| Bolz | Cook | Groene | Kolowski | Schnoor |
| Brasch | Davis | Haar, K. | Kuehn | Sullivan |

Voting in the negative, 17:

| | | | |
|----------|-----------|-----------|-------------------------|
| Campbell | Gloor | Johnson | Pansing Brooks Williams |
| Coash | Hadley | Kolterman | Schilz |
| Friesen | Hilkemann | Krist | Seiler |
| Garrett | Hughes | Murante | Stinner |

Present and not voting, 12:

| | | | |
|------------|-----------|-----------|------------|
| Baker | Craighead | Hansen | Scheer |
| Bloomfield | Crawford | Nordquist | Schumacher |
| Chambers | Ebke | Riepe | Smith |

Excused and not voting, 10:

| | | | | |
|----------|---------|-------------|-------|------------|
| Harr, B. | Kintner | Lindstrom | McCoy | Morfeld |
| Howard | Larson | McCollister | Mello | Watermeier |

The Schnoor amendment lost with 10 ayes, 17 nays, 12 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Pending.

MESSAGE(S) FROM THE GOVERNOR

May 26, 2015

Mr. President, Mr. Speaker, and
Members of the Nebraska Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 268 without my signature and with my objections.

LB 268 would repeal Nebraska's death penalty. To do so opposes the overwhelming majority of Nebraskans who support the death penalty as an important public safety tool.

Proponents of repealing the death penalty are using arguments that are both incorrect and inapplicable to Nebraska.

For instance, there are no fiscal savings to elimination of the death penalty. The fiscal notes developed by your own staff demonstrate that enactment of the bill will not reduce costs. The costs incurred in capital murder trials are mostly spent at the trial phase – which will continue whenever heinous murders are committed. Fiscal savings that were discussed from other states have no impact in our state.

Additionally, there are no claims of actual innocence from the ten murderers currently on death row. In recent years, Nebraska has vastly expanded the use of DNA evidence and testing to determine the innocence or guilt of those charged with serious felonies. Again, proponents of LB 268 are using accounts from other states. These are not compelling or persuasive enough to warrant repeal of the death penalty with all of the other procedural safeguards contained in Nebraska's laws.

Please consider that life imprisonment is not a thoughtful compromise of some sort. Life imprisonment does not always mean that a convicted murderer will spend the rest of his life behind bars. The case of Laddie Dittrich is evidence of that. Dittrich, a convicted murderer, was sentenced to life imprisonment. After serving forty years in prison, his sentence was commuted by the Pardons Board. He was then paroled. Shortly after parole, he was arrested for molesting a young girl in Otoe County. He now faces a trial on that charge.

Recent events demonstrate the need to have the death penalty in place. In Omaha, there is one murderer convicted of four first-degree homicides who now awaits sentencing. There is one awaiting trial on charges of four first-degree homicides. There is one arrested on charges of first-degree murder of his mother and helpless four-year old brother.

Especially heinous and violent crime is not limited to our largest metropolitan area. Currently on death row are murderers who have been sentenced for evil deaths that they perpetuated in Madison, Hall, Scotts Bluff, Richardson, as well as Douglas counties.

Retaining the death penalty is not only important to the integrity of criminal prosecutions, it is also vitally important to good prison management. This fact cannot be overlooked given the recent prison disturbance in the Tecumseh facility, during which two inmates were intentionally killed by another inmate or inmates.

If the death penalty is not in place, then an inmate has no concern about receiving a more serious sanction. It is not proper to force prison wardens, corrections officers, or the correctional system to have inmates who are

fearless of additional sanctions for murders they perpetuate within the prison walls.

The argument that the death penalty should be repealed because it has not been imposed for many years is disingenuous. Following the state's last execution, aggressive and lengthy legal challenges by many of those who are now supporting LB 268 were waged against use of the electric chair.

In 2008, when that method was deemed to be no longer valid, our state enacted death by lethal injection. That change was made only six years ago. Again, the very advocates of LB 268 joined in waging legal system challenges that have precluded any execution from being properly carried out in Nebraska.

For those same advocates to now cry out that the death penalty should be removed because it has not been used for too long is dishonest. I urge you not to be moved by this false argument. It is one made in bad faith by lobbying advocates.

Among those advocating for LB 268 are out-of-state, special interests who are funded by a New York organization with out-of-state funding. It would be unfortunate for these out-of-state interests to have their wishes carried out at the expense of the overwhelming majority of Nebraskans who want to retain the death penalty.

For those family members of victims who have waited patiently for justice to be carried out, this bill is cruel. LB 268 vests the killers with more justice than the victims and their families.

Your decision will determine whether our state has the prosecutorial tools to manage the "worst of the worst" individuals who commit premeditated murder.

Your decision will determine whether the families of victims of ten murderers on Nebraska's death row will ever receive the justice they deserve which was meted out by a very deliberate and cautious judicial process in each of their cases.

Your decision tests the true meaning of representative government.

For each of these reasons, I respectfully urge you to sustain my veto of LB 268.

Sincerely,
(Signed) Pete Ricketts
Governor

MOTION - Print in Journal

Senator Chambers filed the following motion to LB268:
 MO135
 Becomes law notwithstanding the objections of the Governor.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 457. Placed on Select File with amendment.
 ER142

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:
 3 Section 1. Section 58-708, Revised Statutes Cumulative Supplement,
 4 2014, is amended to read:
 5 58-708 (1) During each calendar year in which funds are available
 6 from the Affordable Housing Trust Fund for use by the Department of
 7 Economic Development, the department shall allocate a specific amount of
 8 funds, not less than thirty percent, to each congressional district. The
 9 department shall announce a grant and loan application period of at least
 10 ninety days duration for all projects. In selecting projects to receive
 11 trust fund assistance, the department shall develop a qualified
 12 allocation plan and give first priority to financially viable projects
 13 that serve the lowest income occupants for the longest period of time.
 14 The qualified allocation plan shall:
 15 (a) Set forth selection criteria to be used to determine housing
 16 priorities of the housing trust fund which are appropriate to local
 17 conditions, including the community's immediate need for affordable
 18 housing, proposed increases in home ownership, private dollars leveraged,
 19 level of local government support and participation, and repayment, in
 20 part or in whole, of financial assistance awarded by the fund; and
 21 (b) Give first priority in allocating trust fund assistance among
 22 selected projects to those projects which are located in whole or in part
 23 within an enterprise zone designated pursuant to the Enterprise Zone Act,
 24 serve the lowest income occupant, and are obligated to serve qualified
 25 occupants for the longest period of time.
 26 (2) The department shall fund in order of priority as many
 27 applications as will utilize available funds less actual administrative
 1 costs of the department in administering the program. In administering
 2 the program the department may contract for services or directly provide
 3 funds to other governmental entities or instrumentalities.
 4 (3) The department may recapture any funds which were allocated to a
 5 qualified recipient for an eligible project through an award agreement if
 6 such funds were not utilized for eligible costs within the time of
 7 performance under the agreement and are therefor no longer obligated to
 8 the project. The recaptured funds shall be credited to the Affordable
 9 Housing Trust Fund Industrial Recovery Fund ~~except as provided in section~~
 10 ~~81-1213.~~
 11 Sec. 2. Section 81-1213, Reissue Revised Statutes of Nebraska, is

12 amended to read:

13 81-1213 (1) The Industrial Recovery Fund is created. The fund shall
14 be administered by the Department of Economic Development. Any money in
15 the fund available for investment shall be invested by the state
16 investment officer pursuant to the Nebraska Capital Expansion Act and the
17 Nebraska State Funds Investment Act.

18 (2) The department may provide assistance from the fund to a
19 political subdivision impacted by a sudden and significant private-sector
20 entity closure or downsizing that will have a significant impact on the
21 community. The assistance shall be used to mitigate the economic impact
22 of the closure or downsizing by making necessary improvements to the
23 buildings and infrastructure, or both, related to the assets of the
24 private-sector entity.

25 (3) The Industrial Recovery Fund terminates on the effective date of
26 this act. Upon such date, the State Treasurer shall transfer fifty
27 percent of the money in the fund to the Site and Building Development
28 Fund and fifty percent of the money in the fund to the Affordable Housing
29 Trust Fund. The fund shall consist of funds remitted for deposit in the
30 fund pursuant to section 58-708. If the fund balance exceeds one million
31 dollars, deposits to the fund pursuant to such section shall cease until
1 the fund balance is less than one million dollars.

2 Sec. 3. Section 81-12,146, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 81-12,146 The Site and Building Development Fund is created. The
5 fund shall receive money pursuant to section 76-903 and may include
6 revenue from appropriations from the Legislature, grants, private
7 contributions, repayment of loans, and all other sources. The Department
8 of Economic Development, as part of its comprehensive business
9 development strategy, shall administer the fund. Any money in the fund
10 available for investment shall be invested by the state investment
11 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
12 State Funds Investment Act.

13 ~~The State Treasurer shall transfer one million dollars from the~~
14 ~~Affordable Housing Trust Fund to the Site and Building Development Fund~~
15 ~~on or after January 1, 2012, but no later than January 10, 2012.~~

16 ~~The State Treasurer shall transfer one million dollars from the~~
17 ~~Affordable Housing Trust Fund to the Site and Building Development Fund~~
18 ~~on or after January 1, 2013, but no later than January 10, 2013.~~

19 Sec. 4. Section 81-12,147, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 81-12,147 The Department of Economic Development shall use the Site
22 and Building Development Fund to finance loans, grants, subsidies, credit
23 enhancements, and other financial assistance for industrial site and
24 building development and for expenses of the department as appropriated
25 by the Legislature for administering the fund. The following activities
26 are eligible for assistance from the fund:

27 (1) Grants or zero-interest loans to villages, cities, or counties
28 to acquire land, infuse infrastructure, or otherwise make large sites and
29 buildings ready for industrial development;

30 (2) Matching funds for new construction, rehabilitation, or
 31 acquisition of land and buildings to assist villages, cities, and
 1 counties;
 2 (3) Technical assistance, design and finance services, and
 3 consultation for villages, cities, and counties for the preparation and
 4 creation of industrial-ready sites and buildings;
 5 (4) Loan guarantees for eligible projects;
 6 (5) Projects making industrial-ready sites and buildings more
 7 accessible to business and industry; ~~and~~
 8 (6) Infrastructure projects necessary for the development of
 9 industrial-ready sites and buildings; ~~and~~ -
 10 (7) Projects that mitigate the economic impact of a closure or
 11 downsizing of a private-sector entity by making necessary improvements to
 12 buildings and infrastructure.
 13 Sec. 5. Original sections 81-1213, 81-12,146, and 81-12,147,
 14 Reissue Revised Statutes of Nebraska, and section 58-708, Revised
 15 Statutes Cumulative Supplement, 2014, are repealed.
 16 Sec. 6. Since an emergency exists, this act takes effect when passed
 17 and approved according to law.
 18 2. On page 1, line 5, strike "and"; and in line 6 after "sections"
 19 insert "; and to declare an emergency".

LEGISLATIVE BILL 577. Placed on Select File.

LEGISLATIVE BILL 581. Placed on Select File with amendment.
 ER141

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:
 3 Section 1. Sections 1 to 4 of this act shall be known and may be
 4 cited as the Nebraska Clean-burning Motor Fuel Development Act.
 5 Sec. 2. For purposes of the Nebraska Clean-burning Motor Fuel
 6 Development Act:
 7 (1) Flex-fuel dispenser means a fuel dispenser that is certified by
 8 the manufacturer for use with ethanol blended fuels containing at least
 9 fifteen percent by volume ethanol;
 10 (2) Motor vehicle means a motor vehicle originally designed by the
 11 manufacturer to operate lawfully and principally on highways, roads, and
 12 streets;
 13 (3) Qualified clean-burning motor vehicle fuel means a hydrogen fuel
 14 cell, compressed natural gas, liquefied natural gas, liquefied petroleum
 15 gas, or gasoline containing at least fifteen percent by volume ethanol;
 16 and
 17 (4) Qualified clean-burning motor vehicle fuel property means:
 18 (a) New equipment that:
 19 (i) Is installed;
 20 (A) By a certified installer;
 21 (B) On a motor vehicle registered pursuant to the Motor Vehicle
 22 Registration Act; and
 23 (C) To convert a motor vehicle propelled by gasoline or diesel fuel

24 to be propelled by a qualified clean-burning motor vehicle fuel;
25 (ii) Is approved by the United States Environmental Protection
26 Agency under 40 C.F.R. part 85, subpart F, and 40 C.F.R. part 86, subpart
27 S, as such subparts existed on January 1, 2015; and
1 (iii) Has not been used to modify or retrofit any other motor
2 vehicle propelled by gasoline or diesel fuel;
3 (b) The portion of the basis of a motor vehicle that was originally
4 equipped to be propelled by a qualified clean-burning motor vehicle fuel
5 that is attributable to the:
6 (i) Storage of the qualified clean-burning motor vehicle fuel;
7 (ii) Delivery of the qualified clean-burning motor vehicle fuel to
8 the motor vehicle's engine;
9 (iii) Exhaust of gases from the combustion of the qualified clean-
10 burning motor vehicle fuel; and
11 (iv) Flex-fuel dispenser; or
12 (c) New property that:
13 (i) Is directly related to the dispensing of ethanol-blended fuels
14 containing at least fifteen percent by volume ethanol or the compression
15 and delivery of natural gas from a private home or residence for
16 noncommercial purposes into the fuel tank of a motor vehicle propelled by
17 compressed natural gas; and
18 (ii) Has not been previously installed or used at another location
19 to refuel motor vehicles powered by natural gas.
20 Sec. 3. (1) The State Energy Office shall offer a rebate for
21 qualified clean-burning motor vehicle fuel property.
22 (2)(a) The rebate for qualified clean-burning motor vehicle fuel
23 property as defined in subdivisions (4)(a) and (b) of section 2 of this
24 act is the lesser of fifty percent of the cost of the qualified clean-
25 burning motor vehicle fuel property or four thousand five hundred dollars
26 for each motor vehicle or flex-fuel dispenser.
27 (b) A qualified clean-burning motor vehicle fuel property is not
28 eligible for a rebate under this section if the person or entity applying
29 for the rebate has claimed another rebate or grant for the same motor
30 vehicle under any other state rebate or grant program.
31 (3) The rebate for qualified clean-burning motor vehicle fuel
1 property as defined in subdivision (4)(c) of section 2 of this act is the
2 lesser of fifty percent of the cost of the qualified clean-burning motor
3 vehicle fuel property or two thousand five hundred dollars for each
4 qualified clean-burning motor vehicle fuel property.
5 Sec. 4. (1) The Clean-burning Motor Fuel Development Fund is
6 created. The fund shall consist of grants, private contributions, and all
7 other sources.
8 (2) The fund shall be used by the State Energy Office to provide
9 rebates under the Nebraska Clean-burning Motor Fuel Development Act. No
10 more than thirty-five percent of the fund annually shall be used as
11 rebates for flex-fuel dispensers and conversions of motor vehicles to
12 allow the use of gasoline containing at least fifteen percent by volume
13 ethanol.
14 (3) Within five days after the effective date of this act, the State

15 Treasurer shall transfer five hundred thousand dollars from the General
 16 Fund to the Clean-burning Motor Fuel Development Fund to carry out the
 17 Nebraska Clean-burning Motor Fuel Development Act.
 18 (4) Any money in the fund available for investment shall be invested
 19 by the state investment officer pursuant to the Nebraska Capital
 20 Expansion Act and the Nebraska State Funds Investment Act.
 21 2. On page 1, strike beginning with the semicolon in line 2 through
 22 "fund" in line 3.

LEGISLATIVE BILL 581A. Placed on Select File.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
 General Affairs

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Darrel J. Huenergardt - Nebraska Arts Council
 Julie Jacobson - Nebraska Arts Council
 Sue Roush - Nebraska Arts Council
 Reven Wright - Nebraska Arts Council

Aye: 8 Coash, Hansen, Hughes, Kolterman, Krist, Larson, Riepe, Schilz.
 Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tyson Larson, Chairperson

Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Craig A. Timm - Foster Care Advisory Committee

Aye: 7 Baker, Campbell, Cook, Crawford, Howard, Kolterman, Riepe. Nay:
 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Stacie L. Ray - Commission for the Deaf and Hard of Hearing
 Norman B. Weverka - Commission for the Deaf and Hard of Hearing

Aye: 7 Baker, Campbell, Cook, Crawford, Howard, Kolterman, Riepe. Nay:
 0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 362. Introduced by Nordquist, 7; Crawford, 45; Davis, 43; Hadley, 37; Harr, B., 8; Kolterman, 24; Krist, 10; Mello, 5; Smith, 14; Stinner, 48; Sullivan, 41.

WHEREAS, Timothy J. Lannon, S.J., became the 24th president of Creighton University in 2011 and was the first Creighton University alumnus to lead that university; and

WHEREAS, Father Lannon earned his bachelor's degree in mathematics from Creighton University in 1973, entered the Society of Jesus in 1977, and was ordained a priest in 1986; and

WHEREAS, Father Lannon served as president of Creighton Preparatory School from 1988 to 1995 and was inducted into Creighton Prep's Hall of Fame. He also received Creighton University's Alumni Merit Award in 1993; and

WHEREAS, in his years at Creighton University, Father Lannon advanced Creighton's Jesuit and Catholic mission, expanded opportunities for students, and elevated the university's stature on the national stage; and

WHEREAS, Timothy J. Lannon retired as president of Creighton University in January 2015.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Timothy J. Lannon on his retirement and recognizes his many accomplishments and contributions.
2. That a copy of this resolution be sent to Timothy J. Lannon.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Howard filed the following amendment to LB315:
AM1747

(Amendments to E and R amendments, ER140)

- 1 1. On page 2, strike lines 1 and 2 and insert "an improper payment
2 identified by an audit may be resubmitted as a claims adjustment";
3 strike beginning with "an" in line 10 through "rebill" in line 11 and
4 insert "the appropriate procedure to submit a claims adjustment"; in line
5 18 after the semicolon insert "and"; strike beginning with "medical" in
6 line 18 through "(c)" in line 20; and in line 22 strike "by another
7 entity." and insert "currently being audited by another entity. No
8 payment shall be recovered in a medical necessity review in which the
9 provider has obtained prior authorization for the service and the service
10 was performed as authorized."
- 11 2. On page 3, strike beginning with "and" in line 28 through

12 "request" in line 30.
 13 3. On page 4, strike lines 19 and 20 and insert "reviews, and
 14 opportunities for improvement."; in line 28 after "process" insert "to be
 15 utilized prior to the issuance of a final determination"; in lines 29 and
 16 30 strike "an adverse determination" and insert "a preliminary finding";
 17 and in line 31 strike beginning with "and" through "Unit".
 18 4. On page 5, strike line 1 and insert "to"; in line 3 strike
 19 "adverse determination" and insert "preliminary findings"; in line 5
 20 after "consultation" insert ", unless otherwise agreed to by both
 21 parties"; and strike lines 6 through 10 and insert:
 22 "(c) Within thirty days after notification of an adverse
 23 determination, a provider may request an administrative appeal of the
 24 adverse determination as set forth in the Administrative Procedure Act.".

GENERAL FILE

LEGISLATIVE BILL 176. Senator Bloomfield offered the following motion:

MO136

Reconsider the vote taken on AM1633.

SENATOR SCHEER PRESIDING

Senator Bloomfield moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Senator Bloomfield requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 11:

| | | | |
|------------|----------|----------|----------|
| Bloomfield | Cook | Groene | Schnoor |
| Bolz | Crawford | Haar, K. | Sullivan |
| Brasch | Davis | McCoy | |

Voting in the negative, 21:

| | | | |
|-----------|-----------|-----------|-------------------------|
| Campbell | Hadley | Krist | Pansing Brooks Williams |
| Coash | Hughes | Kuehn | Schilz |
| Craighead | Johnson | Lindstrom | Schumacher |
| Friesen | Kolowski | Murante | Stinner |
| Gloor | Kolterman | Nordquist | Watermeier |

Present and not voting, 9:

| | | | | |
|----------|---------|-----------|--------|-------|
| Baker | Ebke | Hansen | Riepe | Smith |
| Chambers | Garrett | Hilkemann | Scheer | |

Excused and not voting, 8:

| | | | |
|----------|---------|-------------|---------|
| Harr, B. | Kintner | McCollister | Morfeld |
| Howard | Larson | Mello | Seiler |

The Bloomfield motion to reconsider failed with 11 ayes, 21 nays, 9 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Schnoor offered his amendment, AM1672, found on page 1711, to the committee amendment.

Senator Sullivan offered the following motion:

MO137

Recommit to the Agriculture Committee.

SENATOR COASH PRESIDING

Senator Sullivan moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Sullivan requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 11:

| | | | |
|------------|----------|----------|----------|
| Bloomfield | Crawford | Haar, K. | Schnoor |
| Bolz | Davis | Kolowski | Sullivan |
| Brasch | Groene | McCoy | |

Voting in the negative, 23:

| | | | | |
|-----------|-----------|-------------|----------------|------------|
| Campbell | Gloor | Kintner | Murante | Stinner |
| Coash | Hadley | Kolterman | Pansing Brooks | Watermeier |
| Craighead | Hilkemann | Krist | Schilz | Williams |
| Friesen | Hughes | Lindstrom | Seiler | |
| Garrett | Johnson | McCollister | Smith | |

Present and not voting, 11:

| | | | |
|----------|--------|-----------|------------|
| Baker | Ebke | Morfeld | Scheer |
| Chambers | Hansen | Nordquist | Schumacher |
| Cook | Mello | Riepe | |

Excused and not voting, 4:

| | | | |
|----------|--------|-------|--------|
| Harr, B. | Howard | Kuehn | Larson |
|----------|--------|-------|--------|

The Sullivan motion to recommit to committee failed with 11 ayes, 23 nays, 11 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

The Schnoor amendment, AM1672, found on page 1711 and considered in this day's Journal, was renewed.

Senator Schnoor requested a roll call vote on the amendment.

The Schnoor amendment lost with 8 ayes, 25 nays, 12 present and not voting, and 4 excused and not voting.

Senator McCoy offered his amendment, AM1685, found on page 1712, to the committee amendment.

The McCoy amendment lost with 9 ayes, 19 nays, 18 present and not voting, and 3 excused and not voting.

Committee AM495, found on page 651 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 27 ayes, 5 nays, 14 present and not voting, and 3 excused and not voting.

Senator Davis offered his amendment, AM1635, found on page 1712.

Senator Schilz offered the following motion:

MO138

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Schilz moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Schilz requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 34:

| | | | | |
|-----------|-----------|-----------|----------------|------------|
| Baker | Friesen | Hughes | McCollister | Schumacher |
| Bolz | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Coash | Hadley | Kolowski | Murante | Stinner |
| Cook | Hansen | Kolterman | Pansing Brooks | Watermeier |
| Craighead | Harr, B. | Larson | Scheer | Williams |
| Ebke | Hilkemann | Lindstrom | Schilz | |

Voting in the negative, 9:

| | | | | |
|------------|----------|----------|---------|----------|
| Bloomfield | Crawford | Groene | McCoy | Sullivan |
| Brasch | Davis | Haar, K. | Schnoor | |

Present and not voting, 4:

Chambers Krist Nordquist Riepe

Excused and not voting, 2:

Howard Kuehn

The Schilz motion to invoke cloture prevailed with 34 ayes, 9 nays, 4 present and not voting, and 2 excused and not voting.

The Davis amendment, AM1635, was adopted with 37 ayes, 2 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 10 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

MESSAGE(S) FROM THE GOVERNOR

May 26, 2015

Patrick J. O'Donnell
Clerk of the Nebraska Legislature
2018 State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 55, 104, 123, 138, 195, 206, 246, 257, 277, 283e, 287, 291e, 296e, 310, 334e, 342, 365, 375, 408, 412, 422, 424, 455, 456e, 464, 477, 479, 511, 513, 515, 541, 570, and 640 were received in my office on May 20, 2015.

These bills were signed and delivered to the Secretary of State on May 26, 2015.

Sincerely,
(Signed) Pete Ricketts
Governor

PR/lhk

RESOLUTION(S)

LEGISLATIVE RESOLUTION 363. Introduced by McCoy, 39.

WHEREAS, Samantha Mannix from Elkhorn South High School won the Number 1 singles finals in the 2015 Class B Girls' State Tennis Championship; and

WHEREAS, Samantha finished the year with a perfect 33-0 record; and

WHEREAS, Samantha helped the Elkhorn South High School girls' tennis team win the state championship with a team score of 49 points; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Samantha Mannix on winning the Number 1 singles finals in the 2015 Class B Girls' State Tennis Championship.

2. That a copy of this resolution be sent to Samantha Mannix.

Laid over.

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Matt Enenbach - Nebraska Accountability and Disclosure Commission

Aye: 8 Bloomfield, Craighead, Garrett, Groene, Hansen, Larson, McCoy, Murante. Nay: 0. Absent: 0. Present and not voting: 0.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Richard Grauerholz - State Emergency Response Commission

Aye: 8 Bloomfield, Craighead, Garrett, Groene, Hansen, Larson, McCoy, Murante. Nay: 0. Absent: 0. Present and not voting: 0.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Patrick Guinan - State Personnel Board

Aye: 8 Bloomfield, Craighead, Garrett, Groene, Hansen, Larson, McCoy, Murante. Nay: 0. Absent: 0. Present and not voting: 0.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Timothy G. Hruza - Nebraska Accountability and Disclosure Commission

Aye: 8 Bloomfield, Craighead, Garrett, Groene, Hansen, Larson, McCoy, Murante. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) John Murante, Chairperson

AMENDMENT(S) - Print in Journal

Senator Garrett filed the following amendment to LB643:
AM1724

(Amendments to AM1722)

1 1. On page 36, line 25, after "repaid" insert ", with interest,";
2 and in line 26 after the period insert "Interest shall begin accruing on
3 the outstanding balance remaining to be repaid on July 1, 2017. The
4 interest rate shall be five percent simple interest per year on the
5 outstanding balance.".

VISITORS

Visitors to the Chamber were 40 fourth-grade students and teachers from Cody Elementary, Omaha.

The Doctor of the Day was Dr. Dee Brilz from Omaha.

ADJOURNMENT

At 7:21 p.m., on a motion by Senator Ebke, the Legislature adjourned until 9:00 a.m., Wednesday, May 27, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-SEVENTH DAY - MAY 27, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

EIGHTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
 Wednesday, May 27, 2015

PRAYER

The prayer was offered by Senator Campbell.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Bolz, Friesen, Hansen, Krist, Morfeld, and Pansing Brooks who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-sixth day was approved.

COMMITTEE REPORT(S)
 Enrollment and Review

LEGISLATIVE BILL 176. Placed on Select File with amendment.
 ER143

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 54-2602, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 54-2602 For purposes of the Competitive Livestock Markets Act:
- 6 (1) Animal unit means one head of cattle, three calves under four
- 7 hundred fifty pounds, or five swine;
- 8 (2) Contract swine operation means a livestock operation in which
- 9 swine owned or controlled by a packer are produced according to an oral
- 10 or written agreement that does not contain a confidentiality clause and
- 11 that is agreed to by the packer and a person other than the packer who
- 12 owns, leases, or holds a legal interest in the livestock operation;
- 13 (3) Department means the Department of Agriculture;
- 14 (4) Director means the Director of Agriculture or his or her
- 15 designee;

16 (5 4) Livestock means live cattle or swine;

17 (6) Livestock operation means a location, including buildings, land,
18 lots, yard corrals, and improvements, adapted to and utilized for the
19 purpose of feeding, keeping, or otherwise providing for the care and
20 maintenance of livestock;

21 (7 5) Packer means a person, or agent of such person, engaged in the
22 business of slaughtering livestock in Nebraska in excess of one hundred
23 fifty thousand animal units per year; and

24 (8 6) Person includes individuals, firms, associations, limited
25 liability companies, and corporations and officers or limited liability
26 company members thereof.

27 Sec. 2. Section 54-2604, Reissue Revised Statutes of Nebraska, is
1 amended to read:

2 54-2604 (1) Except as provided in subsection (2) of this section, a
3 packer shall not:

4 (a) Directly or indirectly own, control, or operate a livestock
5 operation in this state; or

6 (b) Directly or indirectly be engaged in the ownership, keeping, or
7 feeding of livestock, other than temporary ownership, keeping, and
8 feeding not to exceed fourteen days which is necessary and incidental to,
9 and immediately prior to, the process of slaughter.

10 (2) Subdivision (1)(b) of this section does not apply to the
11 ownership, keeping, or feeding of swine by a packer at one or more
12 contract swine operations in this state if the packer does not own, keep,
13 or feed swine in this state except for the purpose of the slaughtering of
14 swine or the manufacturing or preparation of carcasses of swine or goods
15 originating from the carcasses in one or more processing facilities owned
16 or controlled by the packer.

17 (3) For purposes of this section, indirectly own, control, or
18 operate a livestock operation and indirectly be engaged in the ownership,
19 keeping, or feeding of livestock includes:

20 (a) Receiving the net revenue or a share of the net revenue derived
21 from a livestock operation or from a person who contracts for the care
22 and feeding of livestock in this state, unless the packer is not involved
23 in the management of the livestock operation;

24 (b) Assuming a morbidity or mortality production risk if the
25 livestock are fed or otherwise maintained as part of a livestock
26 operation in this state, unless the packer is not involved in the
27 management of the livestock operation; and

28 (c) Loaning money for or guaranteeing, acting as a surety for, or
29 otherwise financing a livestock operation in this state or a person who
30 contracts for the care and feeding of livestock in this state. For
31 purposes of this subdivision, loaning money for or guaranteeing, acting
1 as a surety for, or otherwise financing a livestock operation does not
2 include executing a contract for the purchase of livestock by a packer,
3 including, but not limited to, forward contracts, marketing agreements,
4 long-term arrangements, formula arrangements, other noncash sales
5 arrangements, contracts that contain a ledger balance unsecured by
6 collateral of the debtor or other price-risk-sharing arrangements, or

7 providing an open account or loan unsecured by collateral of the debtor
8 or a ledger balance or loan secured by collateral of the debtor so long
9 as the amount due from the debtor does not exceed one million dollars.

10 ~~After May 27, 1999, it is unlawful for a packer to directly or~~
11 ~~indirectly be engaged in the ownership, keeping, or feeding of livestock~~
12 ~~for the production of livestock or livestock products, other than~~
13 ~~temporary ownership, keeping, and feeding, not to exceed five days,~~
14 ~~necessary and incidental to the process of slaughter.~~

15 Sec. 3. Section 54-2627.01, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 54-2627.01 (1) Sections 54-2607 to 54-2627 are preempted by the
18 federal Livestock Mandatory Reporting Act of 1999, 7 U.S.C. 1635 to
19 1636h, when such federal act is in effect.

20 (2) The Legislature finds that the mandatory reporting of price and
21 other terms in negotiated or contract procurement of livestock that has
22 been in place under the federal Livestock Mandatory Reporting Act of 1999
23 is an important reform of livestock markets that contributes to greater
24 market transparency, enhances the ability of livestock sellers to more
25 competently and confidently market livestock, and lessens the existence
26 of conditions under which market price manipulation and unfair preference
27 or advantage in packer procurement practices can occur. It is a purpose
28 of the Competitive Livestock Markets Act to provide for the continuation
29 of mandatory price reporting for the benefit of Nebraska producers and
30 protection of the integrity of livestock markets in Nebraska in the event
31 of termination of the federal Livestock Mandatory Reporting Act of 1999
1 and its preemption of similar state price reporting laws as well as to
2 provide for an orderly implementation of the state price reporting system
3 authorized by the Competitive Livestock Markets Act, should Congress fail
4 to reauthorize the federal Livestock Mandatory Reporting Act of 1999.

5 (3 2)(a) If Congress does not reauthorize the federal Livestock
6 Mandatory Reporting Act of 1999 before December 1, 2006, the director
7 shall, on December 1, 2006, or as soon before or after as practicable,
8 prepare a budget and an appropriation request from the General Fund, from
9 the Competitive Livestock Markets Cash Fund, or from other cash funds
10 under the control of the director, for submission to the Legislature in
11 an amount sufficient to enable the department to carry out its duties
12 under sections 54-2607 to 54-2627, and such sections shall become
13 applicable on October 1, 2007.

14 (b) If, on or after December 1, 2006, Congress does not reauthorize
15 the federal Livestock Mandatory Reporting Act of 1999, the director shall
16 prepare such budget and appropriation request on or before a date that is
17 twelve calendar months after the date such federal act expires or is
18 terminated, and sections 54-2607 to 54-2627 shall become applicable on
19 the first day of the calendar quarter that is eighteen months after the
20 date such sections are not preempted by the federal act. No General Funds
21 shall be appropriated for implementation of sections 54-2607 to 54-2627
22 after the date of commencement provided for in this section of reporting
23 of price and other data regarding livestock transactions pursuant to
24 sections 54-2613 and 54-2623. It is the intent of the Legislature that

25 any General Funds appropriated for purposes of this section shall be
26 reimbursed to the General Fund.
27 Sec. 4. Original sections 54-2602, 54-2604, and 54-2627.01, Reissue
28 Revised Statutes of Nebraska, are repealed.
29 Sec. 5. The following section is outright repealed: Section
30 54-2603, Reissue Revised Statutes of Nebraska.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Douglas M. Anderson - Environmental Quality Council
Jeremy J. Buhl - Environmental Quality Council
Dennis D. Grams - Environmental Quality Council
John Kinter - Environmental Quality Council
Ronald J. Sheppard - Environmental Quality Council
John C. Turnbull - Environmental Quality Council

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Frank J. Reida - Nebraska Power Review Board

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Ken Schilz, Chairperson

SELECT FILE

LEGISLATIVE BILL 643. Senator Garrett offered the following motion:
MO139
Unanimous consent to bracket until June 5, 2015.

No objections. So ordered.

LEGISLATIVE BILL 315. ER140, found on page 1770, was adopted.

Senator Howard offered her amendment, AM1747, found on page 1877.

The Howard amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 315A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 452. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 540. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 457. ER142, found on page 1872, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 577. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 581. ER141, found on page 1874, was adopted.

Senator Nordquist offered the following amendment:
FA78

(Amendments to E and R amendments, ER141)

1. On page 2, line 8, after the semicolon insert "and"; strike beginning with "and" in line 10 through the semicolon in line 11; and in line 26 strike "or flex-fuel dispenser".

2. On page 3, line 9, after "Act" insert "up to the amount transferred under subsection (3) of this section".

The Nordquist amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 581A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 176. ER143, found in this day's Journal, was adopted.

Senator Bloomfield offered his amendment, AM1636, found on page 1735.

SPEAKER HADLEY PRESIDING

Senator Bloomfield moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Senator Bloomfield requested a roll call vote on the amendment.

Voting in the affirmative, 18:

| | | | | |
|------------|----------|----------|----------|----------|
| Baker | Crawford | Haar, K. | Kolowski | Schnoor |
| Bloomfield | Davis | Hansen | Kuehn | Sullivan |
| Brasch | Ebke | Howard | McCoy | |
| Cook | Groene | Kintner | Riepe | |

Voting in the negative, 12:

| | | | |
|----------|-----------|---------|------------|
| Campbell | Hadley | Murante | Stinner |
| Coash | Hughes | Schilz | Watermeier |
| Gloor | Kolterman | Seiler | Williams |

Present and not voting, 16:

| | | | |
|-----------|-----------|-------------|----------------|
| Bolz | Garrett | McCollister | Pansing Brooks |
| Chambers | Harr, B. | Mello | Scheer |
| Craighead | Krist | Morfeld | Schumacher |
| Friesen | Lindstrom | Nordquist | Smith |

Excused and not voting, 3:

| | | |
|-----------|---------|--------|
| Hilkemann | Johnson | Larson |
|-----------|---------|--------|

The Bloomfield amendment lost with 18 ayes, 12 nays, 16 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Groene offered his amendment, AM1634, found on page 1777.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 364. Introduced by Garrett, 3.

WHEREAS, Senator Dave Bloomfield served in the United States Army from 1966 to 1968 and fought in the war in Vietnam; and

WHEREAS, Senator Ernie Chambers volunteered to serve in the United States Army from 1959 to 1963 where his infantry commander wrote that he constantly demonstrated outstanding character; and

WHEREAS, Senator Tommy Garrett served in the United States Air Force as an intelligence officer from 1976 to 2003, retiring as a colonel; and

WHEREAS, Senator Mike Gloor served as a medic in the United States Air Force from 1972 to 1976 and was stationed in Germany and at F.E. Warren Air Force Base; and

WHEREAS, Speaker Galen Hadley served in the United States Marine Corps Reserve from 1960 to 1966; and

WHEREAS, Senator Rick Kolowski served in the United States Marine Corps from 1964 to 1967, serving on active duty at Marine Corps Base Quantico from 1964 to 1965; and

WHEREAS, Senator Bob Krist served in the United States Air Force from 1979 to 2000, retired as a lieutenant colonel, served in both Operation Desert Shield and Operation Desert Storm, and was inducted into the Nebraska Aviation Hall of Fame; and

WHEREAS, Senator Merv Riepe served in the United States Navy from 1960 to 1963 as a senior corpsman at Balboa Naval Hospital; and

WHEREAS, Senator David Schnoor served in the United States Air Force for 20 years, retiring as a master sergeant and was awarded the Bronze Star for a rescue mission in Panama; and

WHEREAS, Senator Les Seiler served in the United States Army Reserves from 1966 to 1967 and in the Nebraska National Guard as a captain in the Judge Advocate General's Corps from 1967 to 1977.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature commends all veterans serving in the Legislature and throughout the State of Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 365. Introduced by Kuehn, 38.

WHEREAS, the Holdrege High School Dusters won the 2015 Class B Girls' State Track and Field Championship; and

WHEREAS, the Holdrege High School girls' track and field team was led by the dedicated and talented Coach Jason Hale; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Holdrege High School Dusters for winning the 2015 Class B Girls' State Track and Field Championship.

2. That a copy of this resolution be sent to the Holdrege High School girls' track and field team and their coach, Jason Hale.

Laid over.

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE RESOLUTION 23. Reported to the Legislature for further consideration.

(Signed) John Murante, Chairperson

MESSAGE(S) FROM THE GOVERNOR

May 27, 2015

Patrick J. O'Donnell
 Clerk of the Nebraska Legislature
 2018 State Capitol
 Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 81, 81A, 106, 106A, 175e, 183, 196, 199, 199A, 226, 243e, 243A, 265e, 265A, 292, 292A, 329, 330e, 330Ae, 382, 382A, 390e, 390Ae, 504, 504A, 525, 539e, 559e, 566, 566A, and 642 were received in my office on May 21, 2015.

These bills were signed and delivered to the Secretary of State on May 27, 2015.

Sincerely,
 (Signed) Pete Ricketts
 Governor

PR/lhk

SELECT FILE

LEGISLATIVE BILL 176. The Groene amendment, AM1634, found on page 1777 and considered in this day's Journal, was renewed.

SENATOR SCHEER PRESIDING**SENATOR COASH PRESIDING**

Senator Groene moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Senator Groene requested a roll call vote on the amendment.

Voting in the affirmative, 40:

| | | | | |
|------------|----------|-------------|----------------|------------|
| Baker | Friesen | Hughes | McCoy | Schilz |
| Bloomfield | Garrett | Johnson | Mello | Schnoor |
| Brasch | Gloor | Kintner | Morfeld | Schumacher |
| Campbell | Groene | Kolowski | Murante | Seiler |
| Coash | Haar, K. | Kolterman | Nordquist | Stinner |
| Crawford | Hadley | Kuehn | Pansing Brooks | Sullivan |
| Davis | Hansen | Lindstrom | Riepe | Watermeier |
| Ebke | Howard | McCollister | Scheer | Williams |

Voting in the negative, 0.

Present and not voting, 4:

Chambers Cook Krist Smith

Excused and not voting, 5:

Bolz Craighead Harr, B. Hilkemann Larson

The Groene amendment was adopted with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator McCoy offered the following amendment:

FA79

Insert the words, "has a majority American ownership" after the word "and" on page 2, line 21.

SPEAKER HADLEY PRESIDING

Senator McCoy withdrew his amendment.

Senator Schilz offered the following motion:

MO140

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Schilz moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Schilz requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 31:

| | | | | |
|-----------|-----------|-------------|----------------|------------|
| Baker | Gloor | Kintner | Murante | Stinner |
| Campbell | Hadley | Kolterman | Pansing Brooks | Watermeier |
| Coash | Hansen | Larson | Scheer | Williams |
| Craighead | Harr, B. | Lindstrom | Schilz | |
| Ebke | Hilkemann | McCollister | Schumacher | |
| Friesen | Hughes | Mello | Seiler | |
| Garrett | Johnson | Morfeld | Smith | |

Voting in the negative, 11:

| | | | |
|------------|----------|----------|----------|
| Bloomfield | Crawford | Haar, K. | Schnoor |
| Bolz | Davis | Kuehn | Sullivan |
| Brasch | Groene | McCoy | |

Present and not voting, 7:

| | | | |
|----------|----------|-----------|-------|
| Chambers | Howard | Krist | Riepe |
| Cook | Kolowski | Nordquist | |

The Schilz motion to invoke cloture failed with 31 ayes, 11 nays, and 7 present and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 315. Placed on Final Reading.
LEGISLATIVE BILL 315A. Placed on Final Reading.
LEGISLATIVE BILL 452. Placed on Final Reading.
LEGISLATIVE BILL 457. Placed on Final Reading.
LEGISLATIVE BILL 540. Placed on Final Reading.
LEGISLATIVE BILL 577. Placed on Final Reading.
LEGISLATIVE BILL 581. Placed on Final Reading.
LEGISLATIVE BILL 581A. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 366. Introduced by Johnson, 23.

WHEREAS, Bishop Neumann High School won the 2015 Class C Boys' State Track and Field Championship; and

WHEREAS, the Bishop Neumann Cavaliers sent 12 athletes to the state championship meet, more than any other Class C team; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Bishop Neumann High School for winning the 2015 Class C Boys' State Track and Field Championship.

2. That a copy of this resolution be sent to the Bishop Neumann High School boys' track and field team.

Laid over.

LEGISLATIVE RESOLUTION 367. Introduced by Johnson, 23.

WHEREAS, Morgan Vasa, a senior at Bishop Neumann High School, won a gold medal in the 100 meter hurdles at the 2015 Class C Girls' State Track and Field Championship; and

WHEREAS, Morgan helped the Bishop Neumann Cavaliers girls' track and field team place 5th at the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Morgan Vasa on winning a gold medal in the 100 meter hurdles at the 2015 Class C Girls' State Track and Field Championship.

2. That a copy of this resolution be sent to Morgan Vasa.

Laid over.

LEGISLATIVE RESOLUTION 368. Introduced by Mello, 5; Cook, 13; Nordquist, 7.

WHEREAS, on June 4, 2015, the South Omaha Neighborhood Alliance (SONA) will present awards to six distinguished honorees at the annual South Omaha Neighborhood Alliance awards banquet; and

WHEREAS, the 2015 Volunteer of the Year Award will be presented to Mary Ann Krzemien. Mary Ann is receiving this award for her exceptional dedication and service to the South Omaha community. Mary Ann is a founding member of SONA and is active in numerous community initiatives critical to creating a stronger South Omaha. Mary Ann has provided organizational and administrative leadership in SONA and also volunteers her time in animal rescue efforts, the South Omaha Environmental Task Force, traffic safety, and the Dorothy Patach Natural Environmental Area; and

WHEREAS, the 2015 Project of the Year Award will be presented to the Omaha Coalition of Citizen Patrols which operates in over 30 neighborhoods in Omaha to increase public safety and reduce crime. Coalition volunteers also collaborate with local law enforcement during special events, have been called on to assist in criminal investigations, and provide a rapid response team to assist in the search for missing persons; and

WHEREAS, a 2015 Student Volunteer Award will be presented to Jenny Le, a student at Bryan High School in Omaha. Jenny is a member of Latino Leaders where she has volunteered her time in fundraising as well as providing babysitting services during parent-teacher conferences and Latino Night parent meetings. Jenny is a member of Future Farmers of America (FFA) through Bryan High School's Urban Agriculture and Natural Resources Career Academy, receiving a red ribbon in the state FFA competition; and

WHEREAS, a 2015 Student Volunteer Award will be presented to Rukiya Mohamed, a student at Bryan High School in Omaha. Rukiya is a member of Careers for Kids, the Urban League, Safe, Secure, and Disciplined Schools, and the Thrive Club which welcomes refugees and helps them acculturate to Bryan High School and of which Rukiya was elected secretary and public relations chair. Rukiya also volunteers her time at the Open Door Mission and local nursing homes; and

WHEREAS, a 2015 Student Volunteer Award will be presented to Maria Cubilla-Briceno, who is a student at Omaha South High School. Maria is a member of the National Honor Society, student council, Future Business Leaders of America, Senior Class Cabinet, and Character In Action where she has served as a mentor to younger students. Maria has volunteered at the Boys and Girls Club, the Make-A-Wish Foundation, and with the Salvation Army as a bell ringer. Maria maintained a 4.3 grade point average while being involved with these numerous academic and volunteer activities; and

WHEREAS, a 2015 Student Volunteer Award will be presented to Jacqueline Lopez-Ortiz, a student at Omaha South High School. Jacqueline is a member of the National Honor Society and has served as a mentor to younger students. Jacqueline helped raise funds for the American Red Cross, the American Heart Association, and other charities, as well as volunteering at Lydia House and local pediatric hospitals. Jacqueline maintained a 4.1 grade point average while being involved with these numerous academic and volunteer activities as well as being a full-time mother.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the award recipients of the South Omaha Neighborhood Alliance awards banquet and extends its appreciation for their continued service to their local communities and to the State of Nebraska.

2. That a copy of this resolution be given to Mary Ann Krzemien, the Omaha Coalition of Citizen Patrols, Jenny Le, Rukiya Mohamed, Maria Cubilla-Briceno, and Jacqueline Lopez-Ortiz.

Laid over.

MOTION - Override Veto on LB268

Senator Chambers offered his motion, MO135, found on page 1872, that LB268 becomes law notwithstanding the objections of the Governor.

Senator Chambers moved for a call of the house. The motion prevailed with 47 ayes, 0 nays, and 2 not voting.

Senator Chambers requested a roll call vote, in reverse order, on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass

notwithstanding the objections of the Governor?" "

Voting in the affirmative, 30:

| | | | | |
|----------|----------|-----------|-------------|----------------|
| Baker | Crawford | Hadley | Kolterman | Nordquist |
| Bolz | Davis | Hansen | Krist | Pansing Brooks |
| Campbell | Ebke | Harr, B. | Lindstrom | Schumacher |
| Chambers | Garrett | Hilkemann | McCollister | Seiler |
| Coash | Gloor | Howard | Mello | Sullivan |
| Cook | Haar, K. | Kolowski | Morfeld | Williams |

Voting in the negative, 19:

| | | | | |
|------------|---------|---------|---------|------------|
| Bloomfield | Groene | Kuehn | Riepe | Smith |
| Brasch | Hughes | Larson | Scheer | Stinner |
| Craighead | Johnson | McCoy | Schilz | Watermeier |
| Friesen | Kintner | Murante | Schnoor | |

Not voting, 0.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

COMMUNICATION

May 27, 2015

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB268 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB268, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO;jk
Enc.

CERTIFICATE

Legislative Bill 268, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature

by the constitutional majority, has become law this 27th day of May 2015.

(Signed) Galen Hadley
President of the Legislature

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 340, 341, 342, 343, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, and 355 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 340, 341, 342, 343, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, and 355.

SENATOR WATERMEIER PRESIDING

AMENDMENT(S) - Print in Journal

Senator Davis filed the following amendment to LB176:
AM1608

(Amendments to Standing Committee amendments, AM495)

- 1 1. Strike amendment 1 and insert the following new amendments:
- 2 1. Strike original section 2 and insert the following new sections:
- 3 Section 1. Section 54-2601, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 54-2601 Sections 54-2601 to 54-2631 and section 4 of this act shall
- 6 be known and may be cited as the Competitive Livestock Markets Act.
- 7 Sec. 3. Section 54-2604, Reissue Revised Statutes of Nebraska, is
- 8 amended to read:
- 9 54-2604 (1) Except as provided in subsection (2) of this section, a
- 10 packer shall not:
- 11 (a) Directly or indirectly own, control, or operate a livestock
- 12 operation in this state; or
- 13 (b) Directly or indirectly be engaged in the ownership, keeping, or
- 14 feeding of livestock, other than temporary ownership, keeping, and
- 15 feeding not to exceed fourteen days which is necessary and incidental to,
- 16 and immediately prior to, the process of slaughter.
- 17 (2) Subdivision (1)(b) of this section does not apply to the
- 18 ownership, keeping, or feeding of swine by a packer at one or more
- 19 contract swine operations in this state if the packer does not own, keep,
- 20 or feed swine in this state except for the purpose of the slaughtering of
- 21 swine or the manufacturing or preparation of carcasses of swine or goods
- 22 originating from the carcasses in one or more processing facilities owned
- 23 or controlled by the packer. Agreements for such contract swine
- 24 operations shall be subject to section 4 of this act.
- 25 (3) For purposes of this section, indirectly own, control, or
- 26 operate a livestock operation and indirectly be engaged in the ownership,
- 1 keeping, or feeding of livestock includes:
- 2 (a) Receiving the net revenue or a share of the net revenue derived

3 from a livestock operation or from a person who contracts for the care
4 and feeding of livestock in this state, unless the packer is not involved
5 in the management of the livestock operation;
6 (b) Assuming a morbidity or mortality production risk if the
7 livestock are fed or otherwise maintained as part of a livestock
8 operation in this state, unless the packer is not involved in the
9 management of the livestock operation;
10 (c) Loaning money or guaranteeing, acting as a surety for, or
11 otherwise financing a livestock operation in this state or a person who
12 contracts for the care and feeding of livestock in this state. For
13 purposes of this subdivision, loaning money or guaranteeing, acting as a
14 surety for, or otherwise financing a livestock operation does not include
15 executing a contract for the purchase of livestock by a packer,
16 including, but not limited to, forward contracts, marketing agreements,
17 long-term arrangements, formula arrangements, other noncash sales
18 arrangements, contracts that contain a ledger balance unsecured by
19 collateral of the debtor or other price risk sharing arrangements, or
20 providing an open account or loan unsecured by collateral of the debtor
21 or a ledger balance or loan secured by collateral of the debtor so long
22 as the amount due from the debtor does not exceed one million dollars.
23 After May 27, 1999, it is unlawful for a packer to directly or
24 indirectly be engaged in the ownership, keeping, or feeding of livestock
25 for the production of livestock or livestock products, other than
26 temporary ownership, keeping, and feeding, not to exceed five days,
27 necessary and incidental to the process of slaughter.
28 Sec. 4. (1) For purposes of this section:
29 (a) Association means an organization, corporate or otherwise, with
30 or without capital stock, formed for a common purpose;
31 (b) Contract grower means a person or entity to the extent that
1 person or entity enters into a contract grower agreement;
2 (c) Contract grower agreement means an agreement between a packer
3 and a contract grower for purposes of establishing a contract swine
4 operation;
5 (d) Contract input means a commodity, an organic or synthetic
6 substance, a compound, or a service that is used by a contract grower to
7 produce swine under a contract grower agreement; and
8 (e) Prospective contract grower means a person or entity in active
9 contact with a packer with respect to the establishment of a contract
10 grower agreement.
11 (2) Contract growers and prospective contract growers have the
12 following rights:
13 (a) The right to join or to refrain from joining or belonging to an
14 association of contract growers;
15 (b) The right to lawfully provide statements or information,
16 including to the United States Secretary of Agriculture or to a law
17 enforcement agency, regarding alleged improper actions or violations of
18 law by a packer. This right does not include the right to make statements
19 or provide information if such statements or information are determined
20 to be libelous or slanderous; and

21 (c) The right to file, continue, terminate, or enforce a lien under
22 Nebraska law.
23 (3) Packers shall not engage in the following in connection with
24 contract growers or prospective contract growers:
25 (a) Impose less favorable terms and conditions in contract grower
26 agreements on the basis of a contract grower's or prospective contract
27 grower's membership in a contract grower association or activities in
28 such association;
29 (b) Take action to coerce, retaliate, or discriminate against any
30 contract grower or prospective contract grower because that contract
31 grower or prospective contract grower exercises, or attempts to exercise,
1 any right provided in subsection (2) of this section, including:
2 (i) Any such coercive, retaliatory, or discriminatory action in
3 connection with the execution, termination, extension, or renewal of an
4 agricultural contract between the packer and a contract grower;
5 (ii) Any such coercive, retaliatory, or discriminatory action in
6 connection with the execution, termination, extension, or renewal of a
7 contract grower agreement;
8 (iii) Any such coercive, retaliatory, or discriminatory action in
9 connection with the imposition of discriminatory or preferential terms in
10 a contract grower agreement or the interpretation of the terms of a
11 contract grower agreement in a discriminatory or preferential manner;
12 (iv) Any such coercive, retaliatory, or discriminatory action in
13 connection with the imposition of a penalty, including the unreasonable
14 denial of a reward;
15 (v) Any such coercive, retaliatory, or discriminatory action in
16 connection with the altering of the quality, quantity, or delivery times
17 of contract inputs provided to the contract grower by the packer as
18 required in the contract grower agreement, except that delivery times may
19 be changed by mutual agreement due to weather and market conditions; and
20 (vi) Any such coercive, retaliatory, or discriminatory action in
21 connection with the use of the performance of any other contract grower
22 as a basis for the termination, cancellation, or renewal of a contract
23 grower agreement or to negatively affect the contract grower's
24 compensation, except that nothing in this subdivision shall prohibit a
25 packer from using a program which rewards contract growers with monetary
26 bonuses based on superior performance; and
27 (c) Provide false material factual information to contract growers
28 or prospective contract growers regarding the following:
29 (i) Other contract growers with whom the contract grower or
30 prospective contract grower associates;
31 (ii) An association of contract growers;
1 (iii) An agricultural organization with which the contract grower or
2 prospective contract grower is affiliated; or
3 (iv) The contract grower rights provided in subsection (2) of this
4 section.
5 (4) To the extent applicable to the contract grower agreement, a
6 packer shall provide to the contract grower, upon request, the
7 statistical information and data used to determine payment to the

8 contract grower under the contract grower agreement.
9 (5) To the extent applicable to the contract grower agreement, a
10 packer shall allow a contract grower or a contract grower's designated
11 representative, if within the packer's authority, reasonable access to
12 observe, by actual observation at the time of weighing, the weights and
13 measures used to determine the contract grower's compensation under a
14 contract grower agreement.
15 (6) A packer shall not require a contract grower to make capital
16 investments associated with an existing contract grower agreement that
17 are in addition to the investment requirements of the contract grower
18 agreement unless fair and equitable compensation is paid to the contract
19 grower by the packer in a manner the contract grower agrees to in
20 writing, except that the packer can require a contract grower to make
21 necessary capital improvements at the contract grower's expense to meet
22 statutory or regulatory standards and requirements as a condition to
23 continuing the contractual relationship. If the contract grower cannot
24 reasonably pay for or secure third-party financing for such improvements
25 and modifications, the packer shall attempt to negotiate mutually
26 agreeable financing, terms, and conditions for financing by the packer,
27 enhanced compensation to the contract grower by the packer, or other
28 contract modifications with the contract grower for such mandated
29 improvements or modifications. If the contract grower cannot reasonably
30 pay or secure third-party financing for such improvements or
31 modifications and no mutual agreement is reached with the packer
1 regarding financing, compensation, or other contract modifications,
2 either party may declare a force majeure event under the contract grower
3 agreement. Nothing in this subsection shall affect a contract grower's
4 obligation to reasonably maintain its existing facilities or the
5 facilities as they are improved and modified as referenced in this
6 subsection.
7 (7) Contract growers or prospective contract growers may form and
8 operate an association of agricultural product producers pursuant to the
9 Capper-Volstead Act, 7 U.S.C. 291 and 292, and such an association may
10 negotiate with a packer with respect to the terms of contract grower
11 agreements, including, but not limited to, negotiations related to the
12 compensation to be paid pursuant to contract grower agreements. To the
13 extent that contract growers or prospective contract growers organize
14 such an association:
15 (a) A packer shall not retaliate or discriminate against such
16 contract growers or prospective contract growers because they have
17 organized such an association; and
18 (b) A packer shall negotiate in good faith with any such
19 association.
20 (8)(a) A contract grower who suffers damages as a result of a
21 packer's violation of this section or a contract grower agreement may
22 obtain appropriate legal and equitable relief in a suit against the
23 packer.
24 (b) A prospective contract grower who suffers damages as a result of
25 a packer's violation of this section may obtain appropriate legal and

26 equitable relief in a suit against the packer.
 27 (c) The laws of the State of Nebraska shall be applicable to any
 28 contract grower agreement between a packer and a contract grower located
 29 in the State of Nebraska.
 30 (d) A packer shall not use binding alternative dispute resolution as
 31 a mechanism to resolve any dispute related to, or arising from, this
 1 section or a contract grower agreement.
 2 (e) If the contract grower or prospective contract grower prevails
 3 in such an action against a packer, the contract grower or prospective
 4 contract grower shall be entitled to court costs, reasonable attorney's
 5 fees, and reasonable litigation expenses.
 6 (f) If injunctive relief is sought in such an action, a contract
 7 grower or prospective contract grower shall not be required to post a
 8 bond.
 9 (g) A packer shall not contract to limit the measure of damages
 10 available to a contract grower under Nebraska law.
 11 (h) Except as otherwise provided in this section, a contract grower
 12 or prospective contract grower shall be entitled to damages as provided
 13 by Nebraska law and a packer shall be entitled to defenses as provided by
 14 Nebraska law.
 15 (9) The Attorney General may enforce this section and any of the
 16 rights of contract growers and prospective contract growers identified in
 17 this section against a packer. The Attorney General shall also be
 18 entitled to injunctive relief, if appropriate, in order to redress
 19 violations of this section.
 20 2. Renumber the remaining sections and correct the repealer
 21 accordingly.

Senator Schilz filed the following amendment to LB176:
 AM1755

(Amendments to E and R amendments, ER143)

1 1. Insert the following new sections:
 2 Section 1. Section 54-2601, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 54-2601 Sections 54-2601 to 54-2631 and section 4 of this act shall
 5 be known and may be cited as the Competitive Livestock Markets Act.
 6 Sec. 4. (1) For purposes of this section:
 7 (a) Swine production contract means the agreement between a packer
 8 and a swine production contract grower which establishes a contract swine
 9 operation; and
 10 (b) Swine production contract grower means the person who enters
 11 into a swine production contract with a packer to establish a contract
 12 swine operation.
 13 (2) A swine production contract grower may cancel a swine production
 14 contract by mailing a cancellation notice to the packer not later than
 15 the later of:
 16 (a) Three business days after the date on which the swine production
 17 contract is executed; or
 18 (b) Any cancellation date specified in the swine production

19 contract.

20 (3) A swine production contract shall clearly disclose:

21 (a) The right of the swine production contract grower to cancel the
22 swine production contract;

23 (b) The method by which the swine production contract grower may
24 cancel the swine production contract; and

25 (c) The deadline for canceling the swine production contract.

26 (4) A swine production contract shall contain on the first page a
1 statement identified as the Additional Capital Investments Disclosure
2 Statement, which shall conspicuously state that additional large capital
3 investments may be required of the swine production contract grower
4 during the term of the swine production contract. This subsection shall
5 apply to any swine production contract entered into, amended, altered,
6 modified, renewed, or extended after the effective date of this act.

7 (5) The forum for resolving any dispute among the parties to a swine
8 production contract shall be a court of competent jurisdiction within the
9 state in which the principal part of the performance takes place under
10 the swine production contract.

11 (6) Any swine production contract that contains a provision
12 requiring the use of arbitration to resolve any controversy that may
13 arise under the contract shall contain a provision that allows a swine
14 production contract grower, prior to entering the contract, to decline to
15 be bound by the arbitration provision.

16 (7) Any swine production contract grower that declines a requirement
17 of arbitration pursuant to subsection (6) of this section has the right
18 to seek to resolve any controversy that may arise under the swine
19 production contract using arbitration if, after the controversy arises,
20 both parties consent in writing to use arbitration to settle the
21 controversy.

22 (8) Subsections (6) and (7) of this section shall apply to any swine
23 production contract entered into, amended, altered, modified, renewed, or
24 extended after the effective date of this act.

25 (9) Whenever the Attorney General has reason to believe that a
26 packer is violating this section, he or she shall commence an action in
27 district court to enjoin the violation. The court, upon determination
28 that such packer is in violation of this section, shall assess the packer
29 a fine of not less than one thousand dollars for each day of violation.

30 (10) The Department of Agriculture may adopt and promulgate such
31 rules and regulations regarding swine production contracts as are needed
1 to further protect swine production contract growers from unfair business
2 practices and coercion.

3 2. On page 2, line 16, after the period insert "Any agreement that
4 establishes such a contract swine operation shall be subject to section 4
5 of this act."

6 3. Renumber the remaining sections and correct the repealer
7 accordingly.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE RESOLUTION 338. Reported to the Legislature for further consideration with the following amendment:

AM1745

1 1. Strike the original provisions and insert the following new
 2 provisions:
 3 WHEREAS, the Federal Railroad Administration is in the process of
 4 drafting federal rules on the subject of appropriate train crew size; and
 5 WHEREAS, the purpose of these rules is to establish minimum
 6 requirements for train crew size based on the type of operation; and
 7 WHEREAS, the minimum requirements for train crew size are expected
 8 to take into account the various safety risks posed to railroad
 9 employees, the general public, and the environment; and
 10 WHEREAS, the volume of freight transported by rail is particularly
 11 heavy through Nebraska, and these freight shipments include hazardous
 12 materials such as ethanol, chlorine, and Bakken crude oil; and
 13 WHEREAS, former Federal Railroad Administrator Joseph C. Szabo has
 14 stated, "We believe that safety is enhanced with the use of a multiple
 15 person crew—safety dictates that you never allow a single point of
 16 failure. Ensuring that trains are adequately staffed for the type of
 17 service operated is critically important to ensure safety redundancy."
 18 Accordingly, the safety risks posed by such shipments could be reduced by
 19 requiring a train crew of at least two individuals whenever a train or
 20 light engine is used in connection with the movement of freight.
 21 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED
 22 FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
 23 1. That the Legislature urges the Federal Railroad Administration to
 24 carefully review the comments and evidence produced by all interested
 25 parties, complete the rulemaking process, and adopt a final rule on
 26 appropriate train crew size that ensures public safety and promotes the
 27 efficient movement of freight, while supporting interstate commerce.
 1 2. That a copy of this resolution be sent to Sarah Feinberg, Acting
 2 Administrator of the Federal Railroad Administration, and to each member
 3 of the Nebraska congressional delegation.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 369. Introduced by Kintner, 2; Watermeier, 1.

WHEREAS, Greg Olsen has retired as band director at Nebraska City High School where he taught for 12 years; and

WHEREAS, Greg has taught instrumental music in Nebraska for over 30 years; and

WHEREAS, Greg joined the Nebraska National Guard in 1976 and played the saxophone and directed jazz bands in the Nebraska National Guard 43rd Army Band.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Greg Olsen on his retirement from Nebraska City High School and recognizes his many years of teaching instrumental music in Nebraska.

2. That a copy of this resolution be sent to Greg Olsen.

Laid over.

LEGISLATIVE RESOLUTION 370. Introduced by Nordquist, 7; Cook, 13; Harr, B., 8; Howard, 9; Krist, 10; Mello, 5.

WHEREAS, Father Thomas Fangman was awarded the Distinguished Pastor Award by the Elementary Schools Department of the National Catholic Educational Association; and

WHEREAS, the Distinguished Pastor Award is given to honor pastors who have given outstanding support to Catholic elementary education; and

WHEREAS, Father Fangman has been on staff at Sacred Heart School in Omaha for 17 years; and

WHEREAS, Father Fangman has been active in urban Catholic education, including fundraising for Sacred Heart School as well as two other urban schools.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Father Thomas Fangman for being awarded the Distinguished Pastor Award by the National Catholic Educational Association.

2. That a copy of this resolution be sent to Father Thomas Fangman.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Crawford, Mello - LB306

VISITORS

Visitors to the Chamber were 8 members from Cavett Elementary, Girl Scout Junior Troop #20287; 7 high school students and teacher from Schuyler Central High School; 6 guests of Senators Kolterman and Campbell from Seward and Lincoln; Senator Schnoor's wife, Nickie, and nephews, Jake and Shawn, from Scribner; Rui Shi from Beijing, China, Schuyler Sharp from Lincoln, and Steve and Sarah Achepol from Omaha.

ADJOURNMENT

At 4:04 p.m., on a motion by Senator Kolowski, the Legislature adjourned until 9:00 a.m., Thursday, May 28, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-EIGHTH DAY - MAY 28, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

EIGHTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 28, 2015

PRAYER

The prayer was offered by Senator Williams.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Craighead and K. Haar who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-seventh day was approved.

MESSAGE(S) FROM THE GOVERNOR

May 27, 2015

Patrick J. O'Donnell
Clerk of the Nebraska Legislature
2018 State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 156e, 200, 200A, 231, 259, 259A, 320e, 320A, 325, 347, 347A, 361, 366, 366A, 419, 469e, 469A, 480, 500e, 500A, 538, 538A, 547, 547A, 591e, 591Ae, 605, 605A, 607e, 607A, 629e, and 629Ae were received in my office on May 21, 2015.

These bills were signed and delivered to the Secretary of State on May 27, 2015.

Sincerely,
(Signed) Pete Ricketts
Governor

PR/lhk

May 27, 2015

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I have signed LB 598 and LB 598A but with concerns that I want to share with you.

I agree with the underlying goal of the legislation which adopts the Office of Inspector General of the Nebraska Correctional System Act and makes changes regarding inmates with mental illness and levels of confinement. I also know the work that went into drafting LB 598 by the LR 424 Committee, the Nebraska Department of Correctional Services (NDCS), and the Board of Parole. As presented in its final form, however, LB 598 has the potential to pose significant problems in that the bill mandates the transfer of the Office of Parole Administration despite the NDCS's request for more time to assess this drastic undertaking.

I have strong concerns regarding the transfer of the Office of Parole Administration from within the Department of Correctional Services to the Board of Parole. The Board of Parole was never designed to manage parolees in the community. The Board of Parole has neither the expertise nor training to accomplish such a task because the Board members function as independent judges, not offender managers. Acquiring these skills takes time, training, and experience—none of which is included in this bill. Such a transfer is a major undertaking, and not as simple as just picking up one agency and dropping it into another. I ask you to remain open to future legislative changes regarding this transfer that will ensure appropriate public safety protections and implementation.

Sincerely,
(Signed) Pete Ricketts
Governor

May 27, 2015

Mr. President, Mr. Speaker, and
Members of the Nebraska Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 623 without my signature and with my objections.

LB 623 would provide for issuance of state driver licenses and state identification cards to a much broader group of illegal immigrants than just those young adults under the DACA program.

Throughout all rounds of legislative consideration of this bill, proponents have asserted that the bill would only provide driver licenses to children of illegal immigrants who, themselves, do not have a lawful status in our country.

These individuals have been granted a "deferred action status," under the unilateral executive action of President Obama. This action was undertaken by the federal government under what is known as the "Deferred Action for Childhood Arrivals ["DACA"]" initiative.

LB 623 is much more expansive in the authority being granted. By incorporating section 202(c)(2)(B)(i) through (ix) of the federal REAL ID Act of 2005, the legislative bill you have presented for my consideration will require the Department of Motor Vehicles to issue driver licenses and state identification cards to any illegal immigrant who has "approved deferred action status" – not just to young adults under the DACA program.

As you may recall, our State, along with 25 other states, is currently suing the federal government, challenging the President's proposed expansion of his self-initiated DACA initiative. The new initiative, known as the "Deferred Action for Parents of Americans and Lawful Permanent Residents ["DAPA]" proposal, would grant deferred action status to millions of adult illegal immigrants.

While the DAPA program has now been halted by both a federal district court and a federal circuit court, LB 623 would require issuance of state drive licenses and identification cards to those illegal immigrants as well as to the DACA grantees in the event that the program is ultimately upheld by the courts.

Given that over one-half of the states are suing the United States government challenging the overreach of the President's proposed executive action, the enactment of LB 623 at this time is an expansive and

unwarranted grant of an important state identification document to an overly broad group of illegal immigrants.

The bill is wrong on principle and the bill is overly broad. The effort to advance LB 623 demonstrates once again how the failure of the federal government to properly address national immigration policy wreaks havoc on the state governments.

For these reasons, I urge you to sustain my veto of LB 623.

Sincerely,
(Signed) Pete Ricketts
Governor

May 27, 2015

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 70e and LB 70Ae without my signature and with my objections.

LB 70e imposes a new occupation tax on mechanical amusement devices, also known as video gaming terminals. This is a complex issue. While the Attorney General's opinion addressed some issues, this bill still authorizes video gaming terminals. These terminals may be an illegal expansion of gambling in Nebraska. Nebraskans have repeatedly voted to reject expanded gambling in any form.

Finding new and creative ways to tax Nebraskans, as is done in LB 70 contradicts the goal of providing tax relief. The imposition of a new occupation tax on video gaming terminals of questionable legality further clouds this issue.

LB 70 imposes an occupation tax when there is doubt over the legality of the game, rather than requiring a game to comply with state law. While merely indicating such devices have paid taxes cannot legalize such terminals, there will be a presumption that such devices and the games on them are legal in Nebraska. Even with the Attorney General's opinion, I am concerned that the practical effect of the bill will give de facto legal status to these potentially illegal gaming machines.

The occupation tax imposed under LB 70 applies to a device even though the game itself may or may not constitute a game of chance or be an illegal gambling device. Only if a terminal or game is challenged must an operator

prove the device is legal. This will expand gambling as illegal electronic games can be placed on devices that have a tax stamp affixed. Those games could operate illegally until the machines are reported or discovered, and litigated.

It should come as no surprise that I oppose expanded gambling in Nebraska. Expanded gambling hurts Nebraska's families and communities. In the guise of increased enforcement, LB 70 expands gambling.

Any attempt to regulate in this area should provide a bright and clear rule that is understandable to any Nebraskan. Respectfully, this bill fails meet that standard.

For these reasons, I respectfully urge you to sustain my veto of LB 70e and LB 70Ae.

Sincerely,
(Signed) Pete Ricketts
Governor

MOTION - Print in Journal

Senator Hadley filed the following motion:

Suspend the rules, Rule 6, Sections 3 and 5, and Rule 7, Sections 3 and 7, and to indefinitely postpone the following bills whose provisions have been included in other enacted legislation or whose companion bill has been indefinitely postponed: LBs 12, 12A, 13, 32, 76, 97, 197, 205, 290, 326, 335, 359, 377, 405, 420, 441, 460, 489, 489A, 509, 514, 544, 546, 571, and 602.

MOTION(S) - Confirmation Report(s)

Senator Larson moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1558:

Nebraska Liquor Control Commission
Bruce D. Bailey
Janice Wiebusch

Voting in the affirmative, 38:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Ebke | Howard | Mello | Seiler |
| Bloomfield | Friesen | Hughes | Morfeld | Smith |
| Brasch | Garrett | Johnson | Pansing Brooks | Stinner |
| Campbell | Gloor | Kolowski | Riepe | Sullivan |
| Coash | Hadley | Krist | Scheer | Watermeier |
| Cook | Hansen | Larson | Schilz | Williams |
| Crawford | Harr, B. | Lindstrom | Schnoor | |
| Davis | Hilkemann | McCollister | Schumacher | |

Voting in the negative, 0.

Present and not voting, 9:

| | | | | |
|----------|---------|-----------|---------|-----------|
| Bolz | Groene | Kolterman | McCoy | Nordquist |
| Chambers | Kintner | Kuehn | Murante | |

Excused and not voting, 2:

Craighead Haar, K.

The appointments were confirmed with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Senator Larson moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1558:

Nebraska Commission on Problem Gambling
Matthew Anselmo

Voting in the affirmative, 37:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Friesen | Hughes | Morfeld | Smith |
| Bloomfield | Garrett | Johnson | Pansing Brooks | Stinner |
| Brasch | Gloor | Kolowski | Riepe | Sullivan |
| Campbell | Hadley | Kolterman | Scheer | Watermeier |
| Coash | Hansen | Krist | Schilz | Williams |
| Cook | Harr, B. | Kuehn | Schnoor | |
| Crawford | Hilkemann | Larson | Schumacher | |
| Ebke | Howard | Lindstrom | Seiler | |

Voting in the negative, 0.

Present and not voting, 10:

| | | | | |
|----------|--------|-------------|-------|-----------|
| Bolz | Davis | Kintner | McCoy | Murante |
| Chambers | Groene | McCollister | Mello | Nordquist |

Excused and not voting, 2:

Craighead Haar, K.

The appointment was confirmed with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Senator Larson moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1558:

Nebraska Arts Council
 Timothy Hart
 Jon Hinrichs
 Pamela Price

Voting in the affirmative, 37:

| | | | | |
|------------|----------|-------------|----------------|------------|
| Bloomfield | Friesen | Kolterman | Nordquist | Smith |
| Brasch | Garrett | Krist | Pansing Brooks | Stinner |
| Campbell | Gloor | Kuehn | Riepe | Sullivan |
| Coash | Hadley | Larson | Scheer | Watermeier |
| Cook | Hansen | Lindstrom | Schilz | Williams |
| Crawford | Harr, B. | McCollister | Schnoor | |
| Davis | Howard | Morfeld | Schumacher | |
| Ebke | Kolowski | Murante | Seiler | |

Voting in the negative, 0.

Present and not voting, 10:

| | | | | |
|-------|----------|-----------|---------|-------|
| Baker | Chambers | Hilkemann | Johnson | McCoy |
| Bolz | Groene | Hughes | Kintner | Mello |

Excused and not voting, 2:

Craighead Haar, K.

The appointments were confirmed with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Senator Larson moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1558:

State Electrical Board
 Tom Ourada

Voting in the affirmative, 37:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Bloomfield | Gloor | Kolowski | Nordquist | Smith |
| Brasch | Groene | Kolterman | Pansing Brooks | Stinner |
| Campbell | Hadley | Krist | Riepe | Sullivan |
| Coash | Hansen | Kuehn | Scheer | Watermeier |
| Cook | Harr, B. | Larson | Schilz | Williams |
| Ebke | Hilkemann | Lindstrom | Schnoor | |
| Friesen | Howard | McCollister | Schumacher | |
| Garrett | Kintner | Murante | Seiler | |

Voting in the negative, 0.

Present and not voting, 10:

| | | | | |
|-------|----------|--------|---------|---------|
| Baker | Chambers | Davis | Johnson | Mello |
| Bolz | Crawford | Hughes | McCoy | Morfeld |

Excused and not voting, 2:

Craighead Haar, K.

The appointment was confirmed with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1614:

Nebraska Environmental Trust Board
 Jim Hellbusch
 Robert F. Krohn

Voting in the affirmative, 35:

| | | | | |
|----------|-----------|-------------|----------------|------------|
| Baker | Friesen | Howard | Murante | Schumacher |
| Brasch | Garrett | Kintner | Nordquist | Seiler |
| Campbell | Gloor | Kolterman | Pansing Brooks | Smith |
| Coash | Hadley | Kuehn | Riepe | Stinner |
| Cook | Hansen | Larson | Scheer | Sullivan |
| Davis | Harr, B. | Lindstrom | Schilz | Watermeier |
| Ebke | Hilkemann | McCollister | Schnoor | Williams |

Voting in the negative, 0.

Present and not voting, 12:

| | | | |
|------------|----------|----------|---------|
| Bloomfield | Crawford | Johnson | McCoy |
| Bolz | Groene | Kolowski | Mello |
| Chambers | Hughes | Krist | Morfeld |

Excused and not voting, 2:

Craighead Haar, K.

The appointments were confirmed with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Senator Larson moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1666:

State Electrical Board
James S. Brummer

Voting in the affirmative, 37:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Garrett | Kolowski | Murante | Seiler |
| Bloomfield | Gloor | Kolterman | Nordquist | Stinner |
| Brasch | Hadley | Krist | Pansing Brooks | Sullivan |
| Coash | Hansen | Kuehn | Riepe | Watermeier |
| Cook | Harr, B. | Larson | Scheer | Williams |
| Davis | Hilkemann | Lindstrom | Schilz | |
| Ebke | Howard | McCollister | Schnoor | |
| Friesen | Kintner | Morfeld | Schumacher | |

Voting in the negative, 0.

Present and not voting, 10:

| | | | | |
|----------|----------|--------|---------|-------|
| Bolz | Chambers | Groene | Johnson | Mello |
| Campbell | Crawford | Hughes | McCoy | Smith |

Excused and not voting, 2:

Craighead Haar, K.

The appointment was confirmed with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Senator Larson moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1666:

State Racing Commission
Janelle Beveridge

Voting in the affirmative, 33:

| | | | | |
|------------|---------|-------------|----------------|------------|
| Baker | Ebke | Kintner | Morfeld | Smith |
| Bloomfield | Gloor | Kolowski | Murante | Stinner |
| Campbell | Hadley | Kolterman | Nordquist | Sullivan |
| Coash | Hansen | Krist | Pansing Brooks | Watermeier |
| Cook | Howard | Larson | Riepe | Williams |
| Crawford | Hughes | Lindstrom | Schnoor | |
| Davis | Johnson | McCollister | Seiler | |

Voting in the negative, 0.

Present and not voting, 14:

| | | | | |
|----------|---------|-----------|--------|------------|
| Bolz | Friesen | Harr, B. | McCoy | Schilz |
| Brasch | Garrett | Hilkemann | Mello | Schumacher |
| Chambers | Groene | Kuehn | Scheer | |

Excused and not voting, 2:

Craighead Haar, K.

The appointment was confirmed with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Senator Larson moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1667:

Nebraska Commission on Problem Gambling
 Paul Leckband
 Terry L. Scoville

Voting in the affirmative, 37:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Garrett | Johnson | Murante | Smith |
| Bloomfield | Gloor | Kintner | Nordquist | Stinner |
| Brasch | Hadley | Kolowski | Pansing Brooks | Sullivan |
| Campbell | Hansen | Kolterman | Riepe | Watermeier |
| Coash | Harr, B. | Larson | Scheer | Williams |
| Cook | Hilkemann | Lindstrom | Schilz | |
| Crawford | Howard | McCollister | Schnoor | |
| Ebke | Hughes | Morfeld | Seiler | |

Voting in the negative, 0.

Present and not voting, 10:

| | | | | |
|----------|---------|--------|-------|------------|
| Bolz | Davis | Groene | Kuehn | Mello |
| Chambers | Friesen | Krist | McCoy | Schumacher |

Excused and not voting, 2:

Craighead Haar, K.

The appointments were confirmed with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Senator Nordquist moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 1678:

Public Employees Retirement Board
 Kelli Ackerman
 Denis Blank
 J. Russell Derr
 Dennis W. Leonard

Voting in the affirmative, 33:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Garrett | Hughes | Morfeld | Seiler |
| Bloomfield | Gloor | Johnson | Murante | Smith |
| Brasch | Haar, K. | Kolowski | Nordquist | Stinner |
| Campbell | Hadley | Kolterman | Pansing Brooks | Watermeier |
| Coash | Hansen | Larson | Riepe | Williams |
| Cook | Hilkemann | Lindstrom | Schilz | |
| Crawford | Howard | McCollister | Schumacher | |

Voting in the negative, 0.

Present and not voting, 14:

| | | | | |
|----------|---------|----------|--------|----------|
| Bolz | Ebke | Harr, B. | Kuehn | Schnoor |
| Chambers | Friesen | Kintner | Mello | Sullivan |
| Davis | Groene | Krist | Scheer | |

Excused and not voting, 2:

Craighead McCoy

The appointments were confirmed with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Senator Seiler moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 1740:

Board of Parole
 Teresa L. Bittinger
 Virgil J. Patlan Sr.

Voting in the affirmative, 35:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schilz |
| Bloomfield | Garrett | Hughes | Mello | Schumacher |
| Brasch | Gloor | Kolowski | Morfeld | Seiler |
| Campbell | Haar, K. | Kolterman | Murante | Smith |
| Coash | Hadley | Krist | Nordquist | Sullivan |
| Cook | Harr, B. | Larson | Pansing Brooks | Watermeier |
| Crawford | Hilkemann | Lindstrom | Riepe | Williams |

Voting in the negative, 0.

Present and not voting, 12:

| | | | |
|----------|---------|---------|---------|
| Bolz | Friesen | Johnson | Scheer |
| Chambers | Groene | Kintner | Schnoor |
| Davis | Hansen | Kuehn | Stinner |

Excused and not voting, 2:

Craighead McCoy

The appointments were confirmed with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1754:

Foster Care Advisory Committee
Michelle Marie Hynes
Sheree L. Keely

Voting in the affirmative, 37:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Ebke | Hughes | Mello | Smith |
| Bloomfield | Garrett | Kintner | Morfeld | Stinner |
| Brasch | Gloor | Kolowski | Murante | Sullivan |
| Campbell | Haar, K. | Kolterman | Pansing Brooks | Watermeier |
| Cook | Hansen | Krist | Riepe | Williams |
| Craighead | Harr, B. | Larson | Scheer | |
| Crawford | Hilkemann | Lindstrom | Schilz | |
| Davis | Howard | McCollister | Schumacher | |

Voting in the negative, 0.

Present and not voting, 11:

| | | | |
|----------|---------|-----------|---------|
| Bolz | Friesen | Johnson | Schnoor |
| Chambers | Groene | Kuehn | Seiler |
| Coash | Hadley | Nordquist | |

Excused and not voting, 1:

McCoy

The appointments were confirmed with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1754:

State Board of Health
Jim Trebbien

Voting in the affirmative, 38:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Crawford | Harr, B. | McCollister | Schumacher |
| Bloomfield | Davis | Hilkemann | Mello | Seiler |
| Brasch | Ebke | Howard | Morfeld | Smith |
| Campbell | Garrett | Kintner | Murante | Sullivan |
| Chambers | Gloor | Kolowski | Pansing Brooks | Watermeier |
| Coash | Haar, K. | Kolterman | Riepe | Williams |
| Cook | Hadley | Larson | Scheer | |
| Craighead | Hansen | Lindstrom | Schilz | |

Voting in the negative, 0.

Present and not voting, 10:

| | | | | |
|---------|--------|---------|-----------|---------|
| Bolz | Groene | Johnson | Kuehn | Schnoor |
| Friesen | Hughes | Krist | Nordquist | Stinner |

Excused and not voting, 1:

McCoy

The appointment was confirmed with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1755:

Commission for the Deaf and Hard of Hearing
Jeremy Fitzpatrick
John Hogue

Voting in the affirmative, 36:

| | | | | |
|------------|----------|-------------|----------------|------------|
| Baker | Crawford | Johnson | Morfeld | Smith |
| Bloomfield | Ebke | Kolowski | Murante | Sullivan |
| Brasch | Garrett | Kolterman | Pansing Brooks | Watermeier |
| Campbell | Gloor | Krist | Riepe | Williams |
| Chambers | Haar, K. | Larson | Scheer | |
| Coash | Hansen | Lindstrom | Schilz | |
| Cook | Harr, B. | McCollister | Schumacher | |
| Craighead | Howard | Mello | Seiler | |

Voting in the negative, 0.

Present and not voting, 12:

| | | | |
|---------|-----------|---------|-----------|
| Bolz | Groene | Hughes | Nordquist |
| Davis | Hadley | Kintner | Schnoor |
| Friesen | Hilkemann | Kuehn | Stinner |

Excused and not voting, 1:

McCoy

The appointments were confirmed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1755:

Board of Emergency Medical Services
Michael D. Bailey

Voting in the affirmative, 36:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Davis | Howard | McCollister | Schumacher |
| Bloomfield | Ebke | Johnson | Mello | Smith |
| Brasch | Friesen | Kintner | Morfeld | Sullivan |
| Campbell | Garrett | Kolowski | Murante | Williams |
| Coash | Gloor | Kolterman | Pansing Brooks | |
| Cook | Haar, K. | Krist | Riepe | |
| Craighead | Hansen | Kuehn | Scheer | |
| Crawford | Hilkemann | Lindstrom | Schilz | |

Voting in the negative, 0.

Present and not voting, 12:

| | | | |
|----------|----------|-----------|------------|
| Bolz | Hadley | Larson | Seiler |
| Chambers | Harr, B. | Nordquist | Stinner |
| Groene | Hughes | Schnoor | Watermeier |

Excused and not voting, 1:

McCoy

The appointment was confirmed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Senator B. Harr moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 1861:

Commission of Industrial Relations
William G. Blake

Voting in the affirmative, 32:

| | | | | |
|------------|----------|-------------|----------------|------------|
| Bloomfield | Ebke | Johnson | Morfeld | Seiler |
| Brasch | Friesen | Krist | Murante | Sullivan |
| Campbell | Garrett | Kuehn | Nordquist | Watermeier |
| Chambers | Gloor | Larson | Pansing Brooks | Williams |
| Coash | Hansen | Lindstrom | Riepe | |
| Craighead | Harr, B. | McCollister | Scheer | |
| Crawford | Howard | Mello | Schumacher | |

Voting in the negative, 0.

Present and not voting, 15:

| | | | | |
|-------|----------|-----------|----------|---------|
| Baker | Davis | Hadley | Kintner | Schnoor |
| Bolz | Groene | Hilkemann | Kolowski | Smith |
| Cook | Haar, K. | Hughes | Schilz | Stinner |

Excused and not voting, 2:

Kolterman McCoy

The appointment was confirmed with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Senator Smith moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 1866:

Board of Public Roads Classifications and Standards
Lisa Kramer

Voting in the affirmative, 36:

| | | | | |
|-----------|-----------|-------------|----------------|------------|
| Baker | Garrett | Kolowski | Murante | Stinner |
| Brasch | Gloor | Krist | Nordquist | Sullivan |
| Campbell | Haar, K. | Kuehn | Pansing Brooks | Watermeier |
| Craighead | Hansen | Larson | Riepe | Williams |
| Crawford | Harr, B. | Lindstrom | Scheer | |
| Davis | Hilkemann | McCollister | Schumacher | |
| Ebke | Howard | Mello | Seiler | |
| Friesen | Johnson | Morfeld | Smith | |

Voting in the negative, 0.

Present and not voting, 11:

| | | | |
|------------|--------|---------|---------|
| Bloomfield | Coash | Hadley | Schilz |
| Bolz | Cook | Hughes | Schnoor |
| Chambers | Groene | Kintner | |

Excused and not voting, 2:

Kolterman McCoy

The appointment was confirmed with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Senator Smith moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 1866:

Nebraska Motor Vehicle Industry Licensing Board

Joe Kosiski
Ricky Pearson
Lori G. Scherer

Voting in the affirmative, 37:

| | | | | |
|------------|----------|-------------|----------------|------------|
| Baker | Friesen | Johnson | Murante | Smith |
| Bloomfield | Gloor | Kolowski | Nordquist | Stinner |
| Brasch | Groene | Kuehn | Pansing Brooks | Sullivan |
| Campbell | Haar, K. | Larson | Riepe | Watermeier |
| Cook | Hadley | Lindstrom | Scheer | Williams |
| Craighead | Hansen | McCollister | Schilz | |
| Crawford | Harr, B. | Mello | Schumacher | |
| Davis | Howard | Morfeld | Seiler | |

Voting in the negative, 0.

Present and not voting, 10:

| | | | | |
|----------|-------|-----------|---------|---------|
| Bolz | Coash | Garrett | Hughes | Krist |
| Chambers | Ebke | Hilkemann | Kintner | Schnoor |

Excused and not voting, 2:

Kolterman McCoy

The appointments were confirmed with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Senator Larson moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1876:

Nebraska Arts Council
 Darrel J. Huenergardt
 Julie Jacobson
 Sue Roush
 Reven Wright

Voting in the affirmative, 33:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Friesen | Johnson | Murante | Smith |
| Bloomfield | Gloor | Kolowski | Pansing Brooks | Stinner |
| Brasch | Haar, K. | Kuehn | Riepe | Sullivan |
| Campbell | Hadley | Larson | Scheer | Watermeier |
| Coash | Hansen | Lindstrom | Schilz | Williams |
| Cook | Harr, B. | Mello | Schumacher | |
| Crawford | Howard | Morfeld | Seiler | |

Voting in the negative, 0.

Present and not voting, 14:

| | | | | |
|-----------|---------|-----------|-------------|-----------|
| Bolz | Davis | Groene | Kintner | Nordquist |
| Chambers | Ebke | Hilkemann | Krist | Schnoor |
| Craighead | Garrett | Hughes | McCollister | |

Excused and not voting, 2:

Kolterman McCoy

The appointments were confirmed with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1876:

Foster Care Advisory Committee
 Craig A. Timm

Voting in the affirmative, 33:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Johnson | Murante | Seiler |
| Bloomfield | Friesen | Kolowski | Nordquist | Smith |
| Brasch | Gloor | Kolterman | Pansing Brooks | Stinner |
| Campbell | Haar, K. | Kuehn | Riepe | Sullivan |
| Coash | Hadley | Lindstrom | Scheer | Watermeier |
| Cook | Harr, B. | Mello | Schilz | |
| Crawford | Howard | Morfeld | Schumacher | |

Voting in the negative, 0.

Present and not voting, 15:

| | | | | |
|-----------|---------|-----------|---------|-------------|
| Bolz | Ebke | Hansen | Kintner | McCollister |
| Chambers | Garrett | Hilkemann | Krist | Schnoor |
| Craighead | Groene | Hughes | Larson | Williams |

Excused and not voting, 1:

McCoy

The appointment was confirmed with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1876:

Commission for the Deaf and Hard of Hearing
 Stacie L. Ray
 Norman B. Weverka

Voting in the affirmative, 34:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Ebke | Howard | Mello | Schilz |
| Bloomfield | Friesen | Hughes | Morfeld | Seiler |
| Brasch | Gloor | Johnson | Murante | Smith |
| Campbell | Haar, K. | Kolowski | Nordquist | Sinner |
| Chambers | Hadley | Kolterman | Pansing Brooks | Sullivan |
| Craighead | Hansen | Larson | Riepe | Watermeier |
| Crawford | Harr, B. | Lindstrom | Scheer | |

Voting in the negative, 0.

Present and not voting, 14:

| | | | | |
|-------|---------|-----------|-------------|------------|
| Bolz | Davis | Hilkemann | Kuehn | Schumacher |
| Coash | Garrett | Kintner | McCollister | Williams |
| Cook | Groene | Krist | Schnoor | |

Excused and not voting, 1:

McCoy

The appointments were confirmed with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 1882:

Nebraska Accountability and Disclosure Commission
Matt Enenbach

Voting in the affirmative, 38:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Crawford | Harr, B. | Larson | Schilz |
| Bloomfield | Davis | Hilkemann | Lindstrom | Seiler |
| Brasch | Ebke | Howard | Mello | Smith |
| Campbell | Friesen | Hughes | Morfeld | Stinner |
| Chambers | Groene | Johnson | Murante | Sullivan |
| Coash | Haar, K. | Kolowski | Nordquist | Watermeier |
| Cook | Hadley | Kolterman | Pansing Brooks | |
| Craighead | Hansen | Kuehn | Scheer | |

Voting in the negative, 0.

Present and not voting, 10:

| | | | | |
|---------|---------|-------------|---------|------------|
| Bolz | Gloor | Krist | Riepe | Schumacher |
| Garrett | Kintner | McCollister | Schnoor | Williams |

Excused and not voting, 1:

McCoy

The appointment was confirmed with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 1882:

State Emergency Response Commission
Richard Grauerholz

Voting in the affirmative, 36:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Ebke | Johnson | Mello | Seiler |
| Bloomfield | Groene | Kintner | Morfeld | Stinner |
| Brasch | Haar, K. | Kolowski | Murante | Sullivan |
| Coash | Hansen | Kolterman | Nordquist | Watermeier |
| Cook | Harr, B. | Kuehn | Pansing Brooks | |
| Craighead | Hilkemann | Larson | Riepe | |
| Crawford | Howard | Lindstrom | Scheer | |
| Davis | Hughes | McCollister | Schilz | |

Voting in the negative, 0.

Present and not voting, 12:

| | | | |
|----------|---------|---------|------------|
| Bolz | Friesen | Hadley | Schumacher |
| Campbell | Garrett | Krist | Smith |
| Chambers | Gloor | Schnoor | Williams |

Excused and not voting, 1:

McCoy

The appointment was confirmed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 1882:

State Personnel Board
Patrick Guinan

Voting in the affirmative, 37:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Friesen | Howard | Mello | Seiler |
| Bloomfield | Gloor | Hughes | Morfeld | Smith |
| Brasch | Groene | Johnson | Murante | Stinner |
| Chambers | Haar, K. | Kintner | Nordquist | Sullivan |
| Cook | Hadley | Kolowski | Pansing Brooks | Watermeier |
| Crawford | Hansen | Kolterman | Riepe | |
| Davis | Harr, B. | Larson | Scheer | |
| Ebke | Hilkemann | Lindstrom | Schilz | |

Voting in the negative, 0.

Present and not voting, 11:

| | | | |
|----------|-----------|-------------|------------|
| Bolz | Craighead | Kuehn | Schumacher |
| Campbell | Garrett | McCollister | Williams |
| Coash | Krist | Schnoor | |

Excused and not voting, 1:

McCoy

The appointment was confirmed with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 1883:

Nebraska Accountability and Disclosure Commission
Timothy G. Hruza

Voting in the affirmative, 33:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Friesen | Hughes | Lindstrom | Schilz |
| Bloomfield | Gloor | Johnson | Mello | Seiler |
| Brasch | Groene | Kintner | Morfeld | Stinner |
| Campbell | Haar, K. | Kolowski | Murante | Sullivan |
| Chambers | Hansen | Kolterman | Pansing Brooks | Watermeier |
| Cook | Hilkemann | Kuehn | Riepe | |
| Davis | Howard | Larson | Scheer | |

Voting in the negative, 0.

Present and not voting, 15:

| | | | | |
|-----------|----------|----------|-------------|------------|
| Bolz | Crawford | Hadley | McCollister | Schumacher |
| Coash | Ebke | Harr, B. | Nordquist | Smith |
| Craighead | Garrett | Krist | Schnoor | Williams |

Excused and not voting, 1:

McCoy

The appointment was confirmed with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1888:

Environmental Quality Council
Douglas M. Anderson
Jeremy J. Buhl
Dennis D. Grams
John Kinter
Ronald J. Sheppard
John C. Turnbull

Voting in the affirmative, 36:

| | | | | |
|------------|-----------|-----------|----------------|------------|
| Baker | Davis | Howard | Mello | Smith |
| Bloomfield | Friesen | Hughes | Morfeld | Stinner |
| Brasch | Gloor | Johnson | Murante | Sullivan |
| Campbell | Groene | Kolowski | Pansing Brooks | Watermeier |
| Chambers | Haar, K. | Kolterman | Riepe | |
| Coash | Hadley | Kuehn | Scheer | |
| Cook | Hansen | Larson | Schilz | |
| Crawford | Hilkemann | Lindstrom | Seiler | |

Voting in the negative, 0.

Present and not voting, 12:

| | | | |
|-----------|----------|-------------|------------|
| Bolz | Garrett | Krist | Schnoor |
| Craighead | Harr, B. | McCollister | Schumacher |
| Ebke | Kintner | Nordquist | Williams |

Excused and not voting, 1:

McCoy

The appointments were confirmed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1888:

Nebraska Power Review Board
Frank J. Reida

Voting in the affirmative, 37:

| | | | | |
|------------|-----------|-----------|----------------|----------|
| Baker | Friesen | Hughes | Lindstrom | Schilz |
| Bloomfield | Gloor | Johnson | McCollister | Seiler |
| Brasch | Groene | Kintner | Mello | Smith |
| Chambers | Haar, K. | Kolowski | Morfeld | Stinner |
| Coash | Hadley | Kolterman | Murante | Sullivan |
| Cook | Hansen | Krist | Pansing Brooks | |
| Crawford | Hilkemann | Kuehn | Riepe | |
| Davis | Howard | Larson | Scheer | |

Voting in the negative, 0.

Present and not voting, 11:

| | | | |
|-----------|----------|------------|------------|
| Bolz | Ebke | Nordquist | Watermeier |
| Campbell | Garrett | Schnoor | Williams |
| Craighead | Harr, B. | Schumacher | |

Excused and not voting, 1:

McCoy

The appointment was confirmed with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 371. Introduced by Kolterman, 24.

WHEREAS, the men's track and field team of Concordia University won the 2015 National Association of Intercollegiate Athletics (NAIA) Outdoor Track and Field Championship; and

WHEREAS, this is the first national championship for the Concordia University Bulldogs men's track and field team; and

WHEREAS, the Bulldogs men's track and field team won the championship with 59 points beating last year's NAIA track and field champion, the Indiana Institute of Technology.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the men's track and field team of Concordia University on winning the 2015 NAIA Outdoor Track and Field Championship.

2. That a copy of this resolution be sent to the men's track and field team of Concordia University and their coach, Kregg Einspahr.

Laid over.

LEGISLATIVE RESOLUTION 372. Introduced by Mello, 5; Baker, 30; Bloomfield, 17; Bolz, 29; Brasch, 16; Campbell, 25; Chambers, 11; Coash, 27; Cook, 13; Craighead, 6; Crawford, 45; Davis, 43; Ebke, 32; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Haar, K., 21; Hadley, 37; Hansen, 26; Harr, B., 8; Hilkemann, 4; Howard, 9; Hughes, 44; Johnson, 23; Kintner, 2; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; McCollister, 20; McCoy, 39; Morfeld, 46; Murante, 49; Nordquist, 7; Pansing Brooks, 28; Riepe, 12; Scheer, 19; Schilz, 47; Schnoor, 15; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Watermeier, 1; Williams, 36.

WHEREAS, Officer Kerrie Sue Holtz Orozco died Wednesday, May 20, 2015, after being shot in the line of duty; and

WHEREAS, Officer Orozco was a seven-year veteran of the Omaha Police Department and joined the gang unit in 2012. Officer Orozco impacted countless lives on and off duty. She was respected by her colleagues not only for her service in the Omaha Police Department, but also for her commitment to the betterment of the Omaha community. Her

devotion to a life of service and her ultimate sacrifice will not be forgotten; and

WHEREAS, Officer Orozco was fluent in Spanish and served as a police interpreter. She began coaching baseball for the Boys & Girls Club in 2009 as part of her involvement with the Omaha Latino Peace Officers Association. She also volunteered with Special Olympics and was president of the Police Officers' Ball to benefit Special Olympics Nebraska. Officer Orozco was a Girl Scout leader, participated in Shop With A Cop, and assisted with the Latino Peace Officers Association Easter Egg Hunt; and

WHEREAS, Officer Orozco was the wife of Hector Lopez Orozco, stepmother to Santiago and Natalia, and mother to Olivia.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its sympathy to the family of Officer Kerrie Orozco and recognizes her years of service to the Omaha Police Department, as well as her dedication and service to the Omaha community.

2. That a copy of this resolution be sent to the family of Officer Kerrie Orozco.

Laid over.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 338. Read. Considered.

Committee AM1745, found on page 1904, was offered.

SPEAKER HADLEY PRESIDING

The committee amendment was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

LR338, as amended, was adopted with 36 ayes, 4 nays, 8 present and not voting, and 1 excused and not voting.

MOTION - Override Veto on LB623

Senator Nordquist offered the following motion to LB623:

MO141

Becomes law notwithstanding the objections of the Governor.

Senator Gloor moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 3 nays, and 15 not voting.

Senator Nordquist moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 34:

| | | | | |
|----------|----------|-----------|----------------|------------|
| Baker | Davis | Harr, B. | Kuehn | Schumacher |
| Bolz | Friesen | Howard | McCollister | Seiler |
| Campbell | Garrett | Hughes | Mello | Smith |
| Chambers | Gloor | Johnson | Morfeld | Stinner |
| Coash | Haar, K. | Kolowski | Nordquist | Sullivan |
| Cook | Hadley | Kolterman | Pansing Brooks | Williams |
| Crawford | Hansen | Krist | Scheer | |

Voting in the negative, 10:

| | | | | |
|------------|-----------|-----------|---------|---------|
| Bloomfield | Groene | Kintner | McCoy | Riepe |
| Brasch | Hilkemann | Lindstrom | Murante | Schnoor |

Present and not voting, 2:

| | |
|------|------------|
| Ebke | Watermeier |
|------|------------|

Excused and not voting, 3:

| | | |
|-----------|--------|--------|
| Craighead | Larson | Schilz |
|-----------|--------|--------|

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

COMMUNICATION

May 28, 2015

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB623 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB623, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk

Enc.

CERTIFICATE

Legislative Bill 623, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 28th day of May 2015.

(Signed) Galen Hadley
President of the Legislature

COMMITTEE REPORT

Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR338.

(Signed) Matt Hansen, Chairperson

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 338. Introduced by Davis, 43; Campbell, 25; Cook, 13; Crawford, 45; Friesen, 34; Gloor, 35; Groene, 42; Haar, K., 21; Harr, B., 8; Howard, 9; Hughes, 44; Johnson, 23; Kolowski, 31; Kolterman, 24; Krist, 10; Lindstrom, 18; Mello, 5; Morfeld, 46; Nordquist, 7; Pansing Brooks, 28; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Williams, 36; Ebke, 32; Garrett, 3; Hansen, 26; Hilkemann, 4; McCollister, 20; Scheer, 19; Schnoor, 15; Bolz, 29; Schilz, 47.

WHEREAS, the Federal Railroad Administration is in the process of drafting federal rules on the subject of appropriate train crew size; and

WHEREAS, the purpose of these rules is to establish minimum requirements for train crew size based on the type of operation; and

WHEREAS, the minimum requirements for train crew size are expected to take into account the various safety risks posed to railroad employees, the general public, and the environment; and

WHEREAS, the volume of freight transported by rail is particularly heavy through Nebraska, and these freight shipments include hazardous materials such as ethanol, chlorine, and Bakken crude oil; and

WHEREAS, former Federal Railroad Administrator Joseph C. Szabo has stated, "We believe that safety is enhanced with the use of a multiple person crew-safety dictates that you never allow a single point of failure. Ensuring that trains are adequately staffed for the type of service operated is critically important to ensure safety redundancy." Accordingly, the safety risks posed by such shipments could be reduced by requiring a train crew of at least two individuals whenever a train or light engine is used in connection with the movement of freight.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature urges the Federal Railroad Administration to carefully review the comments and evidence produced by all interested parties, complete the rulemaking process, and adopt a final rule on appropriate train crew size that ensures public safety and promotes the efficient movement of freight, while supporting interstate commerce.

2. That a copy of this resolution be sent to Sarah Feinberg, Acting Administrator of the Federal Railroad Administration, and to each member of the Nebraska congressional delegation.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR338.

SENATOR COASH PRESIDING

The Chair declared the call raised.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 373. Introduced by Harr, B., 8; Baker, 30; Bloomfield, 17; Bolz, 29; Brasch, 16; Campbell, 25; Chambers, 11; Coash, 27; Cook, 13; Craighead, 6; Crawford, 45; Davis, 43; Ebke, 32; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Haar, K., 21; Hadley, 37; Hansen, 26; Hilkemann, 4; Howard, 9; Hughes, 44; Johnson, 23; Kintner, 2; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; McCollister, 20; McCoy, 39; Mello, 5; Morfeld, 46; Murante, 49; Nordquist, 7; Pansing Brooks, 28; Riepe, 12; Scheer, 19; Schilz, 47; Schnoor, 15; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Watermeier, 1; Williams, 36.

WHEREAS, James Moylan died on May 21, 2015; and

WHEREAS, James lived a life of public service and was a veteran of the Korean War; and

WHEREAS, James was a member of the University of Nebraska Board of Regents from 1971 to 1989 and served as chair of the board three times during his tenure; and

WHEREAS, as a member of the Board of Regents, James advocated that Kearney State College join the University of Nebraska system; and

WHEREAS, James was a registered lobbyist at the Legislature and was well-respected by those for whom he lobbied and with whom he worked; and

WHEREAS, James is survived by his wife, Lila, and children, James Moylan, Michael Moylan, Patrick Moylan, Jean McNamara, Mimi Moylan, and Molly Sall.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the contributions and service of James Moylan and extends its deepest sympathy to his family.
2. That a copy of this resolution be sent to the family of James Moylan.

Laid over.

LEGISLATIVE RESOLUTION 374. Introduced by Davis, 43; Baker, 30; Bloomfield, 17; Bolz, 29; Brasch, 16; Campbell, 25; Chambers, 11; Coash, 27; Cook, 13; Craighead, 6; Crawford, 45; Ebke, 32; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Haar, K., 21; Hadley, 37; Hansen, 26; Harr, B., 8; Hilkemann, 4; Howard, 9; Hughes, 44; Johnson, 23; Kintner, 2; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; McCollister, 20; McCoy, 39; Mello, 5; Morfeld, 46; Murante, 49; Nordquist, 7; Pansing Brooks, 28; Riepe, 12; Scheer, 19; Schilz, 47; Schnoor, 15; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Watermeier, 1; Williams, 36.

WHEREAS, the staff of the Ainsworth Care Center and the Logan Valley Manor in Lyons have continued to provide care for residents even after receiving notification that the two facilities would close; and

WHEREAS, when the company that owns both facilities announced it would close the facilities and stop paying the staff, the staff continued to work without pay for over a month; and

WHEREAS, the staffs' selflessness and dedication was crucial for the continued care and well-being of the residents of those facilities; and

WHEREAS, the staff at the Ainsworth Care Center include Joan Felton, Mirya Hallock, LaVada McGill, Kimberly Delacruz-Steinhauser, Jeri Biltoft, Amanda Bunch, Darrian Denny, Crystal Dunbar, Alicia Ekross, Nathan Goodloe, Annette Hessert, Jennifer Hodge, Walter Mauch, Mishai Peacock, Chelsey Shaul, Darla Drake, Phoebe McDaniel, Sabree Porter, Kathy Hatley, Amanda Tucker, Theresa Denny, Kay Hill, Stacie Goochey, Carolyn Jones, Amy Carr, Bonnie Dodds, Cindy Neben, Merrill Strate, Katie Aase, Candance Fernau, Geri Johnson, and Tina Rehkopf; and

WHEREAS, the staff at Logan Valley Manor include Tina Bird, Kimberly Bone, Travis Cole, Jaime Corwine, Janie Fournier, Mary Fuhrman, Melissa George-Oltrogge, Jo Going, Phyllis Harrington, Jessica Hayes, Karen Hayes, Sarah Johnston, Kari Lierman, Kelley Lutjen, Elda Milton, Shawna Nielsen, Inez Pankoke, Debra Rehbein, Elizabeth Sandoval, Megan Saxton, Sharon Swanson, Amber Timm, Ashley Tomasek, Tiffany Voss, Angie Whitley, Rod Wiese, and Linda Woodward.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature commends the staff of the Ainsworth Care Center and Logan Valley Manor for their dedication and sacrifice on behalf of the residents of those care facilities.

2. That a copy of this resolution be sent to the Ainsworth Care Center and Logan Valley Manor.

Laid over.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 23. Read. Considered.

LR23 was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE RESOLUTION 356. Read. Considered.

LR356 was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE RESOLUTION 357. Read. Considered.

LR357 was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE RESOLUTION 358. Read. Considered.

LR358 was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE RESOLUTION 359. Read. Considered.

LR359 was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE RESOLUTION 360. Read. Considered.

LR360 was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE RESOLUTION 361. Read. Considered.

LR361 was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE RESOLUTION 362. Read. Considered.

LR362 was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE RESOLUTION 363. Read. Considered.

LR363 was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE RESOLUTION 364. Read. Considered.

LR364 was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE RESOLUTION 365. Read. Considered.

LR365 was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE RESOLUTION 366. Read. Considered.

LR366 was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE RESOLUTION 367. Read. Considered.

LR367 was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

LEGISLATIVE RESOLUTION 368. Read. Considered.

LR368 was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE RESOLUTION 369. Read. Considered.

LR369 was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

LEGISLATIVE RESOLUTION 370. Read. Considered.

LR370 was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

RESOLUTION(S)**LEGISLATIVE RESOLUTION 375.** Introduced by Friesen, 34.

WHEREAS, the Giltner High School Hornets won the 2015 Class D Boys' State Track and Field Championship; and

WHEREAS, the Giltner High School boys' track and field team was led by the dedicated and talented coach Nancy Lockmon; and

WHEREAS, members of the Giltner High School boys' track and field team medaled in eight events; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Giltner High School Hornets for winning the 2015 Class D Boys' State Track and Field Championship.

2. That a copy of this resolution be sent to the Giltner High School boys' track and field team and their coach, Nancy Lockmon.

Laid over.

LEGISLATIVE RESOLUTION 376. Introduced by Friesen, 34.

WHEREAS, the Giltner High School Hornets won the 2015 Class D Girls' State Track and Field Championship; and

WHEREAS, the Giltner High School girls' track and field team was led by the dedicated and talented coach Nancy Lockmon; and

WHEREAS, members of the Giltner High School girls' track and field team medaled in six events; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Giltner High School Hornets for winning the 2015 Class D Girls' State Track and Field Championship.

2. That a copy of this resolution be sent to the Giltner High School girls' track and field team and their coach, Nancy Lockmon.

Laid over.

LEGISLATIVE RESOLUTION 377. Introduced by Watermeier, 1.

WHEREAS, Rodney Vandenberg was born on October 1, 1936, in Sheldon, Iowa; and

WHEREAS, Rodney worked in the banking industry for over 50 years of his life, including the National Bank of Commerce in Lincoln and First National Bank and Trust in Falls City where he served as chairman, president, and chief executive officer for over 35 years; and

WHEREAS, Rodney served as the mayor of Falls City from 2006 to 2010 and represented District 1 on the Nebraska Highway Commission; and

WHEREAS, Rodney was involved with many professional activities such as serving as president of the Nebraska Bankers Association and president, state vice-president, and parliamentarian of the Nebraska Jaycees. He also served as a board member on the Luther Family Services Foundation, the Peru State College Foundation, and the Vandenberg Family Foundation; and

WHEREAS, Rodney was actively involved in serving his community, including fundraising for projects that supported schools, a new ballpark, a new hospital, a new library, and many other civic improvements; and

WHEREAS, Rodney served in the United States Army Reserve from 1958 to 1964; and

WHEREAS, Rodney Vandenberg passed away on May 23, 2015.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the contributions and service of Rodney Vandenberg and extends its deepest sympathy to his family.
2. That a copy of this resolution be sent to the family of Rodney Vandenberg.

Laid over.

VISITORS

Visitors to the Chamber were Kasch and Elsa Faustman from Lincoln.

The Doctor of the Day was Dr. Gerald Luckey from David City.

ADJOURNMENT

At 12:02 p.m., on a motion by Senator Krist, the Legislature adjourned until 10:00 a.m., Friday, May 29, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-NINTH DAY - MAY 29, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

EIGHTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 29, 2015

PRAYER

The prayer was offered by Senator Sullivan.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senator Schnoor who was excused; and Senator Larson who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-eighth day was approved.

COMMUNICATION(S)

May 29, 2015

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the vetoes by Governor Ricketts of LB70e and LB70Ae, and consistent with our rules, I am delivering the bills for filing in the forms prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO;jk

EXECUTIVE BOARD REPORT

Senator Krist, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committee:

Intergenerational Poverty Task Force:

Senator Kolterman
Senator Larson
Senator Stinner

(Signed) Bob Krist, Chairperson
Legislative Council, Executive Board

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 28, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Jones, Johnny D.
Little Priest Tribal College (Withdrawn 5/28/2015)
Post, Ann
Lincoln Independent Business Association (LIBA) (Withdrawn 5/21/2015)

ANNOUNCEMENT

The Chair announced the birthday of Senator Hughes.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 315.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-974, Revised Statutes Cumulative Supplement, 2014; to change and add provisions relating to recovery audit contractors; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|----------|-----------|-----------|----------------|------------|
| Baker | Ebke | Howard | McCollister | Schilz |
| Bolz | Friesen | Hughes | McCoy | Schumacher |
| Brasch | Garrett | Johnson | Mello | Seiler |
| Campbell | Gloor | Kintner | Morfeld | Smith |
| Chambers | Haar, K. | Kolowski | Murante | Stinner |
| Coash | Hadley | Kolterman | Nordquist | Sullivan |
| Cook | Hansen | Krist | Pansing Brooks | Watermeier |
| Crawford | Harr, B. | Kuehn | Riepe | Williams |
| Davis | Hilkemann | Lindstrom | Scheer | |

Voting in the negative, 0.

Present and not voting, 3:

Bloomfield Craighead Groene

Excused and not voting, 2:

Larson Schnoor

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 315A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 315, One Hundred Fourth Legislature, First Session, 2015.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|-----------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Lindstrom | Schilz |
| Bolz | Ebke | Howard | McCollister | Schumacher |
| Brasch | Friesen | Hughes | McCoy | Seiler |
| Campbell | Garrett | Johnson | Mello | Smith |
| Chambers | Gloor | Kintner | Murante | Stinner |
| Coash | Haar, K. | Kolowski | Nordquist | Sullivan |
| Cook | Hadley | Kolterman | Pansing Brooks | Watermeier |
| Craighead | Hansen | Krist | Riepe | Williams |
| Crawford | Harr, B. | Kuehn | Scheer | |

Voting in the negative, 0.

Present and not voting, 3:

Bloomfield Groene Morfeld

Excused and not voting, 2:

Larson Schnoor

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 452.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-124, Reissue Revised Statutes of Nebraska, and section 38-178, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to advertisement by credential holders; to provide for disciplinary action; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Davis | Howard | McCoy | Seiler |
| Bloomfield | Ebke | Hughes | Mello | Smith |
| Bolz | Friesen | Johnson | Morfeld | Stinner |
| Brasch | Garrett | Kintner | Murante | Sullivan |
| Campbell | Gloor | Kolowski | Nordquist | Watermeier |
| Chambers | Haar, K. | Kolterman | Pansing Brooks | Williams |
| Coash | Hadley | Krist | Riepe | |
| Cook | Hansen | Kuehn | Scheer | |
| Craighead | Harr, B. | Lindstrom | Schilz | |
| Crawford | Hilkemann | McCollister | Schumacher | |

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 2:

Larson Schnoor

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 457. With Emergency Clause.

A BILL FOR AN ACT relating to economic development; to amend sections 81-1213, 81-12,146, and 81-12,147, Reissue Revised Statutes of Nebraska, and section 58-708, Revised Statutes Cumulative Supplement, 2014; to terminate a fund; to change the Site and Building Development Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

| | | | | |
|------------|-----------|-------------|----------------|------------|
| Baker | Davis | Howard | McCoy | Seiler |
| Bloomfield | Ebke | Hughes | Mello | Smith |
| Bolz | Friesen | Johnson | Morfeld | Stinner |
| Brasch | Garrett | Kintner | Murante | Sullivan |
| Campbell | Gloor | Kolowski | Nordquist | Watermeier |
| Chambers | Haar, K. | Kolterman | Pansing Brooks | Williams |
| Coash | Hadley | Krist | Riepe | |
| Cook | Hansen | Kuehn | Scheer | |
| Craighead | Harr, B. | Lindstrom | Schilz | |
| Crawford | Hilkemann | McCollister | Schumacher | |

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 2:

Larson Schnoor

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 540.

A BILL FOR AN ACT relating to the state building code; to amend sections 71-6403 and 71-6406, Revised Statutes Cumulative Supplement, 2014; to adopt updated international building code standards; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | McCollister | Seiler |
| Bloomfield | Ebke | Howard | McCoy | Smith |
| Bolz | Friesen | Hughes | Mello | Stinner |
| Brasch | Garrett | Johnson | Morfeld | Sullivan |
| Campbell | Gloor | Kintner | Nordquist | Watermeier |
| Chambers | Groene | Kolowski | Pansing Brooks | Williams |
| Coash | Haar, K. | Kolterman | Riepe | |
| Cook | Hadley | Krist | Scheer | |
| Craighead | Hansen | Kuehn | Schilz | |
| Crawford | Harr, B. | Lindstrom | Schumacher | |

Voting in the negative, 0.

Present and not voting, 1:

Murante

Excused and not voting, 2:

Larson Schnoor

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 577.

A BILL FOR AN ACT relating to counties; to amend section 23-187, Reissue Revised Statutes of Nebraska; to permit counties to regulate by ordinance the operation or conduct of peddlers, hawkers, or solicitors as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|-----------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Lindstrom | Scheer |
| Bolz | Ebke | Howard | McCollister | Schilz |
| Brasch | Friesen | Hughes | McCoy | Schumacher |
| Campbell | Garrett | Johnson | Mello | Seiler |
| Chambers | Gloor | Kintner | Morfeld | Smith |
| Coash | Haar, K. | Kolowski | Murante | Stinner |
| Cook | Hadley | Kolterman | Nordquist | Sullivan |
| Craighead | Hansen | Krist | Pansing Brooks | Watermeier |
| Crawford | Harr, B. | Kuehn | Riepe | Williams |

Voting in the negative, 1:

Bloomfield

Present and not voting, 1:

Groene

Excused and not voting, 2:

Larson Schnoor

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 581.

A BILL FOR AN ACT relating to motor fuels; to adopt the Nebraska Clean-burning Motor Fuel Development Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

| | | | | |
|-----------|----------|-------------|----------------|----------|
| Baker | Davis | Hilkemann | McCoy | Seiler |
| Bolz | Ebke | Howard | Mello | Smith |
| Brasch | Friesen | Johnson | Morfeld | Sinner |
| Campbell | Garrett | Kolowski | Murante | Sullivan |
| Chambers | Gloor | Kolterman | Nordquist | Williams |
| Coash | Haar, K. | Krist | Pansing Brooks | |
| Cook | Hadley | Kuehn | Scheer | |
| Craighead | Hansen | Lindstrom | Schilz | |
| Crawford | Harr, B. | McCollister | Schumacher | |

Voting in the negative, 4:

Bloomfield Groene Hughes Kintner

Present and not voting, 2:

Riepe Watermeier

Excused and not voting, 2:

Larson Schnoor

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 581A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 581, One Hundred Fourth Legislature, First Session, 2015.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|-----------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Lindstrom | Scheer |
| Bolz | Friesen | Howard | McCollister | Schilz |
| Brasch | Garrett | Johnson | McCoy | Schumacher |
| Campbell | Gloor | Kolowski | Mello | Seiler |
| Coash | Haar, K. | Kolterman | Morfeld | Smith |
| Cook | Hadley | Krist | Murante | Stinner |
| Craighead | Hansen | Kuehn | Nordquist | Sullivan |
| Crawford | Harr, B. | Larson | Pansing Brooks | Williams |

Voting in the negative, 4:

| | | | |
|------------|--------|--------|---------|
| Bloomfield | Groene | Hughes | Kintner |
|------------|--------|--------|---------|

Present and not voting, 4:

| | | | |
|----------|------|-------|------------|
| Chambers | Ebke | Riepe | Watermeier |
|----------|------|-------|------------|

Excused and not voting, 1:

Schnoor

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 315, 315A, 452, 457, 540, 577, 581, and 581A.

SENATOR KRIST PRESIDING

RESOLUTION(S)

LEGISLATIVE RESOLUTION 371. Read. Considered.

LR371 was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

LEGISLATIVE RESOLUTION 372. Read. Considered.

Senator Schumacher moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Senator Schumacher requested a roll call vote on the adoption of the resolution.

Voting in the affirmative, 48:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Davis | Hilkemann | Lindstrom | Schilz |
| Bloomfield | Ebke | Howard | McCollister | Schumacher |
| Bolz | Friesen | Hughes | McCoy | Seiler |
| Brasch | Garrett | Johnson | Mello | Smith |
| Campbell | Gloor | Kintner | Morfeld | Stinner |
| Chambers | Groene | Kolowski | Murante | Sullivan |
| Coash | Haar, K. | Kolterman | Nordquist | Watermeier |
| Cook | Hadley | Krist | Pansing Brooks | Williams |
| Craighead | Hansen | Kuehn | Riepe | |
| Crawford | Harr, B. | Larson | Scheer | |

Voting in the negative, 0.

Excused and not voting, 1:

Schnoor

LR372 was adopted with 48 ayes, 0 nays, and 1 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE RESOLUTION 373. Read. Considered.

LR373 was adopted with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

LEGISLATIVE RESOLUTION 374. Read. Considered.

LR374 was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 375. Read. Considered.

LR375 was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 376. Read. Considered.

LR376 was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 377. Read. Considered.

LR377 was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 29, 2015, at 10:35 a.m. were the following: LBs 315, 315A, 452, 457e, 540, 577, 581, and 581A.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

MESSAGE(S) FROM THE GOVERNOR

May 29, 2015

Patrick J. O'Donnell
Clerk of the Nebraska Legislature
2018 State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 468e and 468Ae were received in my office on May 26, 2015.

Engrossed Legislative Bills 315, 315A, 452, 457e, 540, 577, 581, and 581A were received in my office on May 29, 2015.

These bills were signed and delivered to the Secretary of State on May 29, 2015.

Sincerely,
(Signed) Pete Ricketts
Governor

PR/lhk

SPEAKER HADLEY PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 23, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, and 377.

MOTION - Notify Governor

Senator McCollister moved that a committee of five be appointed to notify the Governor that the One Hundred Fourth Legislature, First Session of the Nebraska Legislature, is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Senators Garrett, Murante, Brasch, K. Haar, and Crawford to serve on said committee.

The committee returned and escorted Governor Pete Ricketts to the rostrum where he delivered a message to the members.

The committee escorted Governor Pete Ricketts from the Chamber.

SENATOR COASH PRESIDING**MOTION - Suspend Rules**

Senator Hadley offered his motion, found on page 1911, to suspend the rules, Rule 6, Sections 3 and 5, and Rule 7, Sections 3 and 7, and to indefinitely postpone the following bills whose provisions have been included in other enacted legislation or whose companion bill has been indefinitely postponed: LBs 12, 12A, 13, 32, 76, 97, 197, 205, 290, 326, 335, 359, 377, 405, 420, 441, 460, 489, 489A, 509, 514, 544, 546, 571, and 602.

The Hadley motion to suspend the rules prevailed with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

MOTION - Journal, Session Laws, and Indexes

Senator Smith moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell, and that he be directed to send to each member of the Legislature a copy of the permanent Legislative Journal and Session Laws.

The motion prevailed.

MOTION - Eighty-Ninth Day Journal

Senator Bloomfield moved that the Journal for the Eighty-Ninth Day, as prepared by the Clerk of the Legislature, be approved.

The motion prevailed.

VISITORS

Visitors to the Chamber were Senator Kolterman's granddaughter, Teresa, her mother, Mary, and her brother, John Paul Wilson, from Lincoln; Senator Hadley's wife, Marilyn, from Kearney; Senator Nordquist's daughter, Elin, his mother and her friend, Jean Nordquist and Cal Dunham, from Beresford, SD.

The Doctor of the Day was Dr. Sarwada T. Jha from Omaha.

MOTION - Adjourn Sine Die

Senator Nordquist moved that the One Hundred Fourth Legislature, First Session of the Nebraska Legislature, having finished all business before it, now at 11:54 a.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature