CARRYOVER

LEGISLATION

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

January 6, 2016
STATUS OF CARRYOVER
BILLs
AND
RESOLUTIONs

Introduced in the
One Hundred Fourth Legislature, First Session, 2015
and pending before the
One Hundred Fourth Legislature, Second Session, 2016

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

LR7CA 423 423A 67 216 217 218 173 176

Final Reading (2): (128 173A)

Failed on Final Reading (1): 599

BILLs HELD BY COMMITTEES:
Agriculture (2): 393 558
Appropriations (42): 57 82 98 108 110 125 154 161 169 185 229 233 237 263
274 309 318 332 364 374 381 387 397 417 418 436 442 450 461 485 496 506
532 533 537 560 565 569 581 584 593 633 654
Bank., Com. & Ins. (16): 11 48 51 78 79 115 124 193 336 341 393 451 488 531
553 628
Business & Labor (14): 83 133 134 158 251 288 363 388 429 493 555 556 600
611
Education (34): 29 54 81 101 102 103 144 182 232 239 303 323 351 380 402
410 435 443 444 478 507 508 522 524 526 528 530 534 563 572 590 595 601
617
Executive Board (4): 376 501 580 LR201
General Affairs (4): 204 250 339 486
273 319 368 383 403 427 462 487 491 492 503 552 562 576 578 588 646 LR73
Hlth. & Human Serv. (24): 27 147 148 211 258 333 346 353 369 370 411 440
471 490 499 516 518 543 548 549 557 567 631 650
Judiciary (47): 14 22 38 44 60 66 114 119 120 172 184 187 212 225 244 281
502 545 592 603 606 612 622 625 630 635 638 647 648
Natural Resources (21): 86 117 127 130 143 174 208 337 344 394 404 407 475
512 536 583 585 622 636 637 664
Nebr. Ret. Sys. (7): 236 447 467 484 551 594 655
Revenue (54): 20 26 62 63 64 68 69 71 73 74 75 153 162 165 178 186 191 210
228 255 256 267 280 284 293 321 331 345 350 357 372 384 386 391 396 398
438 453 454 466 470 476 495 521 523 550 573 587 608 613 614 615 645 653
Trans. & Telecom. (15): 192 248 373 399 517 535 564 568 579 597 609 624
626 639 652
Urban Affairs (4): 238 300 445 596

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

LEGISLATIVE BILL 10. Introduced by McCoy, 39.

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

LEGISLATIVE BILL 11. Introduced by Krist, 10.

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


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

LEGISLATIVE BILL 16. Introduced by Krist, 10.

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

LEGISLATIVE BILL 18. Introduced by Krist, 10.

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

LEGISLATIVE BILL 18A. Introduced by Krist, 10.

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

LEGISLATIVE BILL 19. Introduced by Krist, 10.

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

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

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

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

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

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

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

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

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

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

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

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

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-801.01, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2014; to adopt the Choice for the Advancement of Nebraska Children in Education Act; to provide for tax credits; to harmonize provisions; to provide an operative date; to provide for severability; and to repeal the original sections.
LEGISLATIVE BILL 27. Introduced by Krist, 10.

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

LEGISLATIVE BILL 28. Introduced by Krist, 10.

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

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

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

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

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

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

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


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

LEGISLATIVE BILL 44. Introduced by Coash, 27.

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

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

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

LEGISLATIVE BILL 48. Introduced by Scheer, 19.

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

LEGISLATIVE BILL 51. Introduced by Scheer, 19.

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

LEGISLATIVE BILL 53. Introduced by Scheer, 19.

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

LEGISLATIVE BILL 54. Introduced by Scheer, 19.

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

LEGISLATIVE BILL 57. Introduced by Scheer, 19.

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

LEGISLATIVE BILL 58. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001 and 79-1022, Reissue Revised Statutes of Nebraska; to provide for distribution of certain funds as described; to harmonize provisions; to repeal the original sections; and to declare an emergency.
LEGISLATIVE BILL 60. Introduced by Kintner, 2; Craighead, 6; Ebke, 32; Garrett, 3; Schnoor, 15.

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

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

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

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

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

LEGISLATIVE BILL 63. Introduced by Schumacher, 22.

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

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

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

LEGISLATIVE BILL 66. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 67. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Nebraska Governmental Unit Security Interest Act; to amend sections 10-1101, 10-1102, 10-1103, 10-1104, 10-1105, 10-1106, and 70-1813, Reissue Revised Statutes of Nebraska; to rename the act; to define and redefine terms; to provide for governmental unit bond priority; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 68. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 69. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 71. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 73. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 74. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 75. Introduced by Schumacher, 22.

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

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

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-911, Revised Statutes Cumulative Supplement, 2014; to require a state plan amendment relating to coverage for family planning services; to state intent relating to appropriations; to repeal the original section; and to declare an emergency.
LEGISLATIVE BILL 77A. Introduced by Nordquist, 7.
A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 77, One Hundred Fourth Legislature, First Session, 2015; to change appropriations; and to declare an emergency.

LEGISLATIVE BILL 78. Introduced by Gloor, 35.
A BILL FOR AN ACT relating to the Intergovernmental Risk Management Act; to amend section 44-4304, Reissue Revised Statutes of Nebraska; to change provisions relating to the public agencies authorized to enter into agreements; and to repeal the original section.

LEGISLATIVE BILL 79. Introduced by Gloor, 35.
A BILL FOR AN ACT relating to insurance; to require coverage for renewals of prescription eye drops as prescribed.

LEGISLATIVE BILL 82. Introduced by Cook, 13.
A BILL FOR AN ACT relating to appropriations; to state intent relating to support of dental services.

LEGISLATIVE BILL 83. Introduced by Cook, 13; Pansing Brooks, 28.
A BILL FOR AN ACT relating to the Nebraska Wage Payment and Collection Act; to amend section 48-1228, Revised Statutes Cumulative Supplement, 2014; to provide certain protections for employees relating to wage disclosure; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 84. Introduced by Davis, 43.
A BILL FOR AN ACT relating to public meetings; to amend section 84-1411, Reissue Revised Statutes of Nebraska; to provide for a public body to use telephone conferencing or videoconferencing as prescribed; and to repeal the original section.

LEGISLATIVE BILL 86. Introduced by Davis, 43.
A BILL FOR AN ACT relating to the Game and Parks Commission; to amend sections 37-101, 37-102, and 37-104, Reissue Revised Statutes of Nebraska; to provide for a ninth district and a tenth member; to change quorum requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 98. Introduced by Bolz, 29; Gloor, 35.
A BILL FOR AN ACT relating to appropriations; to state intent relating to appropriations to the Department of Health and Human Services for tobacco use prevention control.
TITLES TO BILLS

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 79-2136, Reissue Revised Statutes of Nebraska; to change provisions relating to participation in school-sponsored athletic activities; and to repeal the original section.

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

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

LEGISLATIVE BILL 105A. Introduced by Watermeier, 1.

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

LEGISLATIVE BILL 108. Introduced by Crawford, 45.

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

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

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

LEGISLATIVE BILL 111. Introduced by Larson, 40; Brasch, 16; Ebke, 32; Kintner, 2; Schilz, 47.
A BILL FOR AN ACT relating to elections; to amend sections 32-110.02, 32-311.01, 32-914, 32-938, and 32-1027, Reissue Revised Statutes of Nebraska, and sections 32-321, 32-902, 32-915, 32-947, 32-953, 32-1002, 60-4,115, and 60-4,181, Revised Statutes Cumulative Supplement, 2014; to require presentation of a government-issued photographic identification document to vote; to provide exceptions; to provide for provisional ballots; to change requirements for identification for certain first-time voters; to change provisions for issuance of state identification cards; to harmonize provisions; to repeal the original sections; and to outright repeal section 32-318.01, Reissue Revised Statutes of Nebraska.

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

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

LEGISLATIVE BILL 114. Introduced by McCoy, 39.

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

LEGISLATIVE BILL 115. Introduced by Scheer, 19.

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

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

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

LEGISLATIVE BILL 119. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 120. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 121. Introduced by Schumacher, 22.

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

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

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

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

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

LEGISLATIVE BILL 127. Introduced by Chambers, 11.

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

LEGISLATIVE BILL 128. Introduced by Chambers, 11.

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

LEGISLATIVE BILL 130. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-1507, 2-1508, and 2-1509, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to funding from the Water Sustainability Fund for projects as prescribed; and to repeal the original sections.
LEGISLATIVE BILL 131. Introduced by Craighead, 6; Crawford, 45; Davis, 43; Harr, B., 8; Howard, 9; Mello, 5; Riepe, 12.

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

LEGISLATIVE BILL 133. Introduced by Ebke, 32.

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

LEGISLATIVE BILL 134. Introduced by Johnson, 23.

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

LEGISLATIVE BILL 135. Introduced by Johnson, 23.

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

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

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

LEGISLATIVE BILL 137. Introduced by Johnson, 23.

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

LEGISLATIVE BILL 137A. Introduced by Johnson, 23.

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

LEGISLATIVE BILL 140. Introduced by Davis, 43.

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

LEGISLATIVE BILL 143. Introduced by Schilz, 47.

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

LEGISLATIVE BILL 144. Introduced by Davis, 43.

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

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

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

LEGISLATIVE BILL 148. Introduced by Crawford, 45.

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


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

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

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

LEGISLATIVE BILL 158. Introduced by McCollister, 20.

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

LEGISLATIVE BILL 161. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 162. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 163. Introduced by Crawford, 45.

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

LEGISLATIVE BILL 165. Introduced by Lindstrom, 18.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**LEGISLATIVE BILL 178.** Introduced by Watermeier, 1; Brasch, 16; Kolterman, 24.
A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201, 77-5023, and 79-1016, Reissue Revised Statutes of Nebraska; to change valuation of agricultural land and horticultural land; to harmonize school aid provisions; to provide an operative date; and to repeal the original sections.

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

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

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

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

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

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

LEGISLATIVE BILL 186. Introduced by Bolz, 29.

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

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

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

LEGISLATIVE BILL 188. Introduced by Watermeier, 1.

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

LEGISLATIVE BILL 189. Introduced by Davis, 43.

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

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

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

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

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

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

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

LEGISLATIVE BILL 193. Introduced by Nordquist, 7.

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

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

A BILL FOR AN ACT relating to elections; to amend section 32-912, Reissue Revised Statutes of Nebraska, and section 32-312, Revised Statutes Cumulative
Supplement, 2014; to provide for partisan ballots at primary elections for unaffiliated voters; to harmonize provisions; and to repeal the original sections.

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

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

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

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

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

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

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

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

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

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

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

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

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

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2712.03, Revised Statutes Cumulative Supplement, 2014; to correct
provisions relating to the streamlined sales and use tax agreement; and to repeal
the original section.

LEGISLATIVE BILL 217. Introduced by Hadley, 37.
A BILL FOR AN ACT relating to revenue and taxation; to amend section
77-918, Revised Statutes Cumulative Supplement, 2014; to recodify provisions;
and to repeal the original section.

LEGISLATIVE BILL 218. Introduced by Hadley, 37.
A BILL FOR AN ACT relating to revenue and taxation; to amend section
77-2716, Revised Statutes Cumulative Supplement, 2014; to correct references
to a federal act; and to repeal the original section.

LEGISLATIVE BILL 221. Introduced by Harr, B., 8.
A BILL FOR AN ACT relating to landlord and tenants; to amend sections
69-2303, 76-1414, 76-1441, and 76-1446, Reissue Revised Statutes of
Nebraska; to provide for disposition of personal property upon the death of a
tenant; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 222. Introduced by Harr, B., 8; Garrett, 3.
A BILL FOR AN ACT relating to veterans memorials; to amend section 80-201,
Reissue Revised Statutes of Nebraska; to change a provision relating to the
erection of statues, monuments, and memorials; to create a commission; to
authorize grants; and to repeal the original section.

LEGISLATIVE BILL 223. Introduced by Harr, B., 8.
A BILL FOR AN ACT relating to the Insured Homeowners Protection Act; to
amend sections 44-8601, 44-8602, 44-8603, and 44-8604, Revised Statutes
Cumulative Supplement, 2014; to define a term; to change provisions relating to
contractor duties and prohibited acts; to provide for notice of contract
obligations and rights as prescribed; to provide an operative date; and to repeal
the original sections.

LEGISLATIVE BILL 224. Introduced by Harr, B., 8.
A BILL FOR AN ACT relating to electioneering; to amend section 32-1524,
Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes
Cumulative Supplement, 2014; to require the marking of areas near polling
places for purposes of electioneering restrictions as prescribed; to change
restrictions on electioneering; to prohibit removal of or refusal to display
electioneering materials as prescribed; to harmonize provisions; and to repeal
the original sections.

LEGISLATIVE BILL 225. Introduced by Schnoor, 15; Bloomfield, 17;
Ebke, 32; Garrett, 3; Groene, 42; Lindstrom, 18.
A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1204.04, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to unlawful possession of a firearm at a school; and to repeal the original section.

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

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

LEGISLATIVE BILL 227A. Introduced by Hansen, 26.

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

LEGISLATIVE BILL 228. Introduced by Watermeier, 1.

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

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

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

LEGISLATIVE BILL 230. Introduced by Mello, 5.

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

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

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

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

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services.
LEGISLATIVE BILL 234. Introduced by Krist, 10.

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

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

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

LEGISLATIVE BILL 236. Introduced by Coash, 27.

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

LEGISLATIVE BILL 237. Introduced by Coash, 27.

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

LEGISLATIVE BILL 238. Introduced by Groene, 42.

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

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

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

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

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2103, Reissue Revised Statutes of Nebraska; to change provisions relating to motions for new trial based upon discovery of new evidence; and to repeal the original section.
LEGISLATIVE BILL 248. Introduced by Sullivan, 41.

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

LEGISLATIVE BILL 249. Introduced by Sullivan, 41.

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

LEGISLATIVE BILL 250. Introduced by Larson, 40.

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

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

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

LEGISLATIVE BILL 254. Introduced by Morfeld, 46.

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

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

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

LEGISLATIVE BILL 256. Introduced by Bloomfield, 17.

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

LEGISLATIVE BILL 258. Introduced by Nordquist, 7; Campbell, 25; Gloor, 35.
A BILL FOR AN ACT relating to health care; to amend sections 38-2028 and 38-2034, Reissue Revised Statutes of Nebraska; to adopt the Interstate Medical Licensure Compact; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 263. Introduced by Johnson, 23.

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

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

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

LEGISLATIVE BILL 270. Introduced by Ebke, 32.

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

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

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

LEGISLATIVE BILL 274. Introduced by Hansen, 26.

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

LEGISLATIVE BILL 275. Introduced by Friesen, 34.

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

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

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend sections 48-106 and 48-116, Reissue Revised Statutes of Nebraska, and
section 48-1,110, Revised Statutes Cumulative Supplement, 2014; to provide for certified independent contractors and exempt such persons from the act; to harmonize provisions; and to repeal the original sections.

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

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

LEGISLATIVE BILL 280. Introduced by Davis, 43.

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


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

LEGISLATIVE BILL 284. Introduced by Riepe, 12.

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

LEGISLATIVE BILL 285. Introduced by Riepe, 12.

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

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

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

LEGISLATIVE BILL 289. Introduced by Ebke, 32; Kintner, 2.
A BILL FOR AN ACT relating to firearms; to amend sections 14-102, 15-255, 16-227, 17-556, and 18-1703, Reissue Revised Statutes of Nebraska; to prohibit certain regulation of firearms, ammunition, and firearm accessories by cities and villages as prescribed; and to repeal the original sections.

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

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

LEGISLATIVE BILL 295. Introduced by Scheer, 19.

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

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

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

LEGISLATIVE BILL 300. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 302. Introduced by Campbell, 25.

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

LEGISLATIVE BILL 303. Introduced by Bloomfield, 17.

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

LEGISLATIVE BILL 306. Introduced by Nordquist, 7; Crawford, 45; Mello, 5.
A BILL FOR AN ACT relating to conveyances; to amend sections 48-2503, 48-2504, 48-2507, 48-2508, 48-2512, and 48-2529, Reissue Revised Statutes of Nebraska; to change the Conveyance Safety Act; to change the membership and powers of a committee; to harmonize provisions; and to repeal the original sections.

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

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

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

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

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

A BILL FOR AN ACT relating to motor vehicle operators' licenses; to amend section 60-469, Reissue Revised Statutes of Nebraska, and sections 60-462, 60-463, 60-4142, 60-4144, 60-4168, and 75-362, Revised Statutes Cumulative Supplement, 2014; to define and redefine terms; to change provisions relating to CLP-commercial learner's permit issuance and applications for commercial drivers' licenses; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

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

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

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

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

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

**LEGISLATIVE BILL 321.** Introduced by Bolz, 29.
A BILL FOR AN ACT relating to job training; to amend sections 77-2756 and 77-3442, Revised Statutes Cumulative Supplement, 2014; to adopt the Nebraska Industrial New Job-training Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 322. Introduced by Bolz, 29.

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

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

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

LEGISLATIVE BILL 327. Introduced by Williams, 36.

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

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

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

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

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

LEGISLATIVE BILL 332. Introduced by Kuehn, 38.
A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services for the statewide prescription drug disposal project.

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

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

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

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

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

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

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

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

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

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

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

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

**LEGISLATIVE BILL 341.** Introduced by Howard, 9.
A BILL FOR AN ACT relating to insurance; to provide requirements relating to health benefit plans and coverage of insureds in jail custody.

LEGISLATIVE BILL 343. Introduced by Kolowski, 31.

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

LEGISLATIVE BILL 344. Introduced by Kolowski, 31.

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


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

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

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

LEGISLATIVE BILL 349. Introduced by Krist, 10.

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

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

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

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

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1003, 79-1005.01, and 79-1008.02, Reissue Revised Statutes of Nebraska; to change provisions relating to allocated income tax funds; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 353. Introduced by Campbell, 25.

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

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

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

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

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

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

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

LEGISLATIVE BILL 362. Introduced by Krist, 10.

A BILL FOR AN ACT relating to schools; to amend section 79-1096, Reissue Revised Statutes of Nebraska; to change provisions relating to eminent domain takings; and to repeal the original section.
LEGISLATIVE BILL 363. Introduced by Nordquist, 7.

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

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

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

LEGISLATIVE BILL 368.Introduced by Groene, 42.

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

LEGISLATIVE BILL 369. Introduced by Riepe, 12.

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

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

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

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

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

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

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

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

A BILL FOR AN ACT relating to school buses; to amend sections 79-601 and 79-609, Reissue Revised Statutes of Nebraska; to require lap-shoulder belts as
prescribed; to require instruction regarding use of certain belts; to require the use of certain belts; to state intent regarding liability; and to repeal the original sections.

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

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

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

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

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

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

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

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

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

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

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

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

**LEGISLATIVE BILL 384.** Introduced by Lindstrom, 18.
A BILL FOR AN ACT relating to revenue and taxation; to provide for reclassification of agricultural land and horticultural land as prescribed; and to provide an operative date.


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

LEGISLATIVE BILL 386. Introduced by Watermeier, 1.

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

LEGISLATIVE BILL 387. Introduced by Schnoor, 15.

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

LEGISLATIVE BILL 388. Introduced by Hansen, 26.

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

LEGISLATIVE BILL 391. Introduced by Crawford, 45.

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

LEGISLATIVE BILL 393. Introduced by Schilz, 47.

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

LEGISLATIVE BILL 394. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-564 and 37-568, Reissue Revised Statutes of Nebraska; to change provisions relating
to interference with a person hunting, trapping, or fishing; and to repeal the original sections.

LEGISLATIVE BILL 395. Introduced by Schilz, 47.

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

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

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

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

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

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

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

LEGISLATIVE BILL 399. Introduced by Smith, 14.

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

LEGISLATIVE BILL 400. Introduced by Smith, 14.

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

LEGISLATIVE BILL 400A. Introduced by Smith, 14.

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

LEGISLATIVE BILL 402. Introduced by Baker, 30; Davis, 43; Kuehn, 38; Schilz, 47.
A BILL FOR AN ACT relating to education; to amend sections 79-1336 and 79-1337, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Cumulative Supplement, 2014; to change and eliminate provisions relating to distance education incentives; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 403. Introduced by Davis, 43.

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

LEGISLATIVE BILL 404. Introduced by Davis, 43.

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

LEGISLATIVE BILL 406. Introduced by Morfeld, 46.

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

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

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

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

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

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

A BILL FOR AN ACT relating to the Access College Early Scholarship Program Act; to amend sections 85-2102 and 85-2104, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to eligibility; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 411. Introduced by Cook, 13.

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


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

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

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

LEGISLATIVE BILL 418. Introduced by Nordquist, 7.

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

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

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

LEGISLATIVE BILL 423A. Introduced by Nordquist, 7.

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

LEGISLATIVE BILL 425. Introduced by Riepe, 12.

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

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

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

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

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

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

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

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

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

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

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

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

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

**LEGISLATIVE BILL 436.** Introduced by Cook, 13.
A BILL FOR AN ACT relating to appropriations; to state intent to appropriate funds for pediatric oral health services.

LEGISLATIVE BILL 438. Introduced by Morfeld, 46.

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

LEGISLATIVE BILL 440. Introduced by Morfeld, 46.

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

LEGISLATIVE BILL 442. Introduced by Bolz, 29.

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

LEGISLATIVE BILL 443. Introduced by Bolz, 29.

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

LEGISLATIVE BILL 444. Introduced by Groene, 42.

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

LEGISLATIVE BILL 445. Introduced by Groene, 42.

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

LEGISLATIVE BILL 447. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Class V School Employees Retirement Act; to amend sections 79-978, 79-980, 79-981, 79-982, 79-983, 79-984,
79-985, 79-986, 79-987, 79-989, 79-990, 79-991, 79-992, 79-996, 79-998, 79-9,102, 79-9,103, 79-9,105, 79-9,107, 79-9,108, 79-9,109, 79-9,111, 79-9,113, 79-9,115, and 79-9,117. Reissue Revised Statutes of Nebraska; to define and redefine terms; to change membership of the board of trustees; to change provisions relating to administration of the retirement system and the services and benefits provided by the system; to provide a penalty; to provide immunity from liability; to harmonize provisions; and to repeal the original sections.

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

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

LEGISLATIVE BILL 448A. Introduced by Nordquist, 7.

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

LEGISLATIVE BILL 450. Introduced by Mello, 5.

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


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

LEGISLATIVE BILL 453. Introduced by Hilkemann, 4.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend sections 81-2014.01, 81-2017, 81-2026, 81-2027.08, and 81-2041,
Reissue Revised Statutes of Nebraska; to redefine a term; to change benefit calculation and adjustment; to eliminate certain state contributions as prescribed; to change DROP requirements; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 470. Introduced by Hansen, 26.

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

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

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

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

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

LEGISLATIVE BILL 472A. Introduced by Campbell, 25.

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

LEGISLATIVE BILL 473. Introduced by Chambers, 11.

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

LEGISLATIVE BILL 474. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 37-201, 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes
Cumulative Supplement, 2014; to provide for Mountain Lion Protection Plates; to create the Game and Parks Commission Educational Fund and provide for its use; to harmonize provisions; and to repeal the original sections.

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

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

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

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

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

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

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

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

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

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

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

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

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

A BILL FOR AN ACT relating to appropriations; to state intent relating to appropriations to the Department of Health and Human Services for child welfare; and to declare an emergency.
LEGISLATIVE BILL 486. Introduced by Schilz, 47.

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

LEGISLATIVE BILL 487. Introduced by Schilz, 47.

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

LEGISLATIVE BILL 488. Introduced by Scheer, 19.

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

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

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

LEGISLATIVE BILL 491. Introduced by Morfeld, 46.

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

LEGISLATIVE BILL 492. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to register of deeds document recording fees; to amend sections 25-2154, 33-109, 52-1004, and 77-3903, Revised Statutes Cumulative Supplement, 2014; to allow additional uses of fees charged by the register of deeds office for preservation and maintenance of records; to harmonize provisions; to change fees; and to repeal the original sections.
LEGISLATIVE BILL 493. Introduced by Nordquist, 7; Crawford, 45; Haar, K., 21; Hansen, 26; Howard, 9; Kolowski, 31; Morfeld, 46; Pansing Brooks, 28.

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

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

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

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

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

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

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

LEGISLATIVE BILL 497. Introduced by Hadley, 37.

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

LEGISLATIVE BILL 499. Introduced by Krist, 10.

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

LEGISLATIVE BILL 501. Introduced by Krist, 10.

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

LEGISLATIVE BILL 502. Introduced by Krist, 10.
A BILL FOR AN ACT relating to courts; to state intent relating to the establishment of a family court pilot project.

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

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

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

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

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

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

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

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

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

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

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

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

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

A BILL FOR AN ACT relating to the Nebraska Oil and Gas Conservation Commission; to amend sections 57-901, 57-903, 57-905, 57-911, 57-913, 57-914, 57-915, 57-916, 57-916.01, 57-917, 57-918, 57-919, 57-920, 57-921, 57-922, and 81-1531.01, Reissue Revised Statutes of Nebraska; to provide powers and duties to the commission regarding the monitoring and regulation of the disposal in Nebraska of out-of-state produced wastewater; to define terms; to
charge an assessment; to create a fund; to provide funds for road damage and new road infrastructure; to harmonize provisions; and to repeal the original sections.

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

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

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

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

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

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

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

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

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

A BILL FOR AN ACT relating to state aid to education; to amend sections 79-309.01, 79-1001, 79-1003, 79-1003.01, 79-1005.01, 79-1007.05, 79-1007.06, 79-1007.08, 79-1007.12, 79-1007.14, 79-1007.15, 79-1007.18, 79-1008.01, 79-1008.02, 79-1009, 79-1015.01, 79-1017.01, 79-1018.01, 79-1022, 79-1035, 79-1035.02, 79-1036, and 84-612, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to state aid to schools; to provide for apportionment funds and student support aid; to provide for a transfer from the Cash Reserve Fund; to harmonize provisions; to repeal the original sections; and
to outright repeal sections 79-1007.04 and 79-1007.17, Reissue Revised Statutes of Nebraska.

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

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

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

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

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

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

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

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

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

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

**LEGISLATIVE BILL 531.** Introduced by Kolterman, 24.
A BILL FOR AN ACT relating to insurance; to provide requirements for publication of information relating to health insurance policies, health plans, and health maintenance organization subscriptions; to provide duties for the Department of Insurance; and to provide for civil penalties.

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

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

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

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

LEGISLATIVE BILL 534. Introduced by Groene, 42.

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

LEGISLATIVE BILL 535. Introduced by Smith, 14.

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

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

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

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

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

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

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.15, Revised Statutes Cumulative Supplement, 2014; to provide a sales tax exemption for purchases by county agricultural societies; to provide an operative date; and to repeal the original section.
LEGISLATIVE BILL 543. Introduced by Harr, B., 8.

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

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

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

LEGISLATIVE BILL 548. Introduced by Campbell, 25.

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

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

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

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

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

LEGISLATIVE BILL 551. Introduced by Nordquist, 7.

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

LEGISLATIVE BILL 552. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-304.02, Reissue Revised Statutes of Nebraska; to change a requirement for preparing a written review of all audit, accounting, or financial reports; to harmonize provisions; and to repeal the original section.
LEGISLATIVE BILL 553. Introduced by Gloor, 35.

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

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

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


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.


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.


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

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

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

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

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

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

A BILL FOR AN ACT relating to schools; to amend section 79-1091, Reissue Revised Statutes of Nebraska; to change provisions relating to the school fiscal year; and to repeal the original section.
LEGISLATIVE BILL 564. Introduced by Lindstrom, 18; Schilz, 47.

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

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

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

LEGISLATIVE BILL 567. Introduced by Johnson, 23.

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

LEGISLATIVE BILL 568. Introduced by Brasch, 16.

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

LEGISLATIVE BILL 569. Introduced by Brasch, 16.

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

LEGISLATIVE BILL 572. Introduced by Davis, 43.

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

LEGISLATIVE BILL 573. Introduced by Davis, 43.

A BILL FOR AN ACT relating to health care; to amend section 84-602.02, Reissue Revised Statutes of Nebraska, and sections 49-801.01, 77-2701, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2014; to adopt the Health Enterprise Zone Act; to provide for
health enterprise zone tax credits; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

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

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

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

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

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

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

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

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

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

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

A BILL FOR AN ACT relating to appropriations; to amend sections 84-612 and 85-1401, Reissue Revised Statutes of Nebraska; to provide for a transfer from the Cash Reserve Fund; to state findings and intent; to create a fund; to provide
powers and duties for the Coordinating Commission for Postsecondary Education; to harmonize provisions; and to repeal the original sections.

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

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

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

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

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

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

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

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

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

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

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

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1016, Reissue Revised Statutes of Nebraska; to change provisions relating to the taxable value certified by county assessors; and to repeal the original section.
LEGISLATIVE BILL 592. Introduced by Bolz, 29; Chambers, 11; Krist, 10; Mello, 5; Schumacher, 22; Seiler, 33.

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

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

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


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

LEGISLATIVE BILL 595. Introduced by Davis, 43.

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

LEGISLATIVE BILL 596. Introduced by Davis, 43.

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

LEGISLATIVE BILL 597. Introduced by Davis, 43.
A BILL FOR AN ACT relating to contract carriers; to amend section 75-109.01, Revised Statutes Cumulative Supplement, 2014; to adopt the Contract Carrier Safety Act; to provide civil penalties; to provide jurisdiction to the Public Service Commission; and to repeal the original section.

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

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

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

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

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

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

LEGISLATIVE BILL 603. Introduced by Bloomfield, 17.

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

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

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

LEGISLATIVE BILL 608. Introduced by Mello, 5.
A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1229, 77-1230, and 77-4105, Reissue Revised Statutes of Nebraska, and sections 77-123, 77-202, 77-1233.04, 77-1502, 77-2711, 77-27,119, and 77-5725, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to dates for personal property taxes, property tax exemptions, sales tax record-keeping, and audits; to harmonize provisions; to provide an operative date; and to repeal the original sections.

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

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

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 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 613. Introduced by Kintner, 2; Bloomfield, 17; Ebke, 32; Gar rrett, 3; Groene, 42; Hughes, 44; Larson, 40; Lindstrom, 18; McCollister, 20; Scheer, 19; Schilz, 47; 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 614. Introduced by Kintner, 2; Bloomfield, 17; Ebke, 32; Garrett, 3; Larson, 40; Lindstrom, 18; McCollister, 20; Schilz, 47; Smith, 14; Watermeier, 1; Crawford, 45.

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

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

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

LEGISLATIVE BILL 618. Introduced by Larson, 40.

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

LEGISLATIVE BILL 619. Introduced by Larson, 40.

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

LEGISLATIVE BILL 619A. Introduced by Larson, 40.

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

LEGISLATIVE BILL 620. Introduced by Larson, 40.

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

LEGISLATIVE BILL 621. Introduced by Larson, 40.

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

LEGISLATIVE BILL 622. Introduced by Larson, 40.
A BILL FOR AN ACT relating to the Niobrara Scenic River Act; to amend sections 72-2006 and 72-2007, Reissue Revised Statutes of Nebraska; to redefine a term; to change membership provisions of the Niobrara Council; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 624. Introduced by Larson, 40.

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

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

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

LEGISLATIVE BILL 626. Introduced by Campbell, 25.

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

LEGISLATIVE BILL 628.Introduced by Schilz, 47.

A BILL FOR AN ACT relating to insurance; to provide procedures for electronic delivery of notices and documents and Internet posting of property and casualty insurance policies.

LEGISLATIVE BILL 630. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Security, Privacy, and Dissemination of Criminal History Information Act; to amend section 29-3517, Reissue Revised Statutes of Nebraska; to provide duties for the Nebraska State Patrol regarding criminal history record information checks; and to repeal the original section.

LEGISLATIVE BILL 631. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-906, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to acceptance of and assent to certain federal laws as prescribed; and to repeal the original section.

LEGISLATIVE BILL 632. Introduced by Scheer, 19; Kolterman, 24.

A BILL FOR AN ACT relating to insurance; to prohibit employers and associations from precluding certain contracts relating to health benefit plans; and to provide a duty for the Revisor of Statutes.
LEGISLATIVE BILL 633. Introduced by Stinner, 48; Haar, K., 21; Nordquist, 7; Watermeier, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for state aid to municipalities and counties.

LEGISLATIVE BILL 634. Introduced by Garrett, 3; Bloomfield, 17; Schnoor, 15; Stinner, 48.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-201 and 37-405, Revised Statutes Cumulative Supplement, 2014; to provide for issuance of permits for prisoners of war as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 635. Introduced by Garrett, 3; Bloomfield, 17; Schnoor, 15.

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

LEGISLATIVE BILL 636. Introduced by Garrett, 3; Schnoor, 15; Stinner, 48.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-421.01, Revised Statutes Cumulative Supplement, 2014; to provide for a discounted permit for deployed military and spouses while on leave as described; and to repeal the original section.

LEGISLATIVE BILL 637. Introduced by Garrett, 3; Schnoor, 15; Stinner, 48.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-419, Reissue Revised Statutes of Nebraska; to provide for a resident permit for spouses of persons in military service as prescribed; and to repeal the original section.

LEGISLATIVE BILL 638. Introduced by Garrett, 3; Schnoor, 15; Stinner, 48.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2434, Reissue Revised Statutes of Nebraska, and section 69-2436, Revised Statutes Cumulative Supplement, 2014; to change permit expiration provisions for members of the armed forces or their spouses as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 639. Introduced by Garrett, 3.

A BILL FOR AN ACT relating to road signs; to amend section 39-220, Reissue Revised Statutes of Nebraska; to provide for the issuance of permits to control vegetation obscuring advertising signage along highways as prescribed; to provide duties for the Department of Roads; and to repeal the original section.
LEGISLATIVE BILL 643. Introduced by Garrett, 3; Craighead, 6; Ebke, 32; Pansing Brooks, 28; Haar, K., 21; Coash, 27; Howard, 9; Krist, 10; McCollister, 20; Campbell, 25; Cook, 13; Johnson, 23; Nordquist, 7; Schumacher, 22; Chambers, 11.

A BILL FOR AN ACT relating to cannabis; to amend section 77-4303, Reissue Revised Statutes of Nebraska; to adopt the Cannabis Compassion and Care Act; to provide for taxation as prescribed; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 643A. Introduced by Garrett, 3.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 643, One Hundred Fourth Legislature, First Session, 2015.

LEGISLATIVE BILL 645. Introduced by Nordquist, 7; Campbell, 25; Cook, 13; Howard, 9; Kolowski, 31; Mello, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-801.01, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2014; to adopt the Early Childhood Workforce Development Opportunity Act; to provide income tax credits; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 646. Introduced by Kintner, 2; Brasch, 16; Craighead, 6; Ebke, 32; Groene, 42; Larson, 40; Lindstrom, 18; Murante, 49; Schilz, 47; Schnoor, 15.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend section 84-1413, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to secret ballots; and to repeal the original section.

LEGISLATIVE BILL 647. Introduced by Nordquist, 7; Campbell, 25; Howard, 9; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to children; to amend sections 43-2,129, 43-1311.01, and 71-1902, Revised Statutes Cumulative Supplement, 2014; to prohibit discrimination relating to placement of children as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 648. Introduced by Howard, 9; Hansen, 26; Morfeld, 46; Nordquist, 7; Pansing Brooks, 28.

A BILL FOR AN ACT relating to adoption; to amend sections 43-101, 43-104.08, 43-104.13, 43-104.15, 43-104.18, 43-104.19, and 43-111, Reissue Revised Statutes of Nebraska; to provide for adoption by two adult persons jointly; to harmonize provisions; and to repeal the original sections.
A BILL FOR AN ACT relating to public records; to amend section 84-712.01, Reissue Revised Statutes of Nebraska; to provide that certain votes of public officials are public record; and to repeal the original section.

LEGISLATIVE BILL 650. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to vaccinations; to amend section 71-467, Revised Statutes Cumulative Supplement, 2014; to encourage hospitals to offer vaccinations as prescribed; and to repeal the original section.

LEGISLATIVE BILL 652. Introduced by Transportation and Telecommunications Committee: Smith, 14, Chairperson; Brasch, 16; Davis, 43; Friesen, 34; Garrett, 3; Seiler, 33; McCoy, 39.

A BILL FOR AN ACT relating to telecommunications; to amend sections 28-1311, 75-132.01, 77-2703.04, 84-712.05, 86-163, 86-435, 86-438, 86-457, 86-463, and 86-903, Reissue Revised Statutes of Nebraska, and sections 75-109.01 and 75-156, Revised Statutes Cumulative Supplement, 2014; to adopt the 911 Emergency Services Communications Act; to change the offense of interference with a public service company; to provide powers and duties for the Public Service Commission; to change provisions relating to use of funds; to terminate a certain surcharge; to change a fee; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 653. Introduced by Johnson, 23; Kolowski, 31; Nordquist, 7.

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

LEGISLATIVE BILL 654. Introduced by Seiler, 33.

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

LEGISLATIVE BILL 655. Introduced by Davis, 43.

A BILL FOR AN ACT relating to retirement; to amend sections 4-108, 16-1020, 84-1501, 84-1503, and 84-1511, Reissue Revised Statutes of Nebraska; to adopt the Cities of the First Class Firefighters Cash Balance Retirement Act; to create funds; to change provisions relating to the Public Employees Retirement Board; to harmonize provisions; to repeal the original sections; and to declare an emergency.
LEGISLATIVE BILL 664. Introduced by Chambers, 11; Baker, 30; Bolz, 29; Campbell, 25; Cook, 13; Craighead, 6; Crawford, 45; Davis, 43; Ebke, 32; Friesen, 34; Groene, 42; Haar, K., 21; Harr, B., 8; Hughes, 44; Johnson, 23; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; McCollister, 20; Mello, 5; Nordquist, 7; Pansing Brooks, 28; Riepe, 12; Schilz, 47; Schnoor, 15; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Williams, 36.

A BILL FOR AN ACT relating to the Nebraska Oil and Gas Conservation Commission; to amend sections 57-903 and 57-905, Reissue Revised Statutes of Nebraska; to provide duties for the commission regarding the disposal of wastewater; to define a term; to repeal the original sections; and to declare an emergency.
LEGISLATIVE RESOLUTION 7CA. Introduced by Schumacher, 22.

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

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

To amend Article III, sections 7 and 12:

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

III-12 (1) No person shall be eligible to serve as a member of the Legislature for four six years next after the expiration of two consecutive terms regardless of the district represented. This section applies to consecutive four-year terms, consecutive six-year terms, and consecutive terms of four years and six years.

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

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

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

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

LEGISLATIVE RESOLUTION 26CA. Introduced by Larson, 40.

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

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

To amend Article III, section 8, Article IV, section 2, and Article V, section 7:

III-8 A No person is shall be eligible for to the office of member of the Legislature if, unless on the date of the general election at which such person he is elected, or on the date of his or her appointment, such person he is a registered voter, has attained the federal voting age, of twenty-one years and has resided within the district from which he or she is elected or appointed for the term of one year next before his or her election or appointment unless such person has, unless he shall have been absent on the public business of the United States or of this State. A And no person elected or appointed to the office of member of the Legislature as aforesaid shall not hold such his office after he or she has shall have removed from such district.

IV-2 A person shall be eligible to any public office, whether elected or appointed, if such person has attained the federal voting age, subject to qualifications, other than age, established by law. A No person shall be eligible to the office of Governor, or Lieutenant Governor if he or she has, who shall not have attained the age of thirty years, and who shall not have been for five years next preceding his or her election a resident and citizen of this state and a citizen of the United States. Any None of the appointive officers mentioned in this article shall not be eligible to any other state office during the period for which they have been appointed.

V-7 A person shall be eligible to any public office, whether elected or appointed, if such person has attained the federal voting age, subject to qualifications, other than age, established by law. A No person shall be eligible to the office of Chief Justice or Judge of the Supreme Court if such person is unless he shall be at least thirty years of age, and a citizen of the United States, and has shall have resided in this state at least three years next preceding his or her selection; and nor, in the case of a Judge of the Supreme Court selected from a Supreme Court judicial district, if unless he or she is shall be a resident and elector of the district from which selected.

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

A constitutional amendment to provide and change eligibility requirements for public office.

For
Against.
LEGISLATIVE RESOLUTION 31CA. Introduced by Bloomfield, 17; Brasch, 16; Coash, 27; Groene, 42; Kintner, 2; Krist, 10; Morfeld, 46.

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

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

To amend Article III, section 12:

III-12 (1) No person shall be eligible to serve as a member of the Legislature for four years next after the expiration of two consecutive full terms regardless of the district represented.

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

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

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

A constitutional amendment to change the limit on terms of members of the Legislature to two consecutive full terms.

For Against.

LEGISLATIVE RESOLUTION 35. Introduced by Ebke, 32.

WHEREAS, the founders of our constitution empowered state legislators to be guardians of liberty against future abuses of power by the federal government; and

WHEREAS, the federal government has created a crushing national debt through improper and imprudent spending; and

WHEREAS, the federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent; and

WHEREAS, the federal government has ceased to live under a proper interpretation of the Constitution of the United States; and

WHEREAS, it is the solemn duty of the states to protect the liberty of our people—particularly for the generations to come—by proposing Amendments to the Constitution of the United States through a Convention of the States under Article V for the purpose of restraining these and related abuses of power.

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

1. The Legislature of the State of Nebraska hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.
2. The Clerk of the Legislature shall transmit copies of this application to the President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, to the members of the Senate and House of Representatives from this state, and to the presiding officers of each of the legislative houses in the several states, requesting their cooperation.
3. This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made applications on the same subject.

LEGISLATIVE RESOLUTION 73. Introduced by Ebke, 32; Chambers, 11.

WHEREAS, the President and Vice President of the United States are elected by the Electoral College which consists of 538 presidential electors from the fifty states and the District of Columbia; and
WHEREAS, a candidate must currently receive a majority of 270 electoral votes to win the office of President or Vice President; and
WHEREAS, Article II, Section 1, Clause 2, of the United States Constitution requires each state legislature to determine how presidential electors for each state are chosen; and
WHEREAS, in every state except Maine and Nebraska, presidential electors are chosen by a "winner-take-all" method which awards all presidential electors to the candidate who receives the most votes in those states; and
WHEREAS, Maine and Nebraska use a proportional method whereby presidential electors are allocated based on the popular vote winner within each state's congressional districts and the statewide popular vote winner receives two additional presidential electors; and
WHEREAS, advocates of the proportional method for allocating presidential electors believe it encourages grassroots organizing within each congressional district and incentivizes presidential candidates to broaden their campaigns in otherwise noncompetitive states; and
WHEREAS, in the interest of fairness, all states should have the same method for allocating presidential electors and the proportional method is most democratic method while still maintaining the Electoral College.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature urges each state to adopt or continue the proportional method for allocating presidential electors.
2. That a copy of this resolution be sent to each state legislature.

LEGISLATIVE RESOLUTION 201. Introduced by Sullivan, 41; Baker, 30; Brasch, 16; Cook, 13; Gloor, 35; Groene, 42; Hadley, 37; Harr, B., 8; Hilkemann, 4; Kolowski, 31; Mello, 5; Morfeld, 46; Pansing Brooks, 28; Scheer, 19; Schnoor, 15; Schumacher, 22; Smith, 14.

WHEREAS, providing quality education through Nebraska's public schools is essential to the quality of life for all citizens of the state; and
WHEREAS, school finance is a complex combination of education and tax issues; and
WHEREAS, the first recommendation by the 2013 Tax Modernization Committee regarding property taxes was to increase the state aid commitment to
RESOLUTIONS

WHEREAS, schools to offset property tax use and reduce property taxes as a share of total state and local taxes; and

WHEREAS, the need to continually review and update policy in response to changing circumstances also applies to the interaction between school funding and tax policies in the state; and

WHEREAS, the Legislature is the appropriate forum for discourse and community involvement to develop school finance and tax policy to enhance Nebraska's system of quality education within the context of state priorities and fiscal limitations.

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

1. The School Finance Modernization Committee is created as a special legislative committee and shall comprise:
   (a) The members of the Education Committee;
   (b) The members of the Revenue Committee;
   (c) The chairperson and vice-chairperson of the Appropriations Committee;
   (d) The chairperson of the Legislature's Planning Committee; and
   (e) The Speaker of the Legislature.

2. The chairperson of the Education Committee shall serve as the chairperson and the chairperson of the Revenue Committee shall serve as the vice-chairperson of the School Finance Modernization Committee, which shall meet as often as is deemed necessary in order to accomplish the objectives expressed in this resolution. At least one meeting shall be held concurrently with a meeting of the Legislative Council convened by the chairperson of the Executive Board.

3. The School Finance Modernization Committee shall continue the work of the Tax Modernization Committee with respect to examining the financing of public schools in Nebraska and developing recommendations for improving school finance in Nebraska. The committee shall consider, but not be limited to, the following issues:
   (a) Efficiency and effectiveness in the availability and the use of tax resources necessary to successfully educate the public school students of Nebraska;
   (b) Fairness and equity for taxpayers and public school students in all parts of the state;
   (c) Competitiveness for the state in terms of the state's ability to attract and keep well-paying jobs and investments based on the economic climate and a workforce educated for success;
   (d) Stability in the resources available to school districts and the tax expectations for citizens of the state, particularly in times of economic volatility; and
   (e) Simplicity, to the extent practical, to meet the wide variances in the circumstances of students and taxpayers across the state.

4. The School Finance Modernization Committee shall examine school finance and taxing systems in other states and relevant studies and literature with a focus on the mix of taxable resources used to support education, strategies for addressing economic volatility, and other issues as determined by the committee.

5. The School Finance Modernization Committee may require any state agency or political subdivision to provide information relevant to the committee's work, and the state agency or political subdivision shall provide the information
requested to the committee within thirty days after the request. All such requests shall be made only by the chairperson or vice-chairperson of the committee. The committee may hold public hearings and may, pursuant to section 50-406 and the rules of the Legislature, exercise its authority to administer oaths, issue subpoenas, compel attendance of witnesses and the production of documents, and cause depositions of witnesses to be taken in the manner prescribed by law for taking depositions in civil actions in the district court.

6. The School Finance Modernization Committee shall utilize the services of an outside facilitator with expertise in neutral facilitation who does not have a professional or financial interest in school or tax policy in Nebraska to assist the committee with the study. The facilitator shall be selected by the chairperson and vice-chairperson of the committee in consultation with the chairperson of the Executive Board of the Legislative Council.

7. The School Finance Modernization Committee shall issue a report to the Executive Board of the Legislative Council and to the Governor not later than December 15, 2015, containing any recommendations and proposed language for any needed legislation. The report to the Legislature shall be submitted electronically.
FIRST DAY - JANUARY 6, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 6, 2016

PRAYER

The prayer was offered by Senator Williams.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska Army National Guard.

ROLL CALL

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the One Hundred Fourth Legislature, Second Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol at the hour of 10:00 a.m., on Wednesday, January 6, 2016, and was called to order by President Foley.

The roll was called and the following members were present:

Baker, Roy
Bloomfield, Dave
Bolz, Kate
Brasch, Lydia
Campbell, Kathy
Chambers, Ernie
Coash, Colby
Cook, Tanya
Craighead, Joni
Crawford, Sue
Davis, Al
Ebke, Laura
Fox, Nicole
Friesen, Curt
Garrett, Tommy L.
Gloor, Mike

Groene, Mike
Haar, Ken
Hadley, Galen
Hansen, Matt
Harr, Burke J.
Hil kemann, Robert
Howard, Sara
Hughes, Dan
Johnson, Jerry
Kintner, Bill
Kolowski, Rick
Kolterman, Mark A.
Krist, Bob
Kuehn, John L.
Larson, Tyson
Lindstrom, Brett

McCollister, John S.
McCoy, Beau
Mello, Heath
Morfeld, Adam
Murante, John
Pansing Brooks, Patty
Riepe, Merv
Scheer, Jim
Schnoor, David
Schumacher, Paul
Seiler, Les
Smith, Jim
Stinner, John P.
Sullivan, Kate
Watermeier, Dan
Williams, Matt

The following member was excused:

Schilz, Ken
MOTION - Adopt Temporary Rules

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

The motion prevailed.

RESIGNATION

June 30, 2015

Governor Pete Ricketts
Office of the Governor
P.O. Box 94848
Lincoln, NE 68509-4848

Dear Governor Ricketts,

I am resigning from the Nebraska Legislature effective at midnight tonight, Tuesday, June 30, 2015.

It has been an honor representing the people of downtown and South Omaha in the Nebraska Legislature for the past seven years. The Unicameral is a truly unique institution that facilitates thoughtful discussion and debate about critical issues facing our state. I feel blessed to have been a part of it.

As you begin the process to find a qualified candidate to fill the remainder of my legislative term, I encourage you to think about the people of District 7 and the values they hold.

The residents of downtown and South Omaha work hard and deserve a representative that will work hard for them and stand up for families living paycheck to paycheck. They believe in a tax system that does not favor the wealthy or special interests. They know that strong public schools create unlimited opportunity for their children. The South Omaha community has welcomed immigrants for generations and the community wants our state to be just as welcoming.

The citizens of District 7 deserve to have their values and their voices heard next session in the Unicameral. Appointing a candidate that does not share their values and does not work in their best interest would certainly be unfortunate; it would also be an affront to our democracy.

God bless you, and God bless the state of Nebraska.

(Signed) Senator Jeremy Nordquist
District 7
MESSAGE FROM THE GOVERNOR
August 18, 2015

Nicole Fox
105 South 9th Street, #405
Omaha, NE 68102

Dear Ms. Fox:

It is my pleasure to appoint you as a member of the Nebraska Legislature representing District 7 effective August 18, 2015. Your term will continue until January 3, 2017. Your knowledge and input are valuable and your willingness to serve in this important position is appreciated.

Congratulations and best wishes.

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosure

GUBERNATORIAL APPOINTMENT

Greetings To All Who Shall See These Presents Know Ye, that I, Pete Ricketts, on behalf of the State of Nebraska and as Governor, do hereby appoint Nicole Fox as a member of the Nebraska Legislature - District 7.

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 August 18, 2015, and continue until January 3, 2017, provided you shall satisfactorily perform all the duties imposed by law.

(Signed) Pete Ricketts
Governor

(Signed) John A. Gale
Secretary of State

OFFICIAL OATH

STATE OF NEBRASKA )
) ss.
County of Lancaster )

"I, Nicole Fox, do solemnly swear (or affirm) that I will support the
Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Legislature, District 7 according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I 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 may give or withhold on any bill, resolution, or appropriation).”*

(Signed) Nicole Fox

Subscribed in my presence and sworn to before me this 18th day of August, 2015.

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

*Constitution of the State of Nebraska, Article XV, Section One.
For Executive, Judicial Officers and Members of the Legislature.

CERTIFICATE

State of Nebraska

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

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, Second Session, 2016.

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, Second Session, 2016.

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 on this date of January 6, 2016.

(SEAL) (Signed) John A. Gale
Secretary of State
<table>
<thead>
<tr>
<th>DISTRICT/NAME</th>
<th>ELECTED</th>
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<tbody>
<tr>
<td>1 Dan Watermeier</td>
<td>November 6, 2012</td>
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<td>2 Bill Kintner</td>
<td>November 4, 2014</td>
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<td>3 Tommy Garrett</td>
<td>November 4, 2014</td>
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<td>4 Robert Bob Hilkemann</td>
<td>November 4, 2014</td>
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<td>5 Heath Mello</td>
<td>November 6, 2012</td>
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<tr>
<td>6 Joni Craighead</td>
<td>November 4, 2014</td>
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<tr>
<td>7 Nicole Fox - Appointed</td>
<td>August 18, 2015</td>
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<tr>
<td>8 Burke J. Harr</td>
<td>November 4, 2014</td>
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<td>9 Sara Howard</td>
<td>November 6, 2012</td>
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<td>10 Bob Krist</td>
<td>November 4, 2014</td>
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<td>11 Ernie Chambers</td>
<td>November 6, 2012</td>
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<td>12 Merv Riepe</td>
<td>November 4, 2014</td>
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<td>13 Tanya Cook</td>
<td>November 6, 2012</td>
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<td>14 Jim Smith</td>
<td>November 4, 2014</td>
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<tr>
<td>15 David Schnoor - Appointed</td>
<td>December 12, 2014</td>
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<td>16 Lydia Brash</td>
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<td>17 Dave Bloomfield</td>
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<td>18 Brett Lindstrom</td>
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<td>19 Jim Scheer</td>
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<td>20 John S. McCollister</td>
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<td>22 Paul Schumacher</td>
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<td>24 Mark A. Koltermann</td>
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<td>25 Kathy Campbell</td>
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<td>27 Colby Coash</td>
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<td>28 Patty Pansing Brooks</td>
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<td>29 Kate Bolz</td>
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<td>30 Roy Baker</td>
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<td>31 Rick Kolowski</td>
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<td>32 Laura Ebke</td>
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<td>33 Les Seiler</td>
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<td>34 Curt Friesen</td>
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<td>35 Mike Gloor</td>
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<td>36 Matt Williams</td>
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<td>37 Galen Hadley</td>
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<td>38 John L. Kuehn</td>
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<td>39 Beau McCoy</td>
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<td>40 Tyson Larson</td>
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<td>41 Kate Sullivan</td>
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<td>42 Michael Groene</td>
<td>November 4, 2014</td>
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<td>43 Al Davis</td>
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<td>44 Dan Hughes</td>
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<td>45 Sue Crawford</td>
<td>November 6, 2012</td>
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<td>46 Adam Morfeld</td>
<td>November 4, 2014</td>
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<td>47 Ken Schilz</td>
<td>November 6, 2012</td>
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<td>48 John P. Stinner Sr.</td>
<td>November 4, 2014</td>
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<tr>
<td>49 John Murante</td>
<td>November 6, 2012</td>
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</tbody>
</table>
June 3, 2015

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

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

Contingent upon your approval, the following individual is appointed as the Director of the Nebraska Department of Roads:

Kyle Schneweis, Department of Roads, 1500 Highway 2, Lincoln, NE 68509

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

June 24, 2015

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

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

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Exchange Stakeholder Commission:

Shari Flowers, 15822 Emline Street, Omaha, NE 68136
Patrick Booth, 1120 Timberwood Drive, Ames, NE 68621

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

Edward (Ed) Rieker, 915 North Emory Avenue, North Platte, NE 69101

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.
June 24, 2015

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

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

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

Stan H. Carpenter, 6731 Crooked Creek Dr., Lincoln, NE 68516

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

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosures

June 24, 2015

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

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

Contingent upon your approval, the following individual is being appointed to the Environmental Quality Council:

Hilary K. Maricle, 2985 State Hwy 39, Albion, NE 68620

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

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosures
July 6, 2015

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

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

Contingent upon your approval, the following individual is being appointed to the Nebraska Accountability and Disclosure Commission:

James J. Ziebarth, 2402 Hwy 44, Wilcox, NE 68982

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

Sincerely,

(Signed) Pete Ricketts  
Governor

Enclosures

July 23, 2015

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

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

Contingent upon your approval, the following individual is appointed as the Director of the Nebraska Department of Health and Human Services - Division of Children and Family Services:

Douglas J. Weinberg, MBA/CPA, 301 Centennial Mall South, Lincoln, NE 68509

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

Sincerely,

(Signed) Pete Ricketts  
Governor

Enclosures
July 23, 2015

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

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

Contingent upon your approval, the following individual is appointed as the Director of the Nebraska Department of Natural Resources:

Jeff Fassett, P.E., 100 N. 12 Street, #802, Lincoln, NE 68508

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

July 26, 2015

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

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

Contingent upon your approval, the following individual is being appointed to the Environmental Quality Council:

James W. Hawks, 3121 West Phillip, North Platte, NE 69101

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures
July 30, 2015

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

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

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

Brian Wachman, 6340 Glass Ridge Drive, Lincoln, NE 68526

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

JoAnna Briggs, Lincoln Police Department, 575 S. 10th Street, Lincoln, NE 68508

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

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosures

August 12, 2015

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

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

Contingent upon your approval, the following individual is appointed as the Director of the Nebraska Department of Health and Human Services - Division of Behavioral Health:

Sheri Dawson, R.N., 2929 Whitlock Road, Lincoln, NE 68516

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

Sincerely,

(Signed) Pete Ricketts
Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

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

Contingent upon your approval, the following individuals are being reappointed to the Beginning Farmer Board:

Bradley Lubben, 20508 Maple Circle, Eagle, NE 68347
Todd Reed, 8730 Colby Street, Lincoln, NE 68505
Donald Anthony, 43970 Road 758, Lexington, NE 68850

Contingent upon your approval, the following individuals are being appointed to the Beginning Farmer Board:

Nadine Hagedorn, 1815 F Road, West Point, NE 68788
Ryan Ueberrhein, 19107 Ohio Street, Elkhorn, NE 68022

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

Sincerely,

(Signed) Pete Ricketts
Governor

August 26, 2015

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

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

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

Edwin Bergstraesser, 1300 SW 24th Street, Lincoln, NE 68522

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

August 26, 2015

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

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

Contingent upon your approval, the following individual is appointed as the Director of the Nebraska Department of Health and Human Services - Division of Developmental Disabilities:

Yolanda Webb, 301 Centennial Mall South, Lincoln, NE 68508

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

August 26, 2015

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

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

Contingent upon your approval, the following individual is being reappointed to the Board of Parole:

Virgil J. Patlan Sr., 3305 E Street, Omaha, NE 68107

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.
Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Arts Council:

Kathryn LeBaron, 6130 The Knolls, Lincoln, NE 68512
Sherry McClymont, 1909 Wedgewood Drive, Holdrege, NE 68949
Patrick Drickey, 1510 Leavenworth Street, Omaha, NE 68102

Contingent upon your approval, the following individual is being appointed to the Nebraska Arts Council:

Harvey Varenhorst, P.O. Box 165, Nebraska City, NE 68410-0165

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

September 3, 2015

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

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

Timothy L. Else, 6171 Road U, Belvidere, NE 68315
The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

September 3, 2015

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

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

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

Cory L. Mueller, 238 S. 2nd Street, Seward, NE 68434

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

September 3, 2015

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

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

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

John Arley Rundel, 416 East C Street, Trenton, NE 69044

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

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosures

October 13, 2015

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

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

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

Kimberly Plouzek, 1417 County Road D, Dorchester, NE 68343
Keith Deiml, 905 Crest Road, Papillion, NE 68046

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

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosures

October 13, 2015

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

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

Contingent upon your approval, the following individual is being appointed to the Nebraska Ethanol Board:

Jan Tenbensel, 703 Nasby, Cambridge, NE 69022

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.
October 13, 2015

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

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

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

Charles Ward, 90235 Nollett Road, Valentine, NE 69201

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

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosures

November 5, 2015

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

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

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Rural Health Advisory Commission:

John A. E. Craig, M.D., 5737 S. 190 Terrace, Omaha, NE 68135
Roger Wells, PA-C, 1518 Jay Street, St. Paul, NE 68873
Michael A. Sitorius, M.D., 8115 Jackson Street, Omaha, NE 68144
Rebecca Schroeder, Ph.D., 212 W. 9th Street, Curtis, NE 69025
Mary J. Kent, 71565 625 Avenue, Table Rock, NE 68447

Contingent upon your approval, the following individual is being appointed to the Nebraska Rural Health Advisory Commission:
Laeth Nasir, MBBS (MD), 1865 South 110 Street, Omaha, NE 68144

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

November 5, 2015

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

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

Contingent upon your approval, the following individual is being appointed to the Foster Care Advisory Committee:

Kristin Huber, 10306 Washington Drive, Omaha, NE 68127

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

November 5, 2015

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

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

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

Brian Tessman, 12929 Jessie Avenue, Omaha, NE 68164

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

November 5, 2015

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

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

Contingent upon your approval, the following individual is being reappointed to the Commission for the Blind and Visually Impaired:

Michael D. Hansen, 5635 Lenox Avenue, Lincoln, NE 68510

Contingent upon your approval, the following individual is being appointed to the Commission for the Blind and Visually Impaired:

Mark M. Bulger, 7520 S. 135 Street, Omaha, NE 68138

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

November 5, 2015

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

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

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

Lowell Minert, P.O. Box 68, Dunning, NE 68833
The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

November 5, 2015

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

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

Contingent upon your approval, the following individual is being appointed to the State Emergency Response Commission:

Polly Jordening, 1432 Buckingham Drive, Grand Island, NE 68830

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

November 5, 2015

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

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

Please withdraw the following individual from consideration for confirmation of appointment as the Director of the Department of Health and Human Services - Division on Developmental Disabilities:

Yolanda Webb, Lincoln, NE

Sincerely,
December 1, 2015

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

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

Contingent upon your approval, the following individual is being appointed
to the State Highway Commission:

Mary K. Gerdes, 511 First Street, Johnson, NE 68378

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

December 3, 2015

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

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

Contingent upon your approval, the following individual is being appointed
to the Tax Equalization and Review Commission:

Steven Keetle, 14812 Berry Circle, Omaha, NE 68137

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures
December 8, 2015

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

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

Contingent upon your approval, the following individuals are being reappointed to the Board of Public Roads Classifications and Standards:

Roger Figard, 5411 Glade Street, Lincoln, NE 68506
LeRoy Gerrard, 814 E. 7th St., Box 108, Stromsburg, NE 68666
John F. Krager III, 15205 Bauman Avenue, Omaha, NE 68116
Lisa Kramer, 13263 County Road 38, Kennard, NE 68034
Darold Tagge, 204 West 15 Avenue, Holdrege, NE 68949
David Wacker, 907 N. Webster Avenue, Hastings, NE 68901
Timothy W. Weander, 17734 Castellar Circle, Omaha, NE 68130

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

December 8, 2015

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

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

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

Christopher P. Kircher, 15715 California Street, Omaha, NE 68118

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

Sincerely,
(Signed) Pete Ricketts
December 8, 2015

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

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

Contingent upon your approval, the following individual is being appointed to the Commission for the Blind and Visually Impaired:

Chad Bell, 2416 Rainbow Acres, Alliance, NE 69301

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

December 8, 2015

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

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

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

Shelly K. McQuillan, 1106 East G Street, Ogallala, NE 69153

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures
December 14, 2015

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

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

Contingent upon your approval, the following individual is appointed as the Director of the Nebraska Department of Health and Human Services - Division of Developmental Disabilities:

Courtney L. Miller, 5520 NW 3rd Street, Lincoln, NE 68521

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

December 15, 2015

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

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

Contingent upon your approval, the following individual is appointed as the Director of the Nebraska Department of Economic Development:

Courtney Dentlinger, 1309 N. 30 Street, Norfolk, NE 68701

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures
December 21, 2015

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

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

Contingent upon your approval, the following individual is appointed as the
Tax Commissioner of the Nebraska Department of Revenue:

Tony Fulton, P.E. Ameritus, 6100 S. 31 Street, Lincoln, NE 68516

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

December 30, 2015

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

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

Contingent upon your approval, the following individual is being
reappointed to the Game and Parks Commission:

Richard R. Bell, 9960 Bloomfield Drive, Omaha, NE 68114

Contingent upon your approval, the following individual is being appointed
to the Game and Parks Commission:

Dan C. Kreitman, 1689 County Road E, Wahoo, NE 68056

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

Sincerely,
(Signed) Pete Ricketts
Governor
Contingent upon your approval, the following individual is being reappointed to the Tax Equalization and Review Commission:

Robert W. Hotz, 8117 Imperial Circle, Lincoln, NE 68506

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

Sincerely,
(Signed) Pete Ricketts
Governor

ATTORNEY GENERAL'S OPINIONS
Opinion 15-011

SUBJECT: Constitutionality of Legislation Requiring Nonresident Drivers of Motor Vehicles to Carry Proof of Insurance or Financial Responsibility

REQUESTED BY: Senator Al Davis
Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
Lynn A. Melson, Assistant Attorney General

You have asked, "whether it would be lawful for the State to require that non-resident drivers provide proof of financial responsibility if stopped by a law enforcement officer on a public Nebraska highway, and provide for civil penalties for non-compliance." You state that the current requirement to carry proof of insurance applies only to Nebraska residents and that a police chief in your district has expressed concern for public safety. Your proposal is to amend Neb. Rev. Stat. § 60-3,167(1) by deleting the words "in this state" as follows:

(1) It shall be unlawful for any owner of a motor vehicle or trailer which
is being operated or towed with In Transit stickers pursuant to section 60-376, which is being operated or towed pursuant to section 60-365 or 60-369, or which is required to be registered in this state and which is operated or towed on a public highway of this state to allow the operation or towing of the motor vehicle or trailer on a public highway of this state without having a current and effective automobile liability policy, evidence of insurance, or proof of financial responsibility.

That statutory provision further provides that the owner who operates or allows the operation of the motor vehicle in violation of this section shall be guilty of a Class II misdemeanor. The owner is allowed ten days after the date of the law enforcement officer's request to produce proof to the appropriate prosecutor or county attorney that the owner had automobile insurance or proof of financial responsibility and the citation will then be dismissed.

We first note that § 60-3,167 is found within the Motor Vehicle Registration Act, Neb. Rev. Stat. §§ 60-301 to 60-3,222 (2010 and Cum. Supp. 2014). As a general rule, no motor vehicle may be operated on Nebraska highways unless it is registered in compliance with the Motor Vehicle Registration Act. Neb. Rev. Stat. § 60-362. In order to apply for registration of a motor vehicle, an owner must show proof of financial responsibility or evidence of insurance coverage. Neb. Rev. Stat. § 60-387. And, by paying the required registration fees, the owner certifies that he or she will maintain insurance or proof of financial responsibility and provide evidence of insurance or proof of financial responsibility upon demand. Neb. Rev. Stat. § 60-390. In other words, the provisions concerning proof of insurance currently found within this Act are tied to registration of a motor vehicle in Nebraska.1

The Motor Vehicle Registration Act includes certain provisions pertaining specifically to nonresidents. The right of a nonresident owner of a motor vehicle to operate that vehicle in Nebraska under a registration issued in another state is recognized in some circumstances. Neb. Rev. Stat. § 60-366(2) provides generally that a nonresident owner of a vehicle, which is properly registered in the place of which the owner is a resident and which displays the appropriate license plates, may operate the motor vehicle within Nebraska without registering the vehicle in Nebraska or paying any fees in this state. Section 60-366(3) requires that a nonresident owner "shall register such motor vehicle or trailer in the same manner as a Nebraska resident, after thirty days of continuous employment or presence in this state, unless the state of his or her legal residence grants immunity from such requirements to residents of this state operating a motor vehicle or towing a trailer in that state." Further, § 30-367 states that Nebraska statutes "relative to registration and display of registration numbers do not apply to a motor vehicle or trailer owned by a nonresident...if the owner thereof has complied with the provisions of the law of the foreign country, state, territory, or federal district of his or her residence relative to registration of
motor vehicles..." There are also separate provisions concerning particular nonresident vehicles such as trucks, truck-tractors, trailers and buses.

You have proposed to amend § 60-3,167(1) by deleting the words "in this state" in the first sentence which refers to motor vehicles required to be registered in this state. We note that the last sentence of subsection (1) states "[T]his subsection shall not apply to motor vehicles or trailers registered in another state." It seems to us that this language would also need to be amended. Depending on the language of your proposed amendment, it may also be appropriate or necessary to amend other provisions of the Act pertaining to nonresidents to eliminate any conflict or inconsistency within the Act. Also, for purposes of this opinion, we will presume that the intent of your proposed amendment is that nonresidents carry proof of insurance that is adequate under the laws of their state of residence and not necessarily adequate under Nebraska laws.

You have requested an opinion whether it would be "lawful" for the State to require nonresident drivers to also provide proof of insurance or financial responsibility as required by § 60-3,167 and to impose civil penalties for non-compliance. You did not set out any specific constitutional concerns regarding your proposal. We have previously indicated that a general question on the constitutionality of proposed legislation will necessarily result in a general response from this office. Op. Att'y Gen. No. 94012 (March 8, 1994). As a result, our response to your opinion request must be in general terms.

It seems to us that one area which might present potential constitutional issues with respect to your proposal involves the Equal Protection provisions of the state and federal constitutions. The Nebraska Supreme Court has stated "The Nebraska Constitution and U.S. Constitution have identical requirements for equal protection challenges." DeCoste v. City of Wahoo, 255 Neb. 266, 274, 583 N.W.2d 595, 601 (1998). Those constitutional provisions prohibit improper disparate treatment or improper classifications of people who are otherwise similarly situated. With regard to your proposed amendment of Neb. Rev. Stat. § 60-3,167, the classification at issue would presumably involve nonresident owners of motor vehicles who operate or allow the operation of that vehicle on Nebraska highways as distinguished from motor vehicle owners who are Nebraska residents. Treating nonresident and resident motor vehicle owners alike, and requiring both to provide proof of insurance on demand, would seem to eliminate possible equal protection concerns. For example, in Bookbinder v. Hults, 19 Misc. 2d 1062, 192 N.Y.S.2d 331 (1959), a New York court upheld the validity of an act similar to Nebraska's Motor Vehicle Safety Responsibility Act, noting that a section of that Act "makes the safeguards which are applicable to resident operators applicable to the non-resident operators. This is not a discrimination against non-residents, denying them the equal protection of the law. On the contrary, it puts non-resident owners upon an equality with resident owners." Id. at 1064, 192 N.Y.S. 2d at 334.
However, your request letter also mentions civil penalties for nonresident motor vehicle owners. If you intend to impose civil penalties for nonresidents that are not also imposed on Nebraska residents, or to otherwise amend the Motor Vehicle Registration Act to treat nonresidents differently than residents, such a proposal may require analysis under the Equal Protection provisions.

Without specific legislation to review, other than the deletion of "in this state" in § 60-3,167, we are unable to fully address that potential challenge. We do note that, generally, the equal protection clause allows government to make distinctions among groups and to treat different groups differently so long as there is a "rational basis" serving a legitimate governmental purpose for such differing treatment. _Le v. Lautrup_, 271 Neb. 931, 716 N.W.2d 713 (2006). However, if a "fundamental right" or "suspect classification" is involved, then the classification and differing treatment in the legislation will be subject to strict judicial scrutiny and will be upheld only if there is a compelling governmental interest.

The right to travel has been identified as a fundamental right. _State v. Michalski_, 221 Neb. 380, 391, 377 N.W.2d 510, 518 (1985), _abrogated on other grounds_, _State v. Mata_, 275 Neb. 1, 745 N.W.2d 229 (2008). The Nebraska Supreme Court therein held that a statute providing for permanent revocation of an operator's license upon that individual's drunken driving conviction did not impair the defendant's right to travel and was constitutional. "While the revocation of Michalski's driver's license limits his options as to method of transportation, it does not impair his right to travel or his right to reach a given destination." _Id_. at 392, 377 N.W.2d at 518. _Michalski_ involved action taken against a driver's operator's license after a conviction. It is possible that the Court's analysis might differ when applied to a statutory requirement of carrying proof of insurance or financial responsibility prior to an accident or violation of law.

In _City of Beatrice v. Meints_, 20 Neb. App. 776, 830 N.W.2d 524 (Ct. App. 2013), the Nebraska Court of Appeals considered an equal protection challenge to a Beatrice city ordinance that requires operators of motor vehicles registered in Nebraska to carry proof of insurance and noted that the ordinance is virtually identical to Neb. Rev. Stat. § 60-3,167. Meints, when asked for his proof of insurance after a motorcycle accident, challenged the ordinance because it applies only to vehicles registered in Nebraska and, arguably, treats residents less favorably than nonresidents. The Court of Appeals did not refer to the right to travel and instead stated, "[A] classification based on the location of motor vehicle registration is not the type of suspect classification that warrants strict judicial scrutiny."

_Id_. at 784, 830 N.W.2d at 532. The Court found that the Beatrice city ordinance at issue and Neb. Rev. Stat. § 60-3,167 serve the same purpose as the Motor Vehicle Safety Responsibility Act, which was upheld by the Nebraska Supreme Court in _Russell v. State_, 247 Neb. 885, 531 N.W.2d 212 (1995) (protecting the public against the operation of motor vehicles by financially irresponsible persons). It also quoted with approval a decision of the
Massachusetts Supreme Court regarding a similar law. "Moreover, a classification including only motor vehicles registered under our statutes cannot be pronounced unreasonable. Nonresident owners of motor vehicles or motor vehicles not registered under our laws doubtless might be included within the law." Opinion of the Justices, 251 Mass. 569, 602, 147 N.E. 681, 696 (1925). In Meints, the Court then applied a rational basis level of scrutiny and found the Beatrice city ordinance to be constitutional.

Finally, while your opinion request refers generally to imposing civil penalties on nonresidents who fail to carry the proof of insurance required in their states of residence, we note that imposing such penalties may raise issues of due process, lack of notice to nonresidents or other concerns. It is our understanding that most states, but perhaps not all, require insurance coverage as a requirement of registering a motor vehicle. Also, it appears that not all states require that the proof of insurance or financial responsibility be carried in the motor vehicle. For these reasons, while we lack specific language to review, we suggest that imposing civil penalties may be problematic.

In summary, to the extent your proposed legislation is limited to deleting the words "in this state" from § 60-3,167, we conclude that the legislation would most likely be upheld as the result would seem to be equal treatment of residents and nonresidents. If other amendments to the Motor Vehicle Registration Act are also proposed, such as civil penalties for nonresidents, those specific amendments would need to be addressed separately.

1 Nebraska also has a Motor Vehicle Safety Responsibility Act, codified at Neb. Rev. Stat. §§ 60-501 to 60-569, that pertains to proof of financial responsibility subsequent to a motor vehicle accident or conviction in Nebraska. That Act contains various provisions applying to residents and nonresidents. However, as you propose to amend a statute that falls within the Motor Vehicle Registration Act, we will limit our discussion to that Act.

Sincerely,

DOUGLAS J. PETERSON
Attorney General

(Signed) Lynn A. Melson
Assistant Attorney General

pc. Patrick J. O'Donnell
Clerk of the Nebraska Legislature
09-525-29
You have requested our opinion concerning the constitutionality of LB 232, which would create the Nebraska College Choice Grant Program Act. Your letter explains that this bill "would provide state funds to resident students with financial need who attend Nebraska privately-controlled, nonprofit colleges and universities."

Noting that the language of the proposed College Choice Grant Program is quite similar to the Postsecondary Education Award Program (or "PEAP"), which was in effect from 1991 to 2003, you have asked us to revisit our prior opinion concerning the PEAP Act in which this office opined that the Act was constitutional. Op. Att'y Gen. No. 91037 (May 5, 1991). As our review of Nebraska law reveals that the law in this area has not changed significantly since our 1991 opinion, we conclude that LB 232 would also likely be held constitutional.

As drafted, LB 232 would provide "for awards made directly to eligible students demonstrating substantial financial need and shall be administered by the commission [the Coordinating Commission for Postsecondary Education] in conjunction with eligible postsecondary educational institutions." LB 232, §13. An "eligible" institution is a "nonprofit institution not controlled or administered by any state agency or any political subdivision of the state" which is located in Nebraska and meets other statutory criteria. LB 232, § 7. An "eligible student" is a Nebraska resident who is enrolled as an undergraduate student at an eligible institution and who is eligible to receive student financial assistance as provided for in the Act. LB 232, § 8. Sections 13 and 14 of the proposed Act provide that the award is made directly to the eligible student, although section 13(2) also states that "[i]n order to reduce the costs of administering the act, the commission shall allocate the funds to be distributed pursuant to the act to the eligible postsecondary educational institutions which shall act as the agents of the commission in the distribution of funds to eligible students." Section 13 also sets forth the formula for the determination of the allocation amount for each institution.

The PEAP Act, which we discussed in Op. Att'y Gen. No. 91037, was enacted by the Legislature in 1991 Neb. Laws LB 647. Comparing the PEAP Act to LB 232, we agree that the pertinent provisions of each are quite similar. The definitions of "eligible student" and "eligible
postsecondary educational institution" are very close in their wording. Further, the language of LB 232, § 13, provides that, in order to reduce administration costs, the awards are to be administered by the commission in conjunction with the educational institutions, which is nearly identical to § 12 of the PEAP Act. Both acts provide for an allocation formula by which the funds to be distributed are allocated to the eligible institutions and both provide that the institutions participate in the distribution of funds to eligible students. Finally, both acts state that the awards are made directly to eligible students.

In Op. Att'y Gen. No. 91037, we discussed three constitutional provisions, of which Neb. Const. art. VII, § 11 seems the most pertinent to our current discussion. Article VII, § 11 provides, in part, that "appropriation of public funds shall not be made to any school or institution of learning not owned or exclusively controlled by the state or a political subdivision thereof." In our analysis of the PEAP Act we stated at page 3 of the opinion that:

The Act does not provide for appropriation of funds to any school or institution. The Act authorizes scholarship awards directly to eligible students. This distinction is constitutionally significant. . . . In Lenstrom v. Thone, 209 Neb. 783, 311 N.W.2d 884 (1981), the Nebraska Supreme Court upheld the constitutionality of the Scholarship Award Program. This statute is very similar to the present Act, but covers students attending both public and private educational institutions. The court expressly rejected the contention that the statute violated Article VII, § 11. Id. at 788. Article VII, § 11 prohibits appropriations to a nonpublic school. It does not prohibit such aid to individual students attending nonpublic schools.

For those reasons we concluded that the PEAP Act was constitutional. We note that the Scholarship Award Program discussed in Lenstrom differed from the PEAP Act and LB 232 in that it did not include specific language stating that, for administrative purposes, the educational institutions would act as agents of the commission to assist in distribution of the funds to eligible students. However, the Scholarship Award Program, the PEAP Act and the proposed Nebraska College Choice Grant Program all state that the funds will be provided directly to eligible students and such aid to individual students is not prohibited by the Nebraska Constitution.

The only pertinent Nebraska case decided subsequent to the 1991 opinion is Father Flanagan's Boys Home v. Department of Social Services, 255 Neb. 303, 583 N.W.2d 774 (1998). The issue in Father Flanagan's was whether a state agency was required to reimburse Father Flanagan's (or "FFBH"), a private educational institution, for the cost of regular education services which that institution provided to state wards. The state agency contended that the trial court's interpretation of Neb. Rev. Stat. § 79-445(2) so as to require payment to the private institution resulted in a violation of article VII, § 11. However, the Court held that a contract between the state agency and FFBH to provide educational services for state wards was
distinguishable from a direct appropriation to a nonpublic school and upheld the constitutionality of the statute. In reaching its decision, the Court discussed the meaning of the term "appropriation" as follows:

In the context of appropriation of public funds, 'to appropriate means to set apart, or assign to a particular person or use in exclusion of others, to use or employ for a particular purpose, or in a particular case.' State ex rel. Creighton Univ. v. Smith, 217 Neb. 682, 688, 353 N.W.2d 267, 271 (1984). Here, there has been no appropriation of public funds to FFBH. Instead, a state agency has exercised its discretionary authority to contract for services necessary to fulfill a governmental duty and further a public purpose, namely, the state's duty to obtain a nonsectarian education for its wards.

Father Flanagan's at 315-16, 583 N.W.2d at 782.

Since our 1991 opinion was issued, this office has discussed art. VII, § 11 in several other opinions. For example, in Op. Att'y Gen. No. 95018 (March 9, 1995), we answered questions concerning grants awarded from the Education Innovation Fund. While we determined that certain direct grants to nonpublic schools would be constitutionally prohibited, we did not address grant awards to individual students in that opinion. In Op. Att'y Gen. No. 03020 (July 30, 2003), we concluded that payments from the Nebraska Soil and Water Conservation Fund to eligible landowners, including nonpublic schools and churches, were not "appropriations" as that term is used in art. VII, § 11. More recently, in Op. Att'y Gen. No. 15007 (May 6, 2015), we opined that payments for services pursuant to a contract with a nonpublic educational institution under the Oral Health Training and Services Fund would not violate that constitutional provision.

For the reasons above, we find no reason to change the opinions expressed in Op. Att'y Gen. No. 91037. Therefore, in our view, LB 232 would likely not be found to violate art. VII, § 11.

Sincerely,
DOUGLAS J. PETERSON
Attorney General
(Signed) Lynn A. Melson
Assistant Attorney General

pc. Patrick J. O'Donnell
Clerk of the Nebraska Legislature
09-528-29
Opinion 15-013

SUBJECT: Whether enactment of LB 176, which proposes to exempt pork packers from the prohibition against vertical integration of livestock production and packing in Neb. Rev. Stat. § 54-2604 (2010), is necessary to prevent a violation of the dormant Commerce Clause created by the current statute.

REQUESTED BY: Senator Ken Schilz
Nebraska State Legislature

WRITTEN BY: Doug J. Peterson, Attorney General
Emily K. Rose, Assistant Attorney General

You have requested our opinion regarding whether Neb. Rev. Stat. § 54-2604 (2010), which prohibits the vertical integration of livestock production and packing, is vulnerable to a constitutional challenge under the dormant Commerce Clause similar to that which occurred in Smithfield Foods, Inc. v. Miller, 241 F.Supp.2d 978 (S.D. Iowa 2003). You also ask whether enactment of Legislative Bill 176 ("LB176"), which primarily seeks to exempt pork packers from the vertical integration prohibition in § 54-2604, is necessary to prevent a violation of the dormant Commerce Clause under the existing statute.

The dormant Commerce Clause of the United States Constitution prohibits states from "enacting laws that discriminate against or unduly burden interstate commerce" and it is well-settled that courts apply a two-tiered analysis in determining whether a statute violates the dormant Commerce Clause. Smithfield Foods, Inc. v. Miller, 367 F.3d 1061, 1064-65 (8th Cir. 2004) (quoting S.D. Farm Bureau, Inc. v. Hazeltine, 340 F.3d 583, 592 (8th Cir. 2003)); See also Jones v. Gale, 470 F.3d 1261, 1267-1270 (8th Cir. 2006). First, courts must consider whether the statute discriminates against interstate commerce. Id. Such discrimination has been defined as "'differential treatment of in-state and out-of-state economic interests that benefits the former and burdens the latter.'" Id. (quoting Hazeltine, 340 F.3d at 593). Courts also recognize that a statute discriminates against interstate commerce if it is discriminatory on its face, if it was adopted with a discriminatory purpose, or if it has a discriminatory effect. Id. If a statute is found to be discriminatory, it is subject to strict scrutiny, and is only upheld if there are "'no other means to advance a legitimate local interest.'" Id. (quoting Hazeltine, 340 F.3d at 593). Furthermore, courts apply the second-tier of the dormant Commerce Clause analysis only if the statute is not discriminatory and merely incidentally affects interstate commerce. Id. Under this inquiry, a statute will be upheld "'unless the burden imposed on [interstate] commerce is clearly excessive in relation to the putative local benefits.'" Id. (quoting Pike v. Bruce Church, Inc., 397 U.S. 137, 142 (1970)).
In *Smithfield*, a group of pork packers challenged the constitutionality pursuant to the dormant Commerce Clause of Iowa Code § 9H.2 (hereinafter, "9H.2"). *Id.* 9H.2 prohibited beef and pork packers from directly or indirectly owning, operating, or controlling livestock production, but provided an express exemption for Iowa cooperatives, foreign cooperatives that contracted with Iowa cooperatives, and foreign cooperatives that had an Iowa cooperative in its membership. *Id.* at 987. The District Court found that 9H.2's exemption facially discriminated against interstate commerce and stated that "[w]hen, as here, a statute clearly prohibits out-of-state entities from conducting business in a certain way, and then expressly exempts in-state entities from the very same prohibitions, there can be no mistake that such a regulatory scheme treats in-state and out-of-state interests differently." *Id.* at 990-91. Following the dormant Commerce Clause framework, the District Court determined that 9H.2 could not withstand strict scrutiny.1

Nebraska's general prohibition against the vertical integration of livestock production and packing under Neb. Rev. Stat. § 54-2604 can be distinguished from Iowa's 9H.2. Neb. Rev. Stat. § 54-2604 is part of the Competitive Livestock Markets Act ("Act"), Neb. Rev Stat. §§ 54-2601 et. seq., and provides that it is unlawful "…for a packer to directly or indirectly be engaged in the ownership, keeping, or feeding of livestock for the production of livestock or livestock products…." The term "packer" is defined as "… a person, or agent of such person, engaged in the business of slaughtering livestock in Nebraska in excess of one hundred fifty thousand animal units per year." Neb. Rev. Stat. § 54-2602 (5).

The prohibition against vertical integration under Neb. Rev. Stat. § 54-2604 does not discriminate against or unduly burden interstate commerce. Currently, the law prohibits Nebraska packers who process more than 150,000 animal units per year from practicing vertical integration. Out-of-state packers are not included in the definition of "packer" and are thus not precluded from practicing the vertical integration business model. As Neb. Rev. Stat. § 54-2604 does not prohibit out-of-state-entities from conducting business in a certain way, there is no burden on interstate commerce.

However, it should be noted that LB 176 would not fix any apparent or alleged liability under the dormant Commerce Clause due to Neb. Rev. Stat. § 54-2604's ban on vertical integration because LB 176 does not get rid of the ban altogether. LB 176 only carves out an exception to the ban, leaving cattle packers still subject to the ban.

We conclude that LB 176 is not necessary to prevent liability under the dormant Commerce Clause because Neb. Rev. Stat. § 54-2604, as written, does not prohibit out-of-state-entities from conducting business in a certain way, and therefore, there is no burden on interstate commerce.
Smithfield was appealed to the Eighth Circuit Court of Appeals. Smithfield Foods, Inc., v. Miller, 367 F.3d 1061 (8th Cir. 2004). During the appeal, 9H.2 was amended to remove the cooperative exemption that was found to be facially discriminatory. Id. at 1064. As a result, the Eighth Circuit found that based on the record before it, the Court could not determine whether the newly-amended 9H.2 discriminated against interstate commerce. Id. at 1065-66. The Court vacated that District Court's judgment and remanded for discovery to determine whether the newly-amended 9H.2 violated the dormant Commerce Clause. Subsequently, the parties reached settlement.

Very truly yours,
DOUGLAS J. PETERSON
Attorney General
(Signed) Emily K. Rose
Assistant Attorney General

pc. Patrick J. O'Donnell
Clerk of the Nebraska Legislature
07-954-29

Opinion 15-014

SUBJECT: Authority of the Department of Correctional Services to Adopt Administrative Regulations Without Complying With Rulemaking Procedures Required Under the Administrative Procedure Act

REQUESTED BY: Senator Dan Watermeier
Senator Heath Mello
Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
Lynn A. Melson, Assistant Attorney General

As members of the Legislative Performance Audit Committee you requested an Attorney General's Opinion regarding the interpretation of Neb. Rev. Stat. § 84-901 of the Administrative Procedure Act and its application to the Department of Correctional Services ("DCS"). You informed us that the Research Office or Performance Audit Committee planned to conduct "an assessment to determine whether any of the Department of Correctional Services Administrative Regulations were promulgated in violation of the Administrative Procedure Act." In that context, you requested our opinion on this question.1

It has been our general practice to issue opinions to members of the Legislature only with respect to pending or proposed legislation and not with respect to construction of existing statutes. Op. Att'y Gen. No. 157 (December 24, 1985). Also, it is our understanding that there are 225 DCS
"Administrative Regulations", or ARs, such that a detailed review of each would not be practical. Further, we might be called upon to defend particular ARs if their validity was challenged in litigation. Therefore, based upon our longstanding policy and these considerations, we originally deemed it inappropriate to issue an opinion. We have now received the Committee's audit report which was released on September 3, 2015. One focus of this report is the exception for "internal management" rules and regulations found in the definition of "rule or regulation" at Neb. Rev. Stat. § 84-901(2), and it appears from the report that legislation may be proposed to modify or further define this exception. In this context, we will issue an opinion, limiting our response to a general discussion of § 84-901(2) and the Nebraska case law on this topic.

Our review reveals that DCS has issued numerous ARs to govern the agency and set forth general standards. In addition, each correctional institution has issued operational memoranda (OMs) designed to implement DCS policies. DCS also promulgates rules and regulations through the process outlined in the Administrative Procedure Act when directed to do so by statute. To the extent the ARs and OMs concern the internal management of the agency or otherwise fall within the exceptions listed in Neb. Rev. Stat. § 84-901(2), DCS need not comply with the formal rulemaking requirements of the Administrative Procedure Act.

You originally requested our opinion whether any of the ARs issued by DCS were promulgated in violation of the Administrative Procedure Act and directed our attention, in particular, to the "Temporary Alternative Placement" program and the "Re-entry Furlough Program." The Committee's audit report states that the "Temporary Alternative Placement" (TAP) program was developed through a memo by the former DCS Director and was not an AR. Audit Report at 10. Further, the DCS response, dated July 30, 2015, which is attached to the audit report, states that this program was eliminated in October of 2014. We will, therefore, not address the TAP program. With regard to the Re-entry Furlough Program, it appears to have been created in 2008 as AR number 201.12. You state that the program was suspended by the current DCS director on February 9, 2015. Audit Report at 9. The attached DCS response states that no new individuals have since entered the program and that there are five individuals who remain in the program as of July 27, 2015. Our discussion of the "internal management" exception may be relevant to the Re-Entry Furlough Program.

Discussion of § 84-901(2) and Nebraska Case Law

Neb. Rev. Stat. § 84-901(2) (2014) provides, in pertinent part, that a "Rule or regulation shall mean any rule, regulation, or standard issued by an agency, . . . designed to implement, interpret, or make specific the law enforced or administered by it or governing its organization or procedure. Rule or regulation shall not include (a) rules and regulations concerning the internal management of the agency not affecting private rights, private interests, or procedures available to the public . . . every rule and regulation
which prescribes a penalty shall be presumed to have general applicability or to affect private rights and interests." If a rule or regulation fits within this statutory definition it must be promulgated pursuant to the rulemaking requirements of the Administrative Procedure Act, including the provision of notice and the holding of a public hearing. See e.g., Neb. Rev. Stat. § 84-907. Agency regulations properly adopted and filed with the Secretary of State then have the effect of statutory law. Swift and Co. v. Nebraska Dept. of Revenue, 278 Neb. 763, 767, 773 N.W.2d 383, 385 (2009).

One of the purposes of an Administrative Procedure Act is to give the public notice of the existence of rules that could affect their rights and to allow members of the public to have input into those rules. However, as explained in a comment to the Model State Administrative Procedure Act upon which the Nebraska Act is patterned, in part, subjecting all agency statements or rules to the formal rulemaking requirements would be unnecessary and unduly burdensome. Section 3-116(1) of the 1981 version of the model act provided that the rulemaking requirements were inapplicable to a rule concerning only the internal management of an agency. "The exceptions from usual rule-making procedures and publication requirements for [certain] rules . . . represent an effort to strike a fair balance between the need for public participation in, and adequate publicity for, agency policymaking on the one hand, and the conflicting need for efficient, economical and effective government on the other hand." 1981 Model State Admin. Procedure Act § 3-116, comment, 15 U.L.A. 56. See, McAllister v. Nebraska Dept. of Corr. Servs., 253 Neb. 910, 573 N.W.2d 143 (1998) (recognizing this comment to the model act). The same internal management exception is found in the definition of "rule" in the Revised Model State Administrative Procedure Act of 2010.

Section 84-901(2) provides that the term "rule or regulation" includes any rule, regulation or standard designed to interpret the law. Nebraska courts have considered this portion of the statutory definition when determining whether a court had subject matter jurisdiction under Neb. Rev. Stat. § 84-911, which provides a limited waiver of sovereign immunity for the purpose of reviewing the validity of a rule or regulation. For example, the Nebraska Court of Appeals examined the issue of jurisdiction under § 84-911 in a case involving good time credit. The Court of Appeals held that the decision of the state defendants as to awarding good time credit could be reviewed by filing a declaratory judgment action pursuant to § 84-911. "When Clarke and the Department decided to determine the length of these sentences pursuant to § 83-1,107 . . . the decision was a 'standard issued by an agency . . . designed to implement, interpret, or make specific the law' administered by it." Richardson v. Clarke, 2 Neb. App. 575, 577-78, 512 N.W.2d 653, 655 (1994), quoting the definition of rule or regulation at § 84-901(2).

inmate sought a determination whether DCS could revoke his good time credit based on a letter by the Nebraska Attorney General interpreting relevant statutes. The director of DCS then sent a memorandum to the DCS records administrator regarding that interpretation. In determining whether the district court had jurisdiction under Neb. Rev. Stat. § 84-911, the Nebraska Supreme Court concluded that the director's memorandum concerning the interpretation of good time credit statutes was not a rule, regulation or standard as defined in § 84-901. The Supreme Court in Perryman found that "Richardson is distinguishable from the instant case because it involved the judicial interpretation of a standard, not a statute." Perryman at 70, 568 N.W.2d at 245.

The Nebraska Supreme Court has discussed the internal management exception of § 84-901(2) in a personnel case involving DCS in McAllister v. Nebraska Dept. of Corr. Servs., 253 Neb. 910, 573 N.W.2d 143 (1998). A DCS employee was charged with violating an AR, or administrative regulation, and appealed the decision in a disciplinary proceeding. While the AR at issue might be characterized as a personnel policy, and DCS asserted that it fell within the internal management exception of § 84-901, the Court disagreed. The Court found that violation of the AR could result in pecuniary punishment such as suspension without pay or demotion. Section 84-901 excludes those rules and regulations concerning the internal management of the agency and not affecting private rights and interests. However, the statute further provides that "every rule and regulation which prescribes a penalty shall be presumed to have general applicability or to affect private rights and interests." Because the AR at issue prescribed a penalty, it was presumed to affect private rights and interests and did not fit within the internal management exception.

The issue of whether an AR or OM should have been promulgated in compliance with the Administrative Procedure Act arose in two other cases filed by inmates against DCS, but the appellate courts did not directly address the issue. In Randolph v. Dept. of Corr. Servs., 205 Neb. 672, 289 N.W.2d 529 (1980), DCS had issued certain OMs concerning the acquisition and disposition of hobby materials by inmates. Randolph claimed that the OM in question was invalid because the provisions of the Administrative Procedure Act had not been met. The trial court found that the OM fell within the internal management exception and need not meet the requirements of the Act. The Supreme Court, however, based its decision on a statute and did not address the validity of the OM. In Meis v. Houston, 19 Neb. App. 504, 808 N.W.2d 897 (2012), the Court of Appeals reviewed an AR and an OM in which DCS limited the amount of personal property that can be possessed by an inmate. While the trial court found that the property limitation was not required to be formally promulgated as it fell within the internal management exception, the Court of Appeals held that it need not address the validity of the property limitation because it did not interfere with any legally recognized rights of the inmate.
In an unpublished opinion, *Abdullah v. Gunter*, 1 Neb. C.A. 2442, 1992 WL 359093, the Court of Appeals concluded that two OMs pertaining to processing of grievances and the provision of inmate clothing need not be promulgated under the Administrative Procedure Act as they were regulations concerning the internal management of DCS.

Nebraska courts have also addressed the statutory definition of rule or regulation in cases involving other state agencies. For example, in *Capitol City Telephone, Inc. v. Dept. of Revenue*, 264 Neb. 515, 650 N.W.2d 467 (2002), the Supreme Court held that, just as the DCS director's memorandum in *Perryman* was not a rule or regulation, a letter written by the deputy Tax Commissioner stating the department's position on the taxation of telephone companies was not a rule or regulation.

In a civil contempt case concerning the Department of Health and Human Services, the Court held that two policies which the Department was ordered to prepare and distribute to departmental employees and those of the Nebraska Families Collaborative were not rules or regulations as defined by § 84-901(2). *In Re Interest of Zachary D. and Alexander D.*, 289 Neb. 763, 857 N.W.2d 323 (2015) found that the policies fell within the internal management exception as the policies were intended to provide notice to employees of certain requirements of state law. "The two policies at issue here are akin to those that concern 'the internal management of the agency.' Moreover, while these policies certainly relate to statutes governing the juvenile court process, they 'are not designed to implement, interpret, or make specific the law enforced or administered by it or governing its organization or procedure.' Rather, these policies are intended to provide notice to all departmental and NFC employees of certain requirements of state law relating to notice of changes in placement and records review and retention policies." Id. at 771, 857 N.W.2d at 330.

These Nebraska cases provide some indication as to how our courts might interpret § 84-901(2). While the answer would differ on a case by case basis, it appears that at least some of the ARs and OMs issued by DCS need not be formally promulgated in compliance with the Administrative Procedure Act. In our view, the courts have not construed the "internal management" exception so narrowly as to include only agency personnel rules. And, *McAllister*, discussed above, indicates that at least certain personnel policies or rules may need to be formally promulgated if they are found to prescribe a penalty.

With regard to the Re-Entry Furlough Program, AR 201.12, which you mentioned in your request letter, the cases discussed above provide little guidance. Our review of AR 201.12 reveals that portions of the AR may fall within the internal management exception to the extent they describe the program, set up responsibilities for various categories of staff members, provide limitations on inmates participating in the program and include attachments such as checklists and interview forms. We recognize that Nebraska courts might disagree and that it could be argued that provisions
of the AR pertaining to violations of the furlough agreement or termination of the inmate from the Re-Entry Furlough Program, for example, might be viewed as rules which prescribe a penalty and, therefore, presumed to affect private rights and interests. In its response to the Legislative Performance Audit Committee's findings, DCS has stated that it "is currently in the process of reviewing all of its internal policies to determine which of those policies should be promulgated under the APA." If DCS decides to reinstate this suspended program, it may wish to review this AR to determine whether the AR, or any portion of it, should be formally adopted in compliance with statutory requirements.

**Conclusion**

In summary, there is currently no clear definition of the term "internal management" within § 84-901 or in Nebraska case law. Nebraska courts have provided some guidance on this issue, but there are not a great number of cases which discuss the internal management exception or other exceptions to the statutory definition of rule or regulation. For these reasons, enactment of clarifying legislation may be helpful.

1 As a preliminary matter, the memorandum attached to your request letter states that Attorney General Bruning previously referred to a 1991 Attorney General opinion, which may pertain to this question. We were unable to find a formal opinion on this subject. We note that Op. Att'y Gen. No. 91001 (January 3, 1991) discusses the statutory authority for a work furlough program, but does not address the question of promulgating rules or regulations.

Sincerely,

DOUGLAS J. PETERSON
Attorney General
(Signed) Lynn A. Melson
Assistant Attorney General

pc. Patrick J. O'Donnell
Clerk of the Nebraska Legislature
09-526-529

**Opinion 15-016**

**SUBJECT:** Status of Omaha Metropolitan Entertainment & Convention Authority as a Public, Private or "Hybrid" Entity

**REQUESTED BY:** Senator Ernie Chambers
Nebraska State Legislature

**WRITTEN BY:** Douglas J. Peterson, Attorney General
David Bydalek, Deputy Attorney General
You have requested an opinion from this office regarding the status of the Metropolitan Entertainment & Convention Authority ("MECA") as a public, private or "hybrid" entity. Your request letter refers to legislation which you introduced in 2014 pertaining to MECA. In part, L.B. 778 would have required certain entities, including MECA, to comply with state law provisions on open meetings and public records. You state that you intend to introduce legislation pertaining to MECA again in 2016, but have not made reference to any specific legislation. We presume the focus of the 2016 legislation would again be to clarify whether entities such as MECA are subject to the Nebraska Open Meetings Act and Nebraska Public Records Statutes, and we will address your question in that context.

RELEVANT ORDINANCE, STATUTORY PROVISIONS AND GENERAL PROPOSITIONS OF LAW

It is our understanding that MECA was initially registered as a nonprofit public benefit corporation with the Nebraska Secretary of State by two private individuals in 1997. However, in 1999, the Omaha City Council ("City Council") established MECA in the Omaha Municipal Code with the enactment of Ordinance No. 35043, which was subsequently approved by voters in May 2000. Pursuant to Section 4.07, MECA is managed and controlled by a five-member board ("Board") appointed by the City Council or the mayor of Omaha ("Mayor") on a rotating basis, subject to confirmation by the City Council. Board members serve without compensation, but are entitled to reimbursement for reasonable expenses incurred. They may be removed by the City Council for malfeasance in office. Section 4.07(a).

Section 4.07(b) sets out the powers and duties of MECA. It is given express management and control over city public events facilities, which includes "the power to enter into any contracts, [and] have control and management of property, personnel, equipment, facilities and finances." Section 4.07(b)(i) and (ii). Under Section 4.07(b)(iii), the City Council may provide by ordinance additional powers, duties, and administrative and procedural requirements and authorizations for MECA. Section 4.07(c) relates generally to MECA's governance, and provides that MECA shall have no taxing authority or power of eminent domain, may incorporate as a Nebraska nonprofit corporation, and may create committees, subcommittees, etc., as it deems necessary.

Section 4.07(d), (e), (f) and (g) relate to MECA's fiscal matters and operations. Subsection (d) gives MECA the authority "to charge fees, rentals and other charges for the use of the facilities within its jurisdiction," such charges to be applied to MECA's operating, administration and other necessary expenses, subject to bondholder contracts. Subsection (e) requires MECA to prepare an annual budget and request that the Mayor include in the city's annual budget an amount for MECA's "operating, administration, and other such payments to or for the benefit of [MECA]."
Subsection (f) requires MECA to pay to the city treasurer, who shall serve as MECA’s *ex officio* treasurer, "[a]ll income, revenue, receipts, donations, retained earnings and money of [MECA] from whatever source derived . . . ."

This money shall not be commingled with any other funds under the treasurer's control, and can only be disbursed upon requisition by designated individuals authorized by the Board. MECA, the city, or an outside entity must conduct an annual audit of MECA's funds and accounts, independent of the general city audit. A copy of the audit shall be submitted to the City Council.

Finally, subsection (g) authorizes the city or an entity on behalf of the city to issue and sell "[g]eneral obligation bonds, redevelopment bonds, lease-purchase bonds, revenue bonds and refunding bonds" or notes, or any combination thereof, "to finance or refinance the acquisition, construction, improving and equipping of such facilities, and public improvements and acquisitions pursuant to a redevelopment plan containing such facilities."¹

The Open Meetings Act is codified at Neb. Rev. Stat. §§ 84-1407 through 84-1414 (2014) ("Act"). Under those statutes, a "public body" subject to the meetings provisions includes the governing bodies of political subdivisions and state agencies as well as "all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies, created by the Constitution of Nebraska, statute, or otherwise pursuant to law" and "instrumentalities exercising essentially public functions." Neb. Rev. Stat. § 84-1409(1)(a). While the term "public body" is not defined within the Nebraska Public Records Statutes, Neb. Rev. Stat. §§ 84-712 through 84-712.09 (2014) ("NPRS"), § 84-712.01 defines "public records" as records of or belonging to "this state, any county, city, village, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit or committee of any of the foregoing."

The purpose of this statute is "to guarantee that public government records are public." Introducer's Statement of Purpose for L.B. 505, 72nd Nebraska Legislature (1961). Under this statute, it was intended that all public records of the state, its counties, and its other political subdivisions should be open to inspection, except where the Legislature has otherwise provided that the record shall be confidential. Judiciary Committee Statement on L.B. 505, 72nd Nebraska Legislature (1961). Thus, public records are broadly defined, and a wide scope of bodies is covered.

With regard to the Nebraska Open Meetings laws, the Nebraska Supreme Court has held that they are a statutory commitment to openness in government. *Wasikowski v. The Nebraska Quality Jobs Board*, 264 Neb. 403, 648 N.W.2d 756 (2002); *Steenblock v. Elkhorn Township Board*, 245 Neb. 722, 515 N.W.2d 128 (1994). Their purpose is to ensure that public policy is formulated at open meetings of the bodies to which the law is applicable. *Dossett v. First State Bank, Loomis, NE*, 261 Neb. 959, 627
N.W.2d 131 (2001). In Nebraska, the formation of public policy is public business, which may not be conducted in secret. Schauer v. Grooms, 280 Neb. 426, 786 N.W.2d 909 (2010).

Finally, the open meetings laws should be broadly interpreted and liberally construed to obtain their objective of openness in favor of the public. Schauer. The beneficiaries of the openness sought by the Open Meetings Act include citizens, members of the general public, and reporters or other representatives of the news media. State ex rel. Newman v. Columbus Township Board, 15 Neb. App. 656, 735 N.W.2d 399 (Neb. Ct. App. 2007).

ANALYSIS

This office has previously examined the status of MECA as a private or a governmental entity in response to a public records petition in 2001 and an open meetings inquiry in 2010. In the 2001 disposition letter to The Omaha Weekly dated December 28, 2001, we concluded that MECA was not a unit of government, but rather a private organization which was not subject to the Nebraska Public Records Statutes. In our disposition letter dated March 11, 2010, we responded to an open meetings inquiry by Common Cause Nebraska concerning MECA. We pointed out that MECA is a Nebraska nonprofit corporation, its Board is appointed by the Mayor and City Council, and that it develops, manages and operates various public facilities in Omaha, including the Qwest Center, now known as the CenturyLink Center. We noted that we had previously concluded that MECA was not subject to the NPRS, and that a similar result with respect to the Open Meetings Act was "entirely possible." However, we stated that there was no need to engage in an extensive analysis regarding the application of the Act to nonprofit corporations such as MECA because MECA had voluntarily chosen to follow the Open Meetings Act, through its bylaws. It is our understanding that MECA still adheres to this policy.

Both of those disposition letters, however, were issued prior to the Nebraska Supreme Court's recent opinion in Frederick v. City of Falls City, 289 Neb. 864, 857 N.W.2d 569 (2015). In Frederick, the court discussed whether certain documents in the possession of a nonprofit corporation, the Falls City Economic Development and Growth Enterprise, Inc., or EDGE, were public records for purposes of the Nebraska Public Records Statutes.

In reviewing the relevant facts in Frederick, the court noted that EDGE was a mutual benefit corporation incorporated under the Nebraska Nonprofit Corporation Act by eight private individuals for the purpose of encouraging economic development in Falls City and the surrounding area. The EDGE board was governed by a 21-member board of directors, which included the mayor of Falls City and one city council member. The Falls City administrator was an ex officio member of the board of directors.
With regard to the finances of EDGE, it received both public and private funding and performed services for Falls City and Richardson County, as well as its private investors. It had an ongoing contractual relationship with Falls City, reflected in part by a memorandum of understanding in which the parties desired "to work together to implement an aggressive, targeted approach to creating a positive image of Falls City and marketing the community as a preferred business location that will generate new wealth and create quality employment opportunities." *Id.* at 867, 857 N.W.2d at 572.

The court then noted that in a prior opinion, *Evertson v. City of Kimball*, 278 Neb. 1, 767 N.W.2d 751 (2009), it "recognized that many courts have adopted functional equivalency tests which focus on whether the documents are in the possession of a 'hybrid public/private entity: an entity created by, funded by, and regulated by the public body.' We noted that such tests 'appear appropriate when a private entity performs an ongoing government function.'" *Frederick* at 872, 857 N.W.2d at 575 (quoting *Evertson*, 278 Neb. at 11, 767 N.W.2d at 761).

However, the court in *Evertson* declined to employ a functional equivalency test, as the record at issue was a lone document prepared in the course of an isolated incident. The court instead devised a test which focused on the requested document. In contrast, the requested records in *Frederick* consisted of "multiple documents prepared over a period of time by an entity which had an ongoing relationship with Falls City." *Id.* at 873, 857 N.W.2d at 576. Under these factual circumstances, the court concluded that the functional equivalency test was appropriate to determine whether a private entity which has an ongoing relationship with a governmental entity should be considered an agency, branch, or department of the governmental entity within the meaning of § 84-712.01(1). *Id.* at 874, 857 N.W.2d at 576.

The functional equivalency test, as borrowed from the Supreme Court of Connecticut, considers the following factors:

1. whether the private entity performs a governmental function,
2. the level of government funding,
3. the extent of government involvement or regulation, and
4. whether the private entity was created by the government. This test is applied on a case-by-case basis, with no single factor being dispositive.

*Id.* at 874, 857 N.W.2d at 576 (internal citations omitted).

The court then applied the functional equivalency test to the facts pertinent to EDGE. As for the first prong of the test, the court found that
EDGE, in promoting economic development, performed a governmental function. The court did specify that promoting economic development was a permissive, rather than a mandatory, government function, noting that Falls City was not required by statute to engage in the promotion of economic development. The court stressed that "unlike essential governmental functions such as building and maintaining streets and highways and providing for public health and safety, private entities are free to engage in economic development activities without any involvement of public bodies." Id. at 878, 857 N.W.2d at 579.

With regard to the second factor, level of government funding, the court found that EDGE received approximately 63 percent of its revenue from public sources. As to the public funding, the court stated:

In Dow v. CCCI, the Maine Supreme Court held that receipt by a private development corporation of at least 60 percent of its annual revenue from a city did not support a conclusion that it was the functional equivalent of a city agency. But in State v. Beaver Dam Area Development Corp., the Wisconsin Supreme Court considered the fact that a development corporation was "almost entirely taxpayer funded" to be a significant factor in its determination that the entity was a "quasi-governmental corporation" subject to state open meetings and public records statutes. Id. at 876, 857 N.W.2d at 578.

Looking at the third and fourth factors, the extent of government involvement and the creation of the entity, the court pointed out that "the city has representation on EDGE's board of directors, but not control." Id. at 877, 857 N.W.2d at 578. EDGE's employees were not city employees; it maintained separate financial records and did not occupy city offices. The court further found that EDGE was incorporated by several private individuals, none of whom were employed by Falls City.

After weighing all factors, the Frederick court concluded that EDGE was not the functional equivalent of an agency, branch, or department of Falls City and its records are not "public records" as that term is defined in the Nebraska Public Records Statutes. Id. at 878, 857 N.W.2d at 579. While EDGE performed a governmental function, the fact that economic development was not a mandatory governmental function was significant in its ruling. Likewise, the fact that EDGE received 63 percent of its funding from government was, in light of the totality of the circumstances, not enough to render it a government agency. Despite the presence of factors one and two of the functional equivalency test (to at least some extent), the nearly complete absence of factors three and four appeared to be important in the court's analysis.
FUNCTIONAL EQUIVALENCY TEST AS APPLIED TO MECA

Whether a nonprofit corporation which has an ongoing relationship with a state agency or a political subdivision or which performs services for a governmental entity is a public body for purposes of the Nebraska Public Records Statutes involves a case-by-case analysis. This analysis necessarily involves a consideration of the factors enumerated above.

Performance of a governmental function: As noted above, the Omaha City Council has given MECA control over the management and operations of two of Omaha's public events facilities – the CenturyLink Center and T.D. Ameritrade Park. The court in Frederick held that the general encouragement of growth and industry (economic development) are public purposes. Public funds may be expended through private entities to achieve these public purposes. A study commissioned by MECA in 2014 revealed that the CenturyLink Center has had a $4.8 billion economic impact to the Omaha economy. As such, MECA's management of city-owned public events facilities has had a substantial impact on Omaha's economic development and, as such, constitutes the performance of a governmental function.

However, at issue is whether the management of city-owned public events facilities constitutes an essential function which governmental entities have a duty or responsibility to perform, as opposed to the simple authority to do so if it chooses. In Frederick, the court stressed that EDGE's promotion of economic development was not an essential governmental function, reasoning that "private entities [such as the Chamber of Commerce] are free to engage in economic development activities without any involvement of public bodies."

There are key differences, however, between MECA's operation of Omaha's public events facilities, and the economic development undertaken by EDGE. The public nature of EDGE was much less evident than that of MECA. EDGE was primarily directed by private interests (only two of the 21 members of the EDGE board were public officials), did not occupy any public buildings in Falls City, and its agreement with Falls City was revocable upon 60 days written notice.

By contrast, we understand that, pursuant to a 99 year agreement, MECA operates Omaha's public events facilities - facilities which have a substantial economic impact on the city. Moreover, the people of Omaha voted to establish the public-private partnership between MECA and the City of Omaha in the Omaha Municipal Code – affirmatively expressing a desire to yield a governmental function to MECA.

The level of government funding: After a city-wide vote, Omaha funded approximately 75% of the cost to build CenturyLink Center ($216 million public funds, $75 million private funds). And, as previously noted, a study released in March of 2014 (commissioned by MECA) found that CenturyLink Center
Omaha generated $4.8 billion of overall economic impact to the local economy between 2002 and 2013. The study further found that the convention center and arena have contributed $86.4 million in indirect and direct tax collections to the City of Omaha during this same time, including sales tax, parking tax and property taxes paid by new developments near the facility.\textsuperscript{4} The governmental function assumed by MECA has a considerable effect on Omaha's economy.

Pursuant to Section 4.07(e) of the Omaha Municipal Code, MECA's operations and administration expenses may be funded by the City of Omaha. MECA is also authorized to use facility fees, rentals, and other charges to pay for operating, administrative and necessary expenses, with certain limitations.

A review of Omaha City budgets over the past several years reveals that MECA has received public funding - $880,000 in 2012, $424,887 in 2013, $1,100,000 in 2014, and a recommended appropriation of $450,000 in 2015.\textsuperscript{5}

\textbf{Extent of government involvement or regulation}: We note that MECA is created by city ordinance and that its members are appointed on a rotating basis by the City Council or the Mayor and thereafter confirmed by the City Council. MECA board members are subject to removal by the City Council for malfeasance. Thus, while MECA board members are not public officials nor employees, city officials have direct control over the composition of the board.

In addition to control of MECA board appointments by city officials, other factors reveal a significant amount of governmental involvement in MECA:

1. The powers and duties of MECA are set forth in the Omaha Municipal Code;
2. The Omaha City Treasurer is ex officio treasurer of MECA and all income, revenue, receipts, etc., are paid to and under the control of the city treasurer;
3. MECA's funds and accounts must be audited annually, and the audit report must be submitted to the City Council;
4. MECA's offices are located in the CenturyLink Center – obviously a city-owned facility;
5. The City Council has expressly reserved the opportunity to enact by ordinance additional powers and duties and administrative and procedural requirements for MECA.
The extent of government involvement with respect to MECA is quite different from the circumstances presented in the *Frederick* case. There, the court noted that only two of the 21 voting members of EDGE's board were city officials that Falls City had no control over the composition of the EDGE board, and that EDGE and Falls City maintained separate financial records.

MECA is much more akin to the economic development corporation at issue in *Meri-Weather v. Freedom of Info. Com'n*, 47 Conn. Supp. 113, 778 A.2d 1038 (Conn. Super. 2000) discussed by the court in *Frederick*. The court in *Meri-Weather* held that the economic development corporation at issue in that case appointed a majority of that corporation's board of directors, the executive director of the city agency served as the executive officer of the nonprofit corporation, and the city agency maintained the nonprofit corporation's financial records in the office of the city agency. The corporation was found to be subject to the Connecticut Freedom of Information Act.

**Creation of the entity:** While MECA was originally created as a private, nonprofit corporation, it was subsequently created in the Omaha Municipal Code with the enactment of Ordinance No. 35043, which was approved by voters in 2000 (see Section 4.07, which reads, "There is hereby created a Metropolitan Entertainment and Convention Authority..." emphasis supplied). MECA and the City of Omaha signed a 99-year Lease and Development Agreement in August of 2000. As it now exists, MECA is a "creation" of a city ordinance. Interestingly, in MECA's audited financial statements for 2013 and 2014, MECA is referred to as "a component unit of the City of Omaha."6

**CONCLUSION**

We conclude that the Metropolitan Entertainment & Convention Authority is a hybrid public/private entity as it is created by ordinance, though it is also authorized to incorporate as a Nebraska nonprofit corporation. Utilizing the functional equivalency test set forth in *Frederick*, we conclude that MECA should be subject to the Nebraska Public Records Act. All four of the factors set forth in that test are applicable to MECA such that it should be considered an agency, branch, or department of the City of Omaha.

We likewise conclude that MECA is subject to the dictates of the Nebraska Open Meetings Act. MECA, as it now exists, is a creation of an Omaha City Ordinance. It serves the public function of managing and controlling the public events facilities of the City of Omaha.

1 According to MECA's website at http://www.omahameca.com/About/WhoWeAre.aspx:
The Metropolitan Entertainment & Convention Authority (MECA) is a 501©(3) non-profit organization that builds and manages public event venues in Omaha, Nebraska. The formal operations of MECA commenced on August 25, 2000 with the signing of a 99-year Lease and Development Agreement with the City of Omaha. The cost to build CenturyLink Center Omaha was $291 million, funded through a public-private arrangement. The private sector contributed $75 million and the public sector contributed $216 million. CenturyLink Center Omaha opened in 2003.

2See http://www.omahameca.com/Libraries/MECA_PDFs/Goss_Study_Press_Release_FINAL.sflb.ashx

While the agreement is referenced on MECA’s website, we do not have a copy of the agreement.

4See http://www.omahameca.com/Libraries/MECA_PDFs/Goss_Study_Press_Release_FINAL.sflb.ashx


6See http://cityclerk.cityofomaha.org/images/stories/agenda/ID%2015_03_31/City%20Clery%20402.pdf

Sincerely,

DOUGLAS J. PETERSON
Attorney General

(Signed) David Bydalek
Chief Deputy Attorney General

pc. Patrick J. O'Donnell
Clerk of the Nebraska Legislature
07-993-29
Opinion 15-017

SUBJECT: Whether Legislation Requiring Fifty Percent of the Revenues Generated From School Lands, That Are Placed In the Temporary School Fund, Be Kept For the Benefit of the School District in Which It Was Produced Would Be Constitutional

REQUESTED BY: Senator Dan Hughes, Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
                John L. Jelkin, Assistant Attorney General

In your opinion request letter, you make the following comments:

"My office has been doing research on educational lands and funds in Nebraska. I would like to know if the following idea would be constitutional. I would like to have 50% of the revenue generated on school lands, that is placed in the temporary school fund, be kept for the benefit of the school district in which it is produced."

ANALYSIS

On April 19, 1864, the U.S. Congress passed and President Abraham Lincoln signed the Enabling Act. (U.S. Stat. at Large, Vol. 13, p. 47.) The Enabling Act enabled the people of Nebraska to form a Constitution and State Government, and allowed the State of Nebraska admission into the Union on an equal footing with the original States. Section 7 of the Act provides:

"And be it further enacted, that sections number sixteen and thirty-six in every township., shall be, and are hereby granted to said State for the support of the common schools." (U.S. Stat. at Large, Vol. 13, p. 47).

Thereafter, the people of Nebraska did form a Constitution and State Government and by proclamation of then President Andrew Johnson, the State of Nebraska was admitted to the Union on March 1, 1867.

It appears to us that the threshold question is, "May the State provide more support to those school districts in which school lands are located, or must all of the funds be used for the benefit of all school districts, regardless of the location of the school lands?"

"In some parts of the State of Nebraska, most of the school's land have been sold." Op. Att'y Gen. No. 93035 (May 4, 1993). Currently, Colfax County, Dodge County, Fillmore County, Hamilton County, Nance County, Saunders County, Thurston County and Wayne County, Nebraska have no school lands. Douglas County has only 142.84 acres of school lands and Lancaster County, Nebraska has only 534.27 acres of school lands. On the
other hand, Perkins County, Nebraska has 28,519.26 acres of school lands. Source: Nebraska Board of Educational Lands and Funds website at http://belf.nebraska.gov. Accordingly, under your proposal, some Nebraska school districts would receive more income from the school lands than other Nebraska school districts.

In 1989, we were asked if the legislature could abolish the in lieu of tax payment to schools in counties wherein school lands are located and substitute a formula diverting the income and interest on school funds and lands into the equalization portion of the School Foundation and Equalization Act. In response, we stated:

The law is well settled. A grant by Congress of land to a state for the benefit of the common schools is an absolute grant, vesting title for a specific purpose. *Alabama v. Schmidt*, 232 U.S. 168, 34 S.Ct. 301, 58 L.Ed.2d 555 (1914). Hence, section 7 of the Enabling Act and section 9 of Article VII of the Constitution of Nebraska mandate that income from the unsold school lands "be exclusively used for the support and maintenance of the common schools in each school district in the state." As noted in your inquiry, some school districts do not receive funds pursuant to the equalization portion of the School Foundation and Equalization Act, and, therefore, your above described amendment to L.B. 807 would, in our opinion, be unconstitutional.


Further, in a subsequent opinion, we stated:

The fact that these lands are held in trust pursuant to the Nebraska Constitution and Enabling Act has the effect of incorporating the rules of law regulating the administration of trusts and the conduct and duties of trustees. Consequently, the State as trustee of these lands, and of the income therefrom, is required to administer the trust estate under the rules of law applicable to trustees acting in a fiduciary capacity. *State ex. Rel. Ebke v. Board of Educational Lands and Funds*, 159 Neb. 79, 65 N.W.2d 392 (1954). This means, among other things, that the State in its capacity as trustee has duties to all beneficiaries of the school trust and cannot lawfully confer special benefits on some to the detriment of others, nor can it lawfully impose special detriments on some to the benefit of others.


**CONCLUSION**

The answer to your question then, as to whether it would be constitutional to have 50% of the revenue generated on school lands be kept for the benefit of the school district in which it was produced, is clear. The State cannot discriminate against school districts in which little or no school lands are located, in favor of school districts in which more school lands are located.
To do so would violate the sacred trust that was placed on the State to use the school lands for the support and maintenance of the common schools in each school district in the State.

Sincerely yours,
DOUGLAS J. PETERSON
Attorney General
(Signed) John L. Jelkin
Assistant Attorney General

pc: Patrick J. O'Donnell
   Clerk of the Nebraska Legislature
25-093-29

Opinion 15-018

SUBJECT: L.B. 338 – Imposition of a Docket Fee for Original Actions and Modifications for Child Support and Custody Filed by Never-Married Parents

REQUESTED BY: Senator Lydia Brasch
Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
Lynn A. Melson, Assistant Attorney General

You have requested an opinion from this office regarding the interpretation of Neb. Rev. Stat. § 33-107.02 and the need to enact L.B. 338 which you introduced last year. You state that "L.B. 338 would mandate that never-married parents who are seeking 'a modification of an award of child support, or a modification of child custody, parenting time, visitation, or other access as defined in section 43-2922' also be charged the $65 docket fee, of which $50 is credited to the Parenting Act Fund." As you explain, the Legislature enacted this fee in 2007 in order to subsidize the costs of mediation in custody and parenting time disputes.

Background

The Parenting Act, now found at Neb. Rev. Stat. §§ 43-2920 to 43-2943 (2008 and Cum. Supp. 2014), was substantially revised by L.B. 554, Laws 2007. Under the Act as revised, mediation on the issues of custody and parenting time is mandatory in some instances. Parents may also participate in mediation on a voluntary basis. Neb. Rev. Stat. §§ 43-2936 and 43-2937. Section 43-2942 provides that the parties are responsible for the costs of mediation, which costs are charged according to a sliding fee scale if the court orders the parties to mediation. You point out that the Parenting Act fee imposed by § 33-107.02 subsidizes the costs incurred by mediation centers in providing mediation to indigent and low-income parents involved in custody and parenting disputes.
L.B. 554 amended certain statutes found in Chapter 33 in regard to docket fees. Section 33-107.02(1) (2008) provides as follows:

A docket fee of sixty-five dollars shall be collected by the clerk of the county court or the clerk of the district court for each proceeding to modify a decree of dissolution or annulment of marriage, a modification of an award of child support, or a modification of child custody, parenting time, visitation, or other access as defined in section 43-2922. Fifteen dollars shall be credited to the Legal Aid and Services Fund, and fifty dollars shall be credited to the Parenting Act Fund.

There is a separate docket fee imposed by Neb. Rev. Stat. § 33-106.03 that pertains only to actions for dissolution of marriages. Your questions concerning the imposition of docket fees for filings made by unmarried parents would clearly not be governed by that statute.

**Discussion**

We first note that the statement of intent for L.B. 338 states that L.B. 338 "provides a docket fee for original actions and modifications for custody, parent time, visitation, and other parental access filed by unmarried parents." Introducer's Statement of Intent for L.B. 338, 104th Neb. Leg., 1st Sess. (January 29, 2015). In your request letter, you inquire about the applicability of the docket fee to never-married parents who seek a modification. You also inquire about the applicability of the docket fee when never-married parents file a cross complaint or motion to intervene in an action initiated by a county attorney.

It seems to us that there are several categories of pleadings or actions that might be filed by never-married parents. One of the parents could file an action for paternity or parental support under Neb. Rev. Stat. §§ 43-1401 to 43-1418. The initial filing in such an action would involve neither an action for dissolution subject to § 33-106.03 nor an action seeking modification subject to § 33-107.02 and neither docket fee would apply.

An unmarried parent could subsequently file an application for modification of a prior decree of child support or child custody, parenting time, or visitation. In our view, such a filing with regard to a decree entered in a private action brought by the parent would require the $65 docket fee called for by § 33-107.02(1). Statutory language should generally be given its plain and ordinary meaning and where the words of the statute are plain, direct and unambiguous, no interpretation is necessary to ascertain their meaning. State v. Mena-Rivers, 280 Neb. 948, 791 N.W.2d 613 (2010); Sorensen v. Meyer, 220 Neb. 457, 370 N.W.2d 173 (1985). When construing a statute, courts will attempt to discover legislative intent from the language of the act. A court will also "construe statutes relating to the same subject matter together to maintain a sensible and consistent scheme, so that effect is given to every provision." Tracfone Wireless, Inc. v.
In our view, the language of § 33-107.02(1) which imposes a $65 docket fee for "a modification of an award of child support, or a modification of child custody, parenting time, visitation, or other access", on its face, applies to applications for modifications of prior awards, whether filed by previously married parents or never married parents.

The answer is less clear if the original proceeding to determine paternity or parental support pursuant to §§ 43-1401 to 43-1418 was filed by a county attorney and one of the parents later files an application for modification of an award entered in that proceeding. Subsection (2) of § 33-107.02, the statute imposing the additional docket fee, provides that a "proceeding filed by a county attorney or authorized attorney, as defined in section 43-1704, . . . shall not be subject to the provisions of this section." It is clear that the county attorney need not pay the $65 docket fee if he or she files a petition to determine paternity or parental support or a subsequent application for modification. However, if one of the parents later seeks to modify the decree entered in a proceeding initiated by the county attorney, one could argue that the parent would be subject to the docket fee applicable to modifications. Yet, the statutory language provides that the "proceeding" is not subject to the docket fee provision and use of the term "proceeding" may indicate that none of the pleadings filed in a proceeding initiated by the county attorney would trigger the docket fee. "Proceeding" has been defined in a general sense as "[T]he regular and orderly progression of a lawsuit, including all acts and events between the time of commencement and the entry of judgment." Black's Law Dictionary 1324 (9th ed. 2009). For this reason, you may wish to proceed with legislation to clarify the applicability of the docket fee in this situation.

Finally, your request letter also refers to a situation in which never-married parents file a cross complaint or motion to intervene in a paternity or parental support action brought by the county attorney. If we understand your reference correctly, it seems to us that those pleadings would likely be filed prior to the entry of a decree and may, thus, not be considered "modifications" of a prior award so as to fall under the current docket fee requirement. However, you state that such pleadings are filed subsequent to an order of child support. If you intend for these pleadings to trigger the docket fee, clarifying legislation may be necessary.

Conclusion

In your request letter, you explain that the docket fee provided for at § 33-107.02 is not currently imposed on never-married parents in certain situations. For the reasons stated above, we agree that the applicability of the docket fee is not entirely clear and that, if you wish to ensure that the docket fee is assessed, amendment of the statute would be appropriate.

Sincerely,
DOUGLAS J. PETERSON
REPORTS

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

COMMUNICATION(S)

Received petition from the Village Board of Dodge, Nebraska, adopted on October 5, 2015.

Received petition from the Village of Decatur, Nebraska, adopted on October 8, 2015.

Received petition from the Village of Bancroft, Nebraska, adopted on November 2, 2015.

Received petition from the Village of Rosalie, Nebraska, adopted on November 16, 2015.

EXECUTIVE BOARD REPORT

The Executive Board reported the following committee assignments made over the interim:

Senator Lindstrom has been appointed to the Nebraska Retirement Systems Committee. Senator Mello has been appointed to the Rules Committee. Senator Cook has been appointed to the Appropriations Committee and no longer serves on the Education Committee and the Health and Human Services Committee. Senator Krist has been appointed to the Education Committee and no longer serves on the General Affairs Committee and the Urban Affairs Committee. Senator McCollister has been appointed to the General Affairs Committee and no longer serves on the Business and Labor Committee. Senator Howard has been appointed to the Business and Labor Committee and the Urban Affairs Committee and no longer serves on the Banking, Commerce and Insurance Committee. Senator Fox has been appointed to the Banking, Commerce and Insurance Committee and the Health and Human Services Committee.
EXECUTIVE BOARD REPORT

The Executive Board has appointed the following members of the Legislature to the Committee on Justice Reinvestment Oversight (LB605):

Senator Seiler (chairperson)
Senator Mello
Senator Krist
Senator Hadley
Senator Campbell

MOTION - Chairperson of Nebraska Retirement Systems

Senator Watermeier moved to proceed to the election of the Nebraska Retirement Systems Committee chairperson, by secret ballot, in accordance with Rule 3, Sec. 8(a).

The motion prevailed.

CHAIRPERSON - Nebraska Retirement Systems

Senator Kolterman placed his name in nomination.

Senator Davis placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Crawford, Friesen, and Mello as tellers.

Senator Kolterman 30
Senator Davis 18

48

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

BILLS ON FIRST READING

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

LEGISLATIVE BILL 665. Introduced by Executive Board: Krist, 10, Chairperson.

A BILL FOR AN ACT relating to the Water Resources Cash Fund; to eliminate obsolete transfer provisions; and to outright repeal sections 61-220 and 61-221, Revised Statutes Cumulative Supplement, 2014.
LEGISLATIVE BILL 666. Introduced by Executive Board: Krist, 10, Chairperson.

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend sections 60-3,136 and 60-4,147.03, Reissue Revised Statutes of Nebraska, and sections 60-3,198, 60-487, 60-4,131, 60-4,144.01, 60-4,144.02, 60-4,168, and 60-4,181, Revised Statutes Cumulative Supplement, 2014; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 667. Introduced by Executive Board: Krist, 10, Chairperson.

A BILL FOR AN ACT relating to the International Fuel Tax Agreement Act; to amend section 66-1418, Revised Statutes Cumulative Supplement, 2014; to eliminate obsolete provisions relating to trip permits; and to repeal the original section.

LEGISLATIVE BILL 668. Introduced by Executive Board: Krist, 10.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,120.01 and 79-609, Reissue Revised Statutes of Nebraska, sections 60-6,179.01 and 60-6,268, Revised Statutes Cumulative Supplement, 2014, and sections 60-4,123, 60-4,124, 60-6,265, 60-6,267, and 60-6,270, Revised Statutes Supplement, 2015; to change provisional operator's permit restrictions from secondary offenses to primary offenses; to change certain uses of interactive wireless communication devices from secondary offenses to primary offenses as prescribed; to update references to certain federal provisions; to eliminate as a secondary action certain occupant protection system enforcement requirements; to repeal the original sections; and to outright repeal section 60-6,271, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 669. Introduced by Executive Board: Krist, 10.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,268, Revised Statutes Cumulative Supplement, 2014, sections 60-6,265, 60-6,267, and 60-6,270, Revised Statutes Supplement, 2015; to update federal references; to change and eliminate provisions relating to the use and enforcement of occupant protection systems; to repeal the original sections; and to outright repeal section 60-6,271, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 670. Introduced by Krist, 10.

A BILL FOR AN ACT relating to mental health evaluations; to amend section 71-919, Reissue Revised Statutes of Nebraska, and section 43-254.01, Revised Statutes Cumulative Supplement, 2014; to require a hearing prior to release for persons taken into custody for mental health reasons; and to repeal the original sections.
LEGISLATIVE BILL 671. Introduced by Krist, 10.

A BILL FOR AN ACT relating to roads; to amend section 39-2703, Revised Statutes Cumulative Supplement, 2014, and sections 77-27,132 and 77-27,237, Revised Statutes Supplement, 2015; to repeal the Build Nebraska Act; to terminate a fund; to change the distribution of sales and use tax revenue; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 39-2701, 39-2702, 39-2704, and 39-2705, Revised Statutes Cumulative Supplement, 2014; and to declare an emergency.

LEGISLATIVE BILL 672. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Waste Reduction and Recycling Incentive Act; to amend sections 81-15,159.02, 81-15,162, and 81-15,164, Reissue Revised Statutes of Nebraska; to eliminate fees on tires as prescribed; to eliminate a definition; to harmonize provisions; to provide a termination date; and to repeal the original sections.

LEGISLATIVE BILL 673. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-273, Reissue Revised Statutes of Nebraska, and section 43-272.01, Revised Statutes Supplement, 2015; to change provisions relating to guardians ad litem and determination of fees; and to repeal the original sections.

LEGISLATIVE BILL 674. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Disabled Persons and Family Support Act; to amend sections 68-1502, 68-1504, 68-1505, 68-1506, 68-1508, 68-1509, 68-1510, 68-1511, 68-1512, 68-1513, 68-1515, 68-1516, and 68-1519, Reissue Revised Statutes of Nebraska, and section 68-1518, Revised Statutes Cumulative Supplement, 2014; to provide financial compensation for care given by families at home as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 675. Introduced by Krist, 10.

A BILL FOR AN ACT relating to juveniles; to amend section 43-251.01, Revised Statutes Supplement, 2015; to change provisions relating to placement and detention; and to repeal the original section.

LEGISLATIVE BILL 676. Introduced by Craighead, 6.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-1,140, 8-355, and 21-17,115, Revised Statutes Supplement, 2015; to revise powers of state-chartered banks, building and loan associations, and credit unions; to repeal the original sections; and to declare an emergency.
LEGISLATIVE BILL 677. Introduced by Craighead, 6.

A BILL FOR AN ACT relating to veterans; to amend section 80-410, Reissue Revised Statutes of Nebraska; to change a state residency qualification for state veterans service officers; to change a military service requirement for certain officers and personnel; and to repeal the original section.

LEGISLATIVE BILL 678. Introduced by Craighead, 6.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend sections 81-885 and 81-885.07, Reissue Revised Statutes of Nebraska, and section 81-885.01, Revised Statutes Supplement, 2015; to define terms; to provide duties for a team leader as prescribed; to require the adoption and promulgation of rules and regulations; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 679. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Community Corrections Act; to amend section 47-624, Revised Statutes Cumulative Supplement, 2014; to change reporting requirements; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 680. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to pharmacy technicians; to amend section 38-2890, Revised Statutes Supplement, 2015; to change requirements for pharmacy technicians; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 681. Introduced by Schnoor, 15.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2441, Reissue Revised Statutes of Nebraska, and sections 69-2435, 69-2436, 69-2439, and 69-2443, Revised Statutes Cumulative Supplement, 2014; to change certain violation and penalty provisions; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 682. Introduced by Craighead, 6.

A BILL FOR AN ACT relating to elections; to amend section 32-949.01, Revised Statutes Cumulative Supplement, 2014, and sections 32-941, 32-947, and 32-953, Revised Statutes Supplement, 2015; to change deadlines for ballots for early voting and special elections by mail; to provide an operative date; to repeal the original sections; and to declare an emergency.
LEGISLATIVE BILL 683. Introduced by Craighead, 6.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3506, Revised Statutes Cumulative Supplement, 2014, and section 77-3509, Revised Statutes Supplement, 2015; to change provisions relating to homestead exemptions for certain surviving spouses as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 684. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to adoption; to amend section 43-107, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to adoptive home studies as prescribed; and to repeal the original section.

LEGISLATIVE BILL 685. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2717 and 77-2734.03, Revised Statutes Cumulative Supplement, 2014, and section 77-2715.07, Revised Statutes Supplement, 2015; to adopt the Student Loan Repayment Tax Credit Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 686. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to law; to amend section 49-501.01, Reissue Revised Statutes of Nebraska; to provide for the publication and distribution of the Constitution of Nebraska; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 687. Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to recall; to amend sections 32-1205, 32-1301, 32-1302, 32-1304, 32-1305, and 32-1309, Reissue Revised Statutes of Nebraska, sections 32-628, 32-1303, and 32-1306, Revised Statutes Cumulative Supplement, 2014, and section 32-1308, Revised Statutes Supplement, 2015; to provide for recall of an official elected or appointed to a state elective office; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 688. Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-479, Revised Statutes Cumulative Supplement, 2014, and section 60-462, Revised Statutes Supplement, 2015; to require all examinations and tests of applicants to be in the English language; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 689. Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.10, Revised Statutes Cumulative Supplement, 2014; to eliminate a sales and use tax exemption relating to political events; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 690. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1017.02, Revised Statutes Cumulative Supplement, 2014; to eliminate a provision relating to eligibility for Supplemental Nutrition Assistance Program benefits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 691. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to universities and colleges; to amend section 85-1412, Revised Statutes Supplement, 2015; to adopt the Teacher Education and Health Care Professions Student Grant Program Act; to provide duties for the Coordinating Commission for Postsecondary Education; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 692. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to students; to adopt the Student Online Personal Protection Act.

LEGISLATIVE BILL 693. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to amend sections 13-919 and 13-920, Reissue Revised Statutes of Nebraska; to change limitation of action provisions; and to repeal the original sections.

LEGISLATIVE BILL 694. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Taxpayer Transparency Act; to amend section 84-602.02, Revised Statutes Supplement, 2015; to change provisions relating to exempt contracts; and to repeal the original section.

LEGISLATIVE BILL 695. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-735, Revised Statutes Supplement, 2015; to provide for the counting of ballots; and to repeal the original section.
LEGISLATIVE BILL 696. Introduced by Howard, 9; Morfeld, 46.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-911, Revised Statutes Cumulative Supplement, 2014; to provide for a waiver for coverage of opioid abuse as prescribed; and to repeal the original section.

LEGISLATIVE BILL 697. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2015; to require application for a medicaid state plan amendment for functional family therapy; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 698. Introduced by Mello, 5; Bolz, 29; Campbell, 25; Cook, 13; Davis, 43.

A BILL FOR AN ACT relating to health; to adopt the Home Care Consumer Bill of Rights Act; and to provide a penalty.

LEGISLATIVE BILL 699. Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Nebraska Municipal Land Bank Act; to amend sections 19-5205, 19-5210, and 19-5213, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to board members, priorities for use of land, and reporting; and to repeal the original sections.

LEGISLATIVE BILL 700.Introduced by Mello, 5.

A BILL FOR AN ACT relating to cities; to amend section 14-407, Reissue Revised Statutes of Nebraska, and section 19-4029.01, Revised Statutes Supplement, 2015; to require notice to neighborhood associations for actions relating to zoning and business improvement districts; and to repeal the original sections.

LEGISLATIVE BILL 701. Introduced by Mello, 5; Campbell, 25.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1721, Revised Statutes Cumulative Supplement, 2014; to eliminate a termination date relating to a self-sufficiency contract; and to repeal the original section.

LEGISLATIVE BILL 702. Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Howard, 9; Hughes, 44; McCollister, 20.

A BILL FOR AN ACT relating to cities of the second class; to amend
sections 17-102 and 17-104, Reissue Revised Statutes of Nebraska; to harmonize provisions relating to the election of city council members; and to repeal the original sections.

**LEGISLATIVE BILL 703.** Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Howard, 9; Hughes, 44; McCollister, 20.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-207 and 17-555, Revised Statutes Supplement, 2015; to change provisions relating to nuisances; and to repeal the original sections.

**LEGISLATIVE BILL 704.** Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Howard, 9; Hughes, 44; McCollister, 20.

A BILL FOR AN ACT relating to building codes and regulations; to amend sections 14-419 and 18-132, Reissue Revised Statutes of Nebraska, sections 15-905, 19-922, 23-172, and 71-6404, Revised Statutes Cumulative Supplement, 2014, and section 71-6406, Revised Statutes Supplement, 2015; to define terms; to change provisions relating to adoption and applicability of building codes by political subdivisions; and to repeal the original sections.

**LEGISLATIVE BILL 705.** Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Howard, 9; Hughes, 44; McCollister, 20.


LEGISLATIVE BILL 706. Introduced by Coash, 27; Campbell, 25; Howard, 9.

A BILL FOR AN ACT relating to insurance; to define habilitative services.

LEGISLATIVE BILL 707. Introduced by Coash, 27.

A BILL FOR AN ACT relating to courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska; to increase the number of judges of the separate juvenile court as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 708. Introduced by Bolz, 29; Campbell, 25; Cook, 13; Davis, 43; Mello, 5.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-516.01, 71-516.02, and 71-516.03, Reissue Revised Statutes of Nebraska, section 71-516.04, Revised Statutes Cumulative Supplement, 2014, and sections 71-401 and 71-403, Revised Statutes Supplement, 2015; to define and redefine terms; to provide for a memory care endorsement under the Health Care Facility Licensure Act; to provide for applicability to Alzheimer’s special care units as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 709. Introduced by Howard, 9; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-253, 43-255, 43-256, 43-260, 43-260.01, and 43-3504, Revised Statutes Cumulative Supplement, 2014, and sections 43-245 and 43-250, Revised Statutes Supplement, 2015; to provide for an alternative to detention; to define and eliminate a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 710. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-311.06, Reissue Revised Statutes of Nebraska; to change provisions relating to hazing; and to repeal the original section.
LEGISLATIVE BILL 711. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to noxious weed control; to amend sections 2-945.01 and 2-958.02, Reissue Revised Statutes of Nebraska; to change provisions relating to grants for certain vegetation management programs; to create the Riparian Vegetation Management Task Force; to provide task force duties; to require an annual report; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-967 and 2-968, Revised Statutes Cumulative Supplement, 2014.

LEGISLATIVE BILL 712. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to environmental protection; to amend sections 25-21,255 and 81-1577.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the regulation of aboveground motor vehicle fuel storage tanks; to remove an obsolete provision; to eliminate certain provisions relating to the storage of hazardous substances; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-1575, 81-1576, and 81-1577, Reissue Revised Statutes of Nebraska.

EASE

The Legislature was at ease from 10:43 a.m. until 11:16 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 713. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to state intent relating to appropriations for the Access College Early Scholarship Program.

LEGISLATIVE BILL 714. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to irrigation and regulation of water; to amend section 46-229.04, Reissue Revised Statutes of Nebraska; to provide for and change a provision relating to sufficient cause for nonuse of a water appropriation; and to repeal the original section.

LEGISLATIVE BILL 715. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Nebraska Cultural Preservation Endowment Fund; to amend section 82-331, Reissue Revised Statutes of Nebraska; to provide for transfers from the General Fund; and to repeal the original section.
LEGISLATIVE BILL 716. Introduced by Kolowski, 31; Garrett, 3; Gloor, 35; Hilkemann, 4; Lindstrom, 18; McCollister, 20.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,153, 60-6,154, and 60-6,317, Reissue Revised Statutes of Nebraska; to provide for the right-of-way for pedestrians; to provide and eliminate requirements for persons operating bicycles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 717. Introduced by Groene, 42; Brasch, 16.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-112, 77-5023, and 77-5026, Reissue Revised Statutes of Nebraska, and sections 77-1301, 77-1327, and 77-5027, Revised Statutes Cumulative Supplement, 2014; to redefine a term; to change provisions relating to assessment of real property; to change the Tax Equalization and Review Commission Act; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 718. Introduced by Groene, 42.

A BILL FOR AN ACT relating to veterans aid; to amend section 80-411, Reissue Revised Statutes of Nebraska; to change requirements for submitting an application for a waiver of college tuition and fees; and to repeal the original section.

LEGISLATIVE BILL 719. Introduced by Groene, 42.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2123, Reissue Revised Statutes of Nebraska; to change provisions relating to undeveloped vacant land; and to repeal the original section.

LEGISLATIVE BILL 720. Introduced by Kuehn, 38.

A BILL FOR AN ACT relating to rights of privacy; to amend sections 20-201, 20-205, 20-206, 20-207, and 20-208, Reissue Revised Statutes of Nebraska; to change certain invasion of privacy provisions to include unmanned aircraft or unmanned aircraft systems; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 721. Introduced by Baker, 30.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-2025, Reissue Revised Statutes of Nebraska, section 38-121, Revised Statutes Cumulative Supplement, 2014, and section 38-101, Revised Statutes Supplement, 2015; to adopt the Surgical First Assistant Practice Act; to harmonize provisions; and to repeal the original sections.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-1217 and 38-1221, Revised Statutes Cumulative Supplement, 2014, and section 71-401, Revised Statutes Supplement, 2015; to adopt the Stroke System of Care Act; to provide for establishment of model protocols under the Emergency Medical Services Practice Act; to restrict advertising by hospitals; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 723. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 724. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 725. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to real property; to amend section 76-214, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to a requirement to file statements regarding conveyances of real estate; and to repeal the original section.

LEGISLATIVE BILL 726. Introduced by Sullivan, 41; Bolz, 29; Morfeld, 46; Scheer, 19.

A BILL FOR AN ACT relating to universities and colleges; to require providing information to students relating to federal student loans.

LEGISLATIVE BILL 727. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to cigar shops; to impose a tax on certain sales of tobacco as prescribed.

LEGISLATIVE BILL 728. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1413, Revised Statutes Supplement, 2015; to authorize electronic voting devices for natural resources districts; and to repeal the original section.
LEGISLATIVE BILL 729. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to the Real Property Appraiser Act; to amend sections 76-2201 and 76-2221, Revised Statutes Supplement, 2015; to provide an exemption for persons retained by a county to assist in the assessment of real property for taxation purposes; to eliminate a moratorium on enforcement of the act by the Real Property Appraiser Board involving certain mass appraisals; to harmonize provisions; to repeal the original sections; to outright repeal section 76-2251, Revised Statutes Supplement, 2015; and to declare an emergency.

LEGISLATIVE BILL 730. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to grain warehouses; to amend section 88-530, Reissue Revised Statutes of Nebraska; to change a provision relating to security coverage for sellers of grain stored in a warehouse closed by the Public Service Commission; and to repeal the original section.

LEGISLATIVE BILL 731. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to real property; to amend section 76-2217.03, Revised Statutes Cumulative Supplement, 2014, and sections 76-2202, 76-2207.13, 76-2207.14, 76-2216.01, 76-2218.02, 76-2221, 76-2222, 76-2227, 76-2227.01, 76-2228.01, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01, 76-2236, 76-2238, and 76-2241, Revised Statutes Supplement, 2015; to change provisions relating to the Real Property Appraiser Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 732. Introduced by Watermeier, 1; McCollister, 20.

A BILL FOR AN ACT relating to motor vehicles; to amend section 80-414, Reissue Revised Statutes of Nebraska, and sections 60-3,122.03 and 60-3,122.04, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to Military Honor Plates; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 733. Introduced by Watermeier, 1; Pansing Brooks, 28.

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

LEGISLATIVE BILL 734. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to universities and colleges; to amend section 85-502, Reissue Revised Statutes of Nebraska; to change provisions relating to residency; to harmonize provisions; and to repeal the original section.
LEGISLATIVE BILL 735. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,290, Revised Statutes Cumulative Supplement, 2014; to provide a length limit exception for an articulated bus vehicle operated by a transit authority as prescribed; and to repeal the original section.

LEGISLATIVE BILL 736.Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Rural Community-Based Energy Development Act; to amend sections 70-1905, 70-1906, and 70-1908, Reissue Revised Statutes of Nebraska, section 70-1904, Revised Statutes Cumulative Supplement, 2014, and section 70-1903, Revised Statutes Supplement, 2015; to define a term; to change powers and duties relating to electric utilities and electric suppliers; to change a notification requirement; and to repeal the original sections.

LEGISLATIVE BILL 737. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to environmental protection; to amend sections 81-15,149, 81-15,150, 81-15,151, 81-15,154, 81-15,155, and 81-15,156, Reissue Revised Statutes of Nebraska; to change provisions of the Wastewater Treatment Facilities Construction Assistance Act; to redefine a term; to change powers of the Director of Environmental Quality; to provide additional options for paying program costs; to expand categories of loan eligibility; to change loan conditions and terms as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 738. Introduced by Ebke, 32; Morfeld, 46; Watermeier, 1.

A BILL FOR AN ACT relating to law enforcement; to prohibit the use of cell-site simulator technology or devices by law enforcement agencies as prescribed.

LEGISLATIVE BILL 739. Introduced by Smith, 14.

A BILL FOR AN ACT relating to schools; to amend sections 79-528, 79-1007.18, 79-1008.02, 79-1022, 79-1036, 79-1041, 79-10,120, 79-10,126, 79-2104, 79-2111, and 79-2404, Reissue Revised Statutes of Nebraska, sections 70-651.04 and 77-1736.06, Revised Statutes Cumulative Supplement, 2014, and section 77-3442, Revised Statutes Supplement, 2015; to eliminate certain taxing authority of learning communities; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-1073, 79-1073.01, and 79-10,126.01, Reissue Revised Statutes of Nebraska.

A BILL FOR AN ACT relating to the Unfair Insurance Claims Settlement Practices Act; to amend section 44-1540, Revised Statutes Cumulative Supplement, 2014; to add an unfair claims settlement practice; and to repeal the original section.


A BILL FOR AN ACT relating to elections; to amend section 32-1524, Reissue Revised Statutes of Nebraska; to change prohibitions related to yard signs; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 742. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to counties; to amend sections 2-955, 8-157, 23-150, 23-151, 23-1723, 23-1723.01, 23-1732, 23-2503, 23-2518, 23-3502, 23-3582, 29-902.01, 32-221, 32-555, 33-114.01, and 71-1631, Reissue Revised Statutes of Nebraska, section 32-554, Revised Statutes Cumulative Supplement, 2014, and sections 23-148 and 32-528, Revised Statutes Supplement, 2015; to change county population thresholds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 743. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to the Nebraska Workers’ Compensation Act; to amend section 48-121, Reissue Revised Statutes of Nebraska; to clarify compensation for shoulder injuries; and to repeal the original section.

LEGISLATIVE BILL 744. Introduced by Watermeier, 1; Kolterman, 24.

A BILL FOR AN ACT relating to adoptions; to provide for communication and contact agreements in private and agency adoptions as prescribed; and to prohibit enforcement of agreements by civil action.

LEGISLATIVE BILL 745. Introduced by McCollister, 20; Johnson, 23; Kolowski, 31.

A BILL FOR AN ACT relating to game and parks; to amend section 37-406, Reissue Revised Statutes of Nebraska, and sections 37-327, 37-405, 37-407, 37-415, 37-420, 37-421, 37-421.01, 37-426, 37-438, 37-447, 37-449, 37-450, 37-451, 37-457, 37-484, 37-490, 37-497, and 37-4,111, Revised Statutes Cumulative Supplement, 2014; to change the limit for increasing fees by the Game and Parks Commission; to change provisions relating to permits and permit applications; to change license, permit, stamp, and application fees as prescribed; and to repeal the original sections.
LEGISLATIVE BILL 746. Introduced by Campbell, 25; Bolz, 29; Coash, 27; Howard, 9; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to foster care; to amend sections 43-1311.03 and 43-1312, Revised Statutes Cumulative Supplement, 2014, and sections 43-272.01 and 43-285, Revised Statutes Supplement, 2015; to adopt the Nebraska Strengthening Families Act; to change reporting requirements for guardians ad litem; to change provisions relating to independent living transition proposals and permanency plans; to create the Normalcy Task Force; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 747. Introduced by Kolterman, 24; Gloor, 35; Stinner, 48.

A BILL FOR AN ACT relating to the Nebraska Capital Expansion Act; to amend section 72-1263, Revised Statutes Cumulative Supplement, 2014; to increase the amount of funds offered to banks and other financial institutions as deposits; and to repeal the original section.

LEGISLATIVE BILL 748. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-194.03, Reissue Revised Statutes of Nebraska; to change provisions relating to limits on bringing alcoholic liquor into the state for personal consumption; and to repeal the original section.

LEGISLATIVE BILL 749. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2015; to change an income tax exemption for benefits received under the federal Social Security Act; and to repeal the original section.

LEGISLATIVE BILL 750. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-175, 38-190, 38-1,105, 38-1,106, 38-1,121, 38-1,129, 38-1,130, and 38-1,134, Reissue Revised Statutes of Nebraska, sections 38-1,126 and 38-1,127, Revised Statutes Cumulative Supplement, 2014, and sections 38-101 and 71-401, Revised Statutes Supplement, 2015; to provide for confidentiality as prescribed; to provide prohibitions on retaliation as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 751. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-115.01, 8-117, 8-157, 8-234, 8-374, 8-1510, and 21-1725.01, Reissue Revised Statutes of Nebraska; to provide that payment of certain expenses is
not a condition precedent to certain approvals by the Director of Banking and Finance; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 752.** Introduced by Crawford, 45; Cook, 13; Kolowski, 31; Krist, 10; Morfeld, 46.

A BILL FOR AN ACT relating to education; to create and provide membership and duties for the Adult Career Pathways Task Force; and to provide a termination date.

**LEGISLATIVE BILL 753.** Introduced by Crawford, 45; Bloomfield, 17; Craighead, 6; Garrett, 3; Hansen, 26; Hilkemann, 4; Krist, 10; Morfeld, 46.

A BILL FOR AN ACT relating to the Military Code; to amend section 55-161, Reissue Revised Statutes of Nebraska; to change provisions relating to absence from employment for military purposes; and to repeal the original section.

**LEGISLATIVE BILL 754.** Introduced by Crawford, 45; Craighead, 6; Garrett, 3; Hansen, 26; Krist, 10; Morfeld, 46.

A BILL FOR AN ACT relating to the military; to create the Commission on Military and Veteran Affairs; to provide for membership, terms, duties, expenses, and staff; and to require a report.

**LEGISLATIVE BILL 755.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Board of Trustees of the Nebraska State Colleges.

**LEGISLATIVE BILL 756.** Introduced by Legislative Performance Audit Committee: Watermeier, 1, Chairperson; Krist, 10; Kuehn, 38; Larson, 40; Mello, 5; Scheer, 19; Bolz, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-6103, Reissue Revised Statutes of Nebraska, and section 77-2716, Revised Statutes Supplement, 2015; to terminate the Nebraska long-term care savings plan; to harmonize provisions; to repeal the original sections; to outright repeal sections 77-6101, 77-6102, 77-6104, and 77-6105, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 757.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1552 and 25-1556, Reissue Revised Statutes of Nebraska; to change provisions relating to personal property exemptions in cases of forced sale on execution or attachment; and to repeal the original sections.
LEGISLATIVE BILL 758. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to insurance; to amend section 21-104, Reissue Revised Statutes of Nebraska, and section 44-8216, Revised Statutes Cumulative Supplement, 2014; to prohibit limited liability companies from operating as insurers; to change provisions relating to special purpose financial captive insurers; and to repeal the original sections.

LEGISLATIVE BILL 759. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to bank deposits and collections; to amend section 4-403, Uniform Commercial Code, Reissue Revised Statutes of Nebraska; to change provisions relating to stop-payment orders; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 760. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-318 and 8-345.01, Reissue Revised Statutes of Nebraska, section 8-135, Revised Statutes Cumulative Supplement, 2014, and section 8-157.01, Revised Statutes Supplement, 2015; to update certain references to the federal Electronic Fund Transfer Act; to change an internal reference; and to repeal the original sections.

LEGISLATIVE BILL 761. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to the Consumer Rental Purchase Agreement Act; to amend sections 69-2103, 69-2104, and 69-2112, Revised Statutes Cumulative Supplement, 2014; to change and update certain federal references; and to repeal the original sections.

LEGISLATIVE BILL 762. Introduced by Kintner, 2; Bloomfield, 17; Coash, 27.

A BILL FOR AN ACT relating to the Tobacco Products Tax Act; to amend section 77-4008, Reissue Revised Statutes of Nebraska; to change the tax on cigars, cheroots, and stogies as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 763. Introduced by Garrett, 3; Craighead, 6; Krist, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2714.01, 77-2753, and 77-2761, Reissue Revised Statutes of Nebraska, and section 77-2716, Revised Statutes Supplement, 2015; to adopt the Nebraska is Honoring Our Military Exemption Act; to provide an income tax exemption as prescribed; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 764. Introduced by Garrett, 3; Bloomfield, 17; Craighead, 6; Crawford, 45; Krist, 10; McCollister, 20.

A BILL FOR AN ACT relating to the Nebraska Code of Military Justice; to amend sections 55-401, 55-402, 55-416, 55-418, 55-419, 55-427, 55-428, and 55-452, Reissue Revised Statutes of Nebraska; to authorize summary discipline for minor offenses as prescribed; to change certain references to the code; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 765. Introduced by Garrett, 3; Bolz, 29; Craighead, 6; Krist, 10; McCollister, 20.

A BILL FOR AN ACT relating to the Motor Vehicle Certificate of Title Act; to amend section 60-154, Revised Statutes Cumulative Supplement, 2014; to increase original certificate of title fees for vehicles transferred to Nebraska from another state; to provide for distribution of such fees; and to repeal the original section.

LEGISLATIVE BILL 766. Introduced by Garrett, 3; Bloomfield, 17; Craighead, 6; Krist, 10.

A BILL FOR AN ACT relating to veterans; to amend section 80-411, Reissue Revised Statutes of Nebraska; to change provisions relating to eligibility for waiver of educational tuition and fees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 767. Introduced by Garrett, 3; Craighead, 6; Watermeier, 1.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-332, Reissue Revised Statutes of Nebraska, sections 28-325, 28-326, 28-340, and 38-2021, Revised Statutes Cumulative Supplement, 2014, and section 28-101, Revised Statutes Supplement, 2015; to prohibit dismemberment abortion as prescribed; to define a term; to provide for a disciplinary proceeding, for civil damages, for a criminal penalty; and a savings clause; to harmonize provisions; to provide for severability; and to repeal the original sections.

LEGISLATIVE BILL 768. Introduced by Garrett, 3; Craighead, 6; Krist, 10.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Supplement, 2015; to provide for Choose Life License Plates; to create a fund; to provide for grants to certain organizations; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 769. Introduced by Garrett, 3; Craighead, 6; Groene, 42; Watermeier, 1.

A BILL FOR AN ACT relating to firearms; to amend sections 28-1204.02, 69-2441, and 79-283, Reissue Revised Statutes of Nebraska, and section 29-820, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to forfeited or abandoned firearms; to eliminate certain state-wide restrictions and penalties on the carrying of firearms; to repeal the original sections; and to outright repeal section 79-263, Reissue Revised Statutes of Nebraska, and sections 28-1204.03 and 28-1204.04, Revised Statutes Cumulative Supplement, 2014.

LEGISLATIVE BILL 770. Introduced by Groene, 42; Gloor, 35.

A BILL FOR AN ACT relating to the Nebraska Exchange Transparency Act; to amend sections 44-8703 and 44-8706, Revised Statutes Cumulative Supplement, 2014; to change the termination date of the act and the terms of certain commission members; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 771. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend sections 8-1106 and 8-1108.02, Revised Statutes Supplement, 2015; to change provisions relating to registration by coordination and federal covered securities; and to repeal the original sections.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 378CA. Introduced by Kuehn, 38.

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

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

To add a new section 26 to Article XV:

XV-26 (1) To protect agriculture as a vital sector of Nebraska's economy, which provides food, energy, health benefits, and security and is the foundation and stabilizing force of Nebraska's economy, the rights of citizens and lawful residents of Nebraska to engage in farming and ranching practices shall be forever guaranteed in this state, and the Legislature shall pass no law which abridges the right of citizens and lawful residents of Nebraska to employ agricultural technology and livestock production and ranching practices without a compelling state interest.

(2) This section shall not be construed to modify any provision of law relating to trespass, eminent domain, dominance of mineral interests, easements, rights of way, or any other property rights.
Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:
A constitutional amendment to guarantee the right to engage in certain farming and ranching practices.
For
Against.

LEGISLATIVE RESOLUTION 379CA. Introduced by Bloomfield, 17.

THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:
Section 1. At the general election in November 2016 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:
To add a new section 12 to Article XVII:
XVII-12 (1) For purposes of this section, state elective office means the office of Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, member of the Legislature, and member of a board or commission established by this Constitution with one or more election districts of more than one county.
(2) Any official elected or appointed to a state elective office may be recalled from office at any time through the procedure and in the manner provided for by law. The procedure shall be known as recall and shall be in addition to any other method of removal from office provided by this Constitution.
Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:
A constitutional amendment to provide for recall of holders of state elective office as prescribed by law.
For
Against.

LEGISLATIVE RESOLUTION 380CA. Introduced by Bloomfield, 17.

THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:
Section 1. At the general election in November 2016 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:
To amend Article III, section 24:
III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.
(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises
which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

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

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

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

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

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

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

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

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.
Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:
A constitutional amendment to change the distribution of state lottery proceeds.
For
Against.

LEGISLATIVE RESOLUTION 381. Introduced by Ebke, 32; Craighead, 6; Fox, 7; Friesen, 34; Groene, 42; Lindstrom, 18; Scheer, 19; Schnoor, 15; Smith, 14; Watermeier, 1.

WHEREAS, The first Congress of the United States, at its first session, held in New York, New York, on the twenty-fifth day of September, in the year one thousand seven hundred and eighty-nine, passed the following resolution to amend the Constitution of the United States of America, in the following words and figures in part, to wit:
The Conventions of a number of the States having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government will best ensure the beneficent ends of its institution;
Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as Amendments to the Constitution of the United States, all or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.:
No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That such proposed amendment to the Constitution of the United States be ratified.
2. That the Clerk of the Legislature send copies of this resolution to the Administrator of the General Services Administration, the President of the United States Senate, and the Speaker of the United States House of Representatives.

LEGISLATIVE RESOLUTION 382. Introduced by Gloor, 35; Friesen, 34.

WHEREAS, the Case New Holland America, LLC manufacturing facility in Grand Island has achieved 50 years of producing industry leading agricultural equipment; and
WHEREAS, the facility in Grand Island was created out of a need for locally built, highly productive, and superior quality harvesting machinery; and

WHEREAS, it first opened for operation in October, 1965, and has continued to expand to meet customer needs for 50 years; and

WHEREAS, the first product lines launched from the Grand Island facility were Sperry New Holland 980 and 990 combines; and

WHEREAS, the first combine rolled off the production line on November 22, 1965; and

WHEREAS, Case New Holland America, LLC has continually improved and expanded its world class manufacturing operations through the hard work and dedication of the employees working at the Grand Island facility.

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

1. That the Legislature congratulates Case New Holland America, LLC in Grand Island on achieving the milestone of producing industry leading agricultural equipment for 50 years and commends them on their achievements.

2. That a copy of this resolution be sent to Case New Holland America, LLC in Grand Island and Operations Manager William Baasch.

Laid over.

LEGISLATIVE RESOLUTION 383. Introduced by Brasch, 16.

WHEREAS, Darcey Simonsen, a senior at Lyons-Decatur Northeast High School, won third place in the discus at the 2015 Class D Girls State Track and Field Championship; and

WHEREAS, in addition to track and field, Darcey was also involved in volleyball, basketball, and dance; and

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

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

1. That the Legislature congratulates Darcey Simonsen on winning third place in the discus at the 2015 Class D Girls State Track and Field Championship.

2. That a copy of this resolution be sent to Darcey Simonsen.

Laid over.

LEGISLATIVE RESOLUTION 384. Introduced by Brasch, 16.

WHEREAS, the 3200 meter relay team from Wisner-Pilger High School won second place at the 2015 Class C Boys State Track and Field Championship with a time of 8:11:41; and
WHEREAS, members of the relay team included Samuel Ferguson, Cooper Von Seggern, Riley Ruskamp, and Jacob Von Seggern; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates the 3200 meter relay team from Wisner-Pilger High School on winning second place at the 2015 Class C Boys State Track and Field Championship.
2. That a copy of this resolution be sent to Samuel Ferguson, Cooper Von Seggern, Riley Ruskamp, and Jacob Von Seggern.

Laid over.

LEGISLATIVE RESOLUTION 385. Introduced by Brasch, 16.

WHEREAS, Alexander Tietz, a senior at Fort Calhoun High School, won second place in the 3200 meter run at the 2015 Class B Boys State Track and Field Championship; and
WHEREAS, Alexander also won third place in the 1600 meter run at the state track and field championship; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates Alexander Tietz on winning second place in the 3200 meter run and third place in the 1600 Meter Run at the 2015 Class B Boys State Track and Field Championship.
2. That a copy of this resolution be sent to Alexander Tietz.

Laid over.

LEGISLATIVE RESOLUTION 386. Introduced by Brasch, 16.

WHEREAS, Ashleigh Carr, a senior at Oakland-Craig High School, won third place in both the 200 meter dash and 400 meter dash at the 2015 Class C Girls State Track and Field Championship; and
WHEREAS, Ashleigh's performance helped lead the Oakland-Craig Knights to a fourth place team finish and earn a team score of 36 points; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates Ashleigh Carr on winning third place in both the 200 meter dash and 400 meter dash at the 2015 Class C Girls State Track and Field Championship.
2. That a copy of this resolution be sent to Ashleigh Carr.

Laid over.

LEGISLATIVE RESOLUTION 387. Introduced by Brasch, 16.

WHEREAS, Bancroft-Rosalie Elementary School was recognized as a 2015 National Blue Ribbon School by the United States Department of Education; and
WHEREAS, the Blue Ribbon Schools Program honors public and private elementary, middle, and high schools that are exemplary, high-performing schools or that have improved student achievement to high levels, especially among disadvantaged and minority students; and
WHEREAS, Bancroft-Rosalie High School was ranked 253 out of the 500 schools on Newsweek's 2015 "Beating the Odds" list; and
WHEREAS, Newsweek's rankings aim to identify public high schools across the United States that excel at preparing students for college while overcoming the obstacles posed by socioeconomic inequality; and
WHEREAS, Bancroft-Rosalie High School ranked in the 81st percentile for college readiness and achieved 100 percent in the categories of student retention, graduation rate, and percentage of students who go to college; and
WHEREAS, Bancroft-Rosalie Public School was the only Nebraska school to achieve recognition as both a Blue Ribbon and "Beating the Odds" school; and
WHEREAS, these achievements are a testament to the dedication of the students of Bancroft-Rosalie Public School, as well as the commitment of the faculty and staff to providing the best educational opportunities for their students.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates the students, faculty, and staff of Bancroft-Rosalie Public School on their admirable achievements and applauds their dedication to a high standard of education.
2. That the Legislature recognizes the superior administration of Superintendent and Elementary School Principal Dr. Jon Cerny and Principal Mike Sjuts and thanks them for their commitment to their students.
3. That a copy of this resolution be sent to Bancroft-Rosalie Public School, Dr. Jon Cerny, and Mike Sjuts.

Laid over.
LEGISLATIVE RESOLUTION 388. Introduced by Brasch, 16; Baker, 30; Bloomfield, 17; Bolz, 29; Campbell, 25; Coash, 27; Cook, 13; Craighead, 6; Crawford, 45; Davis, 43; Ebke, 32; Fox, 7; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Haar, K., 21; Hadley, 37; Hansen, 26; Harr, B., 8; Hilkemann, 4; Howard, 9; Hughes, 44; Johnson, 23; Kintner, 2; Kolowski, 31; Koltermen, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; McCollister, 20; McCoy, 39; Mello, 5; Morfeld, 46; Murante, 49; Pansing Brooks, 28; Riepe, 12; Scheer, 19; Schnoor, 15; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Watermeier, 1; Williams, 36.

WHEREAS, Joseph G. Lemm, a technical sergeant with the 105th Security Forces Squadron of the New York Air National Guard, died on December 21, 2015, from wounds he received while serving his country in Afghanistan; and
WHEREAS, Joseph served three tours of duty in both Iraq and Afghanistan. Throughout his military service, he received numerous awards and commendations including a Purple Heart. He will be posthumously awarded the Bronze Star with Valor; and
WHEREAS, Joseph was also a 16-year veteran of the New York City Police Department with over 590 arrests to his credit. After serving in the 48th Precinct and Bronx Street Crime Unit, Joseph was promoted to detective as a member of the Bronx Warrant Squad; and
WHEREAS, as a police officer, Joseph spent three weeks at Ground Zero after the terrorist attacks on September 11, 2001, working over eighteen hours a day searching for survivors; and
WHEREAS, Joseph was a 1989 graduate of Beemer High School where he excelled as an athlete in football, basketball, and track; and
WHEREAS, Joseph leaves behind his wife Christine, daughter Brooke, and son Ryan.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature honors Joseph G. Lemm for his service to his community, country, and the world and extends its deep sympathy to his family.
2. That a copy of this resolution be sent to the family of Joseph G. Lemm.

Laid over.

BILL ON FIRST READING
The following bill was read for the first time by title:

LEGISLATIVE BILL 772. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Insurance Holding Company System Act; to amend sections 44-2120, 44-2121, 44-2138, and 44-9004, Revised Statutes Cumulative Supplement, 2014; to define terms; to provide for
group-wide supervisors and international insurance groups as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Campbell, Stinner, Kolowski, Garrett, Scheer, Hansen, Mello, Morfeld, Pansing Brooks, Howard - LB166

**VISITORS**

Visitors to the Chamber were Rod Edwards; Senator Mello's parents, John and Cheri Mello from Omaha; and Gerald Sullivan and Bob Benzel from Omaha.

The Doctor of the Day was Dr. Bob Rauner from Lincoln.

**ADJOURNMENT**

At 11:57 a.m., on a motion by Senator Bloomfield, the Legislature adjourned until 10:00 a.m., Thursday, January 7, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
SECOND DAY - JANUARY 7, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION
SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 7, 2016

PRAYER

The prayer was offered by Senator Scheer.

ROLL CALL

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

The roll was called and all members were present except Senator Schilz who was excused; and Senators McCoy and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the first day was approved.

2015 INTERIM REPORT
ON THE DISPOSITION OF
INTERIM STUDY RESOLUTIONS

<table>
<thead>
<tr>
<th>LR</th>
<th>Subject</th>
<th>Completed Report Issued</th>
<th>Completed No Report Issued</th>
<th>Deferred</th>
</tr>
</thead>
<tbody>
<tr>
<td>212</td>
<td>Examine utilization of commodity development program authority to influence federal legislation</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>213</td>
<td>Interim study to develop a reference manual to describe and compare elements of commodity development programs</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>214</td>
<td>Examine means to implement LB941 Dairy Growth Study recommendations</td>
<td></td>
<td>X</td>
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<tr>
<td>215</td>
<td>Examine feasibility of establishing a program modeled after the buffer strip program for pesticide drift abatement</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>216</td>
<td>Examine alternative means to indemnify for damages associated with pesticide drift</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>217</td>
<td>Interim study to complete the work of the LR309 interim study to examine means to mitigate conflicts arising from herbicide drift and sensitive crops</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>218</td>
<td>Examine utilization of in-store transfers to satisfy direct delivery obligations</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>270</td>
<td>Study the fee structure of the Nebraska Brand Committee</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>322</td>
<td>Study the potential for expansion of fruit and product gleaning in Nebraska</td>
<td>X</td>
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<td></td>
</tr>
</tbody>
</table>

**Appropriations**

<table>
<thead>
<tr>
<th>LR</th>
<th>Subject</th>
<th>Completed Report Issued</th>
<th>Completed No Report Issued</th>
<th>Deferred</th>
</tr>
</thead>
<tbody>
<tr>
<td>200</td>
<td>Interim study to examine the history and development of the Nebraska Innovation Campus at the University of Nebraska-Lincoln</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>256</td>
<td>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</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>257</td>
<td>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</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>Number</td>
<td>Subject</td>
<td>Completed Report Issued</td>
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</tr>
<tr>
<td>262</td>
<td>Interim study to examine creation of a separate program within the budget of the Department of Health and Human Services for long-term care expenditures made from all funding sources</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>296</td>
<td>Interim study to examine the financing of Nebraska's child welfare system</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>305</td>
<td>Interim study examine issues under the jurisdiction of the Appropriations Committee</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>321</td>
<td>Interim study to examine the potential growth for tourism in Nebraska and to develop funding recommendations</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>333</td>
<td>Interim study to examine methods to improve government efficiency</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>336</td>
<td>Interim study to examine the appropriation of funds to the State Department of Education to implement mentor teacher programs</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

**Banking, Commerce and Insurance**

<table>
<thead>
<tr>
<th>LR</th>
<th>Subject</th>
<th>Completed Report Issued</th>
<th>Completed No Report Issued</th>
<th>Deferred</th>
</tr>
</thead>
<tbody>
<tr>
<td>258</td>
<td>Interim study to determine whether the Real Property Appraiser Act should be amended</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>263</td>
<td>Interim study to examine possible changes to the Nebraska Model Business Corporation Act</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>324</td>
<td>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</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>233</td>
<td>Interim study to examine payday loans and other short-term lending practices where high interest rates are charged and collected from customers</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>182</td>
<td>Interim study to investigate and</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
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

<table>
<thead>
<tr>
<th>Business and Labor</th>
<th>LR</th>
<th>Subject</th>
<th>Completed Report Issued</th>
<th>Completed No Report Issued</th>
<th>Deferred</th>
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</thead>
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<tr>
<td>222</td>
<td></td>
<td>Examine issues relating to family and medical leave</td>
<td></td>
<td>Hearing held Sept. 25, 2015</td>
<td></td>
</tr>
<tr>
<td>227</td>
<td></td>
<td>Examine opportunities to train Nebraska's youth for the workforce</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>228</td>
<td></td>
<td>Examine the Commission of Industrial Relations</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>229</td>
<td></td>
<td>Examine Nebraska's unemployment insurance laws and unemployment insurance program</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>239</td>
<td></td>
<td>Examine issues surrounding implementation of the federal Workforce Innovation and Opportunity Act in Nebraska</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>245</td>
<td></td>
<td>Review reimbursement rates for ambulatory surgical centers and outpatient hospitals with respect to workers' compensation</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>246</td>
<td></td>
<td>Analyze the effectiveness of vocational rehabilitation in workers' compensation cases</td>
<td>Hearing held Oct. 1, 2015</td>
<td></td>
<td></td>
</tr>
<tr>
<td>277</td>
<td></td>
<td>Examine workforce development that will support growth and retention of youth talent</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>297</td>
<td></td>
<td>Examine career technical education in Nebraska</td>
<td>X</td>
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</table>

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<th>Education</th>
<th>LR</th>
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<th>Completed Report Issued</th>
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</thead>
<tbody>
<tr>
<td>223</td>
<td></td>
<td>Interim study to examine strategies and ideas to ensure more adults have the education</td>
<td></td>
<td></td>
<td>X</td>
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<td>Interim Study Description</td>
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<td>Interim study to examine the use of seclusion in public and private schools for children with behavioral issues or special needs</td>
<td>X</td>
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<td>Interim study to investigate issues under the jurisdiction of the Education Committee</td>
<td>X</td>
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<td>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</td>
<td>X</td>
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<td>Interim study to review issues concerning the dates on which the fiscal year for Nebraska's public schools begin and end</td>
<td>X</td>
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<tr>
<td>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</td>
<td>X</td>
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<td>Interim study to examine potential modifications to the laws governing learning communities</td>
<td>X</td>
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<tr>
<td>Interim study to examine class size in Nebraska's public schools</td>
<td>X</td>
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<tr>
<td>Interim study to examine the funding distribution for the community college areas</td>
<td>X</td>
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<tr>
<td>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</td>
<td>X</td>
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<td>Interim study to examine issues relating to the use of restraint and seclusion techniques in Nebraska schools</td>
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<td>Interim study to examine the integral link between achievement and risky health behaviors</td>
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### Interim Study Reports

<table>
<thead>
<tr>
<th>LR</th>
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<tbody>
<tr>
<td>344</td>
<td>Interim study to examine the financing of public education and to develop recommendations for improving school funding in Nebraska</td>
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</table>

### Executive Board

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<tr>
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<tr>
<td>254</td>
<td>Interim study to examine public charitable corporations in Nebraska</td>
<td>X</td>
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<td>303</td>
<td>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</td>
<td>X</td>
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### General Affairs

<table>
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<tr>
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<tbody>
<tr>
<td>287</td>
<td>Interim study to examine craft breweries and whether brewpubs and microbreweries should be licensed as craft breweries or should have separate licenses</td>
<td>X</td>
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<tr>
<td>288</td>
<td>Interim study to examine the statutory relationship between cities of the second class and villages and the public libraries within their jurisdictions</td>
<td>X</td>
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<td>289</td>
<td>Interim study to examine the current alcohol policies of the University of Nebraska system</td>
<td>X</td>
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<td>290</td>
<td>Interim study to examine how public libraries are archiving newspapers</td>
<td>X</td>
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<td>307</td>
<td>Interim study to examine issues under the jurisdiction of the General Affairs Committee (Pickle Cards)</td>
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<td>315</td>
<td>Interim study to examine the contractual relationship between craft breweries and distributors</td>
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<tr>
<td>196</td>
<td>Interim study to examine current state statutes governing population thresholds for Nebraska counties.</td>
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<tr>
<td>198</td>
<td>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.</td>
<td></td>
<td>X</td>
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<tr>
<td>269</td>
<td>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.</td>
<td></td>
<td>X</td>
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<tr>
<td>294</td>
<td>Interim study to examine issues under the jurisdiction of the Government, Military &amp; Veterans Affairs Committee.</td>
<td></td>
<td>X</td>
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<tr>
<td>335</td>
<td>Interim study to examine the most recent report published by the Presidential Commission on Election Administration.</td>
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**Health and Human Services**

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<tr>
<td>22</td>
<td>Health care – patient centered medical homes</td>
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<td>X</td>
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<tr>
<td>52</td>
<td>Child Maternal Death Review</td>
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<td>X</td>
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<tr>
<td>181</td>
<td>Public assistance and workforce</td>
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<td>X</td>
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<tr>
<td>185</td>
<td>Behavioral Health professional workforce</td>
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<td>X</td>
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<td>231</td>
<td>Prescription Drug Monitoring Program</td>
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<td>X</td>
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<td>242</td>
<td>Developmental disabilities and child welfare</td>
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<td>X</td>
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<td>248</td>
<td>Strengthening families</td>
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<td>250</td>
<td>HHS committee issues</td>
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<td>X</td>
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<td>259</td>
<td>Early childhood education – home visits</td>
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<tr>
<td>275</td>
<td>Child care affordability</td>
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<td>291</td>
<td>Health – Stroke designation</td>
<td>X</td>
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<td>292</td>
<td>Child welfare – kinship assistance</td>
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<td>298</td>
<td>Emergency Medical Services</td>
<td>X</td>
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<td>300</td>
<td>Child welfare – Out of state placement</td>
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<td>304</td>
<td>Children's behavioral health</td>
<td>X</td>
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<td>306</td>
<td>Medicaid expansion</td>
<td>X</td>
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<td>310</td>
<td>Community paramedic</td>
<td>X</td>
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<td>312</td>
<td>Children's behavioral health</td>
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**Judiciary**

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<tbody>
<tr>
<td>295</td>
<td>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</td>
<td>X</td>
<td></td>
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<tr>
<td>38</td>
<td>Interim study to examine statutes governing prisons and parole to ensure the Board of Parole is independent from the Dept. of Correctional Services</td>
<td>X</td>
<td></td>
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<tr>
<td>39</td>
<td>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</td>
<td>X</td>
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<tr>
<td>265</td>
<td>Interim study to examine minor traffic violation, adult, and juvenile pretrial diversion programs authorized by counties and municipalities</td>
<td>X</td>
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<tr>
<td>311</td>
<td>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</td>
<td>X</td>
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<td>252</td>
<td>Interim study to examine court costs and fees in Nebraska</td>
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<td>186</td>
<td>Interim study to examine state services available to victims of human trafficking in Nebraska</td>
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<td>279</td>
<td>Interim study to examine issues under the jurisdiction of the Judiciary Committee</td>
<td>X</td>
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<tr>
<td>286</td>
<td>Interim study to examine the effectiveness of civil forfeiture under the Uniform Controlled Substances Act</td>
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<td>271</td>
<td>Interim study to examine synthetic recreational drugs that are marketed and sold as incense</td>
<td>X</td>
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<td>320</td>
<td>Interim study to examine the membership, role, and duties of the Nebraska Police Standards Advisory Council</td>
<td>X</td>
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<td>244</td>
<td>Interim study to examine the salaries of all judges in Nebraska, including the history of adjusting these salaries</td>
<td>X</td>
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<tr>
<td>276</td>
<td>Interim study to examine bullying by and against students and youth</td>
<td>X</td>
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<tr>
<td>261</td>
<td>Interim study to examine implementing the use of body cameras for state and local law enforcement in Nebraska</td>
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<tr>
<td>232</td>
<td>Interim study to examine the process by which a person changes his or her name</td>
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### Natural Resources

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<tr>
<td>154</td>
<td>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</td>
<td>X</td>
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<td>247</td>
<td>Interim study to examine the process of eliminating the Nebraska Oil and Gas Conservation Commission</td>
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<tr>
<td>272</td>
<td>Interim study to examine the Niobrara Council and its current statutory authority outlined in the Niobrara Scenic River Act</td>
<td>X</td>
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<td>323</td>
<td>Interim study to examine issues surrounding the N-CORPE augmentation project</td>
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<td></td>
<td><strong>Nebraska Retirement Systems</strong></td>
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<td>243</td>
<td>Examine public employees retirement systems administered by the Public Employees Retirement Board</td>
<td>X</td>
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<td>301</td>
<td>Examine the practice of &quot;double dipping&quot;</td>
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<td>230</td>
<td>Study pensions provided for firefighters from cities of the first class</td>
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<td><strong>Revenue</strong></td>
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<td>332</td>
<td>Examine tax revenues for public schools</td>
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<td>309</td>
<td>Structure of the individual income tax</td>
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<tr>
<td>316</td>
<td>Examine Nebraska withdrawing from Master Settlement Agreement</td>
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<td>302</td>
<td>Sales tax on Ag land sales and Ag Property Tax Credit</td>
<td>X</td>
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<tr>
<td>260</td>
<td>Feasibility of Tax-Preferential Zones on college campuses</td>
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<td>328</td>
<td>Implementing circuit breaker for Ag Land property tax</td>
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<td>327</td>
<td>Examine practices of county assessors</td>
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<td>326</td>
<td>Examine effect of like-kind exchanges on Ag Land values</td>
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<td>308</td>
<td>Examine tools for rural and ag economic development</td>
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<tr>
<td>325</td>
<td>Examine use of adjusted property valuation as primary measurement of local resources for public education</td>
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<tr>
<td>329</td>
<td>Study sales and use taxes</td>
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<td>330</td>
<td>Study property taxes</td>
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<td>331</td>
<td>Study individual and corporate income taxes</td>
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### Transportation and Telecommunications

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<tr>
<td>266</td>
<td>Max load limits for ag products</td>
<td>X</td>
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<tr>
<td>313</td>
<td>Design/construction of expressway system</td>
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<tr>
<td>317</td>
<td>Maximum weight limits</td>
<td>X</td>
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<td>318</td>
<td>Nebraska's state and local roads system</td>
<td>X</td>
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<td>319</td>
<td>Jurisdiction of PSC</td>
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<td>337</td>
<td>Distracted driving due to hand-held devices</td>
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<td>339</td>
<td>Removal of roadside vegetation</td>
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### Urban Affairs

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<tr>
<td>152</td>
<td>Interim study to examine the Local Option Municipal Economic Development Act</td>
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<tr>
<td>155</td>
<td>Interim study to examine current and potential economic development tools available to municipalities in Nebraska</td>
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<tr>
<td>156</td>
<td>Interim study to examine issues under the jurisdiction of the Urban Affairs Committee</td>
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<tr>
<td>159</td>
<td>Interim study to examine issues surrounding handicapped parking</td>
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<tr>
<td>174</td>
<td>Interim study to examine issues surrounding the Nebraska Energy Code</td>
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<tr>
<td>240</td>
<td>Interim study to examine state law governing cities of the first class in Chapter 16 of the Nebraska statutes</td>
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<tr>
<td>273</td>
<td>Interim study to examine the current practices of municipalities using tax increment financing under the Community Development Law</td>
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</table>
LEGISLATIVE JOURNAL

BILLS ON FIRST READING

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

LEGISLATIVE BILL 773. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to early childhood; to create the Early Childhood Workforce Development Task Force; to provide for appointment of members; to require a report; and to declare an emergency.

LEGISLATIVE BILL 774. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.12, Revised Statutes Cumulative Supplement, 2014; to provide a sales and use tax exemption for purchases by nonprofit substance abuse treatment centers; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 775. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-120 and 77-201, Reissue Revised Statutes of Nebraska, and section 77-202, Revised Statutes Supplement, 2015; to redefine a term; to change property tax provisions relating to motor vehicles; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 776. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2704.24 and 77-2791, Reissue Revised Statutes of Nebraska, sections 77-2712.03, 77-2793, and 77-3508, Revised Statutes Cumulative Supplement, 2014, and section 77-2716, Revised Statutes Supplement, 2015; to change provisions relating to a sales tax exemption for food, the streamlined sales and use tax agreement, income tax adjustments, income tax overpayments, claims for credit or refund, and homestead exemptions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 777. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1704.02, Reissue Revised Statutes of Nebraska; to change provisions
relating to partial payments for property taxes that are held in escrow; and to repeal the original section.

**LEGISLATIVE BILL 778.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-2701, 8-2734, 45-334, 45-335, 45-346, and 45-348, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the Nebraska Money Transmitters Act and the Nebraska Installment Sales Act; to eliminate obsolete provisions; to define a term; to change provisions relating to change in control; to harmonize provisions; to repeal the original sections; and to outright repeal section 8-2748, Revised Statutes Cumulative Supplement, 2014.

**LEGISLATIVE BILL 779.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to elections; to amend sections 32-517, 32-518, 32-520, 32-521, 32-522, 32-523, 32-526, 32-529, and 32-557, Reissue Revised Statutes of Nebraska, sections 32-519, 32-524, 32-525, and 32-707, Revised Statutes Cumulative Supplement, 2014, and section 32-528, Revised Statutes Supplement, 2015; to change provisions relating to the partisan status of certain offices; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 780.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend sections 71-919 and 71-1203, Reissue Revised Statutes of Nebraska, and section 71-901, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to emergency protective custody; to provide penalties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 781.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to education; to require school districts to prepare for the closure of nonpublic schools as prescribed.

**LEGISLATIVE BILL 782.** Introduced by Schumacher, 22.

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

**LEGISLATIVE BILL 783.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to
amend sections 60-316, 60-317, and 60-3,151, Reissue Revised Statutes of Nebraska, sections 60-3,147, 60-3,148, and 60-3,221, Revised Statutes Cumulative Supplement, 2014, and sections 60-301, 60-302, and 60-3,104, Revised Statutes Supplement, 2015; to define and redefine terms; to provide for registration of public power district vehicles as prescribed; to provide fees; to provide duties for the Department of Motor Vehicles; to change provisions relating to increase of gross vehicle weight and trailer towing restrictions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 784.** Introduced by Friesen, 34; Gloor, 35.

A BILL FOR AN ACT relating to the County Budget Act of 1937; to amend section 23-914, Reissue Revised Statutes of Nebraska; to authorize counties to expend funds prior to the adoption of a budget as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 785.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-493, 60-495, and 60-4,120.01, Reissue Revised Statutes of Nebraska, sections 60-479, 60-484, 60-4,113, 60-4,115, 60-4,117, 60-4,127, 60-4,149, 60-4,150, and 60-4,181, Revised Statutes Cumulative Supplement, 2014, and sections 60-462, 60-4,123, and 60-4,124, Revised Statutes Supplement, 2015; to change provisions relating to the Motor Vehicle Operator's License Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 786.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-605, Revised Statutes Cumulative Supplement, 2014; to change requirements for completion of death certificates and cremation permits; and to repeal the original section.

**LEGISLATIVE BILL 787.** Introduced by Morfeld, 46; Murante, 49.

A BILL FOR AN ACT relating to elections; to amend section 32-1527, Reissue Revised Statutes of Nebraska; to allow a voter to photograph and reveal a marked ballot as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 788.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to the Professional Landscape Architects Act; to amend sections 81-8,183.01, 81-8,184, 81-8,186, 81-8,190, 81-8,191, 81-8,191.01, 81-8,192, 81-8,194, 81-8,196, 81-8,198, 81-8,199, 81-8,200, 81-8,202, 81-8,204, 81-8,205, and 81-8,206, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to licensure and regulation of professional landscape architects; to provide and change penalties; to harmonize provisions; to repeal the original sections;
and to outright repeal sections 81-8,184.01, 81-8,185, 81-8,187, 81-8,188, 81-8,195, 81-8,197, 81-8,200.01, 81-8,200.02, 81-8,201, and 81-8,203, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 789.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to the Nebraska Arts Council; to amend section 82-326, Reissue Revised Statutes of Nebraska; to change provisions regarding appropriations for the installation of art in public buildings; and to repeal the original section.

**LEGISLATIVE BILL 790.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to retirement systems; to amend section 24-710.01, Reissue Revised Statutes of Nebraska, section 16-1002, Revised Statutes Cumulative Supplement, 2014, and sections 24-701, 79-902, 79-904.01, 79-934, and 79-978, Revised Statutes Supplement, 2015; to alphabetize defined terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 791.** Introduced by Ebke, 32; Craighead, 6.

A BILL FOR AN ACT relating to the Funeral Directing and Embalming Practice Act; to amend section 38-1424, Reissue Revised Statutes of Nebraska; to eliminate certain grounds for refusal or discipline of a credential under the Funeral Directing and Embalming Practice Act; and to repeal the original section.

**LEGISLATIVE BILL 792.** Introduced by Kuehn, 38.

A BILL FOR AN ACT relating to lobbying; to amend section 49-1492, Reissue Revised Statutes of Nebraska; to prohibit certain former officeholders and public employees from being lobbyists as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 793.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-913 and 83-417, Reissue Revised Statutes of Nebraska, and sections 28-115, 28-929, 28-929.01, 28-930, 28-931, 28-1351, and 28-1354, Revised Statutes Cumulative Supplement, 2014; to change and eliminate provisions and penalties relating to implements for escape and contraband and assault on an officer, certain employees, or a health care professional; to define a term; to harmonize provisions; to repeal the original sections; and to outright repeal section 28-931.01, Revised Statutes Cumulative Supplement, 2014.

**LEGISLATIVE BILL 794.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to corporations; to amend sections 21-201,
LEGISLATIVE BILL 795. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-316, 86-318, 86-323, and 86-324, Reissue Revised Statutes of Nebraska; to change provisions of the Nebraska Telecommunications Universal Service Fund Act; to define a term; to eliminate obsolete provisions; to establish the Wireless in Nebraska Program; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 796. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to insurance; to prohibit alterations to property and casualty liability coverage for claims arising under the Minor Alcoholic Liquor Liability Act; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 797. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to homestead exemptions; to amend section 77-3517, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the accrual of interest on denied and reduced exemptions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 798. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend sections 81-2,239, 81-2,240, 81-2,244.01, 81-2,245.01, 81-2,248, 81-2,251.01, 81-2,251.06, 81-2,257, 81-2,259, 81-2,272.01, 81-2,272.24, and 81-2,277, Reissue Revised Statutes of Nebraska; to redefine terms and eliminate definitions; to update references to federal law; to change provisions relating to potentially hazardous food; to provide compliance requirements for salvage operations; to repeal adoption of and eliminate references to the Food Salvage Code; to eliminate provisions relating to a reduced oxygen packing method and the use of linens and cloth napkins; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-2,246.01, 81-2,247, 81-2,254.01, 81-2,258, 81-2,272.25, 81-2,272.27, and 81-2,272.34, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 799. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Nebraska Public Transportation Act; to amend sections 13-1209, 13-1210, and 13-1212, Reissue Revised Statutes of Nebraska; to authorize state financial assistance for capital acquisition
costs as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 800.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the State Department of Education as prescribed.

**LEGISLATIVE BILL 801.** Introduced by Bolz, 29; Stinner, 48.

A BILL FOR AN ACT relating to the Long-Term Care Insurance Act; to amend section 44-4501, Reissue Revised Statutes of Nebraska; to require educational material on long-term care insurance and a report; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 802.** Introduced by Haar, K., 21; Mello, 5.

A BILL FOR AN ACT relating to public health and welfare; to state intent; to create the Health and Climate Resiliency Task Force; and to provide powers and duties.

**LEGISLATIVE BILL 803.** Introduced by Nebraska Retirement Systems Committee: Kolterman, 24, Chairperson; Davis, 43; Groene, 42; Kolowski, 31; Lindstrom, 18; Mello, 5.

A BILL FOR AN ACT relating to fees; to amend section 33-106.02, Reissue Revised Statutes of Nebraska; to change disposition of docket fees as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 804.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Investigational Drug Use Act.

**LEGISLATIVE BILL 805.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to retirement benefits and plans; to amend section 13-2402, Revised Statutes Supplement, 2015; to require an experience study by certain political subdivisions and a report filing as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 806.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to cities; to adopt the Riverfront Development District Act; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 807.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to county attorneys; to amend section
23-1201, Reissue Revised Statutes of Nebraska; to change a provision relating to quarterly reports of criminal cases by county attorneys; and to repeal the original section.

LEGISLATIVE BILL 808. Introduced by Hansen, 26; Crawford, 45.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend section 18-2714, Reissue Revised Statutes of Nebraska; to change provisions relating to amending an economic development program; and to repeal the original section.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 389CA. Introduced by Harr, B., 8.

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

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

   Article I, section 29, of the Constitution of Nebraska shall be repealed.

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

      A constitutional amendment to remove provisions regarding marriage from the Constitution of Nebraska.

      For

      Against.

AMENDMENT(S) - Print in Journal

Senator Mello filed the following amendment to LB447:

AM1815 is available in the Bill Room.

SENATOR GLOOR PRESIDING

BILLS ON FIRST READING

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

LEGISLATIVE BILL 809. Introduced by Davis, 43.

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

LEGISLATIVE BILL 810. Introduced by Davis, 43.

A BILL FOR AN ACT relating to game and parks; to amend section 37-913, Reissue Revised Statutes of Nebraska; to transfer funds as
prescribed; to provide requirements on the use of certain funds; to eliminate the Nebraska Youth Conservation Program and a fund; to repeal the original section; and to outright repeal sections 37-915, 37-916, 37-917, 37-918, 37-919, 37-920, and 37-921, Revised Statutes Cumulative Supplement, 2014.

LEGISLATIVE BILL 811. Introduced by Brasch, 16.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-370, Reissue Revised Statutes of Nebraska; to change provisions relating to motor vehicle registration; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 812. Introduced by Smith, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Supplement, 2015; to provide a sales tax exemption relating to custom software; to harmonize provisions; to provide an operative date; and to repeal the original sections.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 390CA. Introduced by Davis, 43.

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

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

To amend Article VII, section 1:

VII-1 (1) The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years. The Legislature may provide for the education of other persons in educational institutions owned and controlled by the state or a political subdivision thereof.

(2) The Legislature shall provide funding for community colleges using the proceeds of sales and use taxes or income taxes or both. Community colleges shall not be funded using property taxes.

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

A constitutional amendment to require the Legislature to fund community colleges using sales and use taxes, income taxes, or both, and to prohibit the use of property taxes for community colleges.

For
Against.
LEGISLATIVE RESOLUTION 391. Introduced by Brasch, 16.

WHEREAS, Guardian Angels Central Catholic High School in West Point had an outstanding 2015 season in volleyball; and
WHEREAS, the Guardian Angels Central Catholic Bluejays won third place in the 2015 Class C-2 State Volleyball Championship by defeating Shelby-Rising City High School; and
WHEREAS, this achievement would not have been possible without the Bluejays' teamwork and commitment and the efforts of Coach Kate Hagemann; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Guardian Angels Central Catholic Bluejays for their outstanding season and for winning third place in the 2015 Class C-2 State Volleyball Championship.
2. That a copy of this resolution be sent to the Guardian Angels Central Catholic Bluejays and Coach Kate Hagemann.

Laid over.

LEGISLATIVE RESOLUTION 392. Introduced by Brasch, 16.

WHEREAS, Oakland-Craig High School had an outstanding 2015 football season; and
WHEREAS, the Oakland-Craig Knights played in the championship game and won second place in the 2015 Class C-2 State Football Championship; and
WHEREAS, this achievement would not have been possible without the Knights' teamwork and dedication and the hard work of Coach Joe Anderson; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Oakland-Craig Knights for their outstanding season and for winning second place in the 2015 Class C-2 State Football Championship.
2. That a copy of this resolution be sent to the Oakland-Craig Knights and Coach Joe Anderson.

Laid over.
REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<table>
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<tr>
<th>LB/LR</th>
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<tbody>
<tr>
<td>LB665</td>
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LB712  Natural Resources
LB713  Appropriations
LB714  Natural Resources
LB715  Appropriations
LB716  Transportation and Telecommunications
LB717  Revenue
LB718  Government, Military and Veterans Affairs
LB719  Urban Affairs
LB720  Judiciary
LB721  Health and Human Services
LB722  Health and Human Services
LB723  Revenue
LB724  Revenue
LB725  Revenue
LB726  Education
LB728  Government, Military and Veterans Affairs
LB729  Banking, Commerce and Insurance
LB730  Agriculture
LB731  Banking, Commerce and Insurance
LB732  Transportation and Telecommunications
LB733  Appropriations
LB734  Education
LB735  Transportation and Telecommunications
LB736  Natural Resources
LB737  Natural Resources
LB738  Judiciary
LB739  Education
LB740  Banking, Commerce and Insurance
LB741  Government, Military and Veterans Affairs
LB742  Government, Military and Veterans Affairs
LB743  Business and Labor
LB744  Judiciary
LB745  Natural Resources
LB746  Health and Human Services
LB747  Nebraska Retirement Systems
LB748  General Affairs
LB749  Revenue
LB750  Health and Human Services
LB751  Banking, Commerce and Insurance
LB752  Education
LB753  Government, Military and Veterans Affairs
LB754  Government, Military and Veterans Affairs
LB755  Appropriations
LB756  Revenue
LB757  Judiciary
LB758  Banking, Commerce and Insurance
UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Mello - LB447
McCollister, Schumacher - LB166
Bloomfield - LB674
Garrett - LB289 and LB471
Haar, K. - LB166

VISITORS

The Doctor of the Day was Dr. Kevin Wycoff from Hastings.

ADJOURNMENT

At 11:38 a.m., on a motion by Senator Lindstrom, the Legislature adjourned until 10:00 a.m., Friday, January 8, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature
THIRD DAY - JANUARY 8, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 8, 2016

PRAYER

The prayer was offered by Senator Sullivan.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Krist presiding.

The roll was called and all members were present except Senators Ebke, Johnson, and Schilz who were excused; and Senator Smith who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the second day was approved.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 813. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to public health and welfare; to authorize certain persons to donate plasma as prescribed.

LEGISLATIVE BILL 814. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to motor vehicle operators' licenses; to amend section 60-4,124, Revised Statutes Supplement, 2015; to change a requirement for issuance of a school permit; and to repeal the original section.

LEGISLATIVE BILL 815. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend section 71-963, Revised Statutes Cumulative Supplement,
2014; to change provisions relating to petitions for removal of a person's firearms-related disabilities or disqualifications; and to repeal the original section.

LEGISLATIVE BILL 816. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to public health; to amend section 83-109, Reissue Revised Statutes of Nebraska, and section 50-424, Revised Statutes Supplement, 2015; to change provisions relating to release of patient and resident records; to eliminate certain reporting requirements; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-825, Revised Statutes Cumulative Supplement, 2014.

LEGISLATIVE BILL 817. Introduced by Riepe, 12; Hilkemann, 4; Hughes, 44; Kolterman, 24; Stinner, 48.

A BILL FOR AN ACT relating to health care; to adopt the Direct Primary Care Agreement Act.


A BILL FOR AN ACT relating to the Children's Residential Facilities and Placing Licensure Act; to amend section 71-1936, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to immunity when submitting a complaint; and to repeal the original section.

SENATOR SCHEER PRESIDING

LEGISLATIVE BILL 819. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to insurance; to amend section 44-4404, Reissue Revised Statutes of Nebraska; to adopt the Corporate Governance Annual Disclosure Act; to change provisions relating to risk retention groups; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 820. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to gambling; to amend sections 9-401, 9-411, 9-415, 9-501, 9-507, 9-509, and 9-607, Reissue Revised Statutes of Nebraska; to redefine terms; to provide another method of selection of winning tickets in certain lotteries and raffles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 821. Introduced by Larson, 40.

A BILL FOR AN ACT relating to employment; to adopt the Workplace Privacy Act.
LEGISLATIVE BILL 822. Introduced by Larson, 40.

A BILL FOR AN ACT relating to the State Electrical Division; to amend section 81-2103, Reissue Revised Statutes of Nebraska; to eliminate consent of the Legislature for appointment of State Electrical Board members; and to repeal the original section.

LEGISLATIVE BILL 823. Introduced by Larson, 40.

A BILL FOR AN ACT relating to the State Athletic Commissioner; to amend section 81-8,139, Revised Statutes Supplement, 2015; to change the powers of the commissioner; to provide for identification of banned substances and banned substance testing; to provide for suspension and civil penalties as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 824. Introduced by McCollister, 20; Baker, 30; Brasch, 16; Davis, 43; Haar, K., 21; Kolowski, 31; Lindstrom, 18; Watermeier, 1.

A BILL FOR AN ACT relating to public power; to amend section 70-670, Reissue Revised Statutes of Nebraska, sections 70-1001.01, 70-1013, 70-1014, and 70-1015, Revised Statutes Cumulative Supplement, 2014, and sections 70-1903 and 77-6203, Revised Statutes Supplement, 2015; to provide, change, and eliminate definitions; to exempt certain privately developed renewable energy generation facilities from regulation as prescribed; to eliminate provisions related to certified renewable export facilities; to harmonize provisions; to repeal the original sections; and to outright repeal sections 70-1014.02 and 70-1028, Revised Statutes Cumulative Supplement, 2014.

LEGISLATIVE BILL 825. Introduced by Davis, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-382, Revised Statutes Cumulative Supplement, 2014; to provide reporting requirements for tax-exempt property as prescribed; to provide duties for the Department of Revenue; to change provisions relating to a tax expenditure report; and to repeal the original section.

LEGISLATIVE BILL 826. Introduced by Davis, 43.

A BILL FOR AN ACT relating to the Special Education Act; to amend sections 79-1142 and 79-1145, Reissue Revised Statutes of Nebraska; to change provisions relating to reimbursement; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 827. Introduced by Harr, B., 8; Garrett, 3.

A BILL FOR AN ACT relating to fees; to amend section 33-114, Reissue
Revised Statutes of Nebraska; to allow county treasurers to receive fees for services rendered to sanitary and improvement districts; and to repeal the original section.

**LEGISLATIVE BILL 828.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-602, Revised Statutes Supplement, 2015; to redefine terms; and to repeal the original section.

**LEGISLATIVE BILL 829.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to fiduciaries; to adopt the Revised Uniform Fiduciary Access to Digital Assets Act (2015); to provide an operative date; and to provide severability.

**LEGISLATIVE BILL 830.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to state employees; to amend section 81-1328, Reissue Revised Statutes of Nebraska; to change provisions relating to vacation leave; and to repeal the original section.

**LEGISLATIVE BILL 831.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to motor vehicles; to adopt the Automatic License Plate Reader Privacy Act; and to provide severability.

**LEGISLATIVE BILL 832.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-309.01, Reissue Revised Statutes of Nebraska; to declare that transportation of household goods for hire without a certificate is a public nuisance; to provide for seizure and sale of a motor vehicle in violation; to provide duties for the commission; and to repeal the original section.

**LEGISLATIVE BILL 833.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to child support; to amend section 42-348, Reissue Revised Statutes of Nebraska, sections 43-512.03 and 43-1411.01, Revised Statutes Cumulative Supplement, 2014, and section 43-512.04, Revised Statutes Supplement, 2015; to change provisions relating to child support enforcement actions as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 834.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-101, Revised Statutes Supplement, 2015; to prohibit the retail sale of alcohol at or below cost; to provide for damages, attorney's
fees, and civil penalties as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 835.** Introduced by Mello, 5; Coash, 27.

A BILL FOR AN ACT relating to consumer protection; to amend sections 8-2603, 59-1611, 59-1614, 87-301, 87-302, 87-303, 87-802, 87-803, and 87-804, Reissue Revised Statutes of Nebraska; to change provisions relating to the Credit Report Protection Act, Consumer Protection Act, Uniform Deceptive Trade Practices Act, and Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 836.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to public safety officials; to adopt the In the Line of Duty Compensation Act; and to provide compensation for deaths occurring in the line of duty as prescribed.

**LEGISLATIVE BILL 837.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to the Surplus Lines Insurance Act; to amend sections 44-5506 and 44-5515, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to premium taxes and quarterly statements; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 838.** Introduced by Bolz, 29; Campbell, 25; Sullivan, 41.

A BILL FOR AN ACT relating to appropriations; to state intent regarding an educational specialist as prescribed.

**LEGISLATIVE BILL 839.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to personal property; to require background checks and other requirements for persons purchasing certain types of tactical gear and helmets, body armor, night-vision goggles, and high-capacity ammunition clips.

**LEGISLATIVE BILL 840.** Introduced by Fox, 7; Craighead, 6; Howard, 9; Kintner, 2; McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Riepe, 12; Scheer, 19; Schnoor, 15; Watermeier, 1; Williams, 36.

A BILL FOR AN ACT relating to the Health Carrier External Review Act; to amend sections 44-1305 and 44-1307, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the time allowed for certain internal grievances; and to repeal the original sections.
LEGISLATIVE BILL 841. Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-626 and 48-628, Reissue Revised Statutes of Nebraska; to change provisions relating to maximum annual unemployment benefit amounts and disqualification for unemployment benefits; and to repeal the original sections.

LEGISLATIVE BILL 842. Introduced by Haar, K., 21.

A BILL FOR AN ACT relating to health and human services; to amend section 71-208, Reissue Revised Statutes of Nebraska, and section 71-202.01, Revised Statutes Cumulative Supplement, 2014; to redefine a term; to change provisions relating to prerequisites to admission to and graduation from barber schools or colleges as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 843. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-801 and 43-248, Revised Statutes Cumulative Supplement, 2014, and section 43-1303, Revised Statutes Supplement, 2015; to change provisions relating to prostitution; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 844. Introduced by Pansing Brooks, 28; Bolz, 29; Brasch, 16; Craighead, 6; Crawford, 45; Fox, 7; Howard, 9; Sullivan, 41.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3, 60-3,104, and 60-3,130.04, Revised Statutes Supplement, 2015; to provide for Breast Cancer Awareness Plates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 845. Introduced by Pansing Brooks, 28; McCollister, 20; Schumacher, 22; Williams, 36.

A BILL FOR AN ACT relating to juvenile confinement; to amend sections 83-4,125, 83-4,126, 83-4,132, and 83-4,134, Reissue Revised Statutes of Nebraska; and section 43-251.01, Revised Statutes Supplement, 2015; to define terms; to provide requirements relating to room confinement of juveniles; to provide for reports; to provide a duty for the Inspector General of Nebraska Child Welfare; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 846. Introduced by Pansing Brooks, 28; Morfeld, 46; Schumacher, 22; Williams, 36.

A BILL FOR AN ACT relating to witnesses; to require law enforcement agencies to adopt a policy on suspect identification by witnesses as prescribed.
LEGISLATIVE BILL 847. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to juries; to amend sections 25-412.04, 25-1107.01, 25-1108, 25-1121, 25-1313, 25-1601, 25-1601.03, 25-1606, 25-1607, 25-1611, 25-1612, 25-1627, 25-1627.01, 25-1629, 25-1629.01, 25-1629.04, 25-1630, 25-1631.03, 25-1632, 25-1632.01, 25-1633, 25-1633.01, 25-1634.01, 25-1635, 25-1636, 25-1637, 25-1641, 25-1642, 25-1643, 28-916, 29-1201, 29-2003, 29-2011, 29-2017, and 29-2023, Reissue Revised Statutes of Nebraska, and sections 25-1628, 25-2705, and 33-138, Revised Statutes Cumulative Supplement, 2014; to name the Jury Selection Act; to change provisions relating to jurors' notes and jurors viewing property or a place subject to litigation; to change terminology relating to juries; to define terms; to change provisions relating to juror qualifications and summoning jurors; to change and eliminate powers and duties of a jury commissioner; to change provisions relating to jury lists; to provide duties for clerk magistrates; to change provisions relating to juror compensation; to eliminate provisions relating to summary jury trials and submissions to a grand jury; to harmonize provisions; to repeal the original sections; and to outright repeal sections 25-1154, 25-1155, 25-1156, 25-1157, and 72-247, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 848. Introduced by Pansing Brooks, 28.

LEGISLATIVE BILL 849. Introduced by Crawford, 45; Campbell, 25; Cook, 13; Haar, K., 21; Hansen, 26; Hilkemann, 4; Howard, 9; Kolowski, 31; McCollister, 20; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to health care; to adopt the Assisting Caregiver Transitions Act.

LEGISLATIVE BILL 850. Introduced by Crawford, 45; Campbell, 25; Cook, 13; Haar, K., 21; Hansen, 26; Howard, 9; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to employment; to adopt the Paid Family Medical Leave Insurance Act; to provide an operative date; and to provide severability.

LEGISLATIVE BILL 851. Introduced by McCollister, 20; Crawford, 45; Howard, 9.

A BILL FOR AN ACT relating to state government; to amend sections 84-602 and 84-602.01, Reissue Revised Statutes of Nebraska, and section 84-602.02, Revised Statutes Supplement, 2015; to change the Taxpayer Transparency Act; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 852. Introduced by Cook, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for aid to community colleges.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 393. Introduced by Bloomfield, 17; Baker, 30; Bolz, 29; Brasch, 16; Campbell, 25; Coash, 27; Cook, 13; Craighead, 6; Crawford, 45; Ebke, 32; Fox, 7; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Haar, K., 21; Hadley, 37; Hansen, 26; Hilkemann, 4; Howard, 9; Hughes, 44; Johnson, 23; Kintner, 2; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; McCollister, 20; McCoy, 39; Mello, 5; Morfeld, 46; Murante, 49; Pansing Brooks, 28; Riepe, 12; Scheer, 19; Schnoor, 15; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Watermeier, 1; Williams, 36.

WHEREAS, Major General Claude M. Bolton, Jr., a beloved husband, father, grandfather, brother, and uncle, passed away on July 28, 2015; and
WHEREAS, Claude Bolton graduated from South Sioux City High School in 1964; and
WHEREAS, in 1969, Claude Bolton married his wife, Linda, then graduated from the University of Nebraska-Lincoln and received his commission in the United States Air Force. He then served as a combat pilot
in the Vietnam War, in which he flew 232 combat missions, including 40 over North Vietnam; and
WHEREAS, Claude Bolton continued to serve in the Air Force until 2002. Throughout his distinguished military career, Claude Bolton served as a test pilot, flight instructor, and acquisition professional; and
WHEREAS, in 2002, Claude Bolton was nominated by President George W. Bush to serve as the Assistant Secretary of the Army for Acquisition, Logistics, and Technology, and served in that position until 2008; and
WHEREAS, Claude Bolton was a command pilot with over 2,700 flying hours in more than 30 different aircraft and knew firsthand the importance of reliable aircraft and equipment. He dedicated his career to ensuring that the men and women of our armed forces had the best possible equipment; and
WHEREAS, Claude Bolton is survived by his wife, Linda, his two daughters, Cindy and Jennifer, his grandchildren, brothers and sisters, and nieces and nephews.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature honors Major General Claude M. Bolton, Jr., for his service to his country.
2. That the Legislature extends its deep sympathy to the family of Claude Bolton.
3. That a copy of this resolution be sent to the family of Claude Bolton.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<table>
<thead>
<tr>
<th>LB/LR</th>
<th>Committee</th>
</tr>
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<tbody>
<tr>
<td>LB727</td>
<td>Revenue</td>
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<tr>
<td>LB762</td>
<td>Revenue</td>
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<tr>
<td>LB773</td>
<td>Education</td>
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<td>LB778</td>
<td>Banking, Commerce and Insurance</td>
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<td>LB779</td>
<td>Government, Military and Veterans Affairs</td>
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<td>LB780</td>
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<td>Education</td>
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<td>Health and Human Services</td>
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<td>Government, Military and Veterans Affairs</td>
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</tbody>
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LB788  Government, Military and Veterans Affairs  
LB789  Appropriations  
LB790  Nebraska Retirement Systems  
LB791  Health and Human Services  
LB792  Government, Military and Veterans Affairs  
LB793  Judiciary  
LB794  Banking, Commerce and Insurance  
LB795  Transportation and Telecommunications  
LB796  Banking, Commerce and Insurance  
LB797  Revenue  
LB798  Agriculture  
LB799  Transportation and Telecommunications  
LB800  Appropriations  
LB801  Banking, Commerce and Insurance  
LB802  Health and Human Services  
LB803  Judiciary  
LB804  Health and Human Services  
LB805  Nebraska Retirement Systems  
LB806  Urban Affairs  
LB807  Government, Military and Veterans Affairs  
LB808  Urban Affairs  
LB809  Appropriations  
LB810  Appropriations  
LB811  Transportation and Telecommunications  
LB812  Revenue  
LR389CA  Judiciary  
LR390CA  Revenue  

Anthony, Donald - Beginning Farmer Board - Agriculture  
Bell, Chad - Commission for the Blind and Visually Impaired - Health and Human Services  
Bell, Richard R. - Game and Parks Commission - Natural Resources  
Bergstrasser, Edwin - State Electrical Board - General Affairs  
Booth, Patrick - Nebraska Exchange Stakeholder Commission - Banking, Commerce and Insurance  
Briggs, JoAnna - Crime Victim's Reparations Committee - Judiciary  
Bulger, Mark M. - Commission for the Blind and Visually Impaired - Health and Human Services  
Carpenter, Stan H. - Nebraska Educational Telecommunications Commission - Education  
Craig, John A.E. - Nebraska Rural Health Advisory Commission - Health and Human Services  
Dawson, Sheri - Director, Division of Behavioral Health - Department of Health and Human Services - Health and Human Services  
Deiml, Keith - State Emergency Response Commission - Government, Military and Veterans Affairs  
Dentlinger, Courtney - Director, Department of Economic Development - Banking, Commerce and Insurance  
Drickey, Patrick - Nebraska Arts Council - General Affairs
Else, Timothy L. - Nebraska Ethanol Board - Natural Resources
Fassett, Jeff - Director, Department of Natural Resources - Natural Resources
Figard, Roger - Board of Public Roads Classifications and Standards - Transportation and Telecommunications
Flowers, Shari - Nebraska Exchange Stakeholder Commission - Banking, Commerce and Insurance
Fulton, Tony - Tax Commissioner, Department of Revenue - Revenue
Gerdes, Mary K. - State Highway Commission - Transportation and Telecommunications
Gerrard, LeRoy - Board of Public Roads Classifications and Standards - Transportation and Telecommunications
Hagedorn, Nadine - Beginning Farmer Board - Agriculture
Hansen, Michael D. - Commission for the Blind and Visually Impaired - Health and Human Services
Hawks, James W. - Environmental Quality Council - Natural Resources
Hotz, Robert W. - Tax Equalization and Review Commission - Revenue
Huber, Kristin - Foster Care Advisory Committee - Health and Human Services
Jordening, Polly - State Emergency Response Commission - Government, Military and Veterans Affairs
Keetle, Steven - Tax Equalization and Review Commission - Revenue
Kent, Mary J. - Nebraska Rural Health Advisory Commission - Health and Human Services
Kircher, Christopher P. - Nebraska State Fair Board - Agriculture
Krager, John F., III - Board of Public Roads Classifications and Standards - Transportation and Telecommunications
Kramer, Lisa - Board of Public Roads Classifications and Standards - Transportation and Telecommunications
Kreitman, Dan C. - Game and Parks Commission - Natural Resources
LeBaron, Kathryn - Nebraska Arts Council - General Affairs
Lubben, Bradley - Beginning Farmer Board - Agriculture
Maricle, Hilary K. - Environmental Quality Council - Natural Resources
McClymont, Sherry - Nebraska Arts Council - General Affairs
McQuillan, Shelly K. - Nebraska Child Abuse Prevention Fund Board - Health and Human Services
Miller, Courtney L. - Director, Division of Developmental Disabilities - Department of Health and Human Services - Health and Human Services
Minert, Lowell - Nebraska State Fair Board - Agriculture
Mueller, Cory L. - State Electrical Board - General Affairs
Nasir, Laeth - Nebraska Rural Health Advisory Commission - Health and Human Services
Patlan, Virgil J., Sr. - Board of Parole - Judiciary
Plouzek, Kimberly - State Emergency Response Commission - Government, Military and Veterans Affairs
Reed, Todd - Beginning Farmer Board - Agriculture
Rieker, Edward (Ed) - Nebraska Exchange Stakeholder Commission - Banking, Commerce and Insurance
Amend Rule 4, Sec. 1 and 2

Section 1. Identification. A resolution shall be designated as Legislative Resolution ____. All resolutions shall be numbered consecutively for each Legislature. All resolutions shall be introduced and read by the Clerk upon introduction and shall be printed in the Legislative Journal. Individual members shall be limited to eight resolutions per session which result in the referring, scheduling, and conducting of a public hearing by a legislative committee. This limitation shall not apply to resolutions proposing an amendment to the Nebraska Constitution, resolutions proposing interim
studies, or which are honorary in nature subject to Rule 4, Section 2 or resolutions proposing interim studies.

Sec. 2. When Considered as a Bill. Resolutions which propose amendments to the state constitution, propose the ratification or rejection of amendments to the federal Constitution, or memorialize the Congress with regard to amendments to the U.S. Constitution, shall be considered and adopted in the same manner as bills.

Amend Rule 6, Sec. 8.

Sec. 8. Final Reading, Motions. (a) On Final Reading the bill shall be read at large with all amendments thereto before the vote is taken, unless three-fifths of all of the members elected to the Legislature vote to dispense with the at large reading under this section. The Speaker shall designate on the published agenda which bills will be considered for a vote without an at large reading. This vote shall be taken on each bill individually without amendment, motion, or debate. If the Legislature confirms the Speaker's designation, the title of the bill will be read, and the final vote will be taken with voting being held open for three minutes one minute. If the motion on any bill fails to receive the support of three-fifths of the elected members of the Legislature, then such bill and all amendments thereto will be read at large prior to the vote being taken.

Amend Rule 5, Sec. 4.

Sec. 4. Introducers Signing Bills. (a) Members shall introduce only such bills as they are willing to endorse and support personally. The last name and district shall be used, unless an initial or name is necessary to identify the introducer. Any member may request to have his or her name added as cointroducer of a bill but only if the principal introducer has concurred, in writing or electronically, to that request.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Baker, Brasch, Fox - LB817
Scheer - LB843
Mello - LB850

VISITORS

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

At 11:29 a.m., on a motion by Senator Cook, the Legislature adjourned until 10:00 a.m., Monday, January 11, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
FOURTH DAY - JANUARY 11, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 11, 2016

PRAYER

The prayer was offered by Senator Kintner.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Coash presiding.

The roll was called and all members were present except Senator Murante who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 152, line 14, strike "county" and insert "country". The Journal for the first day was approved as corrected.

The Journal for the third day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 10, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Abboud, Chris - Public Affairs Group
DraftKings Inc.
FanDuel, Inc.
Manheims Omaha Auto Auction
MasterCard
Vehicle and Truck Cleaning Tax Association

Adair, Peggy
League of Women Voters of Greater Omaha
League of Women Voters of Nebraska
Adams, John H.
   International Gamco, Inc.
Alston, Garth R.
   Altria Client Services LLC and its Affiliates
Amack, Angela K.
   Center for People in Need
   Everytown for Gun Safety Action Fund
   Grand Island Public Schools
   International Brotherhood of Electrical Workers (IBEW)
   Nebraska Professional Fire Fighters Association (NPFFA)
American Communications Group, Inc.
   American Cancer Society Cancer Action Network
   American Heart Association
   Association of Surgical Technologists
   Autism Speaks
   Center for Rural Affairs
   EHPV Lottery Services LLC aka Big Red Keno
   Empyrean Brewing Company
   Friends of Public Health in Nebraska
   Health Center Association of Nebraska
   Legal Aid of Nebraska
   Nebraska Association of Behavioral Health Organizations
   Nebraska Association of Public Employees NAPE/AFSCME Local 61
   Nebraska Board of Engineers and Architects
   Nebraska Chapter of the American Physical Therapy Association
   Nebraska Child Health and Education Alliance
   Nebraska Dental Assistants Association
   Nebraska Emergency Medical Services Association
   Nebraska Society for Respiratory Care
   Nebraska Speech-Language-Hearing Association (NSLHA)
   North Central States Regional Council of Carpenters
   Regions II and V
   Research Nebraska!
   Teamsters Local Union 554
   Vigilnet America LLC
   Wind Coalition, The
   YMCA's of Nebraska
Andersen, Robert C.
   Nebraska Cooperative Council
Anderson, Benjamin
   First Five Nebraska
Ariano, Elizabeth
   Indivior PLC
Auckenthaler, Leah
   Everytown for Gun Safety Action Fund
Baack, Dennis G.
   Nebraska Community College Association
Babcock, Marsha L.
   Mechanical Contractors Association of Omaha, Inc.
Badeer, Debra A.
    Nebraska Christian Home Educators Association
Baier, Richard J.
    Nebraska Bankers Association
Baird Holm LLP
    BHE Renewables, LLC
    Bluestem Energy Solutions
    Dundee Bank
    Geronimo Energy, LLC
    Immanuel Retirement Communities
    Northeast Nebraska Public Power District
    Sandhills Wind Energy, LLC
Barrett, John R.
    Great Plains Communications, Inc.
Bartee, Robert D.
    University of Nebraska
Becker, Jill
    Black Hills Energy
Becker, Timothy A.
    Heartland Strategy Group, LLC
Beermann, Allen J.
    Nebraska Press Association
Behmer, Nicole
    Heartland Strategy Group, LLC
Belka, Matt
    Nebraska Association of School Boards
Bell, David
    Loup River Public Power District
Benjamin, Melody
    Nebraska Cattlemen, Inc.
Beyer, Nolan
    Millard Public Schools
Blunt, Andrew B.
    General Motors LLC
Boddy, Heath
    Licensed Practical Nurse Association of Nebraska (LPNAN)
    Nebraska Health Care Association, Inc.
Bohrer, Bruce J.
    Lincoln Chamber of Commerce
Bolen, Holley
    Bruning Law Group
Bonaiuto, John A.
    Nebraska Association of School Boards
Borgeson, Robert A.
    SMART-TD
Bowen, Steven S.
    Nebraska Occupational Therapy Association
Bowling, Karen
    Nebraska Family Alliance
Bradford, Jonathan  
Kissel/E&S Associates, LLC  
Brady, Justin J.  
Radcliffe, Walter H. of Radcliffe and Associates  
Brandt, Horan, Hallstrom and Stilmock  
National Federation of Independent Business (NFIB)  
Nebraska Bankers Association  
Nebraska Bankers Insurance and Services Company (NBISCO)  
Nebraska Fire Chiefs' Association  
Nebraska Pharmacists Association  
Nebraska State Volunteer Firefighters' Association  
Nebraskans for Workers' Compensation Equity and Fairness  
NetWorks, Inc.  
Bredenkamp, Troy  
Nebraska Rural Electric Association  
Breed, Roger D.  
RDB - LLC  
Bromm, Curt/Bromm & Associates  
Aflac  
Douglas County West Community Schools  
Education Service Unit #3  
Educational Service Unit Coordinating Council  
Nebraska Cable Communications Association  
Nebraska Medical Center  
Springfield Platteview Community Schools  
Verizon Communications, Inc.  
Brown, Jill  
University of Nebraska  
Bruckner, Traci  
Center for Rural Affairs  
Bruning Law Group  
Facebook  
National Rifle Association  
Nebraska Appropriated Basin Coalition  
Nebraska Licensed Beverage Association  
TracFone Wireless, Inc.  
Bruning, Deonne  
U.S. Cellular  
Bruning, Jon  
Bruning Law Group  
Buettner, Jeffrey J.  
Central Nebraska Public Power and Irrigation  
Carritt, Nicole  
Project Extra Mile  
Carstenson, Eric B.  
Nebraska Telecommunications Association  
Carter, Jennifer  
Food Bank of Lincoln  
Food Bank of the Heartland
Cavanaugh Law Firm, P.C., L.L.O.
Explore Information Services
Independent Insurance Agents of Nebraska
Cavanaugh, James P.
Cavanaugh Law Firm, P.C., L.L.O.
Cheloha, John A.
City of Omaha
Chittenden, Michael J.
Arc of Nebraska, The
Christensen, Graham
Burt County Wind, LLC
Clements, Steven J.
Nebraska Investment Finance Authority
Coburn, Tom
Convention of States Action
Conrad, Danielle
ACLU Nebraska
Cookson, David D.
Bruning Law Group
Cover, Joni
Nebraska Pharmacists Association
CP Strategies LLC
Alan E. Cobb & Assoc. Inc. on behalf of PACE Sage, LLC
Nebraska Petroleum Producers Association
Crawford, Brittany
Heartland Strategy Group, LLC
Creager, Jennifer
Greater Omaha Chamber
Cunningham, Colleen
Equal Justice USA
Cunningham, James R.
Nebraska Catholic Conference
Davison-Rippey, Erin
Planned Parenthood of the Heartland
Dibbern, Chris
Nebraska Municipal Power Pool
Dix, Larry J.
Nebraska Association of County Officials
Dobler, James B.
Nebraska Insurance Information Service
Professional Insurance Agents of Nebraska
Dubas, Annette
Nebraska Association of Behavioral Health Organizations
Dudley, William H.
Aflac
Dukesherer, James
Nebraska Rural Electric Association
Dulaney, Michael S.
Nebraska Council of School Administrators
Dunning, Eric
  Blue Cross and Blue Shield of Nebraska
Edson, Dean E.
  Nebraska Association of Resources Districts
Edwards, Jon
  Nowka and Edwards
Eickholt, Christopher
  ACLU Nebraska
  Nebraska Criminal Defense Attorneys Association
Erb, Matthew
  Lincoln Education Association
Erickson, Julie S.
  American Communications, Inc.
Ernst, Dan E.
  Nebraska Council of School Administrators
Falk, W. Jarad
  Time Warner Cable
Ferrell, Beth Bazyn
  Nebraska Association of County Officials
Field, Laura
  Nebraska Cattlemen, Inc.
Fraizer, Theodore D. (Tad)/Fraizer & Fraizer
  American Insurance Association
  Mutual of Omaha
Freeman, Clayton
  Alzheimer's Association Nebraska Chapter
Frohman, Ann M.
  Ameritas Life Insurance Corp.
Fry, Renee
  OpenSky Policy Institute
Gay, Tim
  Husch Blackwell LLP
Geis, Gavin Lawrence
  Common Cause National
Gerrard, Eric
  American Communications, Inc.
  City of Lincoln
Gilbertson, Korby M.
  Radcliffe, Walter H. of Radcliffe and Associates
Girhoffer, Garner R.
  Baird Holm LLP
Goettemoeller, Jennifer M.
  First Five Nebraska
Gokie, Mark T.
  Farmers Mutual of Nebraska
Gottschalk, Kristen
  Nebraska Rural Electric Association
Gould, John 'Jack'
  Common Cause National
Common Cause Nebraska
Grasz, Nate
Nebraska Family Alliance
Grasz, Steve
Husch Blackwell LLP
Habben, Jon
Nebraska Rural Community Schools Association
Hack, Mace A.
Nature Conservancy, The
Hallstrom, Robert J.
Brandt, Horan, Hallstrom and Stilmock
Hamilton, Hallie
Nebraska Family Alliance
Hansen, John K.
Nebraska Farmers Union
Hapgood, Wade
United Healthcare Services, Inc.
Harrold, Michael D.
Express Scripts Holding Co.
Harrold, Patricia
Nebraska Firearms Owners Association (NFOA)
Hartmann, William
Nebraska One-Call Notification Center
Harvey, William F.
EHPV Lottery Services LLC aka Big Red Keno
Vigilinet America LLC
Hayes, Jason W.
Nebraska State Education Association
Heartland Strategy Group, LLC
Bennington Public Schools
Blue Cross and Blue Shield of Nebraska
Community Alliance, Inc.
DraftKings Inc.
FanDuel, Inc.
Lamar Outdoor Advertising Company
Nebraska Coalition of Agricultural Manufacturers
Nebraska Collectors Association
Nebraska Credit Union League
Nebraska School Activities Association
Omaha Police Officers Association
Omaha Professional Firefighters Association
Hebb, Jeff
Nebraska Realtors Association
Heidemann, Lavon L
Nebraska Farm Bureau Federation
Hein, Derek
DraftKings Inc.
Herrmann, Jessica
Platte Institute for Economic Research
Higgins, Shirley  
   Nebraska Public Power District
Hladik, Johnathan  
   Center for Rural Affairs
Hollingsead, Andrew  
   Nebraska Organ Recovery System, Inc.
Holmquist, David  
   American Cancer Society Cancer Action Network
Hruza, Timothy  
   Lincoln Independent Business Association (LIBA)
Hunzeker, Mark A.  
   Rath, Douglas and Kimberly
Hurley, Rachel  
   Monsanto
Hurst, Elisabeth  
   Nebraska Hospital Association
Husch Blackwell LLP  
   Ash Grove Cement Company
   Blue Cross and Blue Shield of Nebraska
   Enhanced Capital
   Home Instead, Inc.
   Inverness LLC
   Koch Companies Public Sector, LLC and its Affiliates
   KVC Health Systems, Inc.
   Nebraska Chiropractic Physicians Association
   Nebraska Families Collaborative
   Nebraska Indoor Tanning Association
   Nebraska Intergovernmental Risk Management Association
   NextEra Energy Resources, LLC
   Papillion - La Vista School District
   Papio-Missouri River Natural Resources District
   Sarpy County Board of Commissioners
   Waste Management, Inc.
Intermill, Mark  
   AARP Nebraska
Irisk, Ryan  
   Wal-Mart Stores, Inc.
Jacobson, Mary  
   Bruning Law Group
Jarecke, David A.  
   Nebraska Rural Electric Association
Jarecke, Kate Kulesher  
   Novartis Pharmaceuticals Corporation
Jarecke, Kate Kulesher - Advocacy and Issue Management Inc.
   Brain Injury Association of Nebraska
Jeffers, Thomas E.  
   Nebraska Cooperative Council
Jensen Rogert Associates, Inc.  
   ABATE of Nebraska, Inc.
Altria Client Services LLC and its Affiliates
Capitol Management Group
Children's Respite Care Center
DentaQuest, LLC
Eli Lilly and Company
Industrial Energy Users of Nebraska
Leading Age Nebraska
Learning Community of Douglas and Sarpy Counties
Magellan Health, Inc.
Mosaic
Nebraska Association of Nurse Anesthetists
Nebraska Dental Hygienists' Association
Nebraska Intellectual Disabilities Services Providers
Nebraska Optometric Association
Nebraska Podiatric Medical Association
Statewide Property Owners' Association
Jensen, Ronald L.
Jensen Rogert Associates, Inc.
Joekel, Tiffany
OpenSky Policy Institute
Johnson, Blake
Bruning Law Group
Johnson, Larry
Nebraska Trucking Association
Johnson, Mary A.
Mueller Robak, LLC
Jorgensen, Jennifer
Nebraska Association of School Boards
Juhnke, Alan R
Nebraska Pork Producers Association
Kadavy, Cindy
Nebraska Health Care Association, Inc.
Karl, Jamie
Nebraska Chamber of Commerce & Industry
Karnes, David K.
EHPV Lottery Services LLC aka Big Red Keno
Vigilinet America LLC
Kay, Sara A.
American Institute of Architects, Nebraska Chapter
Keigher & Associates, LLC
Credit Management Services
Iowa-Nebraska Equipment Dealers Association
MillerCoors, LLC
Nebraska AirBoat Association
Nebraska Aviation Trade Association
Nebraska Community College Association
Nebraska Land Improvement Contractors Association
Professional Towers Association of Nebraska
Keigher, Timothy P.
Keigher & Associates, LLC
Nebraska Petroleum Marketers & Convenience Store Association
Kelley & Jerram, PC, LLO
Cigar Association of America, Inc.
Daily Record, The
Douglas County, Nebraska
Eastern Nebraska Human Services Agency
Elevator Industry Work Preservation Fund
Johnson Brothers of Nebraska
Nebraska Coalition for Capital
Nebraska State Lodge of the Fraternal Order of Police
Stonehenge Capital Company, LLC
WellCare Health Plans, Inc.
Westside Community Schools
Kelley Governmental Relations, LLC
Creighton University
EHPV Lottery Services LLC aka Big Red Keno
Metro Area Transit (O-Metro)
Omaha Airport Authority
Kelley, Michael A.
Kelley & Jerram, PC, LLO
Kelley Governmental Relations, LLC
Kelley, Sean
Kelley & Jerram, PC, LLO
Kelley Governmental Relations, LLC
Kennedy, Barry L.
Nebraska Chamber of Commerce & Industry
Kenny, Timothy R.
Nebraska Investment Finance Authority
Kilgarin, Karen
Nebraska State Education Association
Kingery, Shannon L.
RAI Services Co. (Reynolds American Inc.)
Kissel, Gordon
Kissel/E&S Associates, LLC
Kissel/E&S Associates, LLC
American Petroleum Institute
AmeriHealth Caritas
Associated Beverage Distributors of Nebraska
Boys & Girls Clubs Alliance of Nebraska
Burlington Northern Sante Fe (BNSF) Railway Company
Lancaster County Agricultural Society, Inc.
Lancaster County Board of Commissioners
March of Dimes
Metropolitan Area Planning Agency
Nebraska Association of Regional Administrators
Nebraska CASA Association
Nebraska Cooperative Council
Nebraska County Court Association
Nebraska Golf Alliance
Nebraska Municipal Power Pool
Nebraska State Historical Society Foundation
Professional Engineers Coalition
Ralston Public School District
Spectra Energy
Telecare Corporation
United Cities of Sarpy County
Koch, Brandon
   Farmers Group, Inc.
Kohout, Joseph D.
   Kissel/E&S Associates, LLC
Kolterman, Jessica A.
   Nebraska Farm Bureau Federation
Kopacki, Christopher
   National Rifle Association
Krannawitter, Brian
   American Heart Association
Krumland, Gary G.
   League of Nebraska Municipalities
Kruse, Dacia D.
   RAI Services Co. (Reynolds American Inc.)
Kubat, Rick
   Metropolitan Utilities District
Landwehr, Susan M.
   Eli Lilly and Company
Levy, David C.
   Baird Holm LLP
Licht, Andrew W.
   Capitol Management Group
Likes, Steven C.
   Nebraska Investment Finance Authority
Lindsay, John C.
   O'Hara Lindsay & Associates, Inc.
Litt, Matthew J.
   Americans for Prosperity
Loeffler, Michael T.
   Northern Natural Gas
Logsdon, Robert R.
   Cox Communications
Lombardi, Richard A.
   American Communications, Inc.
Loontjjer, Pat
   Gambling with the Good Life
Lostroh, David L.
   Nebraska Christian Home Educators Association
Ludwig, David M
   Educational Service Unit Coordinating Council
Luebbe, Lori
    Nebraska Soybean Association
Luetkenhaus, Brandon
    Nebraska Credit Union League
Lyons, Liz
    Children's Hospital & Medical Center
Mach, Coby
    Lincoln Independent Business Association (LIBA)
Mahlman, Dale
    Nebraska Medical Association
Mallett, Rochelle A.
    O'Hara Lindsay & Associates, Inc.
Mancuso, Aubrey
    Voices for Children in Nebraska
Martin, Susan L.
    Nebraska State AFL-CIO
Marvin, Michael
    Nebraska Association of Public Employees NAPE/AFSCME Local 61
Matheson, Michael D
    Grain Belt Energy Services
McBride, David S.
    National Association of Insurance and Financial Advisors (NAIFA)
    Nebraska Optometric Association
McClure, Jeanne L.
    CHI Health
McClure, John C.
    Nebraska Public Power District
McClymont, Pete
    Nebraska Cattlemen, Inc.
McCullough, Jacqueline K.
    American Council of Engineering Companies/Nebraska
    Nebraska County Attorneys Association
McDonald, Sarah
    Werner Enterprises, Inc. and Subsidiaries
McDonald, Vickie
    Nebraska Association of Former State Legislators
McGuire, Mark D.
    Cameco Resources
McKenzie, Janis M.
    Nebraska Association for the Gifted
    Nebraska Insurance Federation
McLarty, Brianna
    Nebraskans for Civic Reform
Menzel, Elaine
    Nebraska Association of County Officials
Merritt, Scott
    Windstream Communications
Merritt, Scott
    Automotive Recycling Industry of Nebraska
Capitol Management Group  
Nebraska Agri-Business Association  
Nebraska Auctioneers Association  
Nebraska Hotel & Lodging Association, Inc.  
Nebraska State Pest Control Association  
Meurrens, Bradley  
Disability Rights Nebraska  
Meyer, Les  
American Life and Security  
Nebraska Winery and Grape Growers Association (NWGGA)  
Meyer, Patricia  
American Life and Security  
Nebraska Winery and Grape Growers Association (NWGGA)  
Mick, Ansley  
We Support Agriculture  
Mikkelsen, Brian  
Nebraska State Education Association  
Mikolajczyk, Megan N  
Planned Parenthood of the Heartland  
Miller, Amy A.  
ACLU Nebraska  
Mines, Mick  
3M COMPANY  
Cameco Resources  
Cargill  
Diageo North America, Inc.  
Johnson & Johnson  
Mark Anthony Brands  
National Association of Insurance and Financial Advisors (NAIFA)  
Nebraska Agri-Business Association  
Nebraska Corn Growers Association  
Nebraska Grocery Industry Association  
Nebraska Hotel & Lodging Association, Inc.  
Nebraska Humane Society  
Papio Valley Preservation Association, Inc.  
Syngenta  
Mischo, Craig  
Bayer Corporation  
Moeller, Rodney  
Nebraska Firearms Owners Association (NFOA)  
Mollhoff, Janece  
League of Women Voters of Nebraska  
Moody, Christopher  
General Motors LLC  
Moon, Virginia  
Nebraska Council of School Administrators  
Mueller Robak  
American Express Travel Related Services, Inc.  
Associated General Contractors of America, Nebraska Chapter
Association of Independent Colleges and Universities of Nebraska
AT&T, Inc.
Chief Industries, Inc.
Children and Family Coalition of Nebraska
COPIC Insurance Company
Cummins Inc
Data Recognition Corporation
Duncan Aviation, Inc.
Eastern Nebraska Development Council
First Data Corporation
Frenchman Cambridge Irrigation District
GlaxoSmithKline
Innocence Project, The
Integrated Life Choices
Lincoln Airport Authority
Madonna Rehabilitation Hospital
Millard Public Schools
Millard Roofing and Gutter Company
Nebraska Academy of Eye Physicians and Surgeons
Nebraska Association of Airport Officials
Nebraska Association of Commercial Property Owners
Nebraska Court Reporters Association
Nebraska Dental Association
Nebraska District Court Judges Association
Nebraska Interactive
Nebraska Land Title Association
Nebraska Machinery Company
Nebraska Medical Association
Nebraska Methodist Health Systems
Nebraska Press Association
Nebraska Society of Independent Accountants
Nebraska State Bar Association
Nebraskans for Civic Reform
PayPal
Pharmaceutical Research and Manufacturers of America
Plasma Protein Therapeutics Association
Smithfield Foods, Inc.
State Troopers Association of Nebraska, Inc.
Sugar Creek Capital
Uber Technologies, Inc.
Viaero Wireless
Women's Fund of Greater Omaha, Inc.
Mueller, William J.
Mueller Robak, LLC
Muir, Tara
Domestic Violence Council
Neal, John P.
Lincoln Public Schools
Neilan, Perre S.
Neilan Strategy Group
Nelson, Stephen D.
Nebraska Farm Bureau Federation
Neville, Brennan S.
National Indemnity Company
Nickerson, Jocelyn S.
Humane Society of the United States, The
Nielsen, Coleen J.
AHIP - America's Health Insurance Plans
Bromm, Curt/Bromm & Associates
Express Scripts Holding Co.
Merck Sharp and Dohme Corp.
Nebraska Criminal Defense Attorneys Association
Nebraska Insurance Information Service
Nebraska State Athletic Trainers Association
State Farm Insurance Companies
Nolan, Michael J.
League of Nebraska Municipalities
Nowka & Edwards
Adams Central Public Schools
Anheuser-Busch Companies
Bryan Health
Digital Gaming Solutions, Inc.
Elkhorn Public Schools
Grand Island Northwest Public Schools
Kelley & Jerram, PC, LLO
Lakeview Community Schools
Metropolitan Utilities District
National Multiple Sclerosis Society
National Utility Contractors Association of Nebraska, Inc. (NUCA)
Nebraska Academy of Family Physicians
Nebraska Academy of Nutrition and Dietetics
Nebraska Acupuncture and Oriental Medicine Association
Nebraska Association of Area Agencies on Aging
Nebraska Association of County Officials
Nebraska Association of Resources Districts
Nebraska County Attorneys Association
Nebraska Funeral Directors Association
Nebraska Home Care Association
Nebraska Pork Producers Association
Nebraska Poultry Industries, Inc.
Nebraska Public Power District
Nebraska Rural Community Schools Association
Nebraska Sheriffs’ Association
Nebraska Society of Radiologic Technologists
Nebraska State College System
Nebraska Water Coalition
NET Foundation for Television
Pfizer, Inc.
Southern Public Power District
Union Pacific Railroad
US Assets
Nowka, Trent
Nowka and Edwards
O'Brien, Kelli Erin
Union Pacific Railroad
O'Hara Lindsay & Associates, Inc.
4 Lanes 4 Nebraska
Alliance of Automobile Manufacturers
Alter Trading Corporation
Black Hills Energy
Blue Cross and Blue Shield of Nebraska
Cabelas, Inc.
Center Pivot Manufacturers Association
City of Hastings
City of Kearney
City of Lexington
City of Lincoln
First National of Nebraska, Inc.
Gracie Technologies LLC
Humanities Nebraska
Institute of Scrap Recycling Industries, Inc., Northwest Chapter
Motorola Solutions, Inc.
National Association of Housing and Redevelopment Officials, Nebraska Chapter
Nebraska Association of Independent Ambulatory Centers
Nebraska Association of Trial Attorneys
Nebraska Beverage Association
Nebraska County Judges Association
Nebraska Nurses Association
Nebraska Rural Broadband Coalition
Nebraskans For Alternatives to the Death Penalty
Nebraskans for Rate Equity
Northern Natural Gas
Nucor Corporation
Omaha Public Power District
Omaha Public Schools
Parkinson's Action Network
Recyclebank
Self Storage Association
SourceGas Distribution, LLC
Teradata
Vandelay Investments, LLC
Winnebago Tribe of Nebraska
O'Neill, Thomas, Jr.
Association of Independent Colleges and Universities of Nebraska
Orton, Leroy W.
  Nebraska Onsite Waste Water Association
  Nebraska State Irrigation Association
  Nebraska Well Drillers Association
Othmer, Mark F.
  Iowa-Nebraska Equipment Dealers Association
Otto, James A.
  Nebraska Restaurant Association
  Nebraska Retail Federation
Otto, Richard J.
  Nebraska Restaurant Association
  Nebraska Retail Federation
Pack, Mary M.
  Radcliffe, Walter H. of Radcliffe and Associates
Paden, Nicholas K.
  Cox Communications
Parker, David R.
  Great West Casualty Company
Parr, Ann L.
  Farmers Mutual of Nebraska
Partington, Jim
  Nebraska Restaurant Association
Pearce, Denise K.
  City of Lincoln
Peetz & Company
  Advocates for Behavioral Health
Aetna
  CHI Health
  Children's Hospital & Medical Center
Cox Communications
  First Five Nebraska
Friends of Nebraska Multisport Complex
Kiewit Corporation
Lockridge Grindal Nauen P.L.L.P.
Metropolitan Entertainment & Convention Authority
Microsoft Corporation
Nebraska Nurse Practitioners
Omaha Zoological Society
Tenaska
TradeWind Energy
Yahoo, Inc.
Peetz, Jack
  Peetz & Company
Peetz, Natalie
  Peetz & Company
Peters, William E.
  Burlington Northern Sante Fe (BNSF) Railway Company
Petersen, Scott
  Printing Industry Midwest (PIM)
Peterson, Chris  
CP Strategies LLC
Peterson, Patricia Schuett  
Nebraska Investment Finance Authority
Petsch, Jean  
Associated General Contractors - Nebraska Building Chapter
Pfeifer, Pat  
Nebraska State Legislative Board - Brotherhood of Locomotive Engineers and Trainmen
Pickering, Barbara  
University of Nebraska
Pitts, Kathleen  
Nebraska Appleseed
Plucker, Julia  
Heartland Strategy Group, LLC
Pollock, Andy  
Nebraska Catholic Conference
Nebraska Defense Counsel Association
Nebraska Library Association
Nebraska Rural Telecommunications Coalition
Nebraska Transportation Association
Nebraska Travel Association (NETA)
NorthWestern Energy
Pillen Family Farms (formerly Progressive Swine Technologies)
United Healthcare Services, Inc.
Waste Connections of Nebraska, Inc.
Potter, Cara E.  
CVS Health
Prenda, Amy  
Nebraska Cable Communications Association
Nebraska Sheriffs' Association
Nebraska Water Resources Association
Prockish, Ann  
CenturyLink
Prokop, Matthew  
American Cancer Society Cancer Action Network
Propes, Margaret  
Sunovion Pharmaceuticals Inc.
Pulliam, Greg  
Exxon Mobil Corporation
Quick, Kim A.  
Nebraska Labor Unity Council c/o Teamsters Local 554
Radcliffe, Walter H. of Radcliffe and Associates  
Advance America c/o MultiState Associates, Inc.
Altria Client Services LLC and its Affiliates
Bellevue Public Schools
Citizens for Responsible Development
Educators Health Alliance of Nebraska
Enterprise Rent-A-Car
Farm Credit Services of America
Father Flanagan's Boys' Home aka Boys Town
Father Flanagan's Boys' Home dba Boys Town National Research Hospital
Friends of Nebraska Parks
HBAL/MOBA Coalition
Ho-Chunk, Inc.
Housing Policy Network
Hy-Vee
League of Nebraska Municipalities
Lincoln Public Schools
Media of Nebraska, Inc.
Metropolitan Community College
Motion Picture Association of America
Nat'l Assn of Professional Surplus Lines Offices, Ltd (NAPSLO) Council of Insurance Agents (CIAB)
Nebraska Association of Health Underwriters (NAHU)
Nebraska Broadcasters Association
Nebraska Cable Communications Association
Nebraska Cultural Endowment
Nebraska Expressways for Economic Development (NEED)
Nebraska Families 4 Medical Cannabis
Nebraska Health Care Association, Inc.
Nebraska Liquor Wholesalers
Nebraska Optometric Association
Nebraska Organ Recovery System, Inc.
Nebraska Pyrotechnics Association
Nebraska Realtors Association
Nebraska Society of Certified Public Accountants
Nebraska State Cemetery Association
Nebraska State Fair Board
Nebraska Telecommunications Association
Pinnacle Bank
Property Casualty Insurers Association of America
Sanofi Pasteur c/o MultiState Associates Inc.
Siemens Corporation c/o MultiState Associates Inc.
Tyson Foods, Inc.
University of Nebraska
Woodmen of the World Life Insurance Society and Subordinate Entities

Ragland, Jina
   Nebraska Medical Association
Redoutey, Laura J.
   Nebraska Hospital Association
Reiman, Charlene
   SourceGas Distribution, LLC
Reiser, Richard S.
   Nebraska Trucking Association
Rempe, Jay E.
   Nebraska Farm Bureau Federation
Renner, Shawn D.
   Media of Nebraska, Inc.
Rex, L. Lynn
   League of Nebraska Municipalities
Richards, Thomas
   Omaha Public Power District
Rickert, Sheri
   Nebraska Catholic Conference
Rieker, Bruce R.
   Nebraska Farm Bureau Federation
Riley, Christopher T.
   Archer Daniels Midland Company
Riskowski, Al
   Nebraska Family Alliance
Robak, Kim M.
   Mueller Robak, LLC
Robino, Steven
   Aetna
Rogert, Kent
   Jensen Rogert Associates, Inc.
Root, David
   Prime Therapeutics, LLC
Roque, Matthew
   ProRail Nebraska, Inc.
Rubin, Barry R.
   Heartland Strategy Group, LLC
Sahling-Zart, Shelley R.
   Lincoln Electric System
Sanne, Richard D.
   Nebraska Grain and Feed Association
Schafer, Matthew T.
   Mueller Robak, LLC
Schleppenbach, Greg
   Nebraska Catholic Conference
Schmit-Albin, Julie
   Nebraska Right to Life
Schneider, David
   Convention of States Action
Schrader, Cora
   Peetz & Company
Schubauer, Tyler
   Ameritas Life Insurance Corp.
Schuller, Lynne
   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
National Utility Contractors Association of Nebraska, Inc. (NUCA)
Nebraska Home Care Association
Siefken, Kathy
Nebraska Grocery Industry Association
SHAZAM
Silke, Vanessa
Nebraska Craft Brewers Guild
Sobotta, Russell
Sanofi US
Spatz, John
Nebraska Association of School Boards
Spohn, Katherine J.
Bruning Law Group
Stilmock, Gerald M.
Brandt, Horan, Hallstrom and Stilmock
Stoddard, Abigail
Prime Therapeutics, LLC
Sullivan, J. Scott
Nebraska Credit Union League
Summers, Juliet
Voices for Children in Nebraska
Todd, A. Loy, Jr.
Nebraska New Car & Truck Dealers Association
Uhe, Fred J.
Sarpy County Board of Commissioners
Ullstrom, Galen F.
Mutual of Omaha
Valentin, Michaela
Home Instead, Inc.
Venzor, Tom
Nebraska Catholic Conference
Vodvarka, Dan
Nebraska Society of Certified Public Accountants
Vokal, James D., Jr.
Platte Institute for Economic Research
Waite, Michelle
University of Nebraska
Warth, Terry
Nebraska Public Power District
Weatherford, Holly
Bristol-Myers Squibb Co.
Weber, Michelle
Zulkoski Weber LLC
Weber, Rocky
Nebraska Cooperative Council
Werner, Terry
Nebraska Chapter of the National Association of Social Workers
Wesely, Don
O'Hara Lindsay & Associates, Inc.
Weston, Christie
Nebraska Investment Finance Authority
White, Rosemary
AAA Nebraska and The Auto Club Group
Wickersham, William R.
Nebraska Association of Former State Legislators
Wickman-Byrd, Barbara J.
Nebraska State Home Builders Association
Wightman, Anna Castner
First National of Nebraska, Inc.
Williams, David M.
Ameritas Life Insurance Corp.
Windle, J. Bub
Mueller Robak, LLC
Wininger, Dwight R.
Pinpoint Holdings, Inc.
Withem, Ronald E.
University of Nebraska
Wolf, Ron
Nebraska State Irrigation Association
Wright, Sheryl L.
League of Women Voters of Nebraska
Wurster, Donald F.
National Indemnity Company
Yost, Kurt T.
Central Nebraska Public Power and Irrigation
MM Finance, LLC
Nebraska Financial Services Association
Nebraska Independent Community Bankers
Young, Joseph
Nebraska Chamber of Commerce & Industry
Young, Philip
Aksamit Resource Management
Youngberg, Steven Dr.
Nebraska Firearms Owners Association (NFOA)
Zalenski, Susan D.
Johnson & Johnson
Zulkoski Weber LLC
Association of Nebraska Ethanol Producers
Audubon Nebraska
Bio Nebraska Life Sciences Association
Biotechnology Innovation Organization
Consortia Consulting
Disaster Response Group
Ducks Unlimited, Inc.
Human Rights Campaign
M+R Strategic Services, Inc.
ANNOUNCEMENT(S)

Senator Krist designates LB18 as his priority bill.

BILLS ON FIRST READING

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

**LEGISLATIVE BILL 853.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Public Accountancy Act; to amend sections 1-113, 1-118, 1-119, 1-121, and 1-136.04, Reissue Revised Statutes of Nebraska, and section 1-136.02, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to an advisory committee, certified public accountant reexamination provisions, the examination fee, and accounting experience; and to repeal the original sections.

**LEGISLATIVE BILL 854.** Introduced by Coash, 27; Seiler, 33.

A BILL FOR AN ACT relating to self-service storage facilities; to adopt the Self-Service Storage Facilities Act; and to authorize certain liens as prescribed.

**LEGISLATIVE BILL 855.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-627, Reissue Revised Statutes of Nebraska; to require rounding a dollar amount to the nearest whole dollar amount; and to repeal the original section.

**LEGISLATIVE BILL 856.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to the Insured Homeowners Protection Act; to amend sections 44-8602 and 44-8604, Revised Statutes Cumulative Supplement, 2014; to redefine a term; to change provisions relating to prohibited acts of residential contractors; and to repeal the original sections.
LEGISLATIVE BILL 857. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-222.02, Revised Statutes Supplement, 2015; to change a provision relating to employment of a full-time fire chief; and to repeal the original section.

LEGISLATIVE BILL 858. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to state universities; to amend section 85-421, Reissue Revised Statutes of Nebraska; to create the University of Nebraska Facilities Program of 2016; to provide powers and duties for the Board of Regents of the University of Nebraska relating to construction and improvement projects; to repeal the original section; and to declare an emergency.

**MOTION - Adopt Permanent Rules**

Senator Garrett moved to adopt the permanent rules for the One Hundred Fourth Legislature, Second Session, and any special sessions held during the 2016 calendar year.

The Rules Committee offered the proposed rules change, found on pages 190 and 191, to Rule 4, Sec. 1 and 2.

Senator Chambers offered the following amendment to the proposed rules change:

Hadley Proposal 5
Strike "eight" and insert "five".

Senator Chambers withdrew his amendment.

The Rules Committee's proposed rules change to Rule 4, Sec. 1 and 2, was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

The Rules Committee offered the proposed rules change, found on page 191, to Rule 6, Sec. 8.

The Rules Committee's proposed rules change to Rule 6, Sec. 8, was adopted with 37 ayes, 1 nay, 9 present and not voting, and 2 excused and not voting.

The Rules Committee offered the proposed rules change, found on page 191, to Rule 5, Sec. 4.

The Rules Committee's proposed rules change to Rule 5, Sec. 4, was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.
Senator Kintner offered the following proposed rules change:

Amend Rule 1, Sec. 1

Section 1. Officers to be Elected. (a) At the commencement of each regular session in odd-numbered years the Legislature shall nominate from the floor and elect by secret ballot roll call vote with each member indicating the candidate he/she is supporting the following officers:

Speaker
Chairperson of Committee on Committees
Chairperson of Executive Board
Vice Chairperson of Executive Board
6 Members of Executive Board (See footnote)

If the election is not contested, the presiding officer may accept a motion to declare the nominations closed, and declare the nominee elected by acclamation.

Before the ballot roll call vote is taken each person so nominated may make a public statement to the Legislature indicating what the Legislature may expect from him or her in the area of the responsibility of such office. The officers so elected shall hold such office for a period of two years.

At the end of the roll call vote but prior to the presiding officer declaring a winner, the clerk shall verify how each member voted and the result shall be entered in the legislative journal.

The Legislature elects two from Legislative Districts 2, 3, 15, 16, 19, 21 through 29, 45, and 46; two from Legislative Districts 4 through 14, 18, 20, 31, 39, and 49; and two from Legislative Districts 1, 17, 30, 32 through 38, 40 through 44, 47, and 48. Speaker is member of Board; Chairperson of Appropriations is nonvoting member. RRS 50-401.01.

(b) In the event a vacancy occurs on the Executive Board, the following shall apply:

(i) The Vice Chairperson shall serve as acting Chairperson upon the resignation or death of the Chairperson until the commencing of the next regular session of the Legislature, at which time the Legislature shall nominate from the floor and elect by secret ballot a Chairperson of the Executive Board for the balance of the original term.

(ii) Upon the resignation or death of the Speaker, during the interim, said position shall remain vacant until the next regular session or special session the Legislature convenes, at which time a Speaker shall be nominated from the floor and elected by secret ballot for the balance of the original term.

Upon the resignation or death of the Speaker during the session, a Speaker shall immediately be nominated from the floor and elected by secret ballot for the balance of the term.
(iii) In the event there is a vacancy of the Vice Chairperson of the Executive Board during the interim, said vacancy shall be filled pursuant to Rule 3, Section 8(c) until the commencing of the next regular session of the Legislature at which time the Legislature shall nominate from the floor and elect by secret ballot a Vice Chairperson of the Executive Board for the balance of the original term.

(iv) During session, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Legislature. The individual so selected shall serve for the balance of the original term.

During the interim, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Executive Board. The individual so selected shall serve for the balance of the original term.

Amend Rule 3, Sec. 8

Sec. 8. Chairperson, Vice Chairperson. (a) The chairperson of each standing and select committee shall be selected by secret ballot roll call vote with each member indicating the candidate he/she is supporting.

(b) At the end of the roll call vote but prior to the presiding officer declaring a winner, the clerk shall verify how each member voted and the result shall be entered into the legislative journal.

If the election is not contested, the presiding officer may accept a motion to declare the nominations closed, and declare the nominee elected by acclamation.

(b)(c) The chairperson of a special committee shall be selected in the manner provided by the act authorizing the committee, or if not specified, by the Executive Board.

(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.

SENIOR KRIST PRESIDING

Senator Chambers offered the following amendment to the Kintner proposed rules change:

Rule 1, Sec. 1
(a) in line 3 strike all new language after "vote";

Rule 3, Sec. 8
(a) after "vote" strike remaining new language.
SENATOR COASH PRESIDING

Pending.

BILLS ON FIRST READING

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

**LEGISLATIVE BILL 859.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-140 and 38-1,124, Reissue Revised Statutes of Nebraska; to change provisions relating to cease and desist orders; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 860.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend sections 18-2701 and 18-2703, Reissue Revised Statutes of Nebraska, and section 18-2705, Revised Statutes Supplement, 2015; to authorize economic development programs involving the construction or rehabilitation of certain housing; to define a term; to require certain information in proposed plans; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 861.** Introduced by Schumacher, 22; Bolz, 29; Chambers, 11; Coash, 27; Ebke, 32; Krist, 10; Mello, 5; Morfeld, 46; Pansing Brooks, 28; Seiler, 33; Williams, 36.

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend sections 83-173.03 and 83-4,114, Revised Statutes Supplement, 2015; to provide for review by a district court of inmate restrictive housing placement as prescribed; to provide for the inclusion of such information in a report; and to repeal the original sections.

**LEGISLATIVE BILL 862.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to gambling; to amend sections 28-1101 and 28-1105, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide an exception for conducting or participating in fantasy contests as prescribed; to change a provision relating to the possession of gambling records; and to repeal the original sections.

**LEGISLATIVE BILL 863.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the State Energy Office; to amend section 81-1607, Reissue Revised Statutes of Nebraska, and sections 81-1601,
LEGISLATIVE JOURNAL

81-1602, 81-1603, 81-1605, 81-1606, and 81-1607.01, Revised Statutes Supplement, 2015; to adopt the Wind Energy Expansion Act; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 864. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 13-327, 16-902, and 17-1002, Reissue Revised Statutes of Nebraska; to change provisions relating to a city or village requesting additional extraterritorial zoning jurisdiction; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 865. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to handicapped parking; to amend sections 60-331.02 and 60-3,113.05, Revised Statutes Cumulative Supplement, 2014; to redefine handicapped or disabled person; to eliminate obsolete parking permit provisions; and to repeal the original sections.

LEGISLATIVE BILL 866. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to juveniles; to adopt the Transition to Adult Living Success Program Act.

LEGISLATIVE BILL 867. Introduced by Legislative Performance Audit Committee: Watermeier, 1, Chairperson; Krist, 10; Kuehn, 38; Larson, 40; Mello, 5; Scheer, 19.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend sections 84-901, 84-902, 84-906, 84-906.03, 84-906.04, 84-907, 84-907.06, 84-907.07, 84-907.09, 84-908, and 84-920, Reissue Revised Statutes of Nebraska, and section 83-173.03, Revised Statutes Supplement, 2015; to state intent; to define and redefine terms; to provide for issuance of guidance documents; to allow for emergency rules and regulations; to change powers and duties of the Secretary of State; to require the Department of Correctional Services to adopt and promulgate rules and regulations; to harmonize provisions; to repeal the original sections; and to outright repeal sections 84-907.01 and 84-907.02, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 868. Introduced by Krist, 10.

A BILL FOR AN ACT relating to education; to state intent; and to provide for successful completion of a civics test as a prerequisite to high school graduation as prescribed.

LEGISLATIVE BILL 869. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend
section 68-901, Revised Statutes Supplement, 2015; to require that certain providers be subject to a national criminal history record information check as prescribed; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 870. Introduced by Harr, B., 8; Morfeld, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 2015; to provide an income tax credit to graduates of certain educational institutions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 871. Introduced by Murante, 49.

A BILL FOR AN ACT relating to elections; to amend sections 32-401, 32-1036, 32-1201, and 32-1207, Reissue Revised Statutes of Nebraska, sections 32-613, 32-614, 32-701, 32-809, and 32-1202, Revised Statutes Cumulative Supplement, 2014, and section 32-101, Revised Statutes Supplement, 2015; to provide for a presidential preference primary election; to change provisions relating to statewide primary elections; to provide for payment of costs as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 872. Introduced by Murante, 49.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,230, Revised Statutes Supplement, 2015; to change a provision relating to rotating or flashing lights; and to repeal the original section.

LEGISLATIVE BILL 873. Introduced by Murante, 49.

A BILL FOR AN ACT relating to the Uniform Disposition of Unclaimed Property Act; to amend section 69-1329, Revised Statutes Cumulative Supplement, 2014; to authorize escheatment to the state of unclaimed United States Savings Bonds as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 874. Introduced by Murante, 49.

A BILL FOR AN ACT relating to school boards; to amend section 32-570, Revised Statutes Cumulative Supplement, 2014; to change procedures for filling vacancies on school boards; and to repeal the original section.

LEGISLATIVE BILL 875. Introduced by Murante, 49.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-3001, Reissue Revised Statutes of Nebraska; to change conditions for approval of a planned unit development for certain cities of the second class
or villages; and to repeal the original section.

**LEGISLATIVE BILL 876.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1413, Revised Statutes Supplement, 2015; to authorize electronic voting devices for public bodies; and to repeal the original section.

**LEGISLATIVE BILL 877.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to suburban development; to amend section 17-1002, Reissue Revised Statutes of Nebraska; to change a provision relating to review of proposed subdivision plats by certain county planning commissions; and to repeal the original section.

**LEGISLATIVE BILL 878.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to veterans homes; to amend sections 80-320 and 80-401.10, Reissue Revised Statutes of Nebraska; to provide duties for rulemaking governing the Veterans' Homes Board; to provide and change rulemaking duties as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 879.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to elections; to amend section 32-618, Revised Statutes Cumulative Supplement, 2014; to change requirements for certain petition candidates; and to repeal the original section.

**LEGISLATIVE BILL 880.** Introduced by McCollister, 20; Bloomfield, 17; Brasch, 16; Crawford, 45; Ebke, 32; Garrett, 3; Krist, 10; Watermeier, 1.

A BILL FOR AN ACT relating to motor vehicles; to amend section 80-414, Reissue Revised Statutes of Nebraska, and sections 60-3,122.03, 60-3,122.04, and 60-4,189, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to Military Honor Plates and the notation of veteran status on operator's licenses and state identification cards; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 881.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to energy financing contracts; to amend sections 66-1062, 66-1064, and 66-1065, Reissue Revised Statutes of Nebraska; to redefine terms; to change governmental unit duties; to change provisions relating to contract contents and bond requirements as prescribed; and to repeal the original sections.
LEGISLATIVE BILL 882. Introduced by Scheer, 19; Ebke, 32; Fox, 7; Friesen, 34; Groene, 42; Hughes, 44; Kintner, 2; Kolterman, 24; Kuehn, 38; Larson, 40; Lindstrom, 18; Riepe, 12; Stinner, 48; Watermeier, 1.

A BILL FOR AN ACT relating to school budgeting; to amend sections 79-1025 and 79-1030, Reissue Revised Statutes of Nebraska, and section 13-519, Revised Statutes Supplement, 2015; to change provisions relating to budget limitations as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 883. Introduced by Scheer, 19; Ebke, 32; Fox, 7; Friesen, 34; Groene, 42; Hughes, 44; Kolterman, 24; Kuehn, 38; Larson, 40; Lindstrom, 18; Riepe, 12; Watermeier, 1.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1005.01, 79-1007.15, 79-1007.18, 79-1008.01, 79-1009, 79-1009.01, and 79-1024, Reissue Revised Statutes of Nebraska, and sections 79-1001, 79-1003, 79-1003.01, 79-1007.11, and 79-1018.01, Revised Statutes Supplement, 2015; to state intent; to provide for foundation aid per student as prescribed; to add, change, and eliminate provisions relating to the formula for calculation of state aid; to provide for forfeiture of certain funds as prescribed; to provide for citizen oversight groups; to harmonize provisions; to repeal the original sections; to outright repeal section 79-1007.04, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 884. Introduced by Scheer, 19; Coash, 27; Johnson, 23; Morfeld, 46; Murante, 49; Pansing Brooks, 28; Riepe, 12.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 13-2603, 13-2604, 13-3102, 13-3103, and 13-3104, Reissue Revised Statutes of Nebraska, section 13-2709, Revised Statutes Cumulative Supplement, 2014, and sections 13-2610 and 13-3108, Revised Statutes Supplement, 2015; to redefine terms and change provisions of the Convention Center Facility Financing Assistance Act and the Sports Arena Facility Financing Assistance Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 885. Introduced by Davis, 43.

A BILL FOR AN ACT relating to journalism; to define terms; to provide student journalists the right to exercise freedom of speech and of the press; and to provide exceptions.

LEGISLATIVE BILL 886. Introduced by Davis, 43; Kolterman, 24; Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 2015; to adopt the Volunteer Emergency Responders Incentive Act; to provide income tax credits; to
harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 887. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Petroleum Release Remedial Action Act; to amend sections 66-1519, 66-1523, 66-1525, and 66-1529.02, Revised Statutes Cumulative Supplement, 2014; to extend use of the Petroleum Release Remedial Action Cash Fund as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 888. Introduced by Mello, 5; Fox, 7; Harr, B., 8.

A BILL FOR AN ACT relating to the Nebraska Job Creation and Mainstreet Revitalization Act; to amend section 77-2909, Revised Statutes Cumulative Supplement, 2014, and section 77-2904, Revised Statutes Supplement, 2015; to change provisions relating to the treatment and applicability of certain tax credits; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 889. Introduced by Mello, 5; Campbell, 25; Cook, 13; Kolowski, 31; Kolterman, 24; McCollister, 20; Stinner, 48; Sullivan, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2717 and 77-2734.03, Revised Statutes Cumulative Supplement, 2014, and sections 68-1201, 71-1962, and 77-2715.07, Revised Statutes Supplement, 2015; to adopt the School Readiness Tax Credit Act; to provide income tax credits; to exclude tax credits from certain eligibility determinations; to harmonize provisions; and to repeal the original sections.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 394CA. Introduced by Hughes, 44.

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

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

To amend Article VIII, section 12:

VIII-12 For the purpose of rehabilitating, acquiring, or redeveloping substandard and blighted property in a redevelopment project as determined by law, any city or village of the state may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise. Notwithstanding any other provision in the Constitution or a local charter, such cities or villages may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, which taxes shall be at
such rate for a period not to exceed fifteen years, on the assessed valuation of the property in the project area portion of a designated blighted and substandard area that is in excess of the assessed valuation of such property for the year prior to such rehabilitation, acquisition, or redevelopment.

When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.

A taxing body may, with respect to any redevelopment project, elect to have its taxes excluded from any pledge made by a city or village under this section. If such election is made, the taxing body shall notify the city or village of its election and the city or village shall not pledge the taxes of such taxing body for the payment of any indebtedness related to such redevelopment project.

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

A constitutional amendment to authorize a taxing body to elect to have its taxes excluded from any pledge of taxes made by a city or village to pay indebtedness related to a redevelopment project.

For  
Against.

ANNOUNCEMENT(S)

Senator Schilz designates LB176 as his priority bill.

Senator Johnson designates LB136 as his priority bill.

Senator Lindstrom designates LB471 as his priority bill.

COMMITTEE REPORT(S)

Health and Human Services

LEGISLATIVE BILL 147. Placed on General File.

LEGISLATIVE BILL 471. Placed on General File with amendment.

AM1809
1 1. Strike the original sections and insert the following new 2 sections:
3 Section 1. Section 71-2454, Revised Statutes Cumulative Supplement, 4 2014, is amended to read:
5 71-2454  (1) It is the intent of the Legislature that an entity 6 described in section 71-2455 shall establish a system of prescription 7 drug monitoring for the purposes of (a 1) preventing the misuse of 8 controlled substances that are prescribed in an efficient and cost- 9 effective manner and (b 2) allowing prescribers and dispensers doctors 10 and pharmacists to monitor the care and treatment of patients for whom 11 such a prescription drug is prescribed to ensure that such prescription
12 drugs are used for medically appropriate purposes and that the State of
13 Nebraska remains on the cutting edge of medical information technology.
14 (2) Such system of prescription drug monitoring shall be implemented
15 beginning January 1, 2017, and shall include, but not be limited to,
16 provisions that:
17 (a) Prohibit any patient from opting out of the prescription drug
18 monitoring system;
19 (b) Require all prescriptions dispensed in this state or to an
20 address in this state to be entered into the system by the dispenser or
21 his or her designee daily after such prescription is dispensed, including
22 those for patients paying cash for such prescription drug or otherwise
23 not relying on a third-party payor for payment for the prescription drug;
24 (c) Allow all prescribers or dispensers of prescription drugs to
25 access the system at no cost to such prescriber or dispenser; and
26 (d) Ensure that such system includes information relating to all
27 payors, including, but not limited to, the medical assistance program
1 established pursuant to the Medical Assistance Act.
2 Dispensers may begin on the effective date of this act to report
3 dispensing of prescriptions to the entity described in section 71-2455
4 which is responsible for establishing the system of prescription drug
5 monitoring.
6 (3) Prescription information that shall be submitted electronically
7 to the prescription drug monitoring system shall include:
8 (a) The patient’s name, address, and date of birth;
9 (b) The name and address of the pharmacy dispensing the
10 prescription;
11 (c) The date the prescription is written;
12 (d) The date the prescription is filled;
13 (e) The name of the drug prescribed;
14 (f) The strength of the drug prescribed;
15 (g) The quantity of the drug prescribed and the number of days’
16 supply; and
17 (h) The prescriber’s name, address, and National Provider Identifier
18 number.
19 (4) For purposes of this section:
20 (a) Designee means any licensed or registered health care
21 professional designated by a dispenser to act as an agent of the
22 dispenser for purposes of submitting or accessing data in the
23 prescription drug monitoring system and who is directly supervised by
24 such dispenser;
25 (b) Dispenser means a person authorized in the jurisdiction in which
26 he or she is practicing to deliver a prescription to the ultimate user by
27 or pursuant to the lawful order of a prescriber but does not include (i)
28 a licensed hospital pharmacy that distributes such prescription for the
29 purposes of inpatient hospital care or emergency department care for the
30 immediate use of a prescription, (ii) an authorized person who
31 administers a prescription upon the lawful order of a prescriber, or
1 (iii) a wholesale distributor of a prescription drug monitored by the
2 prescription drug monitoring system; and
3 (c) Prescriber means a health care professional authorized to prescribe in the profession which he or she practices.

5 Sec. 2. Original section 71-2454, Revised Statutes Cumulative Supplement, 2014, is repealed.

(Signed) Kathy Campbell, Chairperson

Judiciary

LEGISLATIVE BILL 212. Indefinitely postponed.
LEGISLATIVE BILL 244. Indefinitely postponed.
LEGISLATIVE BILL 297. Indefinitely postponed.
LEGISLATIVE BILL 354. Indefinitely postponed.
LEGISLATIVE BILL 592. Indefinitely postponed.
LEGISLATIVE BILL 606. Indefinitely postponed.

(Signed) Les Seiler, Chairperson

AMENDMENT(S) - Print in Journal

Senator Kuehn filed the following amendment to LB471: AM1823
1 1. Strike the original sections and insert the following new sections:
2 Section 1. Section 71-2454, Revised Statutes Cumulative Supplement, 2014, is amended to read:
3 71-2454 (1) An It is the intent of the Legislature that an entity described in section 71-2455 shall establish a system of prescription drug monitoring for the purposes of (a 1) preventing the misuse of controlled substances that are prescribed in an efficient and cost-effective manner and (b 2) allowing prescribers and dispensers doctors and pharmacists to monitor the care and treatment of patients for whom such a prescription drug is prescribed to ensure that such prescription drugs are used for medically appropriate purposes and that the State of Nebraska remains on the cutting edge of medical information technology. (2) Such system of prescription drug monitoring shall be implemented beginning January 1, 2017, and shall include, but not be limited to, provisions that:
17 (a) Prohibit any patient from opting out of the prescription drug monitoring system;
19 (b) Require all prescriptions dispensed in this state or to an address in this state to be entered into the system by the dispenser or his or her designee daily after such prescription is dispensed, including those for patients paying cash for such prescription drug or otherwise not relying on a third-party payor for payment for the prescription drug;
24 (c) Allow all prescribers or dispensers of prescription drugs to access the system at no cost to such prescriber or dispenser; and
26 (d) Ensure that such system includes information relating to all payors, including, but not limited to, the medical assistance program...
Dispensers may begin on the effective date of this act to report dispensing of prescriptions to the entity described in section 71-2455 which is responsible for establishing the system of prescription drug monitoring.

(3) Prescription information that shall be submitted electronically to the prescription drug monitoring system shall include:

(a) The patient’s name, address, and date of birth;
(b) The name and address of the pharmacy dispensing the prescription;
(c) The date the prescription is written;
(d) The date the prescription is filled;
(e) The name of the drug prescribed;
(f) The strength of the drug prescribed;
(g) The quantity of the drug prescribed and the number of days’ supply; and
(h) The prescriber’s name, address, and National Provider Identifier number.

(4) A veterinarian licensed under the Veterinary Medicine and Surgery Practice Act shall only be required to report prescription of controlled substances from listed on Schedule II, Schedule III, or Schedule IV pursuant to section 28-405.

(5) For purposes of this section:

(a) Designee means any licensed or registered health care professional designated by a dispenser to act as an agent of the dispenser for purposes of submitting or accessing data in the prescription drug monitoring system and who is directly supervised by such dispenser;
(b) Dispenser means a person authorized in the jurisdiction in which he or she is practicing to deliver a prescription to the ultimate user by or pursuant to the lawful order of a prescriber but does not include (i) a licensed hospital pharmacy that distributes such prescription for the purposes of inpatient hospital care or emergency department care for the immediate use of a prescription, (ii) an authorized person who administers a prescription upon the lawful order of a prescriber, or (iii) a wholesale distributor of a prescription drug monitored by the prescription drug monitoring system, and (iv) through December 31, 2017, a veterinarian licensed under the Veterinary Medicine and Surgery Practice Act when dispensing prescriptions for animals in the usual course of providing professional services; and
(c) Prescriber means a health care professional authorized to prescribe in the profession which he or she practices.

Sec. 2. Original section 71-2454, Revised Statutes Cumulative Supplement, 2014, is repealed.

Senator Cook filed the following amendment to LB510:

(Amendments to Standing Committee amendments, AM732)

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

Sec. 2. (1) For taxable years beginning or deemed to begin on or after January 1, 2017, there shall be allowed to an employer of any eligible employee a nonrefundable credit, for not more than two years, against the income tax imposed by the Nebraska Revenue Act of 1967 in the amount of twenty percent of the employer's annual expenditures for any of the following services that are provided to eligible employees and that are incidental to the employer's business:

(a) The payment of tuition at a Nebraska public institution of postsecondary education or the payment of the costs associated with a high school equivalency program for eligible employees; and

(b) The provision of transportation of eligible employees to and from work.

(2) The credit allowed under this section for any taxable year shall not exceed the employer's actual tax liability for such taxable year.

(3) The Department of Revenue shall submit a report electronically to the Clerk of the Legislature on or before July 1 of each year on (a) the number of employers claiming a credit under this section and (b) the number of eligible employees receiving the services for which credits are claimed.

(4) The Department of Revenue, in consultation with the Department of Health and Human Services, shall develop a process to verify that any employer claiming credits under this section qualifies for such credits.

(5) The Department of Revenue may adopt and promulgate rules and regulations necessary to carry out this section.

(6) For purposes of this section, eligible employee means a parent or responsible relative who is a member of a family that received benefits under the state or federally funded Temporary Assistance for Needy Families program established in 42 U.S.C. 601 et seq., for any nine months of the eighteen-month period immediately prior to the employee's hiring date.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Kolterman - LB467
Watermeier - LR35
Kuehn - LB47
Schilz - LR388 and LB824

RECESS

At 11:54 a.m., on a motion by Senator Murante, the Legislature recessed until 1:30 p.m.
AFTER RECESS

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

ROLL CALL

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

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

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<tr>
<th>LB/LR</th>
<th>Committee</th>
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<tbody>
<tr>
<td>LB813</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LB814</td>
<td>Transportation and Telecommunications</td>
</tr>
<tr>
<td>LB815</td>
<td>Judiciary</td>
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<tr>
<td>LB816</td>
<td>Health and Human Services</td>
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<td>LB817</td>
<td>Banking, Commerce and Insurance</td>
</tr>
<tr>
<td>LB818</td>
<td>Health and Human Services</td>
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<td>LB819</td>
<td>Banking, Commerce and Insurance</td>
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<td>LB820</td>
<td>General Affairs</td>
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<tr>
<td>LB821</td>
<td>Business and Labor</td>
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<td>General Affairs</td>
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<td>Government, Military and Veterans Affairs</td>
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<td>Natural Resources</td>
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<td>Education</td>
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<td>Business and Labor</td>
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<td>Banking, Commerce and Insurance</td>
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<td>LB838</td>
<td>Appropriations</td>
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<td>LB839</td>
<td>Judiciary</td>
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<td>Business and Labor</td>
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<td>Health and Human Services</td>
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<td>Transportation and Telecommunications</td>
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WHEREAS, the Millard North High School football team won the 2015 Class A State Football Championship; and
WHEREAS, the Millard North Mustangs defeated previously unbeaten Millard West High School in the championship game by a score of 21-14; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates the Millard North High School football team on winning the 2015 Class A State Football Championship.
2. That a copy of this resolution be sent to the Millard North High School football team.
Laid over.

WHEREAS, the Elkhorn South High School football team won the 2015 Class B State Football Championship; and
WHEREAS, the Elkhorn South Storm defeated Aurora High School in the championship game by a score of 32-21; and
WHEREAS, the Elkhorn South Storm football team finished their season undefeated; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates the Elkhorn South High School football team on winning the 2015 Class B State Football Championship.
2. That a copy of this resolution be sent to the Elkhorn South High School football team.
Laid over.
Senator Schnoor designates LB289 as his priority bill.

**MOTION - Adopt Permanent Rules**

The Garrett motion to adopt the permanent rules for the One Hundred Fourth Legislature, Second Session, and any special sessions held during the 2016 calendar year, found in this day's Journal, as amended, was renewed.

Senator Chambers renewed his amendment to the Kintner proposed rules change, found in this day's Journal, to Rule 1, Sec. 1 and Rule 3, Sec. 8.

Senator Chambers moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 36:

Baker  Ebke  Hansen  McCollister  Stinner  
Brasch  Fox  Harr, B.  Mello  Sullivan  
Campbell  Friesen  Hilkemann  Morfeld  Watermeier  
Chambers  Garrett  Howard  Murante  Williams  
Coash  Gloor  Kolowski  Pansing  Brooks  
Cook  Groene  Krist  Scheer  
Craighead  Haar, K.  Kuehn  Schumacher  
Crawford  Hadley  Lindstrom  Seiler  

Voting in the negative, 7:

Bloomfield  Johnson  Kolterman  Schnoor  
Hughes  Kintner  Larson  

Present and not voting, 6:

Bolz  McCoy  Schilz  
Davis  Riepe  Smith  

The Chambers amendment was adopted with 36 ayes, 7 nays, and 6 present and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the Kintner proposed rules change:

Rule 1, Sec. 1

(a) Add: "No provision shall be allowed for write-ins".

Rule 3, Sec. 8
(a) Add: "No provision shall be allowed for write-ins".

Senator Chambers withdrew his amendment.

Senator Kintner renewed his proposed rules change, found in this day's Journal, to Rule 1, Sec. 1 and Rule 3, Sec. 8, as amended.

Senator Kintner moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Kintner requested a roll call vote on his proposed rules change, as amended.

Voting in the affirmative, 17:

- Brasch
- Friesen
- Larson
- Riepe
- Smith
- Craighead
- Groene
- Lindstrom
- Scheer
- Ebke
- Kintner
- McCoy
- Schilz
- Fox
- Kuehn
- Murante
- Schnoor

Voting in the negative, 30:

- Baker
- Cook
- Hadley
- Kolowski
- Schumacher
- Bloomfield
- Crawford
- Hansen
- Kolterman
- Seiler
- Bolz
- Davis
- Hilkemann
- Krist
- Stinner
- Campbell
- Garrett
- Howard
- Mello
- Sullivan
- Chambers
- Gloor
- Hughes
- Morfeld
- Watermeier
- Coash
- Haar, K.
- Johnson
- Pansing
- Brooks
- Williams

Absent and not voting, 1:

- McCollister

Excused and not voting, 1:

- Harr, B.

The Kintner proposed rules change, as amended, lost with 17 ayes, 30 nays, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Kintner offered the following proposed rules change:

**Amend Rule 3, Sec. 20.**

**Sec. 20. Request From Committee, Bills Held.** (a) Except for the general appropriation bills necessary for the support of the state government for the biennium, the Legislature may, by vote of a majority of the elected
members, request a status report from any committee at any time after said committee shall have been in possession of a bill or resolution for twenty legislative days.

(b) Any senator may move that a bill be placed on General File twenty calendar days or more after the committee hearing, if the committee has not taken final action on the bill, and by a vote of a majority of the elected members, said bill shall be placed on General File. Final action taken by the committee following a motion filed pursuant to this subsection, and prior to when debate is initiated on the motion by the Legislature, shall take precedence over such motion. Except final action by the committee following a motion filed pursuant to this subsection, and prior to when debate is initiated on the motion by the Legislature shall not take precedence over such motion, when at the time such motion was filed said bill had a priority designation and had at least fifteen introducers, and by a vote of a majority of the elected members, said bill shall be placed on General File. If, at the expiration of eight calendar days from the date final action was taken, the chairperson has not reported the bill, any senator may file with the Speaker a motion that the chairperson be compelled to submit a report. After determining that final action on the bill has been taken at least eight calendar days prior to the date the motion was submitted, the Speaker shall accept the motion and compel the chairperson to file the committee's report on the matter.

(c) Any amendment, other than a committee amendment, offered which is substantially the same as a pending bill shall require a three-fifths vote of the elected members if offered prior to the public hearing or within ten days after the public hearing.

(d) Any time any member attempts to take a bill from committee to be placed on General File, the bill shall stand indefinitely postponed and shall not be subject to reconsideration if the motion fails to receive a majority vote of the members elected to the Legislature. The introducer of the bill must concur with any motion offered under this rule.

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

Senator Kintner requested a roll call vote on his proposed rules change.

Voting in the affirmative, 5:
Brasch    Ebke    Fox    Groene    Kintner

Voting in the negative, 35:
The Kintner proposed rules change lost with 5 ayes, 35 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers requested a roll call vote on the Garrett motion to adopt the permanent rules, as amended.

The Garrett motion to adopt permanent rules, as amended, prevailed with 44 ayes, 1 nay, 2 present and not voting, and 2 excused and not voting.

Senator Chambers moved to reconsider the vote to adopt the permanent rules.

PRESIDENT FOLEY PRESIDING

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 890. Introduced by Brasch, 16.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-21,274, Reissue Revised Statutes of Nebraska; to change provisions relating to actions involving motor vehicle collisions with domestic animals; and to repeal the original section.
LEGISLATIVE BILL 891. Introduced by Brasch, 16; Baker, 30; Bloomfield, 17; Coash, 27; Cook, 13; Craighead, 6; Crawford, 45; Davis, 43; Ebke, 32; Fox, 7; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Haar, K., 21; Hansen, 26; Harr, B., 8; Hilkemann, 4; Howard, 9; Hughes, 44; Johnson, 23; Kintner, 2; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; McCollister, 20; Mello, 5; Morfeld, 46; Murante, 49; Pansing Brooks, 28; Riepe, 12; Scheer, 19; Schilz, 47; Schnoor, 15; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Watermeier, 1; Williams, 36.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Down Syndrome Diagnosis Information and Support Act.

LEGISLATIVE BILL 892. Introduced by Kintner, 2; Bloomfield, 17; Brasch, 16; Campbell, 25; Coash, 27; Cook, 13; Crawford, 45; Davis, 43; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Haar, K., 21; Hansen, 26; Harr, B., 8; Howard, 9; Hughes, 44; Johnson, 23; Kolowski, 31; Kuehn, 38; Lindstrom, 18; McCollister, 20; Morfeld, 46; Murante, 49; Pansing Brooks, 28; Scheer, 19; Stinner, 48; Williams, 36.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1310, Reissue Revised Statutes of Nebraska; to change provisions relating to intimidation by telephone call; and to repeal the original section.

LEGISLATIVE BILL 893. Introduced by Pansing Brooks, 28; Chambers, 11; Ebke, 32; Krist, 10; McCollister, 20; Morfeld, 46; Williams, 36.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-248, Revised Statutes Cumulative Supplement, 2014, and sections 43-247, 43-250, and 43-251.01, Revised Statutes Supplement, 2015; to redefine nonoffender; to change provisions relating to court jurisdiction, temporary custody and disposition, and placements and commitments; and to repeal the original sections.

LEGISLATIVE BILL 894. Introduced by Pansing Brooks, 28; Chambers, 11; Coash, 27; Ebke, 32; Krist, 10; McCollister, 20; Morfeld, 46; Williams, 36.

A BILL FOR AN ACT relating to law; to amend sections 29-3915, 43-248.01, and 43-279, Reissue Revised Statutes of Nebraska, and section 43-272, Revised Statutes Supplement, 2015; to change provisions relating to the appointment of counsel; to change provisions relating to the advisement of rights given to a juvenile in custody; to require the appointment of counsel for juveniles; to prohibit the waiver of counsel in certain circumstances; to require the Supreme Court to provide guidelines for attorneys practicing in juvenile court; to set forth requirements for a valid waiver of the right to counsel by a juvenile; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 895. Introduced by Coash, 27; Baker, 30; Bolz, 29; Campbell, 25; Crawford, 45; Davis, 43; Fox, 7; Harr, B., 8; Hilkemann, 4; Howard, 9; Johnson, 23; Kolterman, 24; McCollister, 20; Mello, 5.

A BILL FOR AN ACT relating to the Developmental Disabilities Services Act; to amend section 83-1201, Reissue Revised Statutes of Nebraska; to require a report regarding the Beatrice State Developmental Center and the Bridges program as prescribed; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 896. Introduced by Hansen, 26; Watermeier, 1.

A BILL FOR AN ACT relating to state government; to require pay increases for state employees to recognize length of service; and to provide a duty for the Revisor of Statutes.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 397. Introduced by Gloor, 35; Campbell, 25.

PURPOSE: Patient-Centered Medical Home (PCMH) is a model of health care services delivery that puts the patient at the center of care in new ways that require informed joint decisionmaking on medical decisions with a focus on preventive care and management of chronic diseases.

In Nebraska, PCMH has been the focus of legislative efforts since 2009 and of the medical community since 2008. LR22 (2015) studied the multi-year, ongoing work to improve the health of Nebraskans through improved health care services delivery.

It is the purpose of this resolution for the Health and Human Services Committee of the Legislature to conduct an interim study to monitor this health care transformation in Nebraska, to examine the progress of the Nebraska PCMH Participation Agreement, and to provide a legislative forum for discussion and collaboration among the many stakeholders in the health care and health insurance industries.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.
LEGISLATIVE JOURNAL

LEGISLATIVE RESOLUTION 398CA. Introduced by Bloomfield, 17.

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

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

To amend Article V, section 20, and repeal Article V, sections 21 and 26:

V-20 (1) The Legislature shall provide by law for the election of judges
provided for in this Article and may provide for appointment of judges for
the unexpired terms in the case of vacancies.

(2) All officers provided for in this Article shall hold their offices until
their successors shall be qualified and they shall respectively reside in the
district or county from which they shall be selected. All officers, when not
otherwise provided for in this Article, shall perform such duties and receive
such compensation as may be prescribed by law.

Article V, sections 21 and 26, of the Constitution of Nebraska are
repealed.

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

A constitutional amendment to provide for election of judges as prescribed
by the Legislature and eliminate provisions relating to selection of judges.

For
Against.

NOTICE OF COMMITTEE HEARING(S)

Urban Affairs
Room 1510

Tuesday, January 19, 2016 1:30 p.m.

LB699
LB700
LB703
LB704

(Signed) Sue Crawford, Chairperson

GENERAL FILE

LEGISLATIVE BILL 285. Title read. Considered.

Committee AM1426, found on page 1390, First Session, 2015, was
considered.

Senator Schumacher offered his amendment, AM1474, found on page 1481,
First Session, 2015, to the committee amendment.
Senator Schumacher moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Schumacher requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Bloomfield  Chambers  Fox  Pansing  Brooks  Schumacher
Bolz          Ebke       Groene  Schnoor  Watermeier

Voting in the negative, 27:

Baker  Friesen  Johnson  McCoy  Seiler
Brasch  Gloor    Kintner  Mello    Stinner
Campbell  Haar, K.  Kolowski  Morfeld  Williams
Cook    Harr, B.  Kolterman  Murante
Crawford  Hilkemann  Lindstrom  Riepe
Davis    Hughes  McCollister  Scheer

Present and not voting, 5:

Hadley    Hansen  Krist  Schilz  Smith

Excused and not voting, 7:

Coash  Garrett  Kuehn  Sullivan
Craighead  Howard  Larson

The Schumacher amendment lost with 10 ayes, 27 nays, 5 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

The committee amendment was adopted with 35 ayes, 2 nays, 5 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 3 nays, 6 present and not voting, and 6 excused and not voting.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 897.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the public power industry; to define terms; to authorize generating power agencies to engage in commodity futures financial hedging transactions; and to provide a duty for the Revisor
of Statutes.

LEGISLATIVE BILL 898. Introduced by Fox, 7; Brasch, 16; Campbell, 25; Chambers, 11; Cook, 13; Crawford, 45; Howard, 9; Kolterman, 24; Riepe, 12; Smith, 14.

A BILL FOR AN ACT relating to the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act; to amend sections 38-1001, 38-1004, and 38-1075, Reissue Revised Statutes of Nebraska; to define a term; to exempt certain persons from credentialing requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 899. Introduced by Baker, 30.

A BILL FOR AN ACT relating to the Nebraska Safe Drinking Water Act; to amend section 71-5301.01, Reissue Revised Statutes of Nebraska, and section 71-5301, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to lead content; to redefine a term; to provide for rules and regulations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 900. Introduced by Bloomfield, 17; Ebke, 32; Hughes, 44; Kintner, 2; Krist, 10; Morfeld, 46; Schnoor, 15.

A BILL FOR AN ACT relating to motorcycles; to amend sections 60-3,153, 60-4,105, 60-4,118, 60-4,118.02, 60-4,118.03, 60-4,128, and 60-6,279, Reissue Revised Statutes of Nebraska, section 60-4,146, Revised Statutes Cumulative Supplement, 2014, and section 60-4,114, Revised Statutes Supplement, 2015; to change registration fees for motorcycles; to rename the Health Advisory Board and provide powers and duties; to create a fund; to create the brain injury services program; to provide powers and duties for the Department of Motor Vehicles and the Department of Health and Human Services; to change a penalty; to change motorcycle and moped helmet provisions; to eliminate obsolete fund provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 60-2132.01, Revised Statutes Cumulative Supplement, 2014.

LEGISLATIVE BILL 901. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Dentistry Practice Act; to amend sections 38-1107, 38-1116, 38-1119, 38-1121, 38-1131, 38-1132, 38-1135, and 38-1136, Reissue Revised Statutes of Nebraska, section 38-1130, Revised Statutes Cumulative Supplement, 2014, and sections 38-1101 and 38-1102, Revised Statutes Supplement, 2015; to define and redefine terms; to change provisions relating to dental assistants and licensed dental hygienists; to provide for licensed dental assistants, expanded function dental assistants, and expanded function dental hygienists; to provide powers and duties; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 902. Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to the Nebraska Clean-burning Motor Fuel Development Act; to amend sections 66-202, 66-203, and 66-204, Revised Statutes Supplement, 2015; to redefine a term; to change provisions relating to qualification for rebates and use of funds; and to repeal the original sections.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 399CA. Introduced by Davis, 43; Groene, 42.

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

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

To amend Article VIII, section 12:

VIII-12 For the purpose of rehabilitating, acquiring, or redeveloping substandard and blighted property in a redevelopment project as determined by law, any city or village of the state may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise. Notwithstanding any other provision in the Constitution or a local charter, such cities or villages may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, which taxes shall be at such rate for a period not to exceed fifteen years, on the assessed valuation of the property in the project area portion of a designated blighted and substandard area that is in excess of the assessed valuation of such property for the year prior to such rehabilitation, acquisition, or redevelopment.

When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.

Before exercising the power to pledge taxes as described in this section, a city or village shall submit, at any primary, general, or special election, the question of pledging such taxes to the registered voters of the city or village and each school district and county whose taxes would be pledged. The question submitted to the voters shall include a total dollar amount of taxes that the city or village may pledge and a timeframe during which the city or village is empowered to pledge such total dollar amount of taxes. If a majority of the votes cast on such question are in favor of authorizing the city or village to pledge such taxes, the city or village may do so. If a majority of the votes cast on such question are opposed to authorizing the city or village to pledge such taxes, the city or village may not do so. Any pledge of taxes occurring prior to January 1, 2017, shall not be subject to the election requirements of this section.
Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:
A constitutional amendment to require cities and villages to obtain voter approval before pledging taxes for the payment of indebtedness related to redevelopment projects.
For
Against.

AMENDMENT(S) - Print in Journal

Senator Watermeier filed the following amendment to LB47:
AM1832
(Amendments to Standing Committee amendments, AM635)
1 1. Strike section 4 and insert the following new section:
2 Sec. 4. This act becomes operative on July 1, 2017.

NOTICE OF COMMITTEE HEARING(S)
Education
Room 1525
Tuesday, January 19, 2016 1:30 p.m.
LB734
LB773
LB692
LB726
(Signed) Kate Sullivan, Chairperson

VISITORS

Visitors to the Chamber were Chris Zygielbaum from Lincoln and Douglas and Jan King from Melbourne, Australia.

The Doctor of the Day was Dr. Eric Thomsen from Beatrice.

ADJOURNMENT

At 4:51 p.m., on a motion by Senator Mello, the Legislature adjourned until 9:00 a.m., Tuesday, January 12, 2016.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper
FIFTH DAY - JANUARY 12, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 12, 2016

PRAYER

The prayer was offered by Pastor Brent Kuhlman, Trinity Lutheran Church, Murdock.

ROLL CALL

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

The roll was called and all members were present except Senators Coash, Craighead, Hansen, Larson, Murante, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourth day was approved.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 903. Introduced by Baker, 30.

A BILL FOR AN ACT relating to schools; to amend sections 79-102, 79-233, 79-237, 79-238, 79-413, 79-473, 79-528, 79-611, 79-850, 79-979, 79-1007.18, 79-1008.02, 79-1022, 79-1036, 79-1041, 79-10,120, 79-10,126, 79-1241.03, 79-2104, 79-2104.01, 79-2104.02, 79-2104.03, 79-2111, and 79-2404, Reissue Revised Statutes of Nebraska, sections 32-546.01, 32-604, 70-651.04, and 77-1736.06, Revised Statutes Cumulative Supplement, 2014, and sections 77-3442, 79-215, 79-1001, 79-1007.11, 79-2110, and 79-2115, Revised Statutes Supplement, 2015; to change provisions relating to learning community coordinating councils; to change provisions relating to the option enrollment program; to provide for an extreme poverty allowance pursuant to the Tax Equity and Educational Opportunities Support Act; to change and eliminate certain levy authority and open enrollment provisions relating to learning communities; to eliminate the Learning Community
Reorganization Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 79-4,117, 79-4,118, 79-4,119, 79-4,120, 79-4,121, 79-4,122, 79-4,123, 79-4,124, 79-4,125, 79-4,126, 79-4,127, 79-4,128, 79-4,129, 79-1073, 79-1073.01, 79-10,126.01, and 79-2110.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 904.** Introduced by Baker, 30.

A BILL FOR AN ACT relating to learning communities; to amend section 79-2102, Reissue Revised Statutes of Nebraska, and section 32-546.01, Revised Statutes Cumulative Supplement, 2014; to permit school districts to opt out of a learning community as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 905.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to public health; to adopt the Commission on Fathers, Men, and Boys Establishment Act of 2016.

**LEGISLATIVE BILL 906.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to law enforcement; to adopt the Law Enforcement Education Act.

**LEGISLATIVE BILL 907.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 58-210.02, Reissue Revised Statutes of Nebraska, sections 77-1108, 77-1109, and 77-1115, Revised Statutes Cumulative Supplement, 2014, and section 77-1116, Revised Statutes Supplement, 2015; to change provisions relating to the New Markets Job Growth Investment Act; and to repeal the original sections.

**NOTICE OF COMMITTEE HEARING(S)**

**Agriculture**

Room 2102

Tuesday, January 19, 2016 1:30 p.m.

LB730
LB798

(Signed) Jerry Johnson, Chairperson
RESOLUTION(S)

LEGISLATIVE RESOLUTION 400. Introduced by Fox, 7.

WHEREAS, on December 21, 2015, more than 110 homeless shelter residents received free haircuts during the "You Look Good, You Feel Good" event at the Victory Boxing Club and Community Center in Omaha; and

WHEREAS, the event was started by Beauchamp Alejandro who said he wanted to give back to the community, and decided the best way to do that was to do something for the homeless. Nearly twenty other barbers and stylists joined Beauchamp to help with the event; and

WHEREAS, participants also received a gift bag with grooming products and a free meal; and

WHEREAS, the event was held in conjunction with National Homeless Persons' Memorial Day which is held each year on December 21.

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

1. That the Legislature recognizes Beauchamp Alejandro and all other contributors to the "You Look Good, You Feel Good" event in Omaha.
2. That a copy of this resolution be sent to Beauchamp Alejandro.

Laid over.

LEGISLATIVE RESOLUTION 401. Introduced by Fox, 7.

WHEREAS, on January 1, 2016, the Omaha South High Magnet School dance team, the Luvabulls, performed at the 2016 Sugar Bowl in New Orleans, Louisiana; and

WHEREAS, the Omaha South Luvabulls started fundraising in October of 2015 and raised $33,000 for eighteen dancers and Coach Halley Taylor to attend the event. The team received donations from national and local supporters, teachers, and students; and

WHEREAS, the Omaha South Luvabulls won the 2016 Sugar Bowl Spirit Award; and

WHEREAS, when the Spirit Award was presented, the Omaha South Luvabulls were described as representing the spirit of the Sugar Bowl by "always showing kindness, respect, and leadership"; and

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

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

1. That the Legislature congratulates the Omaha South High Magnet School dance team on performing at the 2016 Sugar Bowl and winning the Sugar Bowl Spirit Award.
2. That a copy of this resolution be sent to the Omaha South High Magnet School dance team and Coach Halley Taylor.

Laid over.
GENERAL FILE

LEGISLATIVE BILL 47. Considered.

Committee AM635, found on page 775 and considered on pages 973 and 990, First Session, 2015, was renewed.

Senator Watermeier offered his amendment, AM938, found on page 974, First Session, 2015, to the committee amendment.

Senator Chambers offered the following motion:
MO142
Bracket until April 20, 2016.

SPEAKER HADLEY PRESIDING

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

Senator Chambers requested a roll call vote, in reverse order, on his motion to bracket.

Voting in the affirmative, 6:
Bloomfield Larson Schumacher
Krist Pansing Brooks Sullivan

Voting in the negative, 35:
Bolz Friesen Hilkemann Kuehn Schilz
Brasch Garrett Howard McCollister Schnoor
Coash Gloor Hughes McCoy Seiler
Craighead Groene Johnson Morfeld Smith
Crawford Haar, K. Kintner Murante Stinner
Davis Hadley Kolowski Riepe Watermeier
Fox Harr, B. Kolterman Scheer Williams

Present and not voting, 5:
Baker Chambers Cook Ebke Hansen

Excused and not voting, 3:
Campbell Lindstrom Mello

The Chambers motion to bracket failed with 6 ayes, 35 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

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

**LEGISLATIVE BILL 908.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to veterinary technicians; to amend section 38-3325, Reissue Revised Statutes of Nebraska; to provide for temporary licenses; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 909.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Department of Agriculture; to amend sections 2-1807, 2-1808, 54-635, 54-850, 54-856, 54-1371, 54-1382, 54-1704, 54-1904, 54-2306, 54-2320, 81-2,147.10, 89-187, 89-187.02, 89-188, 89-197, and 89-1,100, Reissue Revised Statutes of Nebraska; to change the director's powers and duties; to change fee and penalty provisions relating to agriculture, livestock, and weights and measures; to provide for credits to various funds as prescribed; to eliminate permit and license requirements to furnish an applicant's social security number; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 910.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to parole administration; to amend sections 83-1,101, Reissue Revised Statutes of Nebraska, and sections 47-903, 47-908, 47-913, 83-171, 83-1,100, and 83-933, Revised Statutes Supplement, 2015; to change provisions relating to parole administration; to define a term; to provide duties for the Office of Parole Administration, the Parole Administrator, the Director of Correctional Services, and the chairperson of the Board of Parole; to change a date relating to transition as prescribed; to change provisions relating to appointment of the Parole Administrator; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 911.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to state intent to transfer funds relating to systems of care for users of adult behavioral health services.

**LEGISLATIVE BILL 912.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to elections; to amend sections 32-914 and 32-1027, Reissue Revised Statutes of Nebraska, sections 32-329 and 32-915, Revised Statutes Cumulative Supplement, 2014, and section 32-947, Revised Statutes Supplement, 2015; to provide and change requirements for presentation of identification for purposes of voting; to harmonize provisions; to provide an operative date; and to repeal the
original sections.

**LEGISLATIVE BILL 913.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to state disasters; to adopt the Facilitating Business Rapid Response to State Declared Disasters Act.

**LEGISLATIVE BILL 914.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend section 70-1003, Revised Statutes Cumulative Supplement, 2014; to change a provision relating to compensation for certain board members as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 915.** Introduced by McCollister, 20; Crawford, 45; Ebke, 32; Garrett, 3; Krist, 10; Morfeld, 46; Pansing Brooks, 28; Seiler, 33; Williams, 36.

A BILL FOR AN ACT relating to veterans' treatment court programs; to amend section 24-1302, Reissue Revised Statutes of Nebraska; to state findings relating to the establishment of a veterans' treatment court program pilot project; to provide for court rules relating to the administration of veterans' treatment court programs; and to repeal the original section.

**LEGISLATIVE BILL 916.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to offenses against animals; to provide immunity from criminal or civil liability for removal of an animal from a motor vehicle by forcible entry as prescribed; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 917.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Office of Inspector General of Nebraska Child Welfare Act; to amend sections 43-2,108, 43-4318, 43-4319, 43-4321, 43-4324, and 43-4326, Revised Statutes Supplement, 2015; to change provisions relating to access to records; to change provisions relating to investigations by the Inspector General; to harmonize provisions; and to repeal the original sections.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 402.** Introduced by Johnson, 23.

WHEREAS, the David City Aquinas Catholic High School football team won the 2015 Class C-2 State Football Championship; and

WHEREAS, the David City Aquinas Monarchs defeated Oakland-Craig High School in the championship game by a score of 36-7; and
WHEREAS, the David City Aquinas Monarchs have won the state championship four times in the last five years;
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates the David City Aquinas Catholic High School football team on winning the 2015 Class C-2 State Football Championship.
2. That a copy of this resolution be sent to the David City Aquinas Catholic High School football team.

Laid over.

ANNOUNCEMENT(S)

Senator Campbell designates LB746 as her priority bill.

NOTICE OF COMMITTEE HEARING(S)
Banking, Commerce and Insurance
Room 1507
Tuesday, January 19, 2016 1:30 p.m.
LB676
LB760
LB761
LB771
LB778
LB751
LB759

(Signed) Jim Scheer, Chairperson

GENERAL FILE

LEGISLATIVE BILL 47. Senator Chambers offered the following motion:
MO143
Reconsider the vote taken to bracket.

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

Senator Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 10:
Voting in the negative, 25:

Bolz       Gloor       Johnson       McCoy       Seiler
Brasch     Groene     Kintner       Murante     Smith
Coash      Hadley     Kolterman     Riepe        Stinner
Fox        Hansen     Kuehn         Scheer      Watermeier
Friesen    Hughes     Lindstrom     Schnoor     Williams

Present and not voting, 8:

Baker      Cook       Harr, B.     Kolowski
Campbell   Crawford   Howard       McCollister

Excused and not voting, 6:

Craighead  Garrett     Morfeld
Davis      Mello       Schilz

The Chambers motion to reconsider failed with 10 ayes, 25 nays, 8 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 918.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3,186 and 60-1505, Revised Statutes Cumulative Supplement, 2014; to change the use of motor vehicle tax proceeds; to provide for placement of funds in the Vehicle Title and Registration System Replacement and Maintenance Cash Fund as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 919.** Introduced by Williams, 36; Chambers, 11; Coash, 27; Ebke, 32; Krist, 10; McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Seiler, 33.

A BILL FOR AN ACT relating to courts; to amend sections 24-1301 and 24-1302, Reissue Revised Statutes of Nebraska, and section 29-2246, Revised Statutes Supplement, 2015; to change legislative intent regarding
problem solving court programs and appropriations for such programs; to require the Supreme Court to promulgate rules; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 920.** Introduced by Pansing Brooks, 28; Lindstrom, 18.

A BILL FOR AN ACT relating to the Nebraska Police Standards Advisory Council; to amend section 81-1407, Reissue Revised Statutes of Nebraska; to add members to the council as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 921.** Introduced by Riepe, 12.

A BILL FOR AN ACT relating to agriculture; to eliminate provisions relating to organic food; and to outright repeal sections 81-2,233, 81-2,234, and 81-2,235, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 922.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Public Employees Retirement Board; to amend section 84-1501, Reissue Revised Statutes of Nebraska; to change terms of board members as prescribed; to provide for filling a vacancy in office; and to repeal the original section.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 403.** Introduced by Hansen, 26; Murante, 49.

WHEREAS, the election equipment used as of January 1, 2016, to facilitate Nebraska elections contains outdated technology and data storage that is either hard to repair or replace or no longer available. The equipment was purchased by the Secretary of State between 2004 and 2006 with federal dollars granted to the State of Nebraska by the federal government pursuant to the federal Help America Vote Act of 2002, Public Law 107-252. The equipment is approaching or past the estimated lifecycle of the equipment; and

WHEREAS, state and federal laws require voting assistance machines be available in all precincts so any voter may cast a ballot independently and privately, but the age and condition of the existing equipment make its availability to voters in future elections questionable; and

WHEREAS, the cost to replace the election equipment will be significant and no federal dollars are expected to be available to assist states with the purchase. Furthermore, uncertainty exists whether this cost will fall to the State of Nebraska or to the individual Nebraska counties.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. The Executive Board of the Legislative Council shall appoint the Election Technology Committee as a special committee of the Legislature. The committee shall have seven members, including the chairperson of the Appropriations Committee of the Legislature or his or her designee and the chairperson of the Government, Military and Veterans Affairs Committee of the Legislature or his or her designee.

2. The chairperson of the Government, Military and Veterans Affairs Committee shall serve as the chairperson of the Election Technology Committee. The Election Technology Committee shall elect a vice-chairperson from among the members of the committee. The legal counsel, committee clerk, and other staff of the Government, Military and Veterans Affairs Committee shall serve as staff for the Election Technology Committee.

3. The Election Technology Committee shall study the longevity of the technology used by election commissioners and county clerks to conduct elections as of January 1, 2016, and the feasibility of updating or replacing the technology. The study shall include, but not be limited to, a review of:
   (a) The condition of the hardware used by election commissioners and county clerks to allow voters to mark ballots and to tabulate ballots;
   (b) The availability of repair parts for such hardware;
   (c) The hardware and software and other methods of voting used by other states or otherwise available as of January 1, 2016, to comply with Title III, section 301, of the federal Help America Vote Act of 2002, as such section existed on January 1, 2016;
   (d) The cost to acquire hardware and software or use other methods of voting;
   (e) The infrastructure and technology necessary to support such hardware and software or other methods of voting;
   (f) The cost to purchase and implement such necessary infrastructure and technology; and
   (g) The cost of long-term maintenance of such hardware and software or use of such voting methods.

4. The Election Technology Committee shall study options for acquiring hardware and software or implementing other methods of voting, including, but not limited to:
   (a) The state contracting for all necessary equipment at state expense to be distributed to the counties for elections;
   (b) The state contracting for all necessary equipment to be distributed to counties for a fee to cover part or all of the cost;
   (c) Ninety-three counties purchasing the necessary equipment separately with county funds;
   (d) The merits of purchasing all necessary equipment in one fiscal year; and
   (e) The merits of purchasing all necessary equipment on a rolling timeline.

5. The Election Technology Committee shall consult with and request information, testimony, or research from:
   (a) The Secretary of State;
(b) The election commissioner from each county with a population of more than one hundred thousand inhabitants;
(c) At least three election commissioners or county clerks from other counties;
(d) A representative of the Nebraska Association of County Officials;
(e) Individuals with disabilities, including at least one individual with a vision impairment and one individual with a physical disability;
(f) At least one representative of organizations advocating for individuals with disabilities;
(g) At least one representative of organizations advocating for the voting rights of citizens; and
(h) Representatives from election technology and equipment manufacturers.

6. The Election Technology Committee shall electronically issue a report with its findings and recommendations to the Legislature no later than December 15, 2016.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR403 was referred to the Reference Committee.

NOTICE OF COMMITTEE HEARING(S)
Government, Military and Veterans Affairs
Room 1507

Wednesday, January 20, 2016 1:30 p.m.

LB695
LB702
LB682

(Signed) John Murante, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Fox - LB884
Baker, Bolz, Davis, Krist, Kuehn, Sullivan - LB166
Ebke, Hilkemann, Watermeier, Williams - LB166
Coash - LB817
Kintner - LB868
Kolterman - LB691
VISITORS

Visitors to the Chamber were Ilene Grossman and Tim Anderson from the Council of State Governments; 36 fourth-grade students from Eagle; and Rachel Riding from Falls City.

RECESS

At 11:57 a.m., on a motion by Senator Scheer, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Scheer presiding.

ROLL CALL

The roll was called and all members were present except Senator Craighead who was excused; and Senators Campbell, Davis, Garrett, Gloor, Krist, Larson, Mello, Morfeld, Schilz, and Sullivan who were excused until they arrive.

ANNOUNCEMENT(S)

Senator Bloomfield designates LB900 as his priority bill.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<table>
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<tr>
<th>LB/LR</th>
<th>Committee</th>
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<tr>
<td>LB803</td>
<td>Nebraska Retirement Systems (rereferred)</td>
</tr>
<tr>
<td>LB853</td>
<td>Banking, Commerce and Insurance</td>
</tr>
<tr>
<td>LB854</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LB855</td>
<td>Business and Labor</td>
</tr>
<tr>
<td>LB856</td>
<td>Banking, Commerce and Insurance</td>
</tr>
<tr>
<td>LB857</td>
<td>Urban Affairs</td>
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<tr>
<td>LB858</td>
<td>Appropriations</td>
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<td>LB859</td>
<td>Health and Human Services</td>
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<td>Urban Affairs</td>
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<td>Natural Resources</td>
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<td>Urban Affairs</td>
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<td>Health and Human Services</td>
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<td>Government, Military and Veterans Affairs</td>
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<td>LB868</td>
<td>Education</td>
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<td>LB869</td>
<td>Health and Human Services</td>
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</table>
LEGISLATIVE BILL 47. Senator Watermeier asked unanimous consent to withdraw his amendment, AM938, found on page 974, First Session, 2015, and considered in this day’s Journal, and replace it with his substitute amendment, AM1837, to the committee amendment. No objections. So ordered. AM1837

(Amendments to Standing Committee amendments, AM635)

1 1. Strike section 4 and insert the following new section:
2 Sec. 4. This act becomes operative on July 1, 2017.
3 2. On page 3, line 3; and page 11, line 18, after "no" insert
4 "...elect not to answer".
5 3. On page 3, after line 3 insert the following new paragraph:
6 "An applicant's refusal to respond to this question shall not
7 preclude the department from issuing an operator's license or state
8 identification card to the applicant.".
9 4. On page 11, after line 18 insert the following new paragraph:
10 "An applicant's refusal to respond to this question shall not
11 preclude the department from issuing a CLP-commercial learner's permit or
12 commercial driver's license to the applicant.".

Senator Chambers requested a roll call vote on the Watermeier amendment.

The Watermeier amendment was adopted with 30 ayes, 2 nays, 7 present
and not voting, 5 absent and not voting, and 5 excused and not voting.

Senator Chambers offered the following motion:
MO144
Reconsider the vote taken on AM1837.

SENATOR COASH PRESIDING

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

Senator Chambers requested a roll call vote, in reverse order, on his motion
to reconsider.

Voting in the affirmative, 7:
Baker Chambers Krist Schumacher
Bloomfield Haar, K. Pansing Brooks

Voting in the negative, 37:
Bolz Fox Howard McCollister Schnoor
Brasch Friesen Hughes McCoy Seiler
Campbell Garrett Johnson Mello Stinner
Coash Gloor Kintner Morfeld Watermeier
Cook Groene Kolowski Murante Williams
Crawford Hadley Kolterman Riepe
Davis Hansen Kuehn Scheer
Ebke Hilkemann Lindstrom Schilz

Present and not voting, 1:
Smith

Excused and not voting, 4:
Craighed  Harr, B.  Larson  Sullivan

The Chambers motion to reconsider failed with 7 ayes, 37 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 923.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to provide funds for federally qualified health centers as prescribed.

**LEGISLATIVE BILL 924.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Income Withholding for Child Support Act; to amend section 43-1718.01, Reissue Revised Statutes of Nebraska; to provide for an additional withholding procedure for certain payments; and to repeal the original section.

**LEGISLATIVE BILL 925.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1837 and 77-1902, Revised Statutes Cumulative Supplement, 2014; to define terms; to change a provision relating to issuance of a treasurer’s tax deed; to change a limitation period for bringing a tax lien foreclosure action as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 926.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-908, Revised Statutes Cumulative Supplement, 2014; to adopt the Nebraska Rural Jobs Act; to provide tax credits as prescribed; to harmonize provisions; and to repeal the original section.
NOTICE OF COMMITTEE HEARING(S)
Transportation and Telecommunications
Room 1113

Tuesday, January 19, 2016 1:30 p.m.

LB735
LB811
LB732
LB880

(Signed) Jim Smith, Chairperson
Revenue
Room 1524

Wednesday, January 20, 2016 1:30 p.m.

LB756
LB749
LB763

Thursday, January 21, 2016 1:30 p.m.

Tony Fulton - Department of Revenue
LB775
LB776
LB777
LB725

(Signed) Mike Gloor, Chairperson
Judiciary
Room 1113

Wednesday, January 20, 2016 1:30 p.m.

LB709
LB673
LB675
LB845
LB894
Thursday, January 21, 2016 1:30 p.m.

JoAnna Briggs - Crime Victim's Reparations Committee
Virgil J. Patlan Sr. - Board of Parole
Brian Wachman - Crime Victim's Reparations Committee
LB831
LB846
LB738

(Signed) Les Seiler, Chairperson

ANNOUNCEMENT(S)

Senator Ebke designates LR35 as her priority resolution.

GENERAL FILE

LEGISLATIVE BILL 47. Senator Watermeier withdrew his amendment, AM1832, found on page 242.

Senator Bloomfield offered the following amendment to the committee amendment:
FA80
Amend AM635
On page 2, line 31 strike 16 and insert 21.

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

Senator Bloomfield requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Baker Ebke Haar, K. Kolowski Stinner
Bloomfield Fox Hadley Krist Sullivan
Campbell Garrett Hilkemann Schnoor
Chambers Groene Johnson Seiler

Voting in the negative, 19:

Bolz Hansen Kuehn Murante Smith
Brasch Hughes Lindstrom Riepe Watermeier
Davis Kintner McCollister Scheer Williams
Gloor Kolterman Morfeld Schilz

Present and not voting, 7:

Coash Friesen McCoy Schumacher
Crawford Howard Pansing Brooks
Excused and not voting, 5:

Cook  Craighead  Harr, B.  Larson  Mello

The Bloomfield amendment lost with 18 ayes, 19 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
MO145
Recommit to the Transportation and Telecommunications Committee.

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

Senator Chambers requested a roll call vote on his motion to recommit to committee.

Voting in the affirmative, 2:

Bloomfield  Haar, K.

Voting in the negative, 34:

Bolz  Friesen  Hughes  McCollister  Schnoor
Brasch  Gloor  Johnson  McCoy  Seiler
Campbell  Groene  Kintner  Morfeld  Smith
Coash  Hadley  Kolowski  Murante  Sullivan
Crawford  Hansen  Kolterman  Riepe  Watermeier
Davis  Hilkemann  Kuehn  Scheer  Williams
Fox  Howard  Lindstrom  Schilz

Present and not voting, 5:

Baker  Chambers  Ebke  Pansing Brooks Schumacher

Excused and not voting, 8:

Cook  Garrett  Krist  Mello
Craighead  Harr, B.  Larson  Stinner

The Chambers motion to recommit to committee failed with 2 ayes, 34 nays, 5 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.
Senator Chambers offered the following motion:
MO147
Reconsider the vote taken to recommit to committee.

**SPEAKER HADLEY PRESIDING**

The Chambers motion to reconsider failed with 5 ayes, 30 nays, 9 present and not voting, and 5 excused and not voting.

Senator Watermeier offered the following motion:
MO146
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Watermeier moved for a call of the house. The motion prevailed with 43 ayes, 0 nays, and 6 not voting.

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

Voting in the affirmative, 37:

Baker  Friesen  Johnson  McCoy  Seiler
Bolz  Gloor  Kintner  Mello  Smith
Brasch  Groene  Kolowski  Morfeld  Stinner
Campbell  Hadley  Koltermann  Murante  Watermeier
Coash  Hansen  Kuehn  Riepe  Williams
Crawford  Hilkemann  Larson  Scheer
Davis  Howard  Lindstrom  Schilz
Fox  Hughes  McCollister  Schnoor

Voting in the negative, 7:

Bloomfield  Ebke  Pansing Brooks Sullivan
Chambers  Haar, K.  Schumacher

Excused and not voting, 5:

Cook  Craighead  Garrett  Harr, B.  Krist

The Watermeier motion to invoke cloture prevailed with 37 ayes, 7 nays, and 5 excused and not voting.

Committee AM635, as amended, was adopted with 37 ayes, 2 nays, 5 present and not voting, and 5 excused and not voting.

Senator Watermeier requested a record vote on the advancement of the bill.

Voting in the affirmative, 32:
Voting in the negative, 8:

Bloomfield Ebke Larson Schumacher
Chambers Haar, K. Pansing Brooks Sullivan

Present and not voting, 4:

Baker Friesen Groene McCollister

Excused and not voting, 5:

Cook Craighead Garrett Harr, B. Krist

Advanced to Enrollment and Review Initial with 32 ayes, 8 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 927.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-435, 86-457, and 86-903, Reissue Revised Statutes of Nebraska; to change provisions relating to surcharges for 911 service; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 928.** Introduced by Mello, 5; Baker, 30; Bolz, 29; Campbell, 25; Cook, 13; Crawford, 45; Hansen, 26; Howard, 9; Pansing Brooks, 28.

A BILL FOR AN ACT relating to labor; to amend sections 48-1220 and 48-1221, Reissue Revised Statutes of Nebraska; to change provisions relating to discriminatory wage practices based on sex; and to repeal the original sections.

**LEGISLATIVE BILL 929.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to transportation; to amend sections
60-119.01, 60-628.01, and 75-392, Revised Statutes Cumulative Supplement, 2014, and sections 60-336.01, 60-386, 60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01, 60-4,147.02, 60-501, 75-363, 75-364, 75-366, and 75-393, Revised Statutes Supplement, 2015; to adopt and update references to certain federal provisions relating to low-speed vehicles, handicapped or disabled parking permits, the International Registration Plan, operators' licenses, persons handling source documents, hazardous materials, motor carrier regulations and their enforcement, and the unified carrier registration plan and agreement; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 930. Introduced by Scheer, 19; Ebke, 32; Fox, 7; Hilkemann, 4; Krist, 10; Kuehn, 38; McCollister, 20; Mello, 5; Morfeld, 46; Seiler, 33.

A BILL FOR AN ACT relating to education; to amend sections 79-759 and 79-760.03, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Supplement, 2015; to change provisions relating to statewide assessments and a pilot project relating to college admission testing as prescribed; to provide for reimbursements to school districts as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 931. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-812, Reissue Revised Statutes of Nebraska, and section 71-401, Revised Statutes Supplement, 2015; to state intent regarding appropriations; to provide for incentives for certain assisted-living facilities; to provide powers and duties; to redefine a term relating to the Behavioral Health Services Fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 932. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to liability; to amend section 25-21,190, Reissue Revised Statutes of Nebraska; to redefine not-for-profit organization; and to repeal the original section.

LEGISLATIVE BILL 933. Introduced by Coash, 27.

A BILL FOR AN ACT relating to payroll processors; to adopt the Payroll Processor Regulation Act.

LEGISLATIVE BILL 934. Introduced by Coash, 27.

A BILL FOR AN ACT relating to the Public Guardianship Act; to amend sections 30-4103, 30-4104, 30-4115, and 30-4116, Revised Statutes Cumulative Supplement, 2014; to define a term; to change provisions relating to the Office of the Public Guardian and its powers and duties; to change provisions relating to the number of appointments the Public
Guardian may take; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 935.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-321, Reissue Revised Statutes of Nebraska, section 13-513, Revised Statutes Cumulative Supplement, 2014, and section 84-304, Revised Statutes Supplement, 2015; to require assessment of remedial fees for delinquent information; to authorize the appointment of additional assistant deputies; to provide for the assessment of interest rates on delinquent payments of fees; to change provisions relating to the Auditor of Public Accounts Cash Fund; and to repeal the original sections.

**COMMITTEE REPORT(S)**
Natural Resources

**LEGISLATIVE BILL 127.** Indefinitely postponed.

(Signed) Ken Schilz, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**
Revenue
Room 1524
Friday, January 22, 2016 1:30 p.m.

LB689  
LB723  
LB724  
LB884

(Signed) Mike Gloor, Chairperson

**ANNOUNCEMENT(S)**

Senator Riepe designates LB817 as his priority bill.
MESSAGE(S) FROM THE GOVERNOR

December 12, 2015

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

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

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

Keith Olson, CFA, 13024 Hawthorne Court, Omaha, NE 68154

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

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosures

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Groene and Lindstrom - LR35
Ebke - LB717 and LB844
Schnoor - LB817

VISITORS

Visitors to the Chamber were Senator Friesen's wife and father, Nancy and Albert, from Henderson and sister, Vernette, from Fresno, CA.

The Doctor of the Day was Dr. David Filipi from Omaha.

ADJOURNMENT

At 5:10 p.m., on a motion by Senator Crawford, the Legislature adjourned until 9:00 a.m., Wednesday, January 13, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
SIXTH DAY - JANUARY 13, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 13, 2016

PRAYER

The prayer was offered by Senator Bloomfield.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Craighead who was excused; and Senators Hansen, B. Harr, Kolowski, Mello, Murante, Schilz, Schnoor, Seiler, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 232, line 9, after "Sec. 1" insert "and Rule 3, Sec. 8".
The Journal for the fourth day was approved as corrected.

The Journal for the fifth day was approved.

GENERAL FILE

LEGISLATIVE BILL 619. Title read. Considered.

Committee AM115, found on page 897, First Session, 2015, was offered.

Senator McCoy withdrew his motion, MO121, found on page 1667, First Session, 2015, to bracket until June 5, 2015.

Senator Larson offered his amendment, AM1654, found on page 1735, First Session, 2015, to the committee amendment.

SPEAKER HADLEY PRESIDING

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

**LEGISLATIVE BILL 936.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2004, 77-2005, 77-2006, and 77-2040, Reissue Revised Statutes of Nebraska; to change inheritance tax rates and exemption amounts; to provide for applicability; and to repeal the original sections.

**LEGISLATIVE BILL 937.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to marriage; to amend section 42-102, Reissue Revised Statutes of Nebraska; to eliminate a provision prohibiting marriage by persons with venereal disease; and to repeal the original section.

**LEGISLATIVE BILL 938.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-458 and 86-463, Reissue Revised Statutes of Nebraska; to adopt the 911 Service System Act; to provide for the transfer of funds; to remove obsolete provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 939.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to infants and juveniles; to amend section 43-3401, Reissue Revised Statutes of Nebraska, and section 43-3402, Revised Statutes Cumulative Supplement, 2014; to adopt the Nebraska Early Childhood Advantage Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 940.** Introduced by Johnson, 23.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-201, Reissue Revised Statutes of Nebraska, sections 77-1301 and 77-4212, Revised Statutes Cumulative Supplement, 2014, and section 77-3442, Revised Statutes Supplement, 2015; to adopt the Tax Stabilization Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 941.** Introduced by Gloor, 35.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Revised Statutes Supplement, 2015; to update references to the Internal Revenue Code; to repeal the original section; and to declare an emergency.
LEGISLATIVE BILL 942.Introduced by Scheer, 19.

A BILL FOR AN ACT relating to marketing plans and trade practices; to amend sections 59-1724, 87-402, and 87-404, Reissue Revised Statutes of Nebraska; to provide a disclosure requirement to the Department of Banking and Finance for seller-assisted marketing plan contracts as prescribed; to define a term; to provide for reformation of a franchise agreement which unreasonably restrains competition; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 943. Introduced by Hansen, 26.


LEGISLATIVE BILL 944. Introduced by Hansen, 26.


LEGISLATIVE BILL 945. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to economic development; to amend section 81-1201.16, Reissue Revised Statutes of Nebraska, and section 13-208, Revised Statutes Cumulative Supplement, 2014; to adopt the Nebraska Healthy Food Financing Initiative Act; to change provisions relating to tax credits; to provide duties for the Community and Rural Development Division of the Department of Economic Development; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 946. Introduced by Smith, 14.

A BILL FOR AN ACT relating to the Motor Vehicle Industry Regulation Act; to amend section 60-1403, Reissue Revised Statutes of Nebraska; to change powers and duties of the chairperson of the Nebraska Motor Vehicle Industry Licensing Board; and to repeal the original section.

LEGISLATIVE BILL 947. Introduced by Mello, 5; Campbell, 25; Gloor, 35; Howard, 9; Krist, 10; McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Schumacher, 22; Stinner, 48; Williams, 36.

A BILL FOR AN ACT relating to aliens; to amend sections 4-111 and 4-112, Reissue Revised Statutes of Nebraska; to state intent relating to professional or commercial licenses; to harmonize provisions; and to repeal the original sections.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 404. Introduced by Kintner, 2.

WHEREAS, Todd Nott, a teacher at Plattsmouth High School, won the Hitchcock Hundred ultramarathon, a 100-mile race at the Hitchcock Nature Center in western Iowa; and
WHEREAS, Todd finished the race in 22 hours, 56 minutes, and 9 seconds. Of the 50 runners who started the race, only 17 completed it; and
WHEREAS, this is Todd's first win in a 100-mile race. In his running career, he has participated in 7 ultramarathons.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates Todd Nott on winning the Hitchcock Hundred ultramarathon.
2. That a copy of this resolution be sent to Todd Nott.

Laid over.

NOTICE OF COMMITTEE HEARING(S)
Health and Human Services
Room 1510

Wednesday, January 20, 2016 1:30 p.m.

LB786
LB791
LB898

(Signed) Kathy Campbell, Chairperson
LEGISLATIVE BILL 619. Senator Chambers offered the following motion:
MO148
Bracket until April 19, 2016.

Senator Chambers withdrew his motion to bracket.

Senator Larson renewed his amendment, AM1654, found on page 1735, First Session, 2015, and considered in this day's Journal, to the committee amendment.

Senator Larson moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Larson requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 14:

Bolz     Davis     Garrett     Krist     Schilz
Campbell     Ebke     Hadley    Mello     Watermeier
Coash     Friesen    Hughes   Scheer
Voting in the negative, 16:
Bloomfield  Hilkemann  Kolterman  Schnoor
Crawford  Johnson  Kuehn  Seiler
Fox  Kintner  Lindstrom  Smith
Gloor  Kolowski  Lindstrom  Smith

Present and not voting, 9:
Brasch  Cook  Hansen  Riepe  Stinner
Chambers  Groene  Larson  Schumacher

Absent and not voting, 1:
Harr, B.

Excused and not voting, 9:
Baker  Haar, K.  McCoy  Murante  Sullivan
Craighead  Howard  Morfeld  Pansing Brooks

The Larson amendment lost with 14 ayes, 16 nays, 9 present and not voting, 1 absent and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 948. Introduced by Morfeld, 46; Hansen, 26; Mello, 5; Pansing Brooks, 28.

A BILL FOR AN ACT relating to enterprise zones; to amend section 13-2103, Revised Statutes Cumulative Supplement, 2014; to change an application period limitation for the designation of enterprise zones as prescribed; and to repeal the original section.

LEGISLATIVE BILL 949. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to cigarette tax; to amend section 77-2608, Revised Statutes Cumulative Supplement, 2014; to change the commission allowed to stamping agents; to provide an operative date; and to repeal the original section.
LEGISLATIVE BILL 950. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-4014, Reissue Revised Statutes of Nebraska, and section 77-2604, Revised Statutes Supplement, 2015; to allow a bad debt deduction relating to cigarette and tobacco product taxes; and to repeal the original sections.

LEGISLATIVE BILL 951. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-908, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2014, and section 77-2715.07, Revised Statutes Supplement, 2015; to adopt the Affordable Housing Tax Credit Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 952. Introduced by Watermeier, 1; Davis, 43; Kolterman, 24.

A BILL FOR AN ACT relating to emergency medical services; to amend section 38-1215, Revised Statutes Cumulative Supplement, 2014; to require counties to be responsible for emergency medical services as prescribed; to change membership of the Board of Emergency Medical Services; and to repeal the original section.

MOTION - Print in Journal

Senator Larson filed the following motion to LB619:

MO150
Reconsider the vote taken on AM1654.

AMENDMENT(S) - Print in Journal

Senator Brasch filed the following amendment to LB619:

AM1780

(Amendments to Standing Committee amendments, AM115)
1 1. On page 3, strike beginning with "certain" in line 27 through
2 "may" in line 28 and insert "Poker is a game of chance and players are
3 not able to develop the skill necessary to"; and strike beginning with
4 "While" in line 29 through line 31 and insert "Poker has a random
5 component in the cards that are dealt to the players.".
6 2. On page 4, strike lines 1 and 2; and in line 4 strike "skill" and
7 insert "chance".

MOTION - Print in Journal

Senator Krist filed the following motion to LB917:

MO149
Withdraw bill.
BILL ON FIRST READING

The following bill was read for the first time by title:


A BILL FOR AN ACT relating to financial institutions; to provide for the protection of qualified adults as prescribed.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Mello - LB919
Kolterman - LB684
Schnoor - LR35
Mello - LB915

VISITORS

The Doctor of the Day was Dr. Pat Hotovy from York.

ADJOURNMENT

At 11:56 a.m., on a motion by Senator Ebke, the Legislature adjourned until 9:00 a.m., Thursday, January 14, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
SEVENTH DAY - JANUARY 14, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 14, 2016

PRAYER

The prayer was offered by Father Ryan Lewis, St. Thomas More Parish and Gross Catholic High School, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Pansing Brooks who was excused; and Senators Campbell, Coash, Hansen, Morfeld, and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 285. Placed on Select File with amendment.
ER144
1 1. On page 1, strike beginning with "the" in line 1 through line 3
2 and insert "political subdivisions; to amend section 13-2709, Revised
3 Statutes Cumulative Supplement, 2014; to change a reporting requirement
4 under the Civic and Community Center Financing Act; to create a fund; to
5 provide for distribution of certain amounts in the Civic and Community
6 Center Financing Fund; and to repeal the original section.".

(Signed) Matt Hansen, Chairperson
BILLS ON FIRST READING

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

LEGISLATIVE BILL 954. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Office of Inspector General of Nebraska Child Welfare Act; to amend sections 43-2,108, 43-4318, 43-4319, 43-4321, 43-4324, and 43-4326, Revised Statutes Supplement, 2015; to change provisions relating to access to records; to change provisions relating to investigations by the Inspector General; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 955. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to state agencies; to amend section 81-118.01, Reissue Revised Statutes of Nebraska; to except the University of Nebraska and the Nebraska State College System from participation in certain state contracts regarding electronic payments as prescribed; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 619. Committee AM115, found on page 897, First Session, 2015, and considered on page 267, was renewed.

Senator Larson offered his motion, MO150, found on page 273, to reconsider the vote taken on AM1654.

Pending.

MOTION - Escort Governor

Senator Hadley moved that a committee of five be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver his State of the State Address.

The motion prevailed.

The Chair appointed Senators Cook, Watermeier, Brasch, Gloor, and Sullivan to serve on said committee.

STATE OF THE STATE ADDRESS

"Whether it’s cleaning up our highways, patrolling our streets or serving overseas, our people are everyday heroes."

"Senators, I look forward to working with you to bring relief to our taxpayers. We must prioritize property tax relief, it’s my number one priority this year."
"In every agency of state government, we've worked to create a customer-focused culture of accountability and excellence. We are embracing new ideas to make government work and to make the business of life happen for our citizens."

President Foley, Speaker Hadley, Members of the Legislature, Tribal Chairmen, Distinguished Guests, Friends, Fellow Nebraskans, and of course, our First Lady, my lovely wife Susanne, it’s great to be a part of the second session of the 104th Legislature.

Folks, we live in the best place in the world. You have heard me say that before and I’ll continue to say it because it remains true. The reason we live in the best place in the world is because of our people.

Nebraskans give to their communities. We share a common set of principles. We treat each other with dignity and respect. And we care about each other.

I’m proud of the fact that Nebraska is one of the top states in the nation for volunteerism. The kids of Cub Scout Pack 190 picked up trash on Highway 7 last year.

When the floods slammed DeWitt, I saw firsthand how the community pulled together—neighbors helping neighbors. I met volunteers, like John Long from Omaha, who were cleaning houses with basements filled to the ceiling with mud and water. Thank you John for joining us here today and for your service.

There is no better example of service than the heroes of our Nebraska National Guard. They help their neighbors here at home and defend our freedom overseas. Last year, I met Lt. Eric Otte and the members of the 192nd Law and Order Detachment as they were being deployed. They were among the more than 150 Nebraska National Guard soldiers who were deployed last year. I’m pleased to say that Lt. Otte and his soldiers all returned home safely last month.

We are so grateful to the Nebraskans who put themselves in harm’s way to defend our freedoms. Sixty-one Nebraskans have been killed in action since 2003—12 from our National Guard.

We’ve also lost a Nebraska hero in the act of performing a humanitarian mission. On May 12th last year, Marine Corps Helicopter Pilot and Kearney native Captain Dustin Lukasiewicz saved three people in Nepal on a rescue mission after an earthquake struck. He was flying back to save more people when his helicopter crashed in the mountains. He left behind a wife, a daughter and a son on the way. He was known as Dusty to his friends and we salute his service.
Even if one of our best and brightest leaves Nebraska, their Nebraska spirit defines them. Joe Lemm played High School Football in Beemer, graduated, and joined the Air Force. After the service, he became a New York City cop. When terrorists knocked down the Twin Towers, Lemm worked for weeks, even when off duty, with his fellow officers, digging through the rubble, looking for survivors.

After 9/11, being one of New York’s finest wasn’t enough service for Joe. He joined the Air National Guard. Last month, on his third combat deployment, this time in Afghanistan, he was killed near Bagram Air Force Base by a suicide bomber. Joe’s mom Shirley is here. We salute Joe’s service and your sacrifice.

Where do we get such people? Thank God for Dusty and Joe and our Nebraska National Guard and for all the men and women who serve this country at home and abroad.

We lost another hero this spring, Omaha Police Officer Kerrie Orozco who was shot and killed while trying to apprehend a violent fugitive, leaving behind a new baby, a husband and two children.

Law enforcement officers have been receiving a lot of broad-brush criticism lately and it’s just not right. They put on their blues every day to protect us. Kerrie Orozco spent her time serving the families of Omaha as a volunteer coach and mentor in addition to being a police officer. The community she patrolled was an extension of her family and she paid the ultimate sacrifice to protect them. Here in the heartland, we appreciate Officer Orozco and all of the heroic police officers protecting us. Officer’s Orozco’s husband, Hector, is here today. We recognize you for your sacrifice.

On a lighter note, did you see the video of Deputy Sergeant Todd Volk of the Madison County Sheriff’s office? He sped past an out-of-control truck, jumped out of his vehicle and leapt onto the moving semi in order to bring it safely to a stop. To most of us, it looked like a scene from an action movie, but that was just real life for Sergeant Volk. And have no fear, Sergeant Volk is here, can you stand up please!

Whether it’s cleaning up our highways, patrolling our streets, or serving overseas, our people are everyday heroes.

That’s why this is the best place in the world. Nebraska is what America is supposed to be.

When it comes to public service, being a state senator is also a high and noble calling. I am grateful for the sacrifices you and your families make to serve our fellow Nebraskans. As I begin my second year as Governor, delivering my second state-of-the-state address, it feels like a family reunion and I’m not kidding.
Most of you know, I come from a big family and as kids I fought with my brothers and sister. As adults, we still disagree on important topics, but I love them and I love working with them. And I love the work we do here and working with all of you.

Sure, we’ve had our moments. But we’ve accomplished great things together.

In the last session, we cut the growth in state spending nearly in half, from 6.5 percent in the last budget to 3.5 percent in our current budget. I want to thank Chairman Mello and the Appropriations Committee for all their fine work.

We also enacted the nurse practitioner bill to increase access to healthcare—particularly in our rural areas.

Together we addressed the cliff effect for childcare with Senator Tanya Cook’s bill.

And Senator Kathy Campbell and I reached an agreement to increase Aid to Dependent Children in a responsible way. These are just a few of the many bills on which we found common ground.

Sometimes there was a natural tension. But it’s an honor to be a part of our work here in our state capitol. Thank you for your dedication, for the long hours you put in, and for the service you provide this state.

Because of our accomplishments together and the strength and character of our people, I am proud to report today that the State of our State is strong.

Forbes Magazine rates us the third most business-friendly state. Health.com says Nebraska is among the ten healthiest states and Livability.com says Lincoln and Omaha are among the most livable cities in America. Meanwhile Nebraska’s government enjoys a Triple-A rating from S&P. We are in a strong position, but we also have our challenges. Those challenges pose opportunities for us to work together to respond and Grow Nebraska.

Agriculture is our largest industry—representing nearly 25 percent of the state economy. But our farm economy is facing challenges.

Right now, commodity prices are flat or down. Corn is around $3.50 a bushel, a significant drop from the $8 a bushel price in 2012. Cattle prices are down 17 percent over the last year.

And while farm incomes are subject to fluctuations each year, property taxes go up and up. Last year, I told you about Roger Brandt, who is a farmer in Wayne County. His assessments for three parcels of farmland increased between 36-to-nearly-50 percent in just one year.
We checked in with Roger on this year’s property taxes and they went up again, nearly $2700 and that’s after the property tax credit relief we passed last year. While commodity prices stayed flat or declined, his property taxes rose nearly 10 percent.

Folks, those increases put our farmers and ranchers under tremendous pressure and in turn, the largest part of our state’s economy.

Last year, we successfully worked together to provide $408 million in direct dollar-for-dollar property tax relief to Nebraskans through the Property Tax Credit Relief Fund. This year, we must make structural changes to property taxes.

Working with Chairwoman Kate Sullivan, Chairman Mike Gloor, and their committees, we have crafted a proposal for property tax relief. You will see in the bill that we propose to tighten spending and levy limits and we limit the statewide aggregate growth of agricultural property valuations to three percent.

Senators, I look forward to working with you to bring relief to our taxpayers. We must prioritize property tax relief, it’s my number one priority this year.

We’ve talked about growing Nebraska. And indeed, we grew our population faster than any other state around us except Colorado and added 13,000 people.

But our economic growth rate is sluggish. We are 28th in the nation in employment growth. Our rankings for GDP and personal income growth are also in the middle of the pack. There is nothing competitive about being in the middle of the pack.

We need to grow Nebraska’s economy, create more and better paying jobs, keep our kids and grandkids here, and attract people from all over the country to come and make Nebraska their home. Our three largest industries are agriculture, manufacturing, and tourism and they all require a strong transportation infrastructure to expand.

We can spur our economic growth by ensuring we have 21st-century roads and bridges to grow our industries.

Once again, we’ve been working with you to address this critical need. Over the last several months, Chairman Smith and Department of Roads Director Kyle Schneweis have traveled the state, working on ideas on how we can accelerate infrastructure investment.

Last week, we announced a proposal for a transportation infrastructure bank to speed up expressway construction, improve county bridges, and assist companies with economic development. Also included are new tools to
increase the efficiency of our construction process. Our businesses transport
our goods and services. Our farmers and ranchers deliver the food to feed
our world on our roads and bridges. We get to work each day on our
highways. We drive our children to school over our county bridges. Let’s
help local leaders keep and attract businesses. Let’s pass the transportation
infrastructure bank.

As I said, S&P gives us a Triple-A rating and we have a very strong
financial position at the state. However, we can’t rest on our laurels. The
Forecasting Board revised our revenue forecast downward by $154 million.

We have to work together to manage taxpayer dollars wisely. The budget
I’m proposing manages this shortfall by tightening our belts in the state
agencies, returning re-appropriated funds to the state’s general fund, and
transferring money from the banking and insurance cash funds into the
general fund. As a result, no money will be taken from the cash reserve—
and none is needed—to fund ongoing operations.

We must also make government work for the people.

We all know in 2014, before I took office, the Omaha World-Herald broke
the story of dozens of convicted criminals, many of them violent, being
released from prison early because of errors in sentencing calculations at the
Department of Corrections.

I know this is a topic everyone here cares about deeply. The Legislature
worked hard on this issue since it came to light. I appreciate your dedication
to the safety of Nebraskans.

Over the last year, the three branches of government have worked together
on issues such as LB605 from the Council of State Governments, dealing
with sentencing and corrections reform.

Last year, we brought in Director Scott Frakes to lead the Department of
Corrections. Director Frakes is bringing about a culture change to one of
accountability and excellence.

To address mistakes in inmate releases, he is instituting a new automated
system to perform sentence calculations.

We also know that further investment is needed. In November, Director
Frakes unveiled the first phase of his strategic plan—including a $26 million
investment in the Community Corrections Center in Lincoln.

This investment will allow us to expand our capacity for re-entry
programming. We will provide job training, work release, and counseling.
Our goal is helping offenders avoid becoming repeat customers and
ultimately reduce recidivism.
We must make this wise investment.

One of the biggest long-term risks we face to the budget is Medicaid expansion. This body has wisely rejected Medicaid expansion three times in the past three years because it is an unreasonable risk to Nebraska taxpayers. The most recent iteration of expansion would have cost Nebraska taxpayers $158 million over six years.

Medicaid has already grown from 2.9 percent of Nebraska’s budget when it started to where it is today: 19 percent of our budget and growing. This government entitlement crowds out investments in tax relief, education, and roads—things we need to grow our state.

We also know that we cannot trust the federal government to keep the commitments it makes when it comes to spending. A 90 percent federal match is not sustainable in the federal government budget.

When the federal budget gets tight, or priorities change in Washington, that commitment will disappear. History shows, the federal government changes the rules at any time. For example, the federal government promised to pay 40 percent of the cost of the expansion of special education for our schools. Today, the federal contribution is less than 20 percent.

From denying people their choice of doctor, to rising premiums and now this unrealistic promise of federal matching dollars, Obamacare is an example of government that does not work.

Government needs to work for people and government service is a noble calling as well. We have many great people in state government who show up to work every day to help our fellow citizens.

From the cabinet to our frontline teams, we have been able to make great strides over the past year on making government work—and helping with the business of life—for our people. I want to highlight some of the great work of our people starting with the Nebraska Department of Health and Human Services (DHHS). I’m proud of the progress that the team at DHHS is making under the leadership of CEO Courtney Phillips.

We are working to ensure a new level of transparency and accountability for taxpayers. Our people are dedicated to giving vulnerable individuals the best possible experience in receiving assistance and creating a more customer-centric organization.

One example is ACCESSNebraska that serves our fellow Nebraskans who need our help—from nutrition, to child care, to assistance with energy bills.

As I traveled the state, I used to hear a lot of complaints about ACCESSNebraska. The average call wait time in August 2014 was almost 24 minutes. Now, because of process improvements, the average wait time
for the last three months is under five minutes.

Imagine being a low-income Nebraskan with a prepaid phone with 45 minutes on it and then you had to spend over half those minutes waiting on hold. What does that do to your quality of life? Not only have we reduced the average wait time but we also have improved the accuracy rate.

Nebraska’s national rank in processing SNAP applications was 48 out of 53 at the beginning of my term and now we are up to 32. Now, nobody is happy about being in the middle of the pack, but we are showing improvement. We are now 21st in payment accuracy and 10th for denial accuracy. At the end of 2014, the average time to process applications was 40.9 days and now our average is 11.5 days.

Members of the ACCESSNebraska team are here with us today. Please recognize them for all their efforts to improve this important system.

We have seen improvements in other areas as well. In 2015, for the first time ever, our work in the child welfare system exceeded all six federal standards. Three years ago we only met two of those six standards.

Other agencies have been innovating as well to make government more customer-focused. The Department of Labor launched a first-in-the-nation reemployment program to help our state’s job seekers connect more quickly with good-paying jobs. Individuals receiving benefits now participate in the program, which includes job coaching and creating a resume that is searchable by potential employers. This helps give our job seekers a leg up.

Alan Holman of Lincoln was helped by our reemployment program to get a job at Sirius Computer Solutions. Alan, his wife Becky, and his boss Kevin Langford are here with us today. Alan and Becky congratulations. And Kevin, thank you for giving Alan some time off to be here today.

Since I took office, our state agencies have made it a priority to identify cost reductions. Chief Information Officer Ed Toner found $5 million in cost savings for taxpayers.

We are now able to pass along an additional $3.3 million in roads funding annually to cities and counties.

In every agency of state government, we’ve worked to create a customer-focused culture of accountability and excellence. We are embracing new ideas to make government work and to make the business of life happen for our citizens.

In the session ahead, I very much look forward to working with each of you to take advantage of the opportunities we have to meet the challenges head on and Grow Nebraska.
Let’s work together to:

- Deliver property tax relief;
- Grow Nebraska with a transportation infrastructure bank;
- Manage our budgets by controlling spending; and
- Continue to reform our prison system and invest in community corrections.

This session is also important for another reason, 11 members of the Unicameral are closing this chapter of their public service.

Among those leaving is Speaker Hadley. Mr. Speaker, I value our friendship, your leadership and your advice and counsel not only regarding the work of the Legislature but your invaluable advice for the Chicago Cubs. On behalf of the people of Nebraska, thank you.

And ten more of your colleagues are leaving at the end of the year. Can you please stand up so that we may recognize you?

- Senator Dave Bloomfield
- Senator Kathy Campbell
- Senator Colby Coash
- Senator Tanya Cook
- Senator Mike Gloor
- Senator Ken Haar
- Senator Heath Mello
- Senator Beau McCoy
- Senator Ken Schilz
- Senator Kate Sullivan

Once again, our family here in the state capitol will have its moments this session—no doubt. But I know, when the ice thaws, the snow melts, spring arrives and sports fans—and Speaker Hadley—turn to baseball, we will have accomplished much in this session for the people we represent.

The people of Nebraska are good, hard-working and courageous people. They are the best of America and so we will give them our best. God Bless you, God Bless America, and God Bless the great State of Nebraska.

The committee escorted Governor Pete Ricketts from the Chamber.

**SPEAKER HADLEY PRESIDING**
BILLS ON FIRST READING

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

LEGISLATIVE BILL 956. Introduced by Speaker Hadley, 37; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2015, LB657, sections 32, 49, 69, 96, 102, 104, 106, 109, 125, 146, 148, 149, 182, 187, 198, 207, 254, and 271; Laws 2015, LB659, section 13; Laws 2015, LB660, sections 24, 29, 31, and 36; and section 90-559, Revised Statutes Supplement, 2015; to define terms; to provide, change, and eliminate provisions relating to appropriations; to provide for transfers; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 957. Introduced by Speaker Hadley, 37; at the request of the Governor.

A BILL FOR AN ACT relating to funds; to amend sections 60-1513 and 84-1227, Reissue Revised Statutes of Nebraska, section 60-6,211.05, Revised Statutes Cumulative Supplement, 2014, and sections 66-204 and 84-612, Revised Statutes Supplement, 2015; to authorize transfers; to provide for transfers; to authorize uses of funds; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 958. Introduced by Gloor, 35; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-521, 77-201, 77-3444, 77-5023, and 79-1016, Reissue Revised Statutes of Nebraska, sections 77-1315 and 77-5027, Revised Statutes Cumulative Supplement, 2014, and sections 13-519, 13-520, and 77-3442, Revised Statutes Supplement, 2015; to change provisions relating to budgets, the valuation of agricultural land and horticultural land, and levy limitations; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 959. Introduced by Sullivan, 41; at the request of the Governor.

A BILL FOR AN ACT relating to education; to amend sections 79-1022.02, 79-1027, 79-1030, 79-10,110, 79-10,110.01, 79-10,120, 79-10,126, and 85-1517, Reissue Revised Statutes of Nebraska, and sections 13-519, 79-1007.11, 79-1023, and 79-1028.01, Revised Statutes Supplement, 2015; to change and eliminate provisions relating to budgets, levy authority, and school funding; to harmonize provisions; to repeal the original sections; and to declare an emergency.
LEGISLATIVE BILL 960. Introduced by Smith, 14; at the request of the Governor.

A BILL FOR AN ACT relating to transportation; to amend sections 39-1365 and 73-101, Reissue Revised Statutes of Nebraska, sections 39-1365.02 and 73-307, Revised Statutes Cumulative Supplement, 2014, and sections 39-1348, 81-1701, and 84-612, Revised Statutes Supplement, 2015; to adopt the Transportation Innovation Act; to change legislative findings and a report relating to the state highway system; to provide for transfers from the Cash Reserve Fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 961. Introduced by Chambers, 11.

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

LEGISLATIVE BILL 962. Introduced by Fox, 7; Baker, 30; Campbell, 25; Howard, 9; Kolterman, 24.

A BILL FOR AN ACT relating to acupuncture; to amend section 38-2058, Reissue Revised Statutes of Nebraska; to change requirements for the practice of acupuncture; and to repeal the original section.

LEGISLATIVE BILL 963. Introduced by Fox, 7; Baker, 30; Campbell, 25; Crawford, 45; Howard, 9; Kolterman, 24.

A BILL FOR AN ACT relating to the Nebraska Community Aging Services Act; to amend sections 81-2201, 81-2213, 81-2218, 81-2220, 81-2221, and 81-2235, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to area plans and budgets as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal section 81-2228, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 964. Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to motor vehicle operators' licenses; to amend section 60-4,189, Revised Statutes Cumulative Supplement, 2014; to change a requirement for a veteran notation on an operator's license or a state identification card; and to repeal the original section.

LEGISLATIVE BILL 965. Introduced by Cook, 13.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-3501, 29-3502, 29-3503, 29-3518, 29-3527, and 29-3528, Reissue Revised Statutes of Nebraska, and section 29-3523, Revised Statutes Supplement, 2015; to change provisions relating to mistaken arrest and
expungement of records; to provide for expungement of records for persons charged with or found guilty of a crime because of stolen identity or mistaken identity; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 966. Introduced by Kintner, 2.

A BILL FOR AN ACT relating to refugees; to adopt the Refugee Resettlement Agency Indemnification Act; to provide a cause of action; to provide a civil penalty; and to declare an emergency.

LEGISLATIVE BILL 967. Introduced by Kintner, 2; Garrett, 3; Murante, 49.

A BILL FOR AN ACT relating to schools; to amend sections 79-233, 79-237, 79-238, 79-413, 79-473, 79-528, 79-611, 79-1007.18, 79-1008.02, 79-1036, 79-1041, 79-10,120, 79-10,126, 79-2104, 79-2104.01, 79-2104.03, 79-2107, 79-2111, and 79-2404, Reissue Revised Statutes of Nebraska, and sections 70-651.04 and 77-1736.06, Revised Statutes Cumulative Supplement, 2014, and sections 77-3442, 79-215, and 79-2110, Revised Statutes Supplement, 2015; to change provisions relating to the option enrollment program; to change and eliminate certain levy authority and open enrollment provisions relating to learning communities; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 79-1073, 79-1073.01, 79-10,126.01, and 79-2110.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 968. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to agriculture; to amend section 2-3815, Reissue Revised Statutes of Nebraska; to change provisions relating to an agriculture promotion and development program; and to repeal the original section.

LEGISLATIVE BILL 969. Introduced by Larson, 40.

A BILL FOR AN ACT relating to libraries; to amend sections 14-101, 15-230, and 16-251, Reissue Revised Statutes of Nebraska, and section 14-102, Revised Statutes Supplement, 2015; to provide and change duties for the establishment, maintenance, and operation of public libraries or reading rooms by cities or villages as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 970. Introduced by Larson, 40.

A BILL FOR AN ACT relating to gambling; to amend sections 9-329.02, 9-340, 9-340.02, 9-344, 9-345.03, 9-347, 9-347.01, 9-348, 9-607, 9-646.01, 9-829, and 53-168, Reissue Revised Statutes of Nebraska; to change and eliminate restrictions on rental or purchase and registration of pickle card
equipment, pickle card units, payment requirements, taxes, and limitations on definite profit and the use of gross proceeds for awarding prizes for pickle card lotteries; to provide for authorization of methods of payment for participation in certain gaming activities as prescribed; to change provisions relating to keno; to harmonize provisions; to provide an operative date; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 619. Senator Larson renewed his motion, MO150, found on page 273 and considered in this day's Journal, to reconsider the vote taken on AM1654.

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

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 19:

Baker  Friesen  Harr, B.  Mello  Schumacher
Chambers  Groene  Hughes  Morfeld  Stinner
Coash  Hadley  Krist  Murante  Watermeier
Ebke  Hansen  Larson  Schilz

Voting in the negative, 22:

Bloomfield  Garrett  Kolowski  McCoy  Sullivan
Brasch  Gloor  Kolterman  Riepe  Williams
Campbell  Hilkemann  Kuehn  Schnoor
Cook  Johnson  Lindstrom  Seiler
Crawford  Kintner  McCollister  Smith

Present and not voting, 5:

Davis  Fox  Haar, K.  Howard  Scheer

Excused and not voting, 3:

Bolz  Craighead  Pansing  Brooks

The Larson motion to reconsider failed with 19 ayes, 22 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Brasch withdrew her amendment, AM1780, found on page 273.
Committee AM115, found on page 897, First Session, 2015, and considered on page 267 and in this day's Journal, was renewed.

Senator Chambers offered the following amendment to the committee amendment:
FA81
Amend AM115
Strike Section 5.

Senator Chambers withdrew his amendment.

Pending.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 971.** Introduced by Gloor, 35.

A BILL FOR AN ACT relating to seized property; to amend section 29-820, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to restoration of seized firearms as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 972.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-604, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to an exclusion from the definition of employment; and to repeal the original section.

**LEGISLATIVE BILL 973.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to electric utilities; to amend section 48-442, Reissue Revised Statutes of Nebraska, and sections 48-437, 60-6,288.01, and 60-6,299, Revised Statutes Cumulative Supplement, 2014; to change penalties for prohibited acts relating to high voltage lines and violation of certain permits; to change notice and permit provisions relating to moving certain buildings on a road or highway; and to repeal the original sections.

**LEGISLATIVE BILL 974.** Introduced by Kolowski, 31; Baker, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Supplement, 2015; to exempt sales of clothing, school supplies, computers, and computer-related accessories from sales and use taxes as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.
LEGISLATIVE BILL 975. Introduced by Kolterman, 24; Coash, 27.

A BILL FOR AN ACT relating to children and families; to adopt the Child Welfare Services Preservation Act; and to provide severability.

LEGISLATIVE BILL 976. Introduced by Seiler, 33.

A BILL FOR AN ACT relating to juries; to amend section 29-2022, Reissue Revised Statutes of Nebraska; to change provisions relating to jury sequestration; and to repeal the original section.

LEGISLATIVE BILL 977. Introduced by Smith, 14; Williams, 36.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,144 and 60-6,294, Reissue Revised Statutes of Nebraska, and section 60-601, Revised Statutes Supplement, 2015; to change provisions relating to the operation of implements of husbandry on highways; to harmonize provisions; and to repeal the original sections.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 405. Introduced by Murante, 49.

WHEREAS, the Gretna High School play production team won the 2015 Class A Play Production Championship with their performance of "Of Floods and Faith"; and
WHEREAS, this is Gretna High School's seventh Class A play production state championship since 2008; and
WHEREAS, the Gretna High School play production team's performance is a wonderful example of successful collaboration between directors, actors, and crew; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Gretna High School play production team for winning the 2015 Class A Play Production State Championship.
2. That a copy of this resolution be sent to the Gretna High School play production team and their director, Carole Carraher.

Laid over.

LEGISLATIVE RESOLUTION 406. Introduced by Gloor, 35.

PURPOSE: The purpose of this resolution is to study issues surrounding the blending of various fuels in Nebraska and the impact of right to blend laws
in other states. The study shall examine the following issues, including, but not limited to:

(1) Whether a right to blend law in Nebraska would aid in the expansion of renewable fuels and the use of locally produced ethanol;

(2) What barriers exist for fuel retailers in Nebraska regarding the ability to purchase sub octane fuel from fuel terminals and ethanol blended fuels produced in Nebraska;


(4) Whether a right to blend law would affect carbon dioxide emissions and the environment in Nebraska.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

NOTICE OF COMMITTEE HEARING(S)
Government, Military and Veterans Affairs
Room 1507

Thursday, January 21, 2016 1:30 p.m.

LB741
LB728
LB876

Friday, January 22, 2016 1:30 p.m.

LB677
LB764

(Signed) John Murante, Chairperson
Friday, January 22, 2016 1:30 p.m.

LB744
LB893
LB707

(Signed) Les Seiler, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Kuehn, McCollister - LB471
Cook, Friesen, Harr, B., Schnoor, Seiler - LB166
Riepe - LB892

VISITORS

Visitors to the Chamber were Shirley Lemm from Beemer and Lee Heckman from Wisner; members of Leadership Nebraska Class VIII from across the state; and Nebraska Cattlemen's Convention participants from across the state.

RECESS

At 11:56 a.m., on a motion by Senator Hilkemann, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Krist presiding.

ROLL CALL

The roll was called and all members were present except Senator Pansing Brooks who was excused; and Senators Bolz, Campbell, Garrett, Kolowski, Mello, Schilz, and Watermeier who were excused until they arrive.

SPEAKER HADLEY PRESIDING
REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<table>
<thead>
<tr>
<th>LB/L.R</th>
<th>Committee</th>
<th>Additional Information</th>
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<tbody>
<tr>
<td>LB830</td>
<td>Business and Labor (rereferred)</td>
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<tr>
<td>LB873</td>
<td>Banking, Commerce and Insurance</td>
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<tr>
<td>LB903</td>
<td>Education</td>
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<td>Education</td>
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<td>Health and Human Services</td>
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<td>Agriculture</td>
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<td>Appropriations</td>
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<td>Government, Military and Veterans Affairs</td>
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LEGISLATIVE BILL 619. Senator Chambers reoffered his amendment, FA81, found in this day's Journal, to the committee amendment.

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

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Bloomfield Ebke Kintner Schumacher
Coash Groene Krist Stinner
Crawford Hughes Larson Williams

Voting in the negative, 0.

Present and not voting, 31:
Excused and not voting, 6:

Bolz       Mello       Schilz
Howard     Pansing Brooks Watermeier

The Chambers amendment lost with 12 ayes, 0 nays, 31 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Larson offered the following motion:

MO152
Unanimous consent to bracket until February 15, 2016.

Senator McCoy objected.

Senator Chambers offered the following motion:

MO151
Reconsider the vote taken on FA81.

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

Senator Chambers requested a roll call vote, in reverse order, on the motion to reconsider.

Voting in the affirmative, 31:

Baker       Crawford     Hadley       Krist       Stinner
Bloomfield  Davis        Hansen      Larson      Sullivan
Campbell    Ebke         Harr, B.    McCollister  Williams
Chambers    Friesen      Hilkemann  Morfeld
Coash       Gloor        Hughes      Riepe
Cook        Groene       Johnson     Schilz
Craighead   Haar, K.     Kolowski    Schumacher

Voting in the negative, 2:

Kintner     Schnoor
Present and not voting, 10:

Brasch  Garrett  Kuehn  McCoy  Seiler
Fox     Kolterman  Lindstrom  Scheer  Smith

Excused and not voting, 6:

Bolz  Mello  Pansing Brooks
Howard  Murante  Watermeier

The Chambers motion to reconsider prevailed with 31 ayes, 2 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

The Chambers amendment, FA81, found in this day's Journal, to the committee amendment, was reconsidered.

Senator Larson offered the following motion:
MO153
Bracket until February 15, 2016.

Senator Larson offered the following motion:
MO154
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Larson moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Larson requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 16:

Coash  Friesen  Hughes  Morfeld
Craighead  Garrett  Johnson  Schilz
Ebke  Groene  Larson  Schumacher
Fox  Hadley  Mello  Stinner

Voting in the negative, 29:

Baker  Crawford  Hilkemann  Lindstrom  Seiler
Bloomingfield  Davis  Kintner  McCollister  Smith
Brasch  Gloor  Kolowski  McCoy  Sullivan
Campbell  Haar, K.  Kolterman  Riepe  Watermeier
Chambers  Hansen  Krist  Scheer  Williams
Cook  Harr, B.  Kuehn  Schnoor

Excused and not voting, 4:
The Larson motion to invoke cloture failed with 16 ayes, 29 nays, and 4 excused and not voting.

The Chair declared the call raised.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 978.** Introduced by Craighead, 6.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend sections 81-118.02, 81-1108.15, and 81-1108.43, Reissue Revised Statutes of Nebraska; to change provisions relating to the state purchasing card program and facilities construction and administration; to eliminate obsolete provisions relating to a United States Savings Bond withholding program and the selling or leasing of a state building; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-1126, 81-1127, 81-1128, 81-1129, and 90-244, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 979.** Introduced by Kuehn, 38.


**LEGISLATIVE BILL 980.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-441, Reissue Revised Statutes of Nebraska, sections 28-101, 28-401.01, and 28-416, Revised Statutes Supplement, 2015; to change penalty provisions for certain violations relating to or committed by persons experiencing or witnessing a drug overdose; to provide protection from civil and criminal liability as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 981.** Introduced by Business and Labor Committee: Harr, B., 8, Chairperson; Bloomfield, 17; Chambers, 11; Crawford, 45.

A BILL FOR AN ACT relating to claims against the state; to appropriate
funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

**LEGISLATIVE BILL 982.** Introduced by Business and Labor Committee: Harr, B., 8, Chairperson; Bloomfield, 17; Chambers, 11; Crawford, 45; Ebke, 32; Howard, 9.

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

**LEGISLATIVE BILL 983.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to amend section 48-1102, Revised Statutes Supplement, 2015; to redefine a term; and to repeal the original section.

**LEGISLATIVE BILL 984.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 29-2221, Reissue Revised Statutes of Nebraska, and section 28-105, Revised Statutes Cumulative Supplement, 2014, as amended by Laws 2015, LB605, section 6; to change provisions relating to mandatory minimum sentencing and sentencing of habitual criminals; to provide for three-judge panel sentencing hearings as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 985.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to behavioral health services; to amend section 71-801, Revised Statutes Cumulative Supplement, 2014; to provide duties for the Division of Behavioral Health of the Department of Health and Human Services and the regional governing authorities; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 986.** Introduced by Nebraska Retirement Systems Committee: Kolterman, 24, Chairperson; Davis, 43; Groene, 42; Kolowski, 31; Lindstrom, 18; Mello, 5.

A BILL FOR AN ACT relating to the Public Employees Retirement Board; to amend section 84-1503, Revised Statutes Supplement, 2015; to change the duties of the board relating to an annual valuation report and experience study; to provide confidentiality and a penalty; and to repeal the original section.
RESOLUTION(S)

LEGISLATIVE RESOLUTION 407. Introduced by Craighead, 6.

WHEREAS, Alyssa Howell was crowned Miss Nebraska 2015; and
WHEREAS, as Nebraska's representative at the 2016 Miss America pageant in Atlantic City, New Jersey, Alyssa placed in the top twelve as a semi-finalist; and
WHEREAS, Alyssa has been awarded over $15,000 in scholarships from these pageant competitions; and
WHEREAS, Alyssa is a student at Creighton University where she studies elementary education and is a member of the Pi Beta Phi international fraternity for women.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates Alyssa Howell on being crowned Miss Nebraska 2015.
2. That a copy of this resolution be sent to Alyssa Howell.

Laid over.

LEGISLATIVE RESOLUTION 408. Introduced by Craighead, 6.

WHEREAS, John "Jack" Koraleski was named the 119th King of Aksarben at the 2015 Aksarben Coronation and Scholarship Ball; and
WHEREAS, the coronation celebrates respect for education, the importance of community, and a desire to improve the collective quality of life in the Omaha area; and
WHEREAS, Jack is the retired executive chairman of Union Pacific Railroad and a 1968 recipient of an Aksarben scholarship.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates John "Jack" Koraleski on being named the 119th King of Aksarben at the 2015 Aksarben Coronation and Scholarship Ball.
2. That a copy of this resolution be sent to John "Jack" Koraleski.

Laid over.

LEGISLATIVE RESOLUTION 409. Introduced by Craighead, 6.

WHEREAS, Molly Kroeger was named the 119th Queen of Aksarben at the 2015 Aksarben Coronation and Scholarship Ball; and
WHEREAS, the coronation celebrates respect for education, the importance of community, and a desire to improve the collective quality of life in the Omaha area; and
WHEREAS, Molly is a daughter of Jackie and Terry Kroeger of Omaha. Her father is president and chief executive officer of BH Media Group, a subsidiary of Berkshire Hathaway, and publisher of the Omaha World-Herald. Her mother is an active community volunteer; and
WHEREAS, Molly will graduate in the spring with a nursing degree from Xavier University.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates Molly Kroeger on being named the 119th Queen of Aksarben at the 2015 Aksarben Coronation and Scholarship Ball.
2. That a copy of this resolution be sent to Molly Kroeger.

Laid over.

LEGISLATIVE RESOLUTION 410. Introduced by Craighead, 6.

WHEREAS, Bruce Lauritzen was named the 2015 Midlander of the Year by the Omaha World-Herald; and
WHEREAS, Bruce received this honor for his role in downtown Omaha's rebirth, contributing to the success of First National of Nebraska, one of the nation's largest family-owned banks, and his leadership as head of a family dedicated to Omaha since the city's founding; and
WHEREAS, Bruce, along with other family members, have supported a long list of civic and charitable groups in the city, state, and region, and have been instrumental in Omaha's growth and improvements in its quality of life.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates Bruce Lauritzen on being named the 2015 Midlander of the Year by the Omaha World-Herald.
2. That a copy of this resolution be sent to Bruce Lauritzen.

Laid over.

LEGISLATIVE RESOLUTION 411. Introduced by Coash, 27; Bolz, 29; Campbell, 25; Haar, K., 21; Hansen, 26; Morfeld, 46.

WHEREAS, Tim Aylward is retiring after 31 seasons as the head football coach for Pius X High School in Lincoln; and
WHEREAS, Coach Aylward's win-loss record at Pius X High School is 204-111 and his career win-loss record is 208-133; and
WHEREAS, Coach Aylward's teams have won the State Football Championship in 1995, 1997, 1998, and 2004; and
WHEREAS, Coach Aylward will continue his service at Pius X High School as the athletic director.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND
SESSION:

1. That the Legislature congratulates Tim Aylward on his retirement from
coaching and recognizes his successful career.
2. That a copy of this resolution be sent to Tim Aylward.

Laid over.

NOTICE OF COMMITTEE HEARING(S)
Judiciary
Room 1113

Friday, January 22, 2016 1:30 p.m.
LB833
LB924

Friday, January 22, 2016 1:30 p.m.
LB707 (cancel)

(Signed) Les Seiler, Chairperson
Executive Board
Room 2102

Friday, January 22, 2016 12:00 p.m.
LB954

(Signed) Bob Krist, Chairperson
Nebraska Retirement Systems
Room 1525

Monday, January 25, 2016 12:00 p.m.
AM1815 to LB447

(Signed) Mark Kolterman, Chairperson
LEGISLATIVE BILL 113. Title read. Considered.

Committee AM508, found on page 694, First Session, 2015, was offered.

Senator Chambers offered the following motion:

MO155
Recommit to Judiciary Committee.

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

Senator Chambers requested a roll call vote on his motion to recommit to committee.

Voting in the affirmative, 15:

Bloomfield  Campbell  Garrett  Johnson  Morfeld
Bolz        Cook      Haar, K.  Kolowski  Schumacher
Brasch      Crawford  Hansen  Krist   Seiler

Voting in the negative, 23:

Coash       Gloor    Kolterman  Murante  Stinner
Davis       Groene  Larson    Riepe   Watermeier
Ebke        Hadley  Lindstrom Scheer  Williams
Fox         Hilkemann McCollister Schilz
Friesen     Kintner  McCoy     Schnoor
Present and not voting, 2:

Baker Chambers

Excused and not voting, 9:

Craighead Howard Kuehn Pansing Brooks Sullivan
Harr, B. Hughes Mello Smith

The Chambers motion to recommit to committee failed with 15 ayes, 23 nays, 2 present and not voting, and 9 excused and not voting.

Pending.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 987.** Introduced by Morfeld, 46; Mello, 5; Williams, 36.

A BILL FOR AN ACT relating to bioscience; to amend section 50-501, Reissue Revised Statutes of Nebraska; to create a committee; to provide for a study and strategic plan; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 988.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to the Health Care Homes for the Medically Underserved Fund; to amend section 81-3140, Revised Statutes Supplement, 2015; to change provisions relating to the distribution of the fund; and to repeal the original section.

**LEGISLATIVE BILL 989.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend sections 60-168.02, 60-308, 60-3,104.02, 60-3,126, 60-3,222, 60-4,105, 60-4,118, 60-4,120.01, 60-4,130.04, 60-4,148, 75-385, and 75-386, Reissue Revised Statutes of Nebraska, sections 37-1282, 60-164, 60-385, 60-3,104.01, 60-3,113.05, 60-3,120, 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,123, 60-3,125, 60-3,128, 60-3,198, 60-3,202, 60-4,112, 60-4,120.02, 60-4,131, 60-4,146, 60-4,149, and 60-4,150, Revised Statutes Cumulative Supplement, 2014, and sections 60-144, 60-396, 60-3,104, 60-3,118, 60-3,122, 60-3,124, 60-3,224, 60-462, 60-4,114, and 60-4,124, Revised Statutes Supplement, 2015; to authorize electronic changes to names on certificates of title; to provide for the implementation of a voluntary system for licensed dealers to provide registration and titling services and to collect associated fees and taxes; to redefine apportionable
vehicle; to eliminate obsolete provisions relating to cabin trailers, handicapped or disabled parking permits, and trip permits; to change provisions relating to specialty license plates; to change provisions relating to the Motor Vehicle Tax Fund; to change and eliminate provisions relating to motor vehicle taxes and fees; to change provisions relating to unladen-weight registrations; to authorize certain actions and procedures by the Department of Motor Vehicles for invalid financial transactions; to eliminate the Health Advisory Board; to change provisions relating to appeals of denials of operators' licenses; to authorize the electronic transmission of driver test results; to provide procedures for electronic renewal of commercial drivers' licenses and electronic application for replacement commercial drivers' licenses and CLP-commercial learners' permits; to change provisions relating to the administration of the Division of Motor Carrier Services; to harmonize provisions; to repeal the original sections; and to outright repeal sections 60-4,118.01, 60-4,118.02, 60-4,118.03, and 60-4,118.04, Reissue Revised Statutes of Nebraska.

AMENDMENT(S) - Print in Journal

Senator McCoy filed the following amendment to LB619:
AM1785
(Amendments to Standing Committee amendments, AM115)
1 1. On page 9, strike beginning with "within" in line 8 through
2 "application" in line 9; in line 11 strike beginning with "during"
3 through "application"; and in line 27 strike "within the last ten years".

Senator McCoy filed the following amendment to LB619:
AM1794
(Amendments to Standing Committee amendments, AM115)
1 1. Strike sections 1 and 7.
2 2. On page 7, strike beginning with "licensee" in line 26 through
3 "a" in line 27.
4 3. On page 8, strike beginning with "licensee" in line 24 through
5 the first "or" in line 25.
6 4. On page 10, strike beginning with the second "a" in line 15
7 through "or" in line 16.
8 5. On page 11, line 2, strike "poker endorsements and".
9 6. On page 15, line 31, strike "by licensees with poker endorsements
10 and".
11 7. Renumber the remaining sections and correct internal references
12 and the repealer accordingly.

MOTION - Print in Journal

Senator Chambers filed the following motion to LB113:
MO156
Reconsider the vote taken to recommit to committee.
UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Morfeld - LB471

The Chair declared the call raised.

VISITORS

Visitors to the Chamber were 107 fourth-grade students, teachers, and sponsors from Waverly Intermediate School.

The Doctor of the Day was Dr. Susan Evans from Omaha.

ADJOURNMENT

At 4:32 p.m., on a motion by Senator Lindstrom, the Legislature adjourned until 9:00 a.m., Friday, January 15, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
The prayer was offered by Senator Bolz.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senator Pansing Brooks who was excused; and Senators Cook, Gloor, Hansen, Hilkemann, Murante, Schilz, Schumacher, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventh day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 47. Placed on Select File with amendment. ER145 is available in the Bill Room.

(Signed) Matt Hansen, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 14, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell

Clerk of the Legislature

Benske, John
Amgen
REPORTS

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

NOTICE OF COMMITTEE HEARING(S)

Urban Affairs
Room 1510

Tuesday, January 26, 2016 1:30 p.m.

LB875
LB948
LB864
LB705

(Signed) Sue Crawford, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 990. Introduced by Davis, 43.

A BILL FOR AN ACT relating to abortion; to amend section 38-2021, Revised Statutes Cumulative Supplement, 2014; to adopt the Fetal Dignity Protection Act; to provide for a violation of the act to be unprofessional conduct; and to repeal the original section.
LEGISLATIVE BILL 991. Introduced by McCollister, 20; Bolz, 29; Crawford, 45; Morfeld, 46; Williams, 36.

A BILL FOR AN ACT relating to crime victims; to amend section 29-119, Revised Statutes Cumulative Supplement, 2014; to redefine victim; and to repeal the original section.

LEGISLATIVE BILL 992. Introduced by Ebke, 32.

A BILL FOR AN ACT relating to cities, counties, and other political subdivisions; to provide a restriction on installment contracts for the purchase of real or personal property.

LEGISLATIVE BILL 993. Introduced by Coash, 27.

A BILL FOR AN ACT relating to state government; to amend sections 81-1348 and 84-1001, Reissue Revised Statutes of Nebraska and section 84-311, Revised Statutes Supplement, 2015; to authorize a designee on the board for the Auditor of Public Accounts; to allow the Auditor of Public Accounts to share working papers as prescribed; to require hours of work be recorded on a timesheet and reviewed and approved as prescribed; and to repeal the original sections.

MOTION - Withdraw LB917

Senator Krist offered his motion, MO149, found on page 273, to withdraw LB917.

The Krist motion to withdraw the bill prevailed with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 113. Senator Chambers offered his motion, MO156, found on page 304, to reconsider the vote taken to recommit to committee.

SENATOR SULLIVAN PRESIDING

SPEAKER HADLEY PRESIDING

SENATOR KRIST PRESIDING

Pending.
NOTICE OF COMMITTEE HEARING(S)
Natural Resources
Room 1525

Friday, January 22, 2016 1:30 p.m.
Jeff Fassett - Department of Natural Resources
LB714

(Signed) Ken Schilz, Chairperson
Education
Room 1525

Monday, January 25, 2016 1:30 p.m.
LB691
LB752
LB906
LB930

(Signed) Kate Sullivan, Chairperson
Transportation and Telecommunications
Room 1113

Monday, January 25, 2016 1:30 p.m.
LB929
LB814
LB785
LB716

Tuesday, January 26, 2016 1:30 p.m.
LB765
LB946
LB918

(Signed) Jim Smith, Chairperson
REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<table>
<thead>
<tr>
<th>LB/LR</th>
<th>Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>LB969</td>
<td>General Affairs</td>
</tr>
<tr>
<td>LB970</td>
<td>General Affairs</td>
</tr>
<tr>
<td>LB972</td>
<td>Business and Labor</td>
</tr>
</tbody>
</table>

(Signed) Bob Krist, Chairperson
Executive Board

BILLS ON FIRST READING

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

LEGISLATIVE BILL 994. Introduced by Davis, 43.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3.167, Reissue Revised Statutes of Nebraska, and section 60-366, Revised Statutes Supplement, 2015; to change provisions relating to financial responsibility as applied to nonresident owners; and to repeal the original section.

LEGISLATIVE BILL 995. Introduced by Davis, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 46-294.03, 77-201, 77-1507.01, 77-5023, 79-1016, and 79-1036, Reissue Revised Statutes of Nebraska, and sections 77-1327, 77-1359, 77-1371, and 77-5022, Revised Statutes Cumulative Supplement, 2014; to repeal provisions relating to the special valuation of agricultural land; to provide for agricultural value of agricultural land; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-1343, 77-1344, 77-1345, 77-1345.01, 77-1346, and 77-1347.01, Reissue Revised Statutes of Nebraska, and section 77-1347, Revised Statutes Cumulative Supplement, 2014.

LEGISLATIVE BILL 996. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1438.01, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the Motor Vehicle Industry Regulation Act; and to repeal the original section.

LEGISLATIVE BILL 997. Introduced by Krist, 10.

A BILL FOR AN ACT relating to state government; to amend sections 60-1404, 72-723, 72-2210, 80-401.11, 81-1108.36, and 81-1108.38, Reissue Revised Statutes of Nebraska, and section 3-106, Revised Statutes
Cumulative Supplement, 2014; to change provisions regarding office space; to provide and change duties for the Nebraska Capitol Commission and the Office of the Nebraska Capitol Commission; to harmonize provisions; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 113. The Chambers motion, MO156, found on page 304 and considered in this day's Journal, to reconsider the vote taken to recommit to committee, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 21:

Baker    Crawford    Hilkemann    McCollister    Sullivan
Bolz     Garrett     Howard       Morfeld
Campbell Haar, K.    Johnson      Schumacher
Chambers Hansen    Kolowski     Seiler
Cook     Harr, B.     Krist        Stinner

Voting in the negative, 25:

Bloomfield Ebke     Hadley       Larson       Schilz
Brasch    Fox        Hughes      Lindstrom    Schnoor
Coash     Friesen    Kintner     Murante      Smith
Craighead Gloor     Koltermann   Riepe       Watermeier
Davis     Groene     Kuehn       Scheer      Williams

Present and not voting, 1:
Mello

Excused and not voting, 2:
McCoy       Pansing Brooks

The Chambers motion to reconsider failed with 21 ayes, 25 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
MO157
Bracket until April 20, 2016.
Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 15:

Campbell     Garrett     Harr, B.     Kolowski     Morfeld
Cook         Haar, K.    Howard       Krist        Schumacher
Crawford      Hansen      Johnson     McCollister  Stinner

Voting in the negative, 25:

Bloomfield   Fox         Hilkemann    Larson       Schilz
Brasch        Friesen     Hughes       Lindstrom    Schnoor
Craighead     Gloor       Kintner      Murante      Smith
Davis         Groene      Kolterman    Riepe        Watermeier
Ebke          Hadley      Kuehn       Scheer       Williams

Present and not voting, 4:

Baker         Chambers    Mello        Sullivan

Excused and not voting, 5:

Bolz          Coash       McCoy        Pansing       Brooks Seiler

The Chambers motion to bracket failed with 15 ayes, 25 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
MO158
Reconsider the vote taken to bracket.

**SPEAKER HADLEY PRESIDING**

Pending.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 998.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to behavioral health; to amend sections 71-919, 71-920, 71-922, 71-926, 71-1203, 71-1204, 71-1206, 71-1210, and 81-3116, Reissue Revised Statutes of Nebraska, and sections 71-801,
71-804, and 71-901, Revised Statutes Cumulative Supplement, 2014; to provide for emergency community crisis centers; to define a term; to state findings; to provide for a regional outreach center; to change provisions relating to emergency protective custody; to provide duties for the Division of Behavioral Health; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 999. Introduced by Garrett, 3; Craighead, 6.

A BILL FOR AN ACT relating to surplus property; to amend sections 81-161.04 and 81-161.06, Reissue Revised Statutes of Nebraska; to change the disposition of proceeds from the sale of surplus personal property as prescribed; to change provisions relating to the State Surplus Property Revolving Fund; to eliminate a provision relating to the conveyance or lease of real estate by the Department of Economic Development; to repeal the original sections; and to outright repeal section 90-253, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1000. Introduced by Mello, 5; Cook, 13; Ebke, 32; Harr, B., 8; Krist, 10; Morfeld, 46; Seiler, 33; Williams, 36.

A BILL FOR AN ACT relating to law enforcement; to define terms; to require certain law enforcement agencies to adopt policies on the use of body-worn cameras; to exempt recordings from body-worn cameras from disclosure under the public records statutes; to prohibit the unauthorized release or intentional destruction of such recordings; and to provide a penalty.

LEGISLATIVE BILL 1001. Introduced by Ebke, 32.

A BILL FOR AN ACT relating to the Nebraska Workers’ Compensation Act; to amend section 48-121, Reissue Revised Statutes of Nebraska; to change provisions relating to a compensation schedule for injuries resulting in disability; and to repeal the original section.

LEGISLATIVE BILL 1002. Introduced by Baker, 30.

A BILL FOR AN ACT relating to educational service units; to amend section 79-1204, Reissue Revised Statutes of Nebraska; to change provisions relating to role and mission; and to repeal the original section.

LEGISLATIVE BILL 1003. Introduced by Smith, 14.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-328, 86-903, 86-904, and 86-905, Reissue Revised Statutes of Nebraska; to change a provision of the Nebraska Telecommunications Universal Service Fund Act; to change the prepaid wireless surcharge determination under the Prepaid Wireless Surcharge Act; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 1004. Introduced by Cook, 13.

A BILL FOR AN ACT relating to schools; to amend sections 79-1003 and 79-2120, Revised Statutes Supplement, 2015; to change provisions relating to the Community Eligibility Provision; to redefine a term; to provide duties for the State Department of Education; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1005. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-1,110, Revised Statutes Supplement, 2015; to provide for an evidence-based drug formulary as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1006. Introduced by Coash, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Office of the Attorney General for the hiring of forensic accountants as prescribed; and to state intent.

LEGISLATIVE BILL 1007. Introduced by Coash, 27.

A BILL FOR AN ACT relating to the Adult Protective Services Act; to amend sections 28-371, Reissue Revised Statutes of Nebraska, sections 28-348, 28-350, 28-358, 28-374, 28-386, and 29-110, Revised Statutes Cumulative Supplement, 2014, and section 28-101, Revised Statutes Supplement, 2015; to change provisions relating to vulnerable adults and senior adults; to define and redefine terms; to eliminate the statute of limitations for knowing and intentional abuse, neglect, or exploitation of a vulnerable adult; to change provisions relating to penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1008. Introduced by Coash, 27.

A BILL FOR AN ACT relating to the Nebraska Probate Code; to amend sections 30-2222 and 30-2636, Reissue Revised Statutes of Nebraska, section 30-2601, Revised Statutes Cumulative Supplement, 2014, and sections 30-2201 and 30-2619, Revised Statutes Supplement, 2015; to provide qualification requirements, powers, duties, and limitations for guardians ad litem in guardianship, conservatorship, and other protective proceedings; to state legislative findings; to require reports; to allow payment for costs of evaluations; to define a term; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 1009. Introduced by Williams, 36.

A BILL FOR AN ACT relating to synthetic drugs; to amend sections 28-431, 28-1439.02, 28-1439.03, 87-301, and 87-302, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-401, and 28-401.01, Revised Statutes Supplement, 2015; to prohibit the sale and use of certain synthetic drugs under the Uniform Controlled Substances Act and the Uniform Deceptive Trade Practices Act; to define terms; to provide for the seizure of such drugs; to provide for a deceptive trade practice; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1010. Introduced by Williams, 36.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-261, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to a juvenile court petition; and to repeal the original section.

LEGISLATIVE BILL 1011. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the Nebraska Behavioral Health Services Act; to amend section 71-831, Revised Statutes Cumulative Supplement, 2014; to change and eliminate provisions relating to contracts and agreements relating to the medical assistance program governing at-risk managed care service delivery for behavioral health services; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1012. Introduced by Mello, 5; Coash, 27; Cook, 13; Crawford, 45; Ebke, 32; Haar, K., 21; Hansen, 26; Howard, 9; Hughes, 44; Krist, 10; McCollister, 20.

A BILL FOR AN ACT relating to municipalities; to adopt the Property Assessed Clean Energy Act.

LEGISLATIVE BILL 1013. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to taxation; to amend section 77-4008, Reissue Revised Statutes of Nebraska, and sections 71-7611, 77-1238, and 77-2602, Revised Statutes Supplement, 2015; to state intent; to change provisions relating to taxation of cigarettes and other tobacco products; to provide for distribution of proceeds; to state intent regarding appropriations; and to repeal the original sections.
NOTICE OF COMMITTEE HEARING(S)
Banking, Commerce and Insurance
Room 1507

Monday, January 25, 2016 1:30 p.m.
LB853  
LB678  
LB729  
LB731

(Signed) Jim Scheer, Chairperson
General Affairs
Room 1510

Monday, January 25, 2016 1:30 p.m.
LB822  
LB820  
LB862  
LB970  
LR380CA

(Signed) Tyson Larson, Chairperson
Agriculture
Room 2102

Tuesday, January 26, 2016 1:30 p.m.
Donald Anthony - Beginning Farmer Board  
Bradley Lubben - Beginning Farmer Board  
Todd Reed - Beginning Farmer Board  
Nadine Hagedorn - Beginning Farmer Board  
Ryan Ueberrhein - Beginning Farmer Board  
LB909  
LB921

(Signed) Jerry Johnson, Chairperson
LEGISLATIVE RESOLUTION 412. Introduced by Watermeier, 1.

PURPOSE: The purpose of this resolution is to study ways to improve communication access for movie theaters in Nebraska to ensure all persons can fully experience the movie theater experience. The study committee shall consult with the Commission for the Deaf and Hard of Hearing and work with interested stakeholders to identify areas of concern, conduct necessary research, and explore ways to address communication access issues in movie theaters.

According to the Hearing Loss Association of America, approximately 20% of Americans report some degree of hearing loss. Using that statistic, approximately 376,000 people in Nebraska have some form of hearing loss. With over 60% of adults attending movies, it is the number one leisure activity in the United States. When Nebraskans who are deaf or hard of hearing attend a movie, the movie is often not in a format, such as open captioning, which provides communication access. Therefore, many individuals who are deaf or hard of hearing are denied full participation in the movie experience.

The issues examined by this study shall include, but not be limited to:
(1) What other states and the movie industry are doing to improve communication access in movie theaters; 
(2) Complaints and concerns from the deaf and hard of hearing community about communication access in movie theaters; and 
(3) Opportunities to share and address communication access issues among concerned stakeholders, including the deaf and hard of hearing community and movie theaters operating in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 413. Introduced by Watermeier, 1.

WHEREAS, the Legislature finds that an audit of the behavioral health care system by the Legislative Performance Audit Committee found the need for additional study of the ways to reduce behavioral and mental health care service gaps; and
WHEREAS, the existing behavioral and mental health care system in Nebraska relies on a community-based approach requiring appropriate oversight and coordination; and
WHEREAS, the Division of Behavioral Health of the Department of Health and Human Services estimates that there are sixty-two thousand adults in Nebraska with a serious mental illness and that drug and alcohol abuse affects one hundred thirty-four thousand adults in the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. The Task Force on Behavioral and Mental Health is created. The task force shall consist of seven members, including the chairperson of the Health and Human Services Committee of the Legislature or his or her designee, the chairperson of the Judiciary Committee of the Legislature or his or her designee, the chairperson of the Appropriations Committee of the Legislature or his or her designee, and four additional members of the Legislature appointed by the Executive Board of the Legislative Council. The committee shall elect a chairperson from among the members who shall call the meetings of the task force.
2. The Task Force on Behavioral and Mental Health shall study the following issues: 
   (a) The adequacy and needs of systems and services provided through the behavioral health regions and the adequacy of such services to meet the requirements and expectations of community-based behavioral health care
services, including, but not limited to, prevention services, first episode psychosis services, supportive services, supportive housing, emergency services, and services for individuals with developmental disabilities;

(b) The adequacy and needs of the Lincoln Regional Center to provide services to individuals requiring a mental health commitment;

(c) The adequacy and needs of the behavioral health regions, the Lincoln Regional Center, local hospitals, and other service providers to provide care to the full continuum of individuals in need of behavioral health care services;

(d) The adequacy and needs of jails, youth rehabilitation and treatment centers, and the Department of Correctional Services in accessing behavioral health services to achieve public safety goals for individuals exiting the justice system and the ability of the current behavioral health care system in meeting those needs;

(e) The progress of the Division of Behavioral Health of the Department of Health and Human Services in developing a strategic plan, an adequate behavioral health workforce, and data collection initiatives; and

(f) The progress of the division in conducting a statewide needs assessment of the behavioral health system, either by the division or an independent consulting firm. In determining the progress of the statewide needs assessment, the task force shall examine the alignment of financing and delivery of physical health, behavioral health, and supportive services for individuals with behavioral health conditions. The examination shall include, but is not limited to:

(i) Data sources describing the health of the population, including trends, health issues, behavioral factors, environmental hazards, and social and economic conditions;

(ii) Infrastructure, including information technology, reporting standards, data access, and data analytics;

(iii) Provider rates, including reimbursement rates, integration and coordination of behavioral health and primary care services, risk-based versus no-risk models, and potential medicaid waiver options;

(iv) Current statewide workforce, provider shortages, and forecast of need based on growing populations;

(v) Delivery systems, including institutional placement and community alternatives; and

(vi) The ratio of qualified facilities to the state population.

3. The Task Force on Behavioral and Mental Health shall electronically issue a report with its findings to the Legislature no later than December 1, 2016.

Laid over.
SPEAKER'S ANNOUNCEMENT

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

AMENDMENT(S) - Print in Journal

Senator Schnoor filed the following amendment to LB289:
AM1853
1. On page 16, strike beginning with "The" in line 16 through "(i)"
2. in line 17; and strike beginning with "or" in line 17 through line 19.

MOTION(S) - Print in Journal

Senator Chambers filed the following motion to LB113:
MO159
Bracket.

Senator Chambers filed the following motion to LB113:
MO160
Indefinitely postpone.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Schnoor, Lindstrom - LB289
Krist, McCollister - LB276
Campbell - LB773 and LB844
Mello - LB945
Hansen - LB471
Campbell, Cook, Crawford, Hansen, Howard, Kuehn - LB18
Bolz, Mello, Morfeld - LB18
Brasch, Groene, Kintner, Scheer, Schnoor, Sullivan - LR378CA
Baker - LB880

VISITORS

Visitors to the Chamber were Senator Hadley's brother-in-law and sister-in-laws, Jack, Sandy, and Kathe Bowen, from Little Rock, AR and Ann Arbor, MI.

ADJOURNMENT

At 11:45 a.m., on a motion by Senator Howard, the Legislature adjourned until 10:00 a.m., Tuesday, January 19, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
NINTH DAY - JANUARY 19, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 19, 2016

PRAYER

The prayer was offered by Reverend Dwayne Hawkins, Antioch Baptist Church, Omaha.

ROLL CALL

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

The roll was called and all members were present except Senators Campbell, Garrett, Howard, Kuehn, McCollister, McCoy, Mello, and Morfeld who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<table>
<thead>
<tr>
<th>LB/LR</th>
<th>Committee</th>
</tr>
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LEGISLATIVE JOURNAL

LB971  Judiciary
LB973  Transportation and Telecommunications
LB974  Revenue
LB975  Judiciary
LB976  Judiciary
LB977  Transportation and Telecommunications
LB978  Government, Military and Veterans Affairs
LB979  Health and Human Services
LB980  Judiciary
LB981  Business and Labor
LB982  Business and Labor
LB983  Business and Labor
LB984  Judiciary
LB985  Health and Human Services
LB986  Nebraska Retirement Systems
LB987  Executive Board
LB988  Appropriations
LB989  Transportation and Telecommunications

(Signed) Bob Krist, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARING(S)
Banking, Commerce and Insurance
Room 1507

Tuesday, January 26, 2016 1:30 p.m.

LB758
LB772
LB819
LB840

(Signed) Jim Scheer, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion 16-001

SUBJECT:  Defining "Textbooks" for Purposes of the Textbook Loan Program

REQUESTED BY:  Senator Bob Krist
Nebraska State Legislature

WRITTEN BY:  Douglas J. Peterson, Attorney General
Leslie S. Donley, Assistant Attorney General
You have requested an opinion from this office with respect to a legal interpretation of Neb. Rev. Stat. § 79-734(2) (2014). This statute requires public school boards to purchase and loan textbooks, upon individual request, to children who are enrolled in kindergarten to grade twelve of a private school approved for legal operation by the State Board of Education. You state in your opinion request letter that the Nebraska Department of Education ("Department") is interpreting the word "textbook," as that term is used in § 79-734(2) and the accompanying regulation, "in a manner that provides public school students with educational materials that are not allowed for private school students under the textbook loan program." You indicate that you are considering introducing legislation to define "textbook" under § 79-734(2), but would like us to clarify whether legislation is necessary in light of the department's regulatory definition of "textbook" and the 2008 amendments to the definition. You state that if legislation is necessary, "[our] opinion would help to clarify the nature and extent of the ambiguity in the statute." Finally, you state that your opinion request has no financial implications, but rather seeks a clarification as to what "textbooks" are to be provided to private school children once the appropriation has been determined.

**RELEVANT STATUTORY AND REGULATORY PROVISIONS**

The statute pertinent to your inquiry, Neb. Rev. Stat. § 79-734, provides:

(1) School boards and boards of education of all classes of school districts shall purchase all textbooks, equipment, and supplies necessary for the schools of such district. The duty to make such purchases may be delegated to employees of the school district.

(2) School boards and boards of education shall purchase and loan textbooks to all children who are enrolled in kindergarten to grade twelve of a public school and, upon individual request, to children who are enrolled in kindergarten to grade twelve of a private school which is approved for continued legal operation under rules and regulations established by the State Board of Education pursuant to subdivision (5)(c) of section 79-318. The Legislature may appropriate funds to carry out the provisions of this subsection. A school district is not obligated to spend any money for the purchase and loan of textbooks to children enrolled in private schools other than funds specifically appropriated by the Legislature to be distributed by the State Department of Education for the purpose of purchasing and loaning textbooks as provided in this subsection. Textbooks loaned to children enrolled in kindergarten to grade twelve of such private schools shall be textbooks which are designated for use in the public schools of the school district in which the child resides or the school district in which the private school the child attends is located. Such textbooks shall be loaned free to such children subject to such rules and regulations as are or may be
prescribed by such school boards or boards of education. The State Department of Education shall adopt and promulgate rules and regulations to carry out this section. The rules and regulations shall include provisions for the distribution of funds appropriated for textbooks. The rules and regulations shall include a deadline for applications from school districts for distribution of funds. If funds are not appropriated to cover the entire cost of applications, a pro rata reduction shall be made.

For purposes of the textbook loan program, the Department has defined "textbook" to mean

a book or electronic media (DVDs, audio CDs, CD-ROMs, audiotapes, videotapes, etc.) which is designated for use by individual students in classroom instruction as the principal source of study material, in any of grades kindergarten through grade 12 in the public school of each school district. The following are not to be considered textbooks: library books, teacher's editions, workbooks and other similar consumable materials, and any book or material designated for classroom, and not individual use (e.g. "Big Books" and the like). Multiple texts which are the principal source of study material for a given course of study are textbooks.

Title 92, *Nebraska Administrative Code*, Chapter 4—"Regulations for Textbook Loans to Children Enrolled in Private Schools in Nebraska," § 002.03 (effective date January 19, 2008) ("Rule 4").

**ADDITIONAL BACKGROUND**

In your opinion request letter, you note that educational materials for students in kindergarten through grade 12 have changed dramatically since the regulatory definition of textbook was promulgated in 2008. You indicate that in this computer age, publishers are moving towards "e-books" and other "electronic materials" that have either replaced or supplemented traditional textbooks. You further state that in some instances traditional hardbound textbooks are being replaced "with a 'subscription' of hard copy 'work texts,' a series of write-in textbooks that are issued annually for six years." You explain that these work texts combine instructional course material with interactive questions and exercises for students. You state that the Department has taken the position that "e-books" are not analogous to "electronic media," as referenced in Rule 4, and that the "work texts" referenced above are analogous to "workbooks or other similar consumable materials," thereby excluding such materials from the textbook loan program. You state that public schools' increased use of these new materials has diminished the number of traditional textbooks available to private school students through the textbook loan program.
DISCUSSION

Based on Neb. Rev. Stat. § 79-734 and Rule 4, we now address your inquiry. You have posed a series of questions, which we address as follows:

A. How is the word "textbook" defined as it is used in § 79-734(2)?

"Textbook" is not defined in § 79-734, in Chapter 79, or anywhere else in statute. In 1989, the Department adopted Rule 4 pursuant to the authority given to it with the enactment of 1986 Neb. Laws LB 757, § 1. In 2008, the Department amended its definition of "textbook" in Rule 4 to include "electronic media (DVDs, audio CDs, CD-ROMs, audiotapes, videotapes, etc.)"—tangible items that the Department determined could be loaned, returned and maintained in a separate inventory in accordance with program requirements.

In your opinion request letter, you suggest that since the word "textbook" is not defined in § 79-734, one must look to the word's "plain and ordinary meaning" for its definition. In Nebraska, in the absence of anything to the contrary, statutory language is to be given its plain and ordinary meaning; an appellate court will not resort to interpretation to ascertain the meaning of statutory words which are plain, direct, and unambiguous. Swift and Company v. Nebraska Department of Revenue, 278 Neb. 763, 773 N.W.2d 381 (2009). Statutory language is to be given its plain and ordinary meaning, and an appellate court's duty in discerning the meaning of a statute is to determine and give effect to the purpose and intent of the Legislature as ascertained from the entire language of the statute considered in its plain, ordinary, and popular sense. Pettit v. Nebraska Dept. of Correctional Services, 291 Neb. 513, 522, 867 N.W.2d 553, 560 (2015). In that regard, you indicate that the Merriam-Webster [Online] Dictionary defines "textbook" as "a book used in the study of a subject: as (a) one containing a presentation of the principles of a subject; (b) a literary work relevant to the study of a subject." You further note that "[t]he definition of 'book' includes not only 'a set of printed sheets of paper that are held together inside a cover: a long written work,' but also 'a long written work than can be read on a computer.'" See http://www.merriam-webster.com/dictionary/book. You then assert that it "seem[s] that NDE and school boards generally interpret the word 'textbook' as including electronic materials and work texts, as I have been informed that these materials are being provided to individual public schools students across the state."

However, we do not believe it is necessary to construe the word "textbook" when a regulatory definition for textbook already exists. Rather, it seems to us that the question to address is whether the current definition of textbook could be construed to include "electronic materials and work texts." For purposes of construction, a rule or order of an administrative agency is treated like a statute. Utelcom, Inc. v. Egr, 264 Neb. 1004, 1009, 653 N.W.2d 846, 851 (2002); State v. McIntyre, 290 Neb. 1021, 1031, 863 N.W.2d 471, 480 (2015). In the absence of anything to the contrary,
language in a rule or regulation is to be given its plain and ordinary meaning. *Melanie M. v. Winterer*, 290 Neb. 764, 775, 862 N.W.2d 76, 86 (2015). A regulation is open for construction only when the language used requires interpretation or may reasonably be considered ambiguous. *State v. Woods*, 255 Neb. 755, 764, 587 N.W.2d 122, 128 (1998). In addition, an agency is to be given deference in its interpretation of its own regulations unless plainly erroneous or inconsistent. *Upper Big Blue Natural Resources District v. Nebraska Dept. of Natural Resources*, 276 Neb. 612, 618, 756 N.W.2d 145, 149 (2008).

The plain and ordinary language in section 002.03 provides that "textbooks" shall not only include books but also "electronic media." *Merriam-Webster's [Online] Dictionary* defines "electronic" in part as "operating through the use of many small electrical parts (such as microchips and transistors); produced by the use of electronic equipment; operating by means of a computer: involving a computer or a computer system." "Medium" is defined as "[b plural usually media] (1) a channel or system of communication, information, or entertainment--compare mass medium; (2) a publication or broadcast that carries advertising; (3) a mode of artistic expression or communication; (4) something (as a magnetic disk) on which information may be stored." Section 002.03 further provides that the books or electronic media subject to loan are those used by school districts as their "principal source of study material." In this regard, "principal" means "2. chief; most important or considerable; as, the principal topics of debate; [or] the principal points of law . . . ." *Webster's New Universal Unabridged Dictionary* 1430 (2nd ed. 1983) (emphasis in original). These definitions, read in conjunction with the language from the statute ("designated for use") and regulation ("principal source of study material"), supports a conclusion that the definition could encompass a full panoply of electronic materials, including work texts. We note further that the inclusion of "etc." at the end of listed items in the parenthetical describing "electronic media," i.e., "DVDs, audio CDs, CD-ROMs, audiocassettes, videocassettes," suggests that the list is illustrative, but not exhaustive.

To be clear, our conclusion in this regard begins with the fundamental premise that § 79-734(2) establishes a textbook loan program. We fully recognize that any items which may fall under the regulatory definition of textbook must be workable within the other provisions of Rule 4, which dictates how items are made available (Rule 4, § 004), returned to the lending school district (Rule 4, § 003.01) and maintained in a separate inventory (Rule 4, § 004.07). And while our interpretation of § 002.03 differs from that of the Department, we do not believe the Department's own interpretation is plainly erroneous or inconsistent. Finally, while we may have concluded that these electronic materials may reasonably fall under the regulatory definition of textbook, we do not have sufficient facts to fully address whether these particular materials could, in fact, be loaned, returned, maintained, etc., in the manner authorized by § 79-734(2) and specified in Rule 4.
B. Should the word "textbook" in § 79-734(2) be defined differently depending on whether it is used with reference to public school children or private school children?

Please see our response to question A above. We believe that a reasonable construction of section 002.03 would allow school districts to purchase and loan electronic materials and work texts to private school children, provided the program requirements in Rule 4 are met.

C. If "textbook" is defined the same in terms of public school and private school children, is there another statutory provision that would allow school boards to provide "textbooks" or other educational materials to public school children that are not authorized under § 79-734(2) for private school children?

Please see our responses to questions A and B above. Since we have concluded that electronic materials and work texts could fall under the current regulatory definition of "textbook," we do not believe it is necessary to address the question presented.

We note that your opinion request letter includes several statutory provisions purportedly cited by the Department "to justify providing educational materials to individual public school students that are not offered to private school students under § 79-734(2)." You indicate that, based on your observations, you do not believe these provisions appear to support the Department's position. However, we will point out that several statutes allow school districts to select and purchase items for the benefit of their students. Generally speaking, a school district is a body corporate and has both the express powers granted to it in law and implied powers necessary to enable them to perform their duties. See Neb. Rev. Stat. § 79-405 (2014); Cowles v. School District No. 6, 23 Neb. 655, __, 37 N.W. 493, 496 (1888). School districts have authority to purchase a large number of things that are reasonably related to their educational mission including, but not limited to, "textbooks." School districts have express authority (1) to select "available materials and equipment to be used" (Neb. Rev. Stat. § 79-101(12)); to contract for the provision of "instructional materials, supplies and equipment" (Neb. Rev. Stat. § 79-515); to "provide the necessary supplies and equipment" (Neb. Rev. Stat. § 79-526(1)); and to purchase "all . . . equipment, and supplies necessary for the schools of [the] district" (Neb. Rev. Stat. § 79-734(1)). School districts' ability to purchase other educational materials is authorized under these statutes and their implied powers.

D. Based on the answers to questions A-C, is it necessary to amend § 79-734(2) in order to expand the types of educational materials available to private school children to include educational materials that currently are being provided to public school children, or would an amendment of the applicable regulations, Rule 4, be sufficient?
We believe that the plain and ordinary language of the regulatory
textbook definition, as it currently exists, could be construed to include
electronic materials and work texts. Thus, amending § 79-734(2) is likely
unnecessary. We note, however, that several other states have amended
their textbook loan program statutes to expressly include electronic or
digital materials.3

E. If it is not necessary to amend § 79-734(2) to provide private school
children with the same educational materials as are provided to public
school children, then could Rule 4 as currently written be interpreted to
allow private school children access to electronic media and
subscription "work texts" that currently are being accessed by and
provided to public school children?

Please see our responses to questions A-D.

CONCLUSION

We believe that Rule 4 could reasonably be construed to encompass
electronic materials and work texts under the definition of "textbooks" in
section 002.03. Our conclusion herein is premised on the fundamental
concept that § 79-734(2) establishes a loan program, and that any electronic
materials are subject to the operational requirements set out in Rule 4
relating to loaning, returning, and maintaining separate inventory, etc., of
items. We further emphasize the fact that several states have amended their
respective textbook loan program statutes to expressly clarify their authority
to include electronic or digital materials or computer software in their
programs. Ultimately, the decision to expressly expand the textbook loan
program in this manner is a matter for the Legislature.

1 See http://www.merriam-webster.com/dictionary/textbook (accessed January
4, 2016).

13, 2016).

3 For example, the State of Iowa defines "textbook" to include
"[e]lectronic textbooks, including but not limited to computer software . . . ."
Iowa Code Ann. § 301.1 (West 2015). South Dakota defines "textbook" as
"any instructional materials that constitute the principal source of teaching
and learning for a given course of study including print and digital materials
Statutes Annotated § 5/28-15 allows "furnishing free textbooks or electronic
textbooks." Minnesota law defines "textbook" as "any book or book
substitute, including electronic books as well as other printed materials
delivered electronically . . . ." Minnesota Statutes Annotated, § 123B.41
(West).
RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 382, 383, 384, 385, 386, 387, 388, 391, 392, 393, 395, 396, 400, 401, and 402 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 382, 383, 384, 385, 386, 387, 388, 391, 392, 393, 395, 396, 400, 401, and 402.

GENERAL FILE

LEGISLATIVE BILL 113. Senator Larson offered the following motion: MO161
Unanimous consent to bracket until April 20, 2016.

No objections. So ordered.

LEGISLATIVE BILL 136. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1014. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 3-613, Reissue Revised Statutes of Nebraska, and sections 13-520, 77-3442, and 77-3443, Revised Statutes Supplement, 2015; to change provisions relating to levy limitations and budget limitations for public airports; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 1015. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.56, Reissue Revised Statutes of Nebraska; to change a sales tax exemption relating to purchases by museums; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1016. Introduced by Watermeier, 1; Krist, 10.

A BILL FOR AN ACT relating to the Legislative Performance Audit Act; to amend section 50-1203, Revised Statutes Supplement, 2015; to redefine a term; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1017. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Department of Economic Development; to amend section 81-1210.01, Reissue Revised Statutes of Nebraska, and section 81-1201.21, Revised Statutes Supplement, 2015; to transfer funds as prescribed; to redefine a term; to eliminate a residency requirement for student interns under a grant program; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1018. Introduced by Coash, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska Arts Council as prescribed; and to state intent.

LEGISLATIVE BILL 1019. Introduced by Davis, 43; Haar, K., 21.

A BILL FOR AN ACT relating to the Niobrara Scenic River Act; to amend section 72-2008, Reissue Revised Statutes of Nebraska, and section 72-2007, Revised Statutes Supplement, 2015; to require legislative confirmation of certain appointments; to change provisions relating to support by the Game and Parks Commission; and to repeal the original sections.

LEGISLATIVE BILL 1020. Introduced by Fox, 7; Campbell, 25; Ebke, 32; Gloor, 35; Lindstrom, 18; Scheer, 19; Williams, 36.

A BILL FOR AN ACT relating to the Nebraska Condominium Act; to amend sections 76-854 and 76-861, Reissue Revised Statutes of Nebraska; to provide for amendments to declarations to correct scrivener's errors, omissions, or errors in the declaration; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1021. Introduced by Crawford, 45; Murante, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2711, Revised Statutes Supplement, 2015; to change provisions relating
to access to sales and use tax information by municipalities; and to repeal the original section.

NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

Tuesday, January 26, 2016 1:30 p.m.

Stan H. Carpenter - Nebraska Educational Telecommunications Commission
LB781
LB826

(Signed) Kate Sullivan, Chairperson

Transportation and Telecommunications

Room 1113

Monday, February 1, 2016 1:30 p.m.

LB900

(Signed) Jim Smith, Chairperson

SELECT FILE

LEGISLATIVE BILL 18. Considered.

Senator Groene renewed his amendment, AM143, found on page 477 and considered on page 510, First Session, 2015.

Senator Chambers renewed his amendment, FA11, found on page 510, First Session, 2015, to the Groene amendment.

Senator Chambers withdrew his amendment.

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

**LEGISLATIVE BILL 1022.**Introduced by Legislative Performance Audit Committee: Watermeier, 1, Chairperson; Krist, 10; Kuehn, 38; Larson, 40; Scheer, 19.

A BILL FOR AN ACT relating to the office of Legislative Audit; to amend sections 50-1212, 50-1213, 77-1116, 77-2711, 77-27,119, 77-27,187.02, 77-2912, 77-5208, 77-5725, 77-5806, 77-5905, and 77-6306, Revised Statutes Supplement, 2015; to require a report; to change provisions relating to access to records, sharing of confidential information, and notifying the Tax Commissioner of the intent to conduct an audit; to change dates for application of incentives; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1023.**Introduced by Ebke, 32; Bolz, 29; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-1,135, Revised Statutes Supplement, 2015; to state intent; to require development of protocols for coordination of mental health and substance abuse treatment; to require a needs assessment on programming; to provide a termination date; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1024.**Introduced by Larson, 40.

A BILL FOR AN ACT relating to conflicts of interest; to amend section 49-14,102, Revised Statutes Cumulative Supplement, 2014; to change a provision relating to the value of a contract with a government body as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 1025.**Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Public Accountancy Act; to amend section 1-136.02, Revised Statutes Cumulative Supplement, 2014; to change experience requirements; and to repeal the original section.

**LEGISLATIVE BILL 1026.**Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to educational technology; to amend sections 79-1302, 79-1303, and 79-1304, Reissue Revised Statutes of Nebraska; to state and restate findings; to define terms; to create the position of and provide duties for a PK-12 Chief Integration Officer; to provide and change duties for the Educational Technology Center; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 1027. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to appropriations; to create and provide funding for the Campus Sexual Assault Prevention Grant Program; to provide for applications, awards, and administration of the program; to provide a duty for the Attorney General; and to state intent relating to appropriations.

LEGISLATIVE BILL 1028. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Business Innovation Act; to amend sections 81-12,160, 81-12,162, and 81-12,163, Revised Statutes Supplement, 2015; to change provisions relating to funding; to require the Department of Economic Development to contract with certain entities in carrying out the Business Innovation Act; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1029. Introduced by Mello, 5.

A BILL FOR AN ACT relating to labor; to amend section 81-1201.21, Revised Statutes Supplement, 2015; to adopt the Sector Partnership Program Act; to create a fund; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1030. Introduced by Bolz, 29; Campbell, 25.

A BILL FOR AN ACT relating to public assistance; to amend section 68-158, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to an expenditure limit; and to repeal the original section.

LEGISLATIVE BILL 1031. Introduced by Hansen, 26; Morfeld, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 74-1306 and 77-1601.02, Reissue Revised Statutes of Nebraska, section 77-3445, Revised Statutes Cumulative Supplement, 2014, and sections 77-3442 and 77-3443, Revised Statutes Supplement, 2015; to change the levy authority of railroad transportation safety districts; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1032. Introduced by McCollister, 20; Baker, 30; Bolz, 29; Campbell, 25; Chambers, 11; Cook, 13; Crawford, 45; Haar, K., 21; Hansen, 26; Howard, 9; Kolowski, 31; Mello, 5; Morfeld, 46; Pansing Brooks, 28; Schumacher, 22; Sullivan, 41.

A BILL FOR AN ACT relating to medical care; to adopt the Transitional Health Insurance Program Act; to provide severability; and to declare an emergency.
LEGISLATIVE BILL 1033. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to persons with disabilities; to provide legislative intent; to create an advisory committee within the Department of Health and Human Services and provide powers and duties to the department; to require reports; and to declare an emergency.

LEGISLATIVE BILL 1034. Introduced by Campbell, 25; Bolz, 29; Pansing Brooks, 28.

A BILL FOR AN ACT relating to children; to amend section 43-4203, Revised Statutes Cumulative Supplement, 2014, and section 43-4202, Revised Statutes Supplement, 2015; to change provisions relating to the Nebraska Children's Commission; to change a termination date; to provide duties for the commission and a committee; to eliminate an annual statement; to repeal the original sections; and to outright repeal section 43-534, Revised Statutes Cumulative Supplement, 2014.

LEGISLATIVE BILL 1035. Introduced by Williams, 36.

A BILL FOR AN ACT relating to the Secretary of State; to amend sections 52-1308, 52-1318, 52-1601, 52-1602, and 52-1603, Reissue Revised Statutes of Nebraska, and section 52-1312, Revised Statutes Supplement, 2015; to redefine farm product and to change provisions relating to the central filing system and the master lien list; and to repeal the original sections.

LEGISLATIVE BILL 1036. Introduced by Campbell, 25; Cook, 13; Davis, 43; Howard, 9; Mello, 5; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to interest, loans, and debt; to amend sections 45-804, 45-902, 45-904, 45-906, 45-907, 45-908, 45-911, 45-915, 45-915.01, 45-917, 45-918, 45-919, 45-921, 45-922, 45-923, 45-925, and 45-1001, Reissue Revised Statutes of Nebraska, and section 45-901, Revised Statutes Cumulative Supplement, 2014; to change provisions of the Credit Services Organization Act, the Delayed Deposit Services Licensing Act, and the Nebraska Installment Loan Act; to define and redefine terms; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1037. Introduced by Brasch, 16.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1359, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to agricultural land and horticultural land; to provide an operative date; and to repeal the original section.
LEGISLATIVE BILL 1038. Introduced by Davis, 43.

A BILL FOR AN ACT relating to water appropriations; to amend section 46-290, Reissue Revised Statutes of Nebraska; to change application provisions; and to repeal the original section.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 414. Introduced by Chambers, 11.

WHEREAS, the Nebraska Legislature comprises forty-nine members elected by the citizens of the State; and
WHEREAS, the members of the Legislature are elected to serve and act with undivided loyalty in the best interests of the people of the State; and
WHEREAS, as elected officials and lawmakers, members of the Legislature are held to a higher standard; and
WHEREAS, members of the Legislature are expected to exemplify integrity, be above suspicion, and avoid even the appearance of impropriety in discharging their duty; and
WHEREAS, lobbyists are paid to influence members of the Legislature to advance the particular interests of their clients by various and sundry official legislative acts; and
WHEREAS, the appearance of impropriety and undue influence may be fostered when members of the Legislature are provided and accept free meals and beverages in the State Capitol building from lobbyists who are paid to influence the members of the Legislature to advance the interests of their clients by various and sundry official legislative acts; and
WHEREAS, in politics, "there is no such thing as a free lunch" and "the hand that feeds controls"
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That no meals and beverages shall ever be provided anywhere in the State Capitol building to members of the Legislature by any lobbyist or group of lobbyists while the Legislature is in session.

Laid over.

LEGISLATIVE RESOLUTION 415. Introduced by Riepe, 12; Fox, 7; Hughes, 44; Koltermann, 24; Stinner, 48.

WHEREAS, United States Senator Bill Cassidy, M.D. (LA) introduced Senate Bill 1989 entitled Primary Care Enhancement Act of 2015 on August 5, 2015; and
WHEREAS, health care reform is needed to improve health outcomes and bend the cost curve; and
WHEREAS, direct primary care providers are able to improve health outcomes and reduce costs; and
WHEREAS, federal regulations are preventing fee-for-service medicare beneficiaries and most patients using health savings accounts from using direct primary care; and
WHEREAS, direct primary care offers unfettered access to comprehensive coverage for primary care services in a medical home setting using a flat-fee payment model; and
WHEREAS, direct primary care improves health care while reducing costs for patients, families, businesses, governments, and payers; and
WHEREAS, direct primary care empowers the patient-practitioner relationship; and
WHEREAS, direct primary care can offer medical students and residents an alternative to the fee-for-service profession; and
WHEREAS, the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services currently has no pathway for fee-for-service medicare beneficiaries to take advantage of direct primary care practitioners other than paying for services out-of-pocket; and
WHEREAS, employers are now offering direct primary care benefits to employees but current interpretations by the United States Internal Revenue Service of health savings account laws make it difficult for other employers who use health savings accounts to offer direct primary care as a benefit.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature urges the Nebraska congressional delegation to support and co-sponsor Senate Bill 1989 entitled Primary Care Enhancement Act of 2015.
2. That a copy of this resolution be sent to each member of the Nebraska congressional delegation and to United States Senator Bill Cassidy, M.D. (LA).

Laid over.

AMENDMENT(S) - Print in Journal

Senator Krist filed the following amendment to LB18A:
AM1850
1 1. Strike the original sections and insert the following new sections:
3 Section 1. There is hereby appropriated $7,875 from the General Fund and $7,875 from federal funds for FY2016-17 to the Department of Health and Human Services, for Program 33, to aid in carrying out the provisions of Legislative Bill 18, One Hundred Fourth Legislature, Second Session, 2016.
4 No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.
5 Sec. 2. There is hereby appropriated (1) $21,358 from the General Fund and $42,020 from federal funds for FY2016-17 and (2) $21,785 from
the General Fund and $42,860 from federal funds for FY2017-18 to the Department of Health and Human Services, for Program 344, to aid in carrying out the provisions of Legislative Bill 18, One Hundred Fourth Legislature, Second Session, 2016. No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 3. There is hereby appropriated (1) $91,549 from the General Fund and $98,584 from federal funds for FY2016-17 and (2) $93,380 from the General Fund and $100,556 from federal funds for FY2017-18 to the Department of Health and Human Services, for Program 348, to aid in carrying out the provisions of Legislative Bill 18, One Hundred Fourth Legislature, Second Session, 2016. No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Davis - LB47, LB136, LB276, and LB755
Cook - LB844
McCollister - LB694
Friesen - LR35

VISITORS

The Doctor of the Day was Dr. Trisha Sams from Utica.

ADJOURNMENT

At 12:00 p.m., on a motion by Senator Brasch, the Legislature adjourned until 9:00 a.m., Wednesday, January 20, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
TENTH DAY - JANUARY 20, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 20, 2016

PRAYER

The prayer was offered by Senator Watermeier.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator McCoy who was excused; and Senators Hansen, Mello, Morfeld, Schilz, and Schumacher who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the ninth day was approved.

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 676. Placed on General File.
LEGISLATIVE BILL 759. Placed on General File.
LEGISLATIVE BILL 760. Placed on General File.
LEGISLATIVE BILL 761. Placed on General File.
LEGISLATIVE BILL 771. Placed on General File.

(Signed) Jim Scheer, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<table>
<thead>
<tr>
<th>LB/LR</th>
<th>Committee</th>
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<tbody>
<tr>
<td>LB913</td>
<td>Revenue (rereferred)</td>
</tr>
<tr>
<td>LB945</td>
<td>Agriculture (rereferred)</td>
</tr>
<tr>
<td>LB990</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LB991</td>
<td>Judiciary</td>
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</tbody>
</table>
ANNOUNCEMENT(S)

Senator Brasch designates LB960 as her priority bill.

RESOLUTION(S)

**LEGISLATIVE RESOLUTION 416.** Introduced by Coash, 27.

WHEREAS, Milan “Babe” Knezovich passed away on January 9, 2016; and
WHEREAS, Babe was born in Hibbing, Minnesota, on April 17, 1934. He served in the United States Navy and graduated from the University of Minnesota Duluth in 1952; and
WHEREAS, Babe met his wife, Doni, in Arizona and they were married in June of 1957. The couple then moved to Omaha where Babe started K & Z Distributing; and
WHEREAS, Babe was involved in many civic organizations including Shriners International, the Benevolent and Protective Order of Elks, the American Legion, the Freemasons, and several churches; and
WHEREAS, Babe was a proud and devoted parent and grandparent. He, along with his wife Doni, instilled family devotion, a love of church, and a strong work ethic.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its deep sympathy to the family of Milan "Babe" Knezovich.
2. That a copy of this resolution be sent to the family of Milan "Babe" Knezovich.

Laid over.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR404 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR404.

SELECT FILE

LEGISLATIVE BILL 18. Senator Groene renewed his amendment, AM143, found on page 477 and considered on page 510, First Session, 2015, and on page 333.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1039. Introduced by Coash, 27.

A BILL FOR AN ACT relating to developmental disabilities; to amend sections 83-381, 83-1201, and 83-1205, Reissue Revised Statutes of Nebraska, and section 71-1108.01, Revised Statutes Cumulative Supplement, 2014; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1040. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to travel agencies and agents; to adopt the Travel Agency Registration Act.

LEGISLATIVE BILL 1041. Introduced by Cook, 13.

A BILL FOR AN ACT relating to the Property and Casualty Insurance Rate and Form Act; to amend section 44-7508, Reissue Revised Statutes of Nebraska; to provide for disapproval of certain rate filings if they use price
optimization; and to repeal the original section.

**LEGISLATIVE BILL 1042.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to tax-increment financing; to amend sections 18-2116 and 79-1016, Reissue Revised Statutes of Nebraska; to change Community Development Law provisions relating to approval of redevelopment plans involving tax-increment financing; to change provisions under the Tax Equity and Educational Opportunities Support Act relating to the taxable value certified by county assessors; and to repeal the original sections.

**LEGISLATIVE BILL 1043.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-401 and 71-403, Revised Statutes Supplement, 2015; to create a program and an advisory council regarding palliative care; to provide powers and duties; to provide assistance regarding palliative care for health care facilities and services; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1044.** Introduced by Ebke, 32; Groene, 42.

A BILL FOR AN ACT relating to the Commission of Industrial Relations; to amend section 48-803, Reissue Revised Statutes of Nebraska; to terminate the commission; and to repeal the original section.

**LEGISLATIVE BILL 1045.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to contractors; to define terms; to provide for treatment of certain contractors as independent contractors; and to provide severability.

**LEGISLATIVE BILL 1046.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-103.18, 53-125, and 53-131.01, Reissue Revised Statutes of Nebraska; to change a requirement for eligibility to obtain a license; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1047.** Introduced by Harr, B., 8; Johnson, 23; Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.13, Revised Statutes Cumulative Supplement, 2014; to change sales tax exemption provisions relating to certain purchases of energy and fuels; to provide an operative date; and to repeal the original section.
LEGISLATIVE BILL 1048. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-908, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2014, and section 77-2715.07, Revised Statutes Supplement, 2015; to adopt the Nebraska Agriculture and Manufacturing Jobs Act; to provide tax credits as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1049. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1003, Revised Statutes Supplement, 2015; to provide for aid to virtual schools; to define and redefine terms; and to repeal the original section.

LEGISLATIVE BILL 1050. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to partnerships; to amend section 67-401, Reissue Revised Statutes of Nebraska; to authorize the conversion of domestic partnerships and domestic limited liability partnerships into domestic limited liability companies or foreign limited liability companies as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1051. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend section 77-5715, Revised Statutes Cumulative Supplement, 2014; to redefine qualified business; and to repeal the original section.

LEGISLATIVE BILL 1052. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to children; to amend sections 79-1007.13 and 79-1119, Reissue Revised Statutes of Nebraska, sections 43-2511 and 43-2515, Revised Statutes Cumulative Supplement, 2014, and section 79-1018.01, Revised Statutes Supplement, 2015; to state intent relating to grants for the Nebraska Whole Child Project; to change provisions relating to medicaid in public schools and local system formula resources; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1053. Introduced by Harr, 8.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the State Department of Education.

LEGISLATIVE BILL 1054. Introduced by Hilkemann, 4; Krist, 10.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-4109, Reissue Revised Statutes of Nebraska, and sections 29-4103 and
29-4106, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the DNA Identification Information Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1055.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to grand juries; to amend sections 29-1404, 29-1406, 29-1407.01, 29-1411, and 29-1420, Reissue Revised Statutes of Nebraska, and section 29-1401, Revised Statutes Cumulative Supplement, 2014; to open grand jury proceedings to the public and change other grand jury procedures as prescribed; to repeal the original sections; and to outright repeal section 29-1415, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1056.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Patient Choice at End of Life Act; to provide penalties; and to provide severability.

**LEGISLATIVE BILL 1057.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1446.01, Reissue Revised Statutes of Nebraska, and sections 49-1459 and 49-14,126, Revised Statutes Cumulative Supplement, 2014; to prohibit candidate committees from making loans of money; to change provisions relating to campaign statements; to change the amount authorized for civil penalties; to authorize an order of restitution; and to repeal the original sections.

**LEGISLATIVE BILL 1058.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1419 and 28-1427, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to enforcement of certain tobacco restriction provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1059.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to municipalities; to amend sections 18-2119 and 18-2701, Reissue Revised Statutes of Nebraska; to require certain disclosures under the Community Development Law and the Local Option Municipal Economic Development Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1060.** Introduced by Fox, 7; Brasch, 16; Campbell, 25; Davis, 43; Groene, 42; Kintner, 2; Kolterman, 24.

A BILL FOR AN ACT relating to pharmacy; to adopt the Pharmacy Benefit Fairness and Transparency Act.

A BILL FOR AN ACT relating to surgical technologists; to amend section 38-2025, Reissue Revised Statutes of Nebraska; to adopt the Surgical Technologist Registry Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1062. Introduced by Krist, 10.

A BILL FOR AN ACT relating to schools; to amend section 79-801, Reissue Revised Statutes of Nebraska; to change provisions relating to certificates to administer; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1063. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to state aid to schools; to amend sections 79-1005.01, 79-1007.18, 79-1008.02, 79-1009, and 79-1022, Reissue Revised Statutes of Nebraska, and sections 77-3442 and 79-1003, Revised Statutes Supplement, 2015; to provide duties for the Property Tax Administrator; to provide for student support aid and a student support aid reduction to a maximum levy; to redefine a term; to change provisions relating to allocated income tax funds, an averaging adjustment, a minimum levy adjustment, net option funding, and certification of state aid; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1064. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to education; to amend sections 79-238, 79-2,125, 79-2,126, 79-2,127, 79-2,127.01, and 79-2,134, Reissue Revised Statutes of Nebraska; to provide and change provisions relating to student transportation costs, the option enrollment program, and student fee authorization; to provide for loss of accreditation as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1065. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to schools; to amend sections 79-1003, 79-10,143, 79-2110, and 79-2120, Revised Statutes Supplement, 2015; to change provisions relating to the community eligibility provision; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1066. Introduced by Sullivan, 41.

LEGISLATIVE JOURNAL

Supplement, 2014, and sections 79-8,137.01, 79-8,137.03, 79-8,137.04, 79-1003, and 79-1028.01, Revised Statutes Supplement, 2015; to change provisions relating to the enrollment option program, the textbook loan program, state assessments, student loan repayment assistance, and the Tax Equity and Educational Opportunities Support Act; to rename an act; to eliminate support grants for consolidation, a fund, and obsolete provisions relating to the American Recovery and Reinvestment Act percentage; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-1011, 79-1012, 79-1028.02, and 79-1028.04, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1067. Introduced by Sullivan, 41.


LEGISLATIVE BILL 1068. Introduced by Haar, K., 21.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-118, Revised Statutes Cumulative Supplement, 2014, and section 75-109.01, Revised Statutes Supplement, 2015; to adopt the Electric Customer Protection Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1069. Introduced by Haar, K., 21.

A BILL FOR AN ACT relating to state funds; to amend section 72-1260, Reissue Revised Statutes of Nebraska; to declare findings; to define terms; to provide duties and responsibilities relating to investment in energy-related companies or funds; to require a report; to harmonize provisions; and to repeal the original section.
LEGISLATIVE BILL 1070. Introduced by Haar, K., 21.

A BILL FOR AN ACT relating to the Nebraska Oil and Gas Conservation Commission; to amend sections 57-905 and 57-906, Reissue Revised Statutes of Nebraska; to change powers and duties; to require liability insurance for certain permit applicants and restrict permit issuance as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1071. Introduced by Haar, K., 21.

A BILL FOR AN ACT relating to energy development; to amend section 81-1607, Reissue Revised Statutes of Nebraska, and sections 81-1601, 81-1602, 81-1603, 81-1605, and 81-1607.01, Revised Statutes Supplement, 2015; to adopt the Solar Energy Economic Development Act; to provide duties and powers for the State Energy Office; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1072. Introduced by Haar, K., 21.

A BILL FOR AN ACT relating to trade practices; to adopt the Fair Repair Act.

COMMITTEE REPORT(S)
Urban Affairs

LEGISLATIVE BILL 704. Placed on General File.

LEGISLATIVE BILL 699. Placed on General File with amendment.

AM1861
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 19-5205, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 19-5205 (1) If a land bank is created by a single municipality, the
6 board of such land bank shall meet the following requirements:
7 (a) The board shall consist of:
8 (i) Seven voting members appointed by the mayor of the municipality
9 that created the land bank and confirmed by a two-thirds vote of the
10 governing body of such municipality;
11 (ii) The planning director of the municipality that created the land
12 bank or his or her designee, as a nonvoting, ex officio member; and
13 (iii) One member of the governing body of the municipality that
14 created the land bank, appointed by such governing body, as a nonvoting,
15 ex officio member; and
16 (iv) Such other nonvoting members as are appointed by the mayor
17 of the municipality that created the land bank;
18 (b) The seven voting members of the board shall be residents of the
19 municipality that created the land bank;
20 (c) If the governing body of the municipality creating the land bank
has any of its members elected by district or ward, then at least one
ing a member of the board shall be appointed from each such district or
ward. Such voting members shall represent, to the greatest extent
possible, the racial and ethnic diversity of the municipality creating
the land bank;
(d) The seven voting members of the board shall have, collectively,
verifiable skills, expertise, and knowledge in market-rate and affordable
residential, commercial, industrial, and mixed-use real estate
development, financing, law, purchasing and sales, asset management,
economic and community development, and the acquisition of tax sale
certificates; and
(e) The seven voting members of the board shall include:
i) At least one member representing a chamber of commerce realtors;
ii) At least one member with experience in representing the banking
industry;
(iii) At least one member with experience in representing real
estate development developers;
(iv) At least one member with experience as a realtor representing a
chamber of commerce;
(v) At least one member with experience in representing a nonprofit
or corporation involved in affordable housing; and
(vi) At least one member with experience in large-scale representing
owners of multiple residential or commercial property rental; and
(f) A single voting member may satisfy more than one of the
requirements provided in subdivision (1)(e) of this section if he or she
has the required qualifications. It is not necessary that there be a
different member to fulfill each such requirement.
(2) If a land bank is created by more than one municipality pursuant
to an agreement under the Interlocal Cooperation Act, the board of such
land bank shall meet the following requirements:
(a) The board shall consist of:
i) An odd number of voting members, totaling at least seven,
appointed by the mayors of the municipalities that created the land bank,
as mutually agreed to by such mayors, and confirmed by a two-thirds vote
of the governing body of each municipality that created the land bank;
(ii) The planning director of each municipality that created the
land bank or his or her designee, as nonvoting, ex officio members; and
(iii) One member of the governing body of each municipality that
created the land bank, appointed by the governing body on which such
member serves, as nonvoting, ex officio members; and
(iv) Such other nonvoting members as are appointed by the mayors
of the municipalities that created the land bank, as mutually agreed to
by such mayors;
(b) Each voting member of the board shall be a resident of one of
the municipalities that created the land bank, with at least one voting
member appointed from each such municipality;
(c) If the governing body of the largest municipality creating the
land bank has any of its members elected by district or ward, then at
12 least one voting member of the board shall be appointed from each such
13 district or ward. Such voting members shall represent, to the greatest
14 extent possible, the racial and ethnic diversity of the largest
15 municipality creating the land bank;
16 (d) The voting members of the board shall have, collectively,
17 verifiable skills, expertise, and knowledge in market-rate and affordable
18 residential, commercial, industrial, and mixed-use real estate
19 development, financing, law, purchasing and sales, asset management,
20 economic and community development, and the acquisition of tax sale
21 certificates; and
22 (e) The voting members of the board shall include:
23 (i) At least one member representing a chamber of commerce realtors;
24 (ii) At least one member with experience in representing the banking
25 industry;
26 (iii) At least one member with experience in representing real
27 estate development developers;
28 (iv) At least one member with experience as a Realtor representing a
29 chamber of commerce;
30 (v) At least one member with experience in representing a nonprofit
31 or corporation involved in affordable housing; and
1 (vi) At least one member with experience in large-scale representing
2 owners of multiple residential or commercial property rental; and
3 properties.
4 (f) A single voting member may satisfy more than one of the
5 requirements provided in subdivision (2)(e) of this section if he or she
6 has the required qualifications. It is not necessary that there be a
7 different member to fulfill each such requirement.
8 (3) The members of the board shall select annually from among
9 themselves a chairperson, a vice-chairperson, a treasurer, and such other
10 officers as the board may determine.
11 (4) A public official or public employee shall be eligible to be a
12 member of the board.
13 (5) A vacancy on the board among the appointed board members shall
14 be filled in the same manner as the original appointment.
15 (6) Board members shall serve without compensation.
16 (7) The board shall meet in regular session according to a schedule
17 adopted by the board and shall also meet in special session as convened
18 by the chairperson or upon written notice signed by a majority of the
19 voting members. The presence of a majority of the voting members of the
20 board shall constitute a quorum.
21 (8) Except as otherwise provided in subsections (9) and (11) of this
22 section and in sections 19-5210 and 19-5214, all actions of the board
23 shall be approved by the affirmative vote of a majority of the voting
24 members present and voting.
25 (9) Any action of the board on the following matters shall be
26 approved by a majority of the voting members:
27 (a) Adoption of bylaws and other rules and regulations for conduct
28 of the land bank's business;
29 (b) Hiring or firing of any employee or contractor of the land bank.
This function may, by majority vote of the voting members, be delegated by the board to a specified officer or committee of the land bank, under such terms and conditions, and to the extent, that the board may specify;

(c) The incurring of debt;
(d) Adoption or amendment of the annual budget; and
(e) Sale, lease, encumbrance, or alienation of real property, improvements, or personal property with a value of more than fifty thousand dollars.

(10) Members of a board shall not be liable personally on the bonds or other obligations of the land bank, and the rights of creditors shall be solely against such land bank.

(11) The board shall adopt policies and procedures to specify the conditions that must be met in order for the land bank to give an automatically accepted bid as authorized in sections 19-5217 and 19-5218. The adoption of such policies and procedures shall require the approval of two-thirds of the voting members of the board. At a minimum, such policies and procedures shall ensure that the automatically accepted bid shall only be given for one of the following reasons:

(a) The real property substantially meets more than one of the following criteria as determined by two-thirds of the voting members of the board:
   (i) The property is not occupied by the owner or any lessee or licensee of the owner;
   (ii) There are no utilities currently being provided to the property;
   (iii) Any buildings on the property have been deemed unfit for human habitation, occupancy, or use by local housing officials;
   (iv) Any buildings on the property are exposed to the elements such that deterioration of the building is occurring;
   (v) Any buildings on the property are boarded up;
   (vi) There have been previous efforts to rehabilitate any buildings on the property;
   (vii) There is a presence of vermin, uncult vegetation, or debris accumulation on the property;
   (viii) There have been past actions by the municipality to maintain the grounds or any building on the property; or
   (ix) The property has been out of compliance with orders of local housing officials;

(b) The real property is contiguous to a parcel that meets more than one of the criteria in subdivision (11)(a) of this section or that is already owned by the land bank; or

(c) Acquisition of the real property by the land bank would serve the best interests of the community as determined by two-thirds of the voting members of the board. In determining whether the acquisition would serve the best interests of the community, the board shall take into consideration the hierarchical ranking of priorities for the use of real property conveyed by a land bank established pursuant to subsection (5) of section 19-5210, if any such hierarchical ranking is established.
17 2014, is amended to read:
18 19-5210 (1) A land bank shall hold in its own name all real property
19 acquired by the land bank irrespective of the identity of the transferor
20 of such property.
21 (2) A land bank shall maintain and make available for public review
22 and inspection an inventory of all real property held by the land bank.
23 (3) A land bank shall determine and set forth in policies and
24 procedures of the board the general terms and conditions for
25 consideration to be received by the land bank for the transfer of real
26 property and interests in real property, which consideration may take the
27 form of monetary payments and secured financial obligations, covenants
28 and conditions related to the present and future use of the property,
29 contractual commitments of the transferee, and such other forms of
30 consideration as determined by the board to be in the best interest of
31 the land bank.
1 (4) A land bank may convey, exchange, sell, transfer, grant, release
2 and demise, pledge, and hypothecate any and all interests in, upon, or to
3 real property of the land bank. A land bank may lease as lessor real
4 property of the land bank for a period not to exceed twelve months,
5 except that such twelve-month limitation shall not apply if the real
6 property of the land bank is subject to a lease with a remaining term of
7 more than twelve months at the time such real property is acquired by the
8 land bank.
9 (5) The municipality or municipalities that created the land bank
10 may establish by resolution or ordinance a hierarchical ranking of
11 priorities for the use of real property conveyed by a land bank. Such
12 ranking shall take into consideration the highest and best use that, when
13 possible, will bring the greatest benefit to the community. The
14 priorities may include, but are not limited to, (a) use for purely public
15 spaces and places, (b) use for affordable housing, (c) use for retail,
16 commercial, and industrial activities, (d) use for urban agricultural
17 activities including the establishment of community gardens as defined in
18 section 2-303, and (e) such other uses and in such hierarchical order
19 as determined by the municipality or municipalities.
20 (6) The municipality or municipalities that created the land bank
21 may require by resolution or ordinance that any particular form of
22 disposition of real property, or any disposition of real property located
23 within specified jurisdictions, be subject to specified voting and
24 approval requirements of the board. Except and unless restricted or
25 constrained in this manner, the board may delegate to officers and
26 employees the authority to enter into and execute agreements, instruments
27 of conveyance, and all other related documents pertaining to the
28 conveyance of real property by the land bank.
29 Sec. 3. Section 19-5213, Revised Statutes Cumulative Supplement,
30 2014, is amended to read:
31 19-5213 (1) The board shall cause minutes and a record to be kept of
1 all its proceedings. Meetings of the board shall be subject to the Open
2 Meetings Act.
3 (2) All of a land bank's records and documents shall be considered
4 public records for purposes of sections 84-712 to 84-712.09.
5 (3) The board shall provide monthly reports to the municipality or
6 municipalities that created the land bank on the board's activities
7 pursuant to the Nebraska Municipal Land Bank Act. The board shall also
8 provide an annual report to the municipality or municipalities that
9 created the land bank, and to the Revenue Committee of the Legislature,
10 and the Urban Affairs Committee of the Legislature by March 1 December 31
11 of each year summarizing the board's activities for the prior calendar
12 year. The reports submitted to the legislative committees Revenue
13 Committee shall be submitted electronically.
14 Sec. 4. Original sections 19-5205, 19-5210, and 19-5213, Revised
15 Statutes Cumulative Supplement, 2014, are repealed.

(Signed) Sue Crawford, Chairperson
Banking, Commerce and Insurance

LEGISLATIVE BILL 751. Placed on General File with amendment.
AM1852
1 1. On page 17, line 17, strike "(a)" and show as stricken; and
2 strike beginning with "and" in line 19 through "determine" in line 22 and
3 show as stricken.
4 2. On page 18, strike beginning with "The" in line 4 through "(5)"
5 in line 12 and show as stricken; and in line 12 strike "and mailing" and
6 show as stricken.

(Signed) Jim Sch eer, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Revenue
Room 1524

Wednesday, January 27, 2016 1:30 p.m.

LB941
LB685
LB870
LB888

Thursday, January 28, 2016 1:30 p.m.

Steven Keetle - Tax Equalization and Review Commission
Robert W. Hotz - Tax Equalization and Review Commission
LB683
LB727
LB762

(Signed) Mike Gloor, Chairperson
SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR415 was referred to the Reference Committee.

BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1073.** Introduced by Kolowski, 31; Bloomfield, 17; Garrett, 3; Krist, 10.

A BILL FOR AN ACT relating to flags; to authorize the display of the Honor and Remember flag as prescribed.

**LEGISLATIVE BILL 1074.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
the State Department of Education.

**LEGISLATIVE BILL 1075.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Disposition of Personal Property Landlord and Tenant Act; to amend sections 69-2304 and 69-2308, Revised Statutes Cumulative Supplement, 2014; to change a provision relating to the disposition of personal property; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1076.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Game and Parks Commission for purposes of law enforcement at Lake McConaughy State Recreation Area.

**LEGISLATIVE BILL 1077.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,109, Reissue Revised Statutes of Nebraska, and section 60-4,108, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to operator's license revocation; and to repeal the original sections.

**LEGISLATIVE BILL 1078.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1499.03, Reissue Revised Statutes of Nebraska; to change provisions relating to conflict of interest statements; and to repeal the original section.

**LEGISLATIVE BILL 1079.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to law enforcement; to amend sections 28-359 and 81-1401, Reissue Revised Statutes of Nebraska, and section 29-215, Revised Statutes Cumulative Supplement, 2014; to redefine law enforcement agency as prescribed; to change provisions relating to law enforcement officer jurisdiction; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1080.** Introduced by Seiler, 33.

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend sections 81-161.03 and 83-150, Reissue Revised Statutes of Nebraska, and section 81-1185, Revised Statutes Supplement, 2015; to increase the dollar amount authorized for direct purchases for correctional industries; to change provisions relating to recyclable material used by the correctional industries program; and to repeal the original sections.
LEGISLATIVE BILL 1081. Introduced by Campbell, 25; Mello, 5.

A BILL FOR AN ACT relating to public assistance; to amend sections 43-512, 68-1201, 68-1713, and 68-1726, Revised Statutes Supplement, 2015; to change provisions relating to eligibility for public assistance; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1082. Introduced by Schilz, 47; Haar, K., 21; Hadley, 37; Mello, 5; Stinner, 48.

A BILL FOR AN ACT relating to oil and gas; to amend sections 57-901, 57-903, 57-905, 57-911, 57-913, 57-914, 57-915, 57-916, 57-916.01, 57-917, 57-918, 57-919, 57-920, 57-921, 57-922, and 81-1531.01, Reissue Revised Statutes of Nebraska; to change and restate intent; to change powers and duties of the Nebraska Oil and Gas Conservation Commission as prescribed; to provide for a periodic injection well fluid analysis and report by certain operators; to provide bond notification requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1083. Introduced by Williams, 36; Mello, 5.

A BILL FOR AN ACT relating to economic development; to adopt the Next Generation Business Growth Act; to amend section 13-208, Revised Statutes Cumulative Supplement, 2014; to state intent regarding funding; to change funding for tax credits under the Community Development Assistance Act; and to provide a termination date.

LEGISLATIVE BILL 1084. Introduced by Stinner, 48; Mello, 5.

A BILL FOR AN ACT relating to state agency contracts; to amend section 81-1118, Reissue Revised Statutes of Nebraska, and section 73-506, Revised Statutes Cumulative Supplement, 2014; to change duration requirements for contracts for services; to provide a duration requirement for contracts for purchase or lease of personal property; and to repeal the original sections.

LEGISLATIVE BILL 1085. Introduced by Davis, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2717 and 77-2734.03, Revised Statutes Cumulative Supplement, 2014, and sections 77-2715.07 and 77-27,235, Revised Statutes Supplement, 2015; to change a renewable energy tax credit; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1086. Introduced by Davis, 43.

A BILL FOR AN ACT relating to schools; to amend section 79-224, Reissue Revised Statutes of Nebraska; to change provisions relating to student self-management of asthma or anaphylaxis as prescribed; and to
LEGISLATIVE BILL 1087. Introduced by Davis, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.13, Reissue Revised Statutes of Nebraska, and sections 77-2701 and 77-2701.04, Revised Statutes Supplement, 2015; to change sales tax provisions relating to the definition of engaged in business in this state; to provide a penalty; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 1088. Introduced by Davis, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.12, Revised Statutes Cumulative Supplement, 2014; to provide a sales and use tax exemption for purchases by nonprofit centers for independent living; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1089. Introduced by Hansen, 26; Bolz, 29; Cook, 13; Crawford, 45; Haar, K., 21; Harr, B., 8; Howard, 9; Kolowski, 31; Mello, 5; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to labor; to amend section 48-1205, Reissue Revised Statutes of Nebraska, and section 48-1203, Revised Statutes Supplement, 2015; to change the minimum wage for persons compensated by way of gratuities; to change provisions relating to the posting of information; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1090. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to firearms; to amend sections 69-2421, 69-2422, 69-2424, and 69-2425, Reissue Revised Statutes of Nebraska, and sections 69-2402 and 69-2409.01, Revised Statutes Cumulative Supplement, 2014; to require notification of law enforcement by the Nebraska State Patrol of denials of certificates to purchase, lease, rent, or receive transfer of handguns as prescribed; to require reports; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1091. Introduced by Hilkemann, 4; Mello, 5.

A BILL FOR AN ACT relating to appropriations; to state intent relating to appropriations for purposes of the Site and Building Development Fund.

LEGISLATIVE BILL 1092. Introduced by Mello, 5; Campbell, 25.

A BILL FOR AN ACT relating to state budgeting; to amend sections 2-15.106, 81-132, 81-8,239.03, 81-1113, 81-1113.01, 81-2227, 81-3133.01, 81-3133.02, 81-3133.03, and 85-1416, Reissue Revised Statutes of
Nebraska, and sections 81-3133 and 83-918, Revised Statutes Supplement, 2015; to change budget request reporting requirements; to change powers and duties of the Department of Administrative Services; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1093.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-5714 and 71-8805, Revised Statutes Cumulative Supplement, 2014; to create programs; to eliminate funds; to provide for and eliminate provisions relating to transfers and investment of funds; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1094.** Introduced by Judiciary Committee: Seiler, 33, Chairperson; Chambers, 11; Coash, 27; Ebke, 32; Krist, 10; Morfeld, 46; Pansing Brooks, 28; Williams, 36; Campbell, 25; Hadley, 37; Mello, 5.

A BILL FOR AN ACT relating to criminal law; to amend sections 27-1101, 28-605, 28-626, 29-2256, 29-2267, 47-401, 47-502, and 83-187, Reissue Revised Statutes of Nebraska, sections 28-115, 28-1354, 29-2258, and 29-2269, Revised Statutes Cumulative Supplement, 2014, sections 28-116, 28-204, 28-394, 28-514, 29-2204.02, 29-2252, 29-2252.01, 29-2260, 29-2262, 29-2263, 29-2266, 29-2268, 29-2308, 60-6,197.03, 71-2482, 83-1,100.02, 83-1,119, 83-1,122, and 83-1,135.02, Revised Statutes Supplement, 2015, and section 28-105, Revised Statutes Cumulative Supplement, 2014, as amended by Laws 2015, LB605, section 6; to change provisions relating to evidence, sentencing, certain criminal penalties, criminal mischief, assault, theft, forgery, and probation; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1095.** Introduced by Kintner, 2; Scheer, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2753, Reissue Revised Statutes of Nebraska; to require employer identification numbers and use of the federal immigration verification system as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1096.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to the Nebraska Condominium Act; to amend section 76-854, Reissue Revised Statutes of Nebraska; to change provisions relating to amendments to declarations regarding unit boundaries; and to repeal the original section.
LEGISLATIVE BILL 1097. Introduced by Morfeld, 46; Campbell, 25; Coash, 27; Ebke, 32; Hilkemann, 4; Krist, 10; Mello, 5; Pansing Brooks, 28; Seiler, 33; Williams, 36.

A BILL FOR AN ACT relating to forensic testing; to amend section 81-2010.03, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to payment for sexual assault forensic examinations; to create a fund; to create a program and an administrator; to provide powers and duties for the Attorney General; to provide an operative date; to repeal the original section; and to outright repeal sections 13-607 and 13-608, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1098. Introduced by Morfeld, 46; Ebke, 32; Krist, 10; Pansing Brooks, 28; Williams, 36.

A BILL FOR AN ACT relating to fees; to amend section 33-107.01, Reissue Revised Statutes of Nebraska; to increase legal services fees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1099. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend sections 81-1174, 81-1175, 81-1176, and 81-1180, Reissue Revised Statutes of Nebraska; to change provisions relating to expense reimbursement; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1100. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to petroleum marketing; to adopt the Petroleum Education and Marketing Act; and to provide severability.

LEGISLATIVE BILL 1101. Introduced by Mello, 5; Haar, K., 21; Kolowski, 31; Schilz, 47.

A BILL FOR AN ACT relating to the Department of Environmental Quality; to amend sections 81-15,158.01 and 81-15,160, Reissue Revised Statutes of Nebraska; to require a study to examine the status of solid waste management programs; to create an advisory committee; to require reports; to provide for costs; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

SELECT FILE

LEGISLATIVE BILL 18. Senator Groene renewed his amendment, AM143, found on page 477 and considered on page 510, First Session, 2015, on page 333, and in this day's Journal.

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

Senator Groene requested a roll call vote on his amendment.

Voting in the affirmative, 13:

<table>
<thead>
<tr>
<th>Bloomfield</th>
<th>Ebke</th>
<th>Hughes</th>
<th>Lindstrom</th>
<th>Watermeier</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brasch</td>
<td>Garrett</td>
<td>Johnson</td>
<td>Riepe</td>
<td></td>
</tr>
<tr>
<td>Craighead</td>
<td>Hilkemann</td>
<td>Kintner</td>
<td>Schnoor</td>
<td></td>
</tr>
</tbody>
</table>

Voting in the negative, 24:

<table>
<thead>
<tr>
<th>Bolz</th>
<th>Crawford</th>
<th>Hansen</th>
<th>Kuehn</th>
<th>Schumacher</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campbell</td>
<td>Davis</td>
<td>Harr, B.</td>
<td>McCollister</td>
<td>Seiler</td>
</tr>
<tr>
<td>Chambers</td>
<td>Gloor</td>
<td>Howard</td>
<td>Mello</td>
<td>Sullivan</td>
</tr>
<tr>
<td>Coash</td>
<td>Haar, K.</td>
<td>Kolowski</td>
<td>Morfeld</td>
<td>Williams</td>
</tr>
<tr>
<td>Cook</td>
<td>Hadley</td>
<td>Krist</td>
<td>Pansing Brooks</td>
<td></td>
</tr>
</tbody>
</table>

Present and not voting, 7:

<table>
<thead>
<tr>
<th>Baker</th>
<th>Friesen</th>
<th>Schilz</th>
<th>Stinner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fox</td>
<td>Groene</td>
<td>Smith</td>
<td></td>
</tr>
</tbody>
</table>

Excused and not voting, 5:

<table>
<thead>
<tr>
<th>Kolterman</th>
<th>Larson</th>
<th>McCoy</th>
<th>Murante</th>
<th>Scheer</th>
</tr>
</thead>
</table>

The Groene amendment lost with 13 ayes, 24 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Groene offered the following motion:

MO163
Reconsider the vote taken on AM143.

Senator Krist offered the following motion:

MO162
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Krist moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Krist requested a roll call vote on the motion to invoke cloture.
Voting in the affirmative, 29:

Baker  Crawford  Harr, B.  Larson  Schumacher
Bolz   Davis    Hilkemann  McCollister  Seiler
Campbell  Gloor   Howard  Mello   Smith
Chambers  Haar, K.  Kolowski  Morfeld  Sullivan
Coash  Hadley  Krist  Pansing  Brooks  Williams
Cook    Hansen  Kuehn  Schilz

Voting in the negative, 14:

Bloomfield  Ebke  Groene  Kintner  Schnoor
Brasch   Friesen  Hughes  Lindstrom  Watermeier
Craighead  Garrett  Johnson  Riepe

Present and not voting, 2:

Fox    Stinner

Excused and not voting, 4:

Kolterman  McCoy  Murante  Scheer

The Krist motion to invoke cloture failed with 29 ayes, 14 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1102.** Introduced by Davis, 43; Krist, 10.

A BILL FOR AN ACT relating to the Legislative Performance Audit Act; to amend section 50-1202, Revised Statutes Cumulative Supplement, 2014, and section 50-1203, Revised Statutes Supplement, 2015; to redefine a term in order to authorize performance audits of tax-increment financing projects; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1103.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to medicaid; to amend section 30-2483, Reissue Revised Statutes of Nebraska, section 33-109, Revised Statutes Cumulative Supplement, 2014, and sections 68-901, 68-919, and 77-2018.02, Revised Statutes Supplement, 2015; to change notice provisions relating to decedents' estates and the inheritance tax; to change and provide an exemption from recording fees for registers of deeds and county clerks; to change the Medical Assistance Act; to change provisions
TENTH DAY - JANUARY 20, 2016

relating to death certificates; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 1104. Introduced by Larson, 40.

A BILL FOR AN ACT relating to Native Americans; to amend sections 58-201 and 85-1517, Reissue Revised Statutes of Nebraska; to define terms; to provide for certain tax incentives, intent provisions, and revenue-sharing agreements relating to Native Americans; to change the Nebraska Investment Finance Authority Act; to change provisions relating to the distribution of property taxes for certain community colleges; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1105. Introduced by Larson, 40; Coash, 27.

A BILL FOR AN ACT relating to beverage regulation; to amend sections 53-103.09, 53-103.20, 53-103.41, 53-123.01, 53-124.11, 53-129, 53-168.06, 53-169, 53-171, 53-175, 53-178, 53-187, and 53-1,100, Reissue Revised Statutes of Nebraska, sections 53-123.14, 53-123.17, and 53-124.12, Revised Statutes Cumulative Supplement, 2014, and sections 53-103.44, 53-123.15, 53-124, 53-124.01, and 53-135, Revised Statutes Supplement, 2015; to create and provide powers and duties for the Nebraska Craft Brewery Board; to create the Nebraska Beer Industry Promotional Fund; to impose and provide for fees; to require reports; to redefine terms; to provide for and change licensure provisions for certain manufacturers and retailers; to change disposition of manufacturers' license fees as prescribed; to eliminate provisions regarding licensure in annexed areas; to change prohibitions related to selling and serving alcoholic liquor; to eliminate provisions relating to purchases by retailers as prescribed; to place restrictions on manufacturing and sales at wholesale; to change penalty provisions related to nonbeverage users and manufacturing spirits without a license; to eliminate the prohibition and penalty on the sale of carbonated soft drink or beer cans with removable, disposable tabs or grips as prescribed; to harmonize provisions; to provide severability; to repeal the original sections; to outright repeal section 28-1479, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 1106. Introduced by Garrett, 3; Coash, 27; Ebke, 32; Kintner, 2; Pansing Brooks, 28.

A BILL FOR AN ACT relating to civil procedure; to amend sections 28-1111 and 28-1463.01, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-109, 28-416, and 28-813.01, Revised Statutes Supplement, 2015; to change civil forfeiture provisions as prescribed; to harmonize provisions; to provide severability; and to repeal the original sections.
LEGISLATIVE BILL 1107. Introduced by Garrett, 3; Bloomfield, 17.

A BILL FOR AN ACT relating to elections; to state intent; to create the Nebraska Election System Initiative; to require a report; to provide a termination date; and to provide an operative date.

LEGISLATIVE BILL 1108. Introduced by Garrett, 3; Cook, 13; Ebke, 32; Lindstrom, 18; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to civil forfeiture; to amend section 28-431, Reissue Revised Statutes of Nebraska, and section 25-21,302, Revised Statutes Supplement, 2015; to require reporting to the Auditor of Public Accounts and the Legislature as prescribed; to prescribe powers and duties for the Auditor of Public Accounts; and to repeal the original sections.

LEGISLATIVE BILL 1109. Introduced by Murante, 49; Craighead, 6; Garrett, 3; Hadley, 37; Harr, B., 8; Hilkemann, 4; Krist, 10; Morfeld, 46; Schumacher, 22; Smith, 14; Stinner, 48; Williams, 36.

A BILL FOR AN ACT relating to state government; to amend sections 84-712.05 and 85-106.06, Reissue Revised Statutes of Nebraska; to change provisions relating to documents which may be withheld from the public; to require notice and a public forum regarding priority candidates for certain positions at the University of Nebraska; and to repeal the original sections.

LEGISLATIVE BILL 1110. Introduced by Mello, 5.

A BILL FOR AN ACT relating to labor; to adopt the Nebraska Workforce Innovation and Opportunity Act.

AMENDMENT(S) - Print in Journal

Senator Davis filed the following amendment to LB176:
AM1848

(Amendments to E and R amendments, ER143)
1 1. Insert the following new sections:
2 Section 1. Section 54-2601, Reissue Revised Statutes of Nebraska, is amended to read:
3 54-2601 Sections 54-2601 to 54-2631 and section 4 of this act shall be known and may be cited as the Competitive Livestock Markets Act.
4 Sec. 4. (1) For purposes of this section:
5 (a) Association means an organization, corporate or otherwise, with or without capital stock, formed for a common purpose;
6 (b) Contract grower means a person or entity to the extent that person or entity enters into a contract grower agreement;
7 (c) Contract grower agreement means an agreement between a packer and a contract grower for purposes of establishing a contract swine operation;
8 (d) Contract input means a commodity, an organic or synthetic

substance, a compound, or a service that is used by a contract grower to
produce swine under a contract grower agreement; and
(e) Prospective contract grower means a person or entity in active
contact with a packer with respect to the establishment of a contract
grower agreement.
(2) Contract growers and prospective contract growers have the
following rights:
(a) The right to join or to refrain from joining or belonging to an
association of contract growers;
(b) The right to lawfully provide statements or information,
including to the United States Secretary of Agriculture or to a law
enforcement agency, regarding alleged improper actions or violations of
law by a packer. This right does not include the right to make statements
or provide information if such statements or information are determined
to be libelous or slanderous; and
(c) The right to file, continue, terminate, or enforce a lien under
Nebraska law.
(3) Packers shall not engage in the following in connection with
contract growers or prospective contract growers:
(a) Impose less favorable terms and conditions in contract grower
agreements on the basis of a contract grower's or prospective contract
grower's membership in a contract grower association or activities in
such association;
(b) Take action to coerce, retaliate, or discriminate against any
contract grower or prospective contract grower because that contract
grower exercises, or attempts to exercise,
any right provided in subsection (2) of this section, including:
(i) Any such coercive, retaliatory, or discriminatory action in
connection with the execution, termination, extension, or renewal of an
agricultural contract between the packer and a contract grower;
(ii) Any such coercive, retaliatory, or discriminatory action in
connection with the execution, termination, extension, or renewal of a
contract grower agreement;
(iii) Any such coercive, retaliatory, or discriminatory action in
connection with the imposition of discriminatory or preferential terms in
a contract grower agreement or the interpretation of the terms of a
contract grower agreement in a discriminatory or preferential manner;
(iv) Any such coercive, retaliatory, or discriminatory action in
connection with the imposition of a penalty, including the unreasonable
denial of a reward;
(v) Any such coercive, retaliatory, or discriminatory action in
connection with the altering of the quality, quantity, or delivery times
of contract inputs provided to the contract grower by the packer as
required in the contract grower agreement, except that delivery times may
be changed by mutual agreement due to weather and market conditions; and
(vi) Any such coercive, retaliatory, or discriminatory action in
connection with the use of the performance of any other contract grower
as a basis for the termination, cancellation, or renewal of a contract
grower agreement or to negatively affect the contract grower's
compensation, except that nothing in this subdivision shall prohibit a packer from using a program which rewards contract growers with monetary bonuses based on superior performance; and
(c) Provide false material factual information to contract growers or prospective contract growers regarding the following:
(i) Other contract growers with whom the contract grower or prospective contract grower associates;
(ii) An association of contract growers;
(iii) An agricultural organization with which the contract grower or prospective contract grower is affiliated; or
(iv) The contract grower rights provided in subsection (2) of this section.
(4) To the extent applicable to the contract grower agreement, a packer shall provide to the contract grower, upon request, the statistical information and data used to determine payment to the contract grower under the contract grower agreement.
(5) To the extent applicable to the contract grower agreement, a packer shall allow a contract grower or a contract grower's designated representative, if within the packer's authority, reasonable access to observe, by actual observation at the time of weighing, the weights and measures used to determine the contract grower's compensation under a contract grower agreement.
(6) A packer shall not require a contract grower to make capital investments associated with an existing contract grower agreement that are in addition to the investment requirements of the contract grower agreement unless fair and equitable compensation is paid to the contract grower by the packer in a manner the contract grower agrees to in writing, except that the packer can require a contract grower to make necessary capital improvements at the contract grower's expense to meet statutory or regulatory standards and requirements as a condition to continuing the contractual relationship. If the contract grower cannot reasonably pay for or secure third-party financing for such improvements and modifications, the packer shall attempt to negotiate mutually agreeable financing, terms, and conditions for financing by the packer, enhanced compensation to the contract grower by the packer, or other contract modifications with the contract grower for such mandated improvements or modifications. If the contract grower cannot reasonably pay or secure third-party financing for such improvements or modifications and no mutual agreement is reached with the packer regarding financing, compensation, or other contract modifications, either party may declare a force majeure event under the contract grower agreement. Nothing in this subsection shall affect a contract grower's obligation to reasonably maintain its existing facilities or the facilities as they are improved and modified as referenced in this subsection.
(7) Contract growers or prospective contract growers may form and operate an association of agricultural product producers pursuant to the Capper-Volstead Act, 7 U.S.C. 291 and 292, and such an association may negotiate with a packer with respect to the terms of contract grower
agreements, including, but not limited to, negotiations related to the
compensation to be paid pursuant to contract grower agreements. To the
extent that contract growers or prospective contract growers organize
such an association:
(a) A packer shall not retaliate or discriminate against such
contract growers or prospective contract growers because they have
organized such an association; and
(b) A packer shall negotiate in good faith with any such
association.
(8)(a) A contract grower who suffers damages as a result of a
packer's violation of this section or a contract grower agreement may
obtain appropriate legal and equitable relief in a suit against the
packer.
(b) A prospective contract grower who suffers damages as a result of
a packer's violation of this section may obtain appropriate legal and
equitable relief in a suit against the packer.
(c) The laws of the State of Nebraska shall be applicable to any
contract grower agreement between a packer and a contract grower located
in the State of Nebraska.
(d) A packer shall not use binding alternative dispute resolution as
a mechanism to resolve any dispute related to, or arising from, this
section or a contract grower agreement.
(e) If the contract grower or prospective contract grower prevails
in such an action against a packer, the contract grower or prospective
contract grower shall be entitled to court costs, reasonable attorney's
fees, and reasonable litigation expenses.
(f) If injunctive relief is sought in such an action, a contract
grower or prospective contract grower shall not be required to post a
bond.
(g) A packer shall not contract to limit the measure of damages
available to a contract grower under Nebraska law.
(h) Except as otherwise provided in this section, a contract grower
or prospective contract grower shall be entitled to damages as provided
by Nebraska law and a packer shall be entitled to defenses as provided by
Nebraska law.
(9) The Attorney General may enforce this section and any of the
rights of contract growers and prospective contract growers identified in
this section against a packer. The Attorney General shall also be
entitled to injunctive relief, if appropriate, in order to redress
violations of this section.
2. On page 2, line 16, after the period insert "Agreements for such
contract swine operations shall be subject to section 4 of this act."
3. Renumber the remaining sections and correct the repealer
accordingly.

Senator Watermeier filed the following amendment to LB47:
AM1871
(Amendments to E & R amendments, ER145)
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 60-484, Revised Statutes Cumulative Supplement, 
4 2014, is amended to read:
5 60-484 (1) Except as otherwise provided in the Motor Vehicle 
6 Operator's License Act, no resident of the State of Nebraska shall 
7 operate a motor vehicle upon the alleys or highways of this state until 
8 the person has obtained an operator's license for that purpose.
9 (2) Application for an operator's license or a state identification 
10 card shall be made in a manner prescribed by the department. Such 
11 application may be made to department personnel in any county. Department 
12 personnel shall conduct the examination of the applicant and deliver to 
13 each successful applicant an issuance certificate containing the 
14 statements made pursuant to subsection (3) of this section.
15 (3) The applicant shall provide his or her full legal name, date of 
16 birth, mailing address, gender, race or ethnicity, and social security 
17 number, two forms of proof of address of his or her principal residence 
18 unless the applicant is a program participant under the Address 
19 Confidentiality Act, evidence of identity as required by subsection (6) 
20 of this section, and a brief physical description of himself or herself. 
21 The applicant (a) may also complete the voter registration portion 
22 pursuant to section 32-308, (b) shall be provided the advisement language 
23 required by subsection (5) of section 60-6,197, (c) shall answer the 
24 following:
25 (i) Have you within the last three months (e.g. due to diabetes, 
26 epilepsy, mental illness, head injury, stroke, heart condition, 
1 neurological disease, etc.):
2 (A) lost voluntary control or consciousness ... yes ... no 
3 (B) experienced vertigo or multiple episodes of dizziness or 
4 fainting ... yes ... no 
5 (C) experienced disorientation ... yes ... no 
6 (D) experienced seizures ... yes ... no 
7 (E) experienced impairment of memory, memory loss ... yes ... no 
8 Please explain: ........................................
9 (ii) Do you experience any condition which affects your ability to 
10 operate a motor vehicle? (e.g. due to loss of, or impairment of, foot, 
11 leg, hand, arm; neurological or neuromuscular disease, etc.) ... yes ... 
12 no 
13 Please explain: ........................................
14 (iii) Since the issuance of your last driver's license/permit, has 
15 your health or medical condition changed or worsened? ... yes ... no 
16 Please explain, including how the above affects your ability to 
17 drive: .................., and (d) may answer the following:
18 (i) Do you wish to register to vote as part of this application 
19 process? 
20 (ii) Do you wish to have the word "veteran" displayed on the front 
21 of your operator's license or state identification card to show that you 
22 served in the armed forces of the United States? (To be eligible you must 
23 register with the Nebraska Department of Veterans' Affairs registry.) 
24 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING
QUESTIONS:

(iii) Do you wish to include your name in the Donor Registry of Nebraska and donate your organs and tissues at the time of your death? Do you wish to be an organ and tissue donor?

(iv) Do you wish to receive any additional specific information regarding organ and tissue donation and the Donor Registry of Nebraska?

(v) Do you wish to donate $1 to promote the Organ and Tissue Donor Awareness and Education Fund?

(4) Application for an operator's license or state identification card shall include a signed oath, affirmation, or declaration of the applicant that the information provided on the application for the license or card is true and correct.

(5) The social security number shall not be printed on the operator's license or state identification card and shall be used only under section 60-483, (b) with the permission of the director in connection with the verification of the status of an individual's driving record in this state or any other state, (c) for purposes of child support enforcement pursuant to section 42-358.08 or 43-512.06, (d) to furnish information regarding an applicant for or holder of a commercial driver's license with a hazardous materials endorsement to the Transportation Security Administration of the United States Department of Homeland Security or its agent, (e) to furnish information to the Department of Revenue under section 77-362.02, or (f) to furnish information to the Secretary of State for purposes of the Election Act.

(6)(a) Each individual applying for an operator's license or a state identification card shall furnish proof of date of birth and identity with documents containing a photograph or with nonphoto identity documents which include his or her full legal name and date of birth. Such documents shall be those provided in subsection (1) of section 60-484.04.

(b) Any individual under the age of eighteen years applying for an operator's license or a state identification card shall provide a certified copy of his or her birth certificate or, if such individual is unable to provide a certified copy of his or her birth certificate, other reliable proof of his or her identity and age, as required in subdivision (6)(a) of this section, accompanied by a certification signed by a parent or guardian explaining the inability to produce a copy of such birth certificate. The applicant also may be required to furnish proof to department personnel that the parent or guardian signing the certification is in fact the parent or guardian of such applicant.

(c) An applicant may present other documents as proof of identification and age designated by the director. Any documents accepted shall be recorded according to a written exceptions process established by the director.

(7) Any individual applying for an operator's license or a state identification card who indicated his or her wish to have the word "veteran" displayed on the front of such license or card shall comply with section 60-4,189.
(8) No person shall be a holder of an operator's license and a state identification card at the same time.

Sec. 2. Section 60-494, Reissue Revised Statutes of Nebraska, is amended to read:

60-494 (1) Each operator's license and state identification card shall include a special notation on the front of the license or card if the licensee or cardholder is at least sixteen years of age and indicates on the application or issuance examiner's certificate under section 60-484, or 60-4,144, or 60-4,181 his or her wish to be an organ and donor, a tissue donor, or both.

(2) The status as an organ and donor, a tissue donor, or both shall continue until amended or revoked by the licensee or cardholder as provided in subsection (4) of this section or section 71-4829 be renewed upon renewal of each license or card if the licensee or cardholder, at the time of renewal, indicates the desire to renew the status and the notation authorized in subsection (1) of this section has been marked.

The status as an organ and donor, a tissue donor, or both is not changed by the expiration, suspension, cancellation, revocation, or impoundment of the license or card.

(3) Any person whose operator's license or state identification card indicates his or her status as an organ and donor, a tissue donor, or both may obtain a replacement license or card without a notation of such status. The fee for such replacement license or card shall be the fee provided in section 60-4,115.

(4) A licensee or cardholder may also change his or her status as a donor by indicating the desire that his or her name not be included in the Donor Registry of Nebraska on an application for an operator's license, a state identification card, or a replacement license or card under subsection (3) of this section. A licensee or cardholder may also change or limit the extent of his or her status as a donor by (a) Internet access to the Donor Registry of Nebraska, (b) telephone request to the registry, or (c) other methods approved by the federally designated organ procurement organization for Nebraska.

5 (5) The department Department of Motor Vehicles shall electronically transfer to the federally designated organ procurement organization for Nebraska all information which appears on the face of an original or replacement operator's license or state identification card except the image and signature of each person whose license or card includes the notation described in subsection (1) of this section.

Sec. 3. Section 60-4,144, Revised Statutes Supplement, 2015, is amended to read:

60-4,144 (1) An applicant for issuance of any original or renewal commercial driver's license or an applicant for a change of class of commercial motor vehicle, endorsement, or restriction shall demonstrate his or her knowledge and skills for operating a commercial motor vehicle as prescribed in the Motor Vehicle Operator's License Act. An applicant for a commercial driver's license shall provide the information and documentation required by this section and section 60-4,144.01. Such information and documentation shall include any additional information
30 required by 49 C.F.R. parts 383 and 391 and also include:
31 (a) Certification that the commercial motor vehicle in which the 
32 applicant takes any driving skills examination is representative of the 
33 class of commercial motor vehicle that the applicant operates or expects 
34 to operate; and 
35 (b) The names of all states where the applicant has been licensed to 
36 operate any type of motor vehicle in the ten years prior to the date of 
37 application.
7 (2)(a) Before being issued a CLP-commercial learner's permit or 
8 commercial driver's license, the applicant shall provide (i) his or her 
9 full legal name, date of birth, mailing address, gender, race or 
10 ethnicity, and social security number, (ii) two forms of proof of address 
11 of his or her principal residence unless the applicant is a program 
12 participant under the Address Confidentiality Act, except that a 
13 nondomiciled applicant for a CLP-commercial learner's permit or 
14 nondomiciled commercial driver's license holder does not have to provide 
15 proof of residence in Nebraska, (iii) evidence of identity as required by 
16 this section, and (iv) a brief physical description of himself or 
17 herself.
18 (b) The applicant's social security number shall not be printed on 
19 the CLP-commercial learner's permit or commercial driver's license and 
20 shall be used only (i) to furnish information to the United States 
21 Selective Service System under section 60-483, (ii) with the permission 
22 of the director in connection with the certification of the status of an 
23 individual's driving record in this state or any other state, (iii) for 
24 purposes of child support enforcement pursuant to section 42-358.08 or 
25 43-512.06, (iv) to furnish information regarding an applicant for or 
26 holder of a commercial driver's license with a hazardous materials 
27 endorsement to the Transportation Security Administration of the United 
28 States Department of Homeland Security or its agent, (v) to furnish 
29 information to the Department of Revenue under section 77-362.02, or (vi) 
30 to furnish information to the Secretary of State for purposes of the 
31 Election Act.
1 (c) No person shall be a holder of a CLP-commercial learner's permit 
2 or commercial driver's license and a state identification card at the 
3 same time.
4 (3) Before being issued a CLP-commercial learner's permit or 
5 commercial driver's license, an applicant, except a nondomiciled 
6 applicant, shall provide proof that this state is his or her state of 
7 residence. Acceptable proof of residence is a document with the person's 
8 name and residential address within this state.
9 (4)(a) Before being issued a CLP-commercial learner's permit or 
10 commercial driver's license, an applicant shall provide proof of 
11 identity.
12 (b) The following are acceptable as proof of identity:
13 (i) A valid, unexpired United States passport;
14 (ii) A certified copy of a birth certificate filed with a state 
15 office of vital statistics or equivalent agency in the individual's state 
16 of birth;
17 (iii) A Consular Report of Birth Abroad issued by the United States Department of State;
18 (iv) A valid, unexpired permanent resident card issued by the United States Department of Homeland Security or United States Citizenship and Immigration Services;
19 (v) An unexpired employment authorization document issued by the United States Department of Homeland Security;
20 (vi) An unexpired foreign passport with a valid, unexpired United States visa affixed accompanied by the approved form documenting the applicant's most recent admittance into the United States;
21 (vii) A Certificate of Naturalization issued by the United States Department of Homeland Security;
23 (ix) A driver's license or identification card issued in compliance with the standards established by the REAL ID Act of 2005, Public Law 109-13, division B, section 1, 119 Stat. 302; or
24 (x) Such other documents as the director may approve.

(c) If an applicant presents one of the documents listed under subdivision (b)(i), (ii), (iii), (iv), (vii), or (viii) of this subsection, the verification of the applicant's identity will also provide satisfactory evidence of lawful status.

(d) If the applicant presents one of the identity documents listed under subdivision (b)(v), (vi), or (ix) of this subsection, the verification of the identity documents does not provide satisfactory evidence of lawful status. The applicant must also present a second document from subdivision (4)(b) of this section, a document from subsection (5) of this section, or documentation issued by the United States Department of Homeland Security or other federal agencies demonstrating lawful status as determined by the United States Citizenship and Immigration Services.

(e) An applicant may present other documents as designated by the director as proof of identity. Any documents accepted shall be recorded according to a written exceptions process established by the director.

(5)(a) Whenever a person is renewing, replacing, upgrading, transferring, or applying as a nondomiciled individual to this state for a CLP-commercial learner's permit or commercial driver's license, the Department of Motor Vehicles shall verify the citizenship in the United States of the person or the lawful status in the United States of the person.

(b) The following are acceptable as proof of citizenship or lawful status:

(i) A valid, unexpired United States passport;
(ii) A certified copy of a birth certificate filed with a state office of vital statistics or equivalent agency in the individual's state of birth, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands;
(iii) A Consular Report of Birth Abroad issued by the United States Department of State;
4 (iv) A Certificate of Naturalization issued by the United States Department of Homeland Security;
5 (v) A Certificate of Citizenship issued by the United States Department of Homeland Security; or
7 (6) An applicant may present other documents as designated by the director as proof of lawful status. Any documents accepted shall be recorded according to a written exceptions process established by the director.
8 (7)(a) An applicant shall obtain a nondomiciled CLP-commercial driver's license or nondomiciled CLP-commercial learner's permit:
9 (i) If the applicant is domiciled in a foreign jurisdiction and the Federal Motor Carrier Safety Administrator has not determined that the commercial motor vehicle operator testing and licensing standards of that jurisdiction meet the standards contained in subparts G and H of 49 C.F.R. part 383;
10 (ii) If the applicant is domiciled in a state that is prohibited from issuing commercial learners' permits and commercial drivers' licenses in accordance with 49 C.F.R. 384.405. Such person is eligible to obtain a nondomiciled CLP-commercial learner's permit or nondomiciled commercial driver's license from Nebraska that complies with the testing and licensing standards contained in subparts F, G, and H of 49 C.F.R. 383.
11 (b) An applicant for a nondomiciled CLP-commercial learner's permit and nondomiciled commercial driver's license must do the following:
12 (i) Complete the requirements to obtain a CLP-commercial learner's permit or a commercial driver's license under the Motor Vehicle Operator's License Act, except that an applicant domiciled in a foreign jurisdiction must provide an unexpired employment authorization document issued by the United States Citizenship and Immigration Services or an unexpired foreign passport accompanied by an approved I-94 form documenting the applicant's most recent admittance into the United States. No proof of domicile is required;
13 (ii) After receipt of the nondomiciled CLP-commercial learner's permit or nondomiciled commercial driver's license and, for as long as the permit or license is valid, notify the Department of Motor Vehicles of any adverse action taken by any jurisdiction or governmental agency, foreign or domestic, against his or her driving privileges. Such adverse actions include, but are not limited to, license disqualification or disqualification from operating a commercial motor vehicle for the convictions described in 49 C.F.R. 383.51. Notifications must be made within the time periods specified in 49 C.F.R. 383.33; and
14 (iii) Provide a mailing address to the Department of Motor Vehicles. If the applicant is applying for a foreign nondomiciled CLP-commercial learner's permit or foreign nondomiciled commercial driver's license, he or she must provide a Nebraska mailing address and his or her employer's mailing address to the Department of Motor Vehicles.
(c) An applicant for a nondomiciled CLP-commercial learner's permit or nondomiciled commercial driver's license is not required to surrender his or her foreign license.

(8) Any person applying for a CLP-commercial learner's permit or commercial driver's license may answer the following:

(a) Do you wish to register to vote as part of this application process?

(b) Do you wish to have the word "veteran" displayed on the front of your operator's license to show that you served in the armed forces of the United States? (To be eligible you must register with the Nebraska Department of Veterans' Affairs registry.)

Optional - You are not required to answer any of the following questions:

(c) Do you wish to include your name in the Donor Registry of Nebraska and donate your organs and tissues at the time of your death? Do you wish to be an organ and tissue donor?

(d) Do you wish to receive any additional specific information regarding organ and tissue donation and the Donor Registry of Nebraska?

(e) Do you wish to donate $1 to promote the Organ and Tissue Donor Awareness and Education Fund?

(9) Any person applying for a CLP-commercial learner's permit or commercial driver's license must make one of the certifications in section 60-4,144.01 and any certification required under section 60-4,146 and must provide such certifications to the Department of Motor Vehicles in order to be issued a CLP-commercial learner's permit or a commercial driver's license.

(10) Every person who holds any commercial driver's license must provide to the department medical certification as required by section 60-4,144.01. The department may provide notice and prescribe medical certification compliance requirements for all holders of commercial drivers' licenses. Holders of commercial drivers' licenses who fail to meet the prescribed medical certification compliance requirements may be subject to downgrade.

Sec. 4. This act becomes operative on July 1, 2017.

Sec. 5. Original section 60-494, Reissue Revised Statutes of Nebraska, section 60-484, Revised Statutes Cumulative Supplement, 2014, and section 60-4,144, Revised Statutes Supplement, 2015, are repealed.

NOTICE OF COMMITTEE HEARING(S)
Government, Military and Veterans Affairs
Room 1507

Wednesday, January 27, 2016 1:30 p.m.

LB827
LB784
LB997
LB807

WHEREAS, Colton James Hood, a member of Troop 180 from Utica, of the Prairie Winds District of the Cornhusker Council, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout his scouting experience, Colton has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Colton installed two park benches in the Staplehurst city park; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and
WHEREAS, Colton, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Colton James Hood on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Colton James Hood.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Pansing Brooks - LB824 and LB1027
Bloomfield, Craighead, Stinner, Watermeier, Williams - LR378CA

ADJOURNMENT

At 11:56 a.m., on a motion by Senator Riepe, the Legislature adjourned until 9:00 a.m., Thursday, January 21, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
ELEVENTH DAY - JANUARY 21, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 21, 2016

PRAYER

The prayer was offered by Pastor Jim Haack, Beautiful Savior Lutheran Church, La Vista.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator McCoy who was excused; and Senators Campbell, Coash, Larson, McCollister, Mello, and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the tenth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<table>
<thead>
<tr>
<th>LB/LR</th>
<th>Committee</th>
</tr>
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<tbody>
<tr>
<td>LB1011</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LB1014</td>
<td>Revenue</td>
</tr>
<tr>
<td>LB1016</td>
<td>Executive Board</td>
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<tr>
<td>LB1017</td>
<td>Appropriations</td>
</tr>
<tr>
<td>LB1018</td>
<td>Appropriations</td>
</tr>
<tr>
<td>LB1019</td>
<td>Natural Resources</td>
</tr>
<tr>
<td>LB1020</td>
<td>Banking, Commerce and Insurance</td>
</tr>
<tr>
<td>LB1021</td>
<td>Revenue</td>
</tr>
<tr>
<td>LB1022</td>
<td>Executive Board</td>
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<td>LB1023</td>
<td>Judiciary</td>
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<tr>
<td>LB1024</td>
<td>Government, Military and Veterans Affairs</td>
</tr>
<tr>
<td>LB1025</td>
<td>Banking, Commerce and Insurance</td>
</tr>
<tr>
<td>LB1026</td>
<td>Education</td>
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LEGISLATIVE BILL 136. Placed on Select File with amendment.
ER146
1. Strike original sections 1 and 3 and insert the following new sections:
3 Section 1. Section 28-101, Revised Statutes Supplement, 2015, is amended to read:
5 28-101 Sections 28-101 to 28-468, 28-470 to 28-1357, 28-1418.01, and 28-1429.03 and section 2 of this act shall be known and may be cited as the Nebraska Criminal Code.
8 Sec. 3. Original section 28-101, Revised Statutes Supplement, 2015, 9 is repealed.
10 2. On page 1, line 2, strike "Cumulative Supplement, 2014" and insert "Supplement, 2015".

(Signed) Matt Hansen, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Natural Resources
Room 1525

Thursday, January 28, 2016 1:30 p.m.

LB881
LB914

Wednesday, February 3, 2016 1:30 p.m.

LB745

(Signed) Ken Schilz, Chairperson
COMMITTEE REPORT(S)
Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

James W. Hawks - Environmental Quality Council


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.

Richard R. Bell - Game and Parks Commission


(Signed) Ken Schilz, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 405, 407, 408, 409, 410, and 411 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 405, 407, 408, 409, 410, and 411.

SELECT FILE

LEGISLATIVE BILL 176. Considered.

Senator Davis asked unanimous consent to withdraw his amendment, AM1608, found on page 1898, First Session, 2015, and replace it with his substitute amendment, AM1848, found on page 364. No objections. So ordered.

Pending.

COMMITTEE REPORT(S)
Nebraska Retirement Systems

LEGISLATIVE BILL 790. Placed on General File.

(Signed) Mark Kolterman, Chairperson
MOTION - Escort Chief Justice

Senator Williams moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of delivering the State of the Judiciary Address.

The motion prevailed.

The Chair appointed Senators Seiler, Lindstrom, K. Haar, Howard, and Murante to serve on said committee.

The committee escorted Chief Justice Michael G. Heavican to the rostrum where he delivered the following message:

Mr. President, Mr. Speaker, Members of the Legislature, fellow Justices of the Nebraska Supreme Court, and fellow Nebraskans. I would like to thank the members of this legislative body, and Speaker Galen Hadley, for inviting me to address you this morning.

It is an honor for me to report on the accomplishments of the judicial branch this past year, and to discuss the future of the courts. First, I will introduce my fellow Justices.

To my immediate right is Justice John Wright of Scottsbluff; to his right is Justice Bill Cassel of O'Neil.

To my immediate left is Justice Lindsey Miller-Lerman of Omaha; and to her left is Justice Stephanie Stacy of Lincoln.

Justice Bill Connolly of Hastings is unable to be here today.

This is not the same Court you saw last year. Ken Stephan of Lincoln and Mike McCormack of Omaha have both retired. I thank them for their years of service to the Supreme Court and to the State of Nebraska.

I would also like to again welcome to the Court Justice Stacy, who took Ken Stephan's place. And I note that the Governor is in the process of choosing Mike McCormack's successor.

Our State motto is "Equality Before the Law." It echoes the most basic principles upon which our State and our nation were founded. The motto is carved in stone on the entrance of this building and also appears above the bench in our Court, in the Governor's Office, and in the Warner Chamber.

The special mission of Nebraska's courts is to provide citizens with an open, fair, efficient, and independent forum for the resolution of disputes and with what our motto promises: Equality Before the Law.

Office of Public Guardian

Equality before the law means many things, including access, fairness, and dignity for vulnerable Nebraskans in need of guardianships or conservatorships. In 2014, Senator Colby Coash sponsored a bill creating the Office of Public Guardian. That bill was passed unanimously by this Legislature and it directs the Public Guardian to do four things.

First, the Office of Public Guardian is to serve as guardian for up to 480 incapacitated Nebraskans in cases where there is no one else available, or appropriate, to serve.
Second, the Public Guardian is directed to identify successor guardians and conservators.

Third, the Public Guardian is directed to provide education, information, and support to the 10,000 individuals who serve as guardians or conservators in Nebraska.

Associate Public Guardians are located in Gering, North Platte, Kearney, Hastings, Norfolk, Papillion, Lincoln, and Omaha. The twelve associate public guardians have met with over 600 local community stakeholders and providers. These meetings are meant to identify resources for all guardians and conservators in the State, newly-appointed guardians and conservators are given the tools needed to maximize the level of independence best suited to their individual wards.

The final directive from this body was to develop a Court Visitor Program. The Public Guardian has educated, and organized a system of volunteer court visitors. These community volunteers provide judges with essential information about potentially incapacitated persons, along with recommendations to judges concerning the need to appoint the Public Guardian.

Since last August, more than twenty individuals from across the State have volunteered to serve the courts and their fellow citizens through the Public Guardian Volunteer Court Visitor program. This alone has saved thousands of dollars in county property taxes. Efforts to recruit additional volunteers to serve as guardians, conservators, and court visitors are ongoing.

I am pleased to announce that in November, following months of planning and training, the Public Guardian began taking appointments to serve incapacitated individuals. These individuals have multiple medical, mental health, and societal challenges which are already stretching thin the resources available to the Public Guardian. Updates to the Public Guardianship Act will be necessary to address the challenges encountered during this first year of implementation.

We look forward to partnering with the Legislature to continue our progress in this important endeavor. A special thanks to County Court Judges Susan Bazis and Todd Hutton and numerous other concerned Nebraskans who have worked on this program.

**Court Improvement**

Equality before the law also means the fair and prompt handling of child abuse and neglect cases, as well as juvenile justice cases, in Nebraska courts. To further these goals, our Court Improvement Project, commonly referred to as the "Through the Eyes of the Child Initiative," has strongly emphasized education for judges, guardians ad litem, lawyers, Health and Human Services employees, and community volunteers.

In November 2015, over 300 Nebraskans participated in the Court Improvement Project's Regional Conferences held in Hastings, O'Neil, Kimball, and LaVista. The conferences spotlighted human trafficking in Nebraska. Attendees also received updates on recent Federal and State legislative changes and information regarding the status of children in the
child welfare and juvenile justice systems by judicial district. Participants then set team goals for improvement in each of those districts.

Our Fourth Children's Summit, which specifically focuses on children in the courts, will be held September 7-9, 2016, in Kearney. All of our judges handling juvenile matters and other Through the Eyes of the Child Initiative team members will attend. We invite every member of this Legislature to also attend.

In keeping with national best practice efforts, the Through the Eyes of the Child Initiative is sponsoring programs to serve abused and neglected children, as well as juvenile law violators, in their homes whenever possible. This effort was aided last session by the passage of LB500, which allows for broader use of in-home therapy. In-home therapy focuses on addressing an at-risk juvenile's total community environment -- their homes and families, schools and teachers, neighborhoods and friends.

The Through the Eyes of the Child Initiative is pleased to be coordinating a grant funded by the Sherwood and Omaha Community Foundations. This grant generously supports efforts to develop in-home family therapy services.

A special thank you to Senator Sara Howard for her foresight in paving the way for Nebraska to initiate and expand these in-home services. This public/private partnership is being implemented in close collaboration with the Administrative Office of the Courts and Probation and the Department of Health and Human Services.

**Juvenile Justice**

In regard to juvenile justice, last year I suggested that Nebraska's Juvenile Justice Reform efforts were based on four fundamental principles.

The first principle is that "fewer young people should become wards of the State, be incarcerated, or placed in group homes." With the passage of LB561 in 2014, promoted by Senator Bob Krist and Former-Senator Brad Ashford, children no longer have to become state wards to access services in Nebraska.

During this last transition year there has been a significant increase in the number of children placed on probation and receiving services to reduce recidivism. Additionally, with the support of the Juvenile Detention Alternatives Initiative, which we call JDAI, there has been an 11.5% reduction in juveniles detained in the past 6 months. Further, out-of-home placements have declined 7.6% in that same 6-month period.

The second principle is that "more young people be provided with treatment in their homes and local communities." As noted, there has been an increase in the use of in-home and community-based services over the past 6 months. Out-of-state placements have also decreased, which is a significant step toward keeping youth in Nebraska near their families and support groups.

The third principle is that "parents and guardians should always be involved in their children's rehabilitation." Probation officers are now trained to work with families to set up family support teams.

The final principle is that "local community providers of mental health, substance abuse treatment, and other services should be utilized whenever
possible." There is, especially in Greater Nebraska, a lack of service providers to work with juveniles. When I speak with trial court judges, many say that they would detain fewer children if there were alternative placement opportunities or in-home services available. Our focus in 2016 will be to continue to expand those alternatives.

**Adult Probation – LB605**

I turn now to adult probation. In the last legislative session this body passed LB605, which created significant criminal justice reform in Nebraska. The Administrative Office of the Courts and Probation has made major advancements in the implementation of the Justice Reinvestment goals outlined in LB605.

**Court Rules.**

With the help of District Court Judges John Colborn of Lancaster County, and Leo Dobrovolny of Scotts Bluff County, the Supreme Court Probation Services Committee formulated court rules which encompass the statutory requirements of post-release probation supervision. The rules were adopted by this Court after a period of public comment and are now in full force and effect.

**Education.**

The Office of Probation Administration and local chief probation officers have developed new policies, procedures, and forms to comply with LB605. Education for District and County Court Judges and Court and Probation staff, was placed on a fast track, as were changes to the Courts' and Probation's management information systems to accommodate the new laws.

**Reporting Centers.**

LB605 also provided for new day and evening reporting centers. The Administrative Office of Probation worked with local chief probation officers to determine where these new centers should be located. Hastings, North Platte, and Beatrice were selected, with additional centers planned in north Omaha and in north Lincoln. When these centers open their doors within the next few months, there will be 16 reporting centers operational throughout Nebraska. These centers average 6,000 visits from probation clients each month and provide services in every major community across the State.

**SSAS.**

Every Reporting Center has a supervised substance abuse supervision program, or SSAS. This program continues to be Probation's premier supervision program for those individuals at a high risk to reoffend. We are proud that 89% of the clients released from the program in 2015 have been drug-free for at least one year. Likewise, 91% of SSAS participants are gainfully employed.

SSAS will expand to include supervising individuals targeted by LB605 who have already served a period of time in a correctional institution and who require intense supervision upon release. There are currently 35 SSAS officers, including 5 new officers, who will provide both pre- and post-prison supervision.
Problem-Solving Courts.
As we expand the SSAS program, we also continue to expand the number -- and the reach -- of our Problem-Solving Courts. Through the good work of District Court Judges Rachel Daugherty of Hamilton County and James Stecker of Seward County, we have now achieved our goal of developing problem-solving courts within each judicial district.

We also want to thank Senators John McCollister and Matt Williams, and District Court Judge James Doyle of Dawson County, for their continued work on the potential expansion of the number of problem-solving courts in Nebraska.

Self-represented Litigants
Equality Before the Law also means that those who choose to represent themselves should have meaningful access to Nebraska's courts. Last year I told you about our efforts to provide access to the court system for self-represented litigants. This year, I am pleased to report that the Supreme Court has approved the Strategic Agenda created by our Committee on Self-Represented Litigation, headed by Chief Judge Frankie Moore of the Court of Appeals and District Court Judge Teresa Luther of Hall County.

However, as you know, the number of Nebraskans seeking to represent themselves when appearing before the courts is still on the rise. Today I would also like to thank the Nebraska State Bar Association for its support in providing attorneys in self-help centers across the State. I would also like to recognize those Nebraska lawyers who volunteer to assist unrepresented Nebraskans.

Technology
As a public service to all Nebraskans, including those citizens who represent themselves, the Court has developed a new online library for Nebraska appellate court opinions. I thank this Legislature, especially sponsoring Senator Ernie Chambers, as well as Judiciary Chair Senator Les Seiler, for the legislation last session which enabled the Court to expand public access by making published opinions permanently available on the Internet, free of charge.

Further technological advancement in the past year included an increase in eFiling. The volume of electronically-filed documents in the trial courts was up 30% in 2015. As we note in the annual report distributed to you today, every eFiling saves the courts between two and five minutes of staff time, and greatly increases the accuracy of data entry.

Our total eFilings were up by over 223,000 documents last year. All attorneys practicing in county and district courts now receive orders and notices from the courts by email at the rate of several thousand communications each day. Additionally, the Workers' Compensation Court began accepting electronic filings in 2015. Later this year, the Supreme Court and Court of Appeals will follow suit.

Summer Outreach
Expanded electronic access cannot, however, replace this Court's traditional relationship with local communities. Each year members of my
staff, Judges of this Court, and I tour trial courts and attend bar association meetings and court-related community meetings across the State.

This past summer I visited courts in south-central and southeast Nebraska. Justice Cassel accompanied me in southeast Nebraska and also visited southwest Nebraska. In addition, we were joined at certain events by Senators Dan Watermeier, Les Seiler, and Laura Ebke. We use these tours to get direct feedback on the workings of our justice system from judges, county commissioners, local lawyers, law enforcement, public defenders and others who work with the court system.

I am pleased to report that the citizens of many Nebraska communities are investing in their local justice systems in substantial ways. Among others, Both Seward and Custer Counties are building new judicial centers; Saline and Hall Counties are both in the middle of rehabilitation projects; and Furnas, Jefferson, and Douglas Counties are renovating or adding security measures. Communities that invest in their courts are communities that grow and prosper.

Conclusion

In conclusion, I am proud of the work the Judicial Branch does to ensure that our State motto has meaning. To repeat, the mission of Nebraska's Judicial Branch is to provide the citizens of this great State with an open, fair, efficient, and independent system for the advancement of justice under the law.

We work to provide access to justice for all Nebraskans and to be certain that in Nebraska there is "equality Before the Law." It is our honor to work with the Legislature to accomplish that goal.

Thank you for the opportunity to speak with you today.

The committee escorted the Chief Justice from the Chamber.

SELECT FILE

LEGISLATIVE BILL 176. The Davis amendment, AM1848, found on page 364 and considered in this day's Journal, was renewed.

SPEAKER HADLEY PRESIDING

SENATOR KRIST PRESIDING

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 418. Introduced by Howard, 9; Craighead, 6; Crawford, 45; Hansen, 26; Krist, 10; McCollister, 20; Stinner, 48.

WHEREAS, in 2008, the Department of Health and Human Services (DHHS) began to develop the ACCESSNebraska system.
ACCESSNebraska is a system that is intended to efficiently determine public assistance eligibility and provide service delivery. Since the implementation of this system, the Legislature has twice formed a special investigative committee to explore the problems faced by clients navigating the ACCESSNebraska system. These problems included long call wait times, lost documentation, erroneous public assistance decisions, and a general difficulty for clients to get the assistance they needed in a timely manner; and

WHEREAS, the One Hundred Fourth Legislature, First Session, adopted Legislative Resolution 33, which continued the ACCESSNebraska Special Investigative Committee that was first created by Legislative Resolution 400 adopted in 2014 by the One Hundred Third Legislature, Second Session, to study the ACCESSNebraska system; and

WHEREAS, on December 15, 2015, the committee issued a report and recommendations related to ACCESSNebraska. The committee found that the ACCESSNebraska system has made significant progress since the initial identification of issues relating to customer service and delivery of client benefits but that it continues to face some challenges relating to the problems mentioned above; and

WHEREAS, the committee recommended among other things that it should be continued as an oversight committee to provide oversight and an ongoing dialogue between the Legislature and DHHS to ensure the continued improvement of the ACCESSNebraska system.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the ACCESSNebraska Oversight Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the Executive Board. The Executive Board shall select a chairperson and a vice-chairperson from the membership of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The Executive Board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an oversight committee and is hereby authorized to hold hearings, request progress reports from DHHS regarding the ACCESSNebraska system, and issue subpoenas as is deemed necessary by the committee.

2. That the ACCESSNebraska Oversight Committee of the Legislature is hereby authorized to continue to monitor the adequacy of staffing and training of DHHS employees working within theACCESSNebraska system. The scope of the committee’s oversight shall include, but not be limited to, the adequacy of technology used within the ACCESSNebraska system, including telephone systems, computer software, case management, information technology, and the use of and access to data bases to allow for data matching. The committee shall also continue to observe the effectiveness of the processes and structures used by the ACCESSNebraska
system, including system design, management structure, and system goals. The committee shall monitor the ongoing experiences of clients and their family members, including customer service experience, access to benefits, and responses to changing family needs. The committee, if it deems necessary, may issue a report with its findings and recommendations to the Legislature no later than December 15, 2016. The report to the Legislature shall be submitted electronically.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR418 was referred to the Reference Committee.

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 695. Placed on General File.
LEGISLATIVE BILL 702. Placed on General File.

(Signed) John Murante, Chairperson

AMENDMENT(S) - Print in Journal

Senator Schilz filed the following amendment to LB176:
AM1855
(Amendments to AM1755)
1 1. On page 2, after line 24 insert the following new subsection:
2 "(9) A swine production contract shall not contain any obligations
3 of confidentiality, or any other provisions, that limit a swine
4 production contract grower from sharing and reviewing the swine
5 production contract with anyone, including, but not limited to, his or
6 her business partners, employees, or agents, his or her financial and
7 legal advisors, and his or her spouse and family members."; in line 25
8 strike "(9)" and insert "(10)"; and in line 30 strike "(10)" and insert
9 "(11)".

Senator Davis filed the following amendment to LB176:
AM1886
(Amendments to E and R amendments, ER143)
1 1. On page 2, line 12, after "if" insert "(a)"; and in line 16 after
2 "packer" insert "and (b) the packer purchases at least seventy-five
3 percent of its swine from persons who are not a part of any contract
4 swine operation involving such packer".
UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Davis, Groene, Kolowski, Lindstrom - LB467
Mello - LB467
Howard - LB749

VISITORS

Visitors to the Chamber were Katie Bohlmeyer from Cortland; and representatives of the Nebraska Bar Association, Tom Maul, Judge Joe Bataillon, Tim Engler, and Liz Neeley.

The Doctor of the Day was Dr. George Voigtlander from Pawnee City.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Hilkemann, the Legislature adjourned until 9:00 a.m., Friday, January 22, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
TWELFTH DAY - JANUARY 22, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 22, 2016

PRAYER

The prayer was offered by Reverend Greg Gahan, Craig Alder Grove Parish, Craig.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator McCoy who was excused; and Senators Craighead, Kolowski, Mello, and Morfeld who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eleventh day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

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<tr>
<td>LB1039</td>
<td>Health and Human Services</td>
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<td>Banking, Commerce and Insurance</td>
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<td>Urban Affairs</td>
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<td>Nebraska Retirement Systems</td>
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REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 21, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Bartling, Kelly
University of Nebraska
Connealy, Matt
Center for Rural Affairs
Davidson Tribbs, Emma
Everytown for Gun Safety Action Fund
Gerloff, Jerianne
Pfizer, Inc.
Huddle, Stephanie
Nebraska Domestic Violence Sexual Assault Coalition
Husch Blackwell LLP
Jasper Stone Partners LLC
Jensen Rogert Associates, Inc.
Ponca Tribe of Nebraska
Kleeb, Jane Fleming
Bold Nebraska
O'Hara Lindsay & Associates, Inc.
Nebraskans for Poverty Research
Olberg, Delette
Tenaska
Pappas, James E.
Independent Cattlemen of Nebraska (ICON)
Radcliffe, Walter H. of Radcliffe and Associates
Tenaska
Amgen
REPORTS

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

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 775. Placed on General File.

The Revenue Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Tony Fulton, Tax Commissioner - Department of Revenue


(Signed) Mike Gloor, Chairperson

Natural Resources

LEGISLATIVE BILL 737. Placed on General File.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Dan C. Kreitman - Game and Parks Commission

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Timothy L. Else - Nebraska Ethanol Board
Jan Tenbensel - Nebraska Ethanol Board

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Ken Schilz, Chairperson
**SELECT FILE**

**LEGISLATIVE BILL 176.** The Davis amendment, AM1848, found on page 364 and considered on pages 379 and 385, was renewed.

Senator Davis withdrew his amendment.

Senator Schilz offered his amendment, AM1755, found on page 1902, First Session, 2015.

Senator Schilz offered his amendment, AM1855, found on page 387, to his amendment.

**SPEAKER HADLEY PRESIDING**

Senator Schilz offered the following motion:

MO164
Invoke cloture pursuant to Rule 7, Sec. 10.

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

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

Voting in the affirmative, 33:

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<td>Pansing</td>
<td>Brooks Watermeier</td>
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<td>Schilz</td>
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Voting in the negative, 12:

| Bloomfield | Chambers | Davis | Morfeld |
| Bolz | Cook | Groene | Schnoor |
| Brusch | Crawford | Haar, K. | Sullivan |

Present and not voting, 2:

Hansen Seiler

Excused and not voting, 2:

Howard McCoy
The Schilz motion to invoke cloture prevailed with 33 ayes, 12 nays, 2 present and not voting, and 2 excused and not voting.

The Schilz amendment, AM1855, was adopted with 37 ayes, 5 nays, 5 present and not voting, and 2 excused and not voting.

The Schilz amendment, AM1755, as amended, was adopted with 38 ayes, 5 nays, 4 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment with 32 ayes, 12 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**COMMITTEE REPORT(S)**

Agriculture

**LEGISLATIVE BILL 798.** Placed on General File.

(Signed) Jerry Johnson, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 876.** Placed on General File.

(Signed) John Murante, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Appropriations

Room 1524

Monday, February 1, 2016 1:30 p.m.

LB956
LB957
LB1092
Agency 19 - Banking, Department of
Agency 22 - Insurance, Department of
Agency 36 - Racing Commission, Nebraska State
Agency 58 - Board of Engineers and Architects
Agency 63 - Public Accountancy, Nebraska Board of
Agency 76 - Indian Commission, Nebraska
Tuesday, February 2, 2016 1:30 p.m.
Agency 50 - Nebraska State College System
Agency 51 - University of Nebraska System
LB713
LB852
LB755
LB858
Room 1003

Wednesday, February 3, 2016 1:30 p.m.
Agency 29 - Natural Resources, Department of
Agency 54 - Historical Society, Nebraska State
Agency 91 - Nebraska Tourism Commission
Agency 33 - Game and Parks Commission
LB810
LB1076
(Signed) Heath Mello, Chairperson
Urban Affairs
Room 1510

Tuesday, February 2, 2016 1:30 p.m.
LB860
LB808
LB1059
LB1012

Tuesday, February 9, 2016 1:30 p.m.
LB719
LB1042
LR399CA
LR394CA

Tuesday, February 16, 2016 1:30 p.m.
LB865
LB857
LB806
(Signed) Sue Crawford, Chairperson
General Affairs
Room 1510

Monday, February 1, 2016 1:30 p.m.
LB748
LB1046
LB1105
LB834
LB969

(Signed) Tyson Larson, Chairperson

Transportation and Telecommunications
Room 1113

Monday, February 1, 2016 1:30 p.m.
LB927
LB938
LB977

Tuesday, February 2, 2016 1:30 p.m.
LB669
LB668
LB989

Monday, February 8, 2016 1:30 p.m.
LB872
LB799
LB973

Tuesday, February 9, 2016 1:30 p.m.
LB795
LB1003
LB994
LB996

Monday, February 22, 2016 1:30 p.m.
LB783
LB844
LB768
Tuesday, February 23, 2016 1:30 p.m.

LB688
LB964
LB1077

(Signed) Jim Smith, Chairperson

AMENDMENT(S) - Print in Journal

Senator Bloomfield filed the following amendment to LB176:

AM1887
(Amendments to E and R amendments, ER143)
1 1. On page 1, lines 8 and 9; and page 2, lines 11, 12, 13, and 14,
2 strike all occurrences of "swine" and insert "livestock".

Senator Chambers filed the following amendment to LB47:

FA82
Amend ER145
1. Page 2, line 31 strike "16" and insert "21"; line 30 strike "ANSWER" and
insert "READ"; in line 31 strike the colon and add, ", HOWEVER, IF YOU
REFUSE TO ANSWER, NOTHING WILL HAPPEN."
2. Page 11, line 20 strike "ANSWER" and insert "READ"; strike the colon
and add, ", HOWEVER, IF YOU REFUSE TO ANSWER, NOTHING
WILL HAPPEN."

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR Committee
LR418 Executive Board

(Signed) Bob Krist, Chairperson
Executive Board

GENERAL FILE

LEGISLATIVE BILL 289. Title read. Considered.

Senator Chambers offered the following motion:

MO165
Recommit to Judiciary Committee.

Pending.
LEGISLATIVE BILL 803. Placed on General File.

(Signed) Mark Kolterman, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 419. Introduced by Larson, 40.

WHEREAS, the Crofton High School girls' cross country team won the 2015 Class D Girls' State Cross Country Championship; and
WHEREAS, the Crofton High School girls' cross country team has won ten consecutive cross country state titles and nineteen championships overall; and
WHEREAS, Haley Arens, a sophomore on the cross country team, placed first overall at the championship meet; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates the Crofton High School girls' cross country team on winning the 2015 Class D Girls' State Cross Country Championship.
2. That a copy of this resolution be sent to the Crofton High School girls' cross country team and their coach.

Laid over.

LEGISLATIVE RESOLUTION 420. Introduced by Larson, 40.

WHEREAS, the Hartington-Newcastle High School play production team won the 2015 Class C-2 State Play Production Championship with their performance of "I'm Not Ebenezer Scrooge"; and
WHEREAS, this is Hartington-Newcastle High School's fifth play production state championship in a row; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates the Hartington-Newcastle High School play production team for winning the 2015 Class C-2 State Play Production Championship.
2. That a copy of this resolution be sent to the Hartington-Newcastle High School play production team.

Laid over.
NOTICE OF COMMITTEE HEARING(S)
Banking, Commerce and Insurance
Room 1507

Monday, February 1, 2016 1:30 p.m.
Courtney Dentlinger - Department of Economic Development
LB837
LB942
LB1035

Tuesday, February 2, 2016 1:30 p.m.
LB794
LB817
LB1036

Monday, February 8, 2016 1:30 p.m.
Patrick Booth - Nebraska Exchange Stakeholder Commission
Shari Flowers - Nebraska Exchange Stakeholder Commission
Edward (Ed) Rieker - Nebraska Exchange Stakeholder Commission
LB770
LB1020
LB1096

Tuesday, February 9, 2016 1:30 p.m.
LB706
LB801
LB1060

(Signed) Jim Scheer, Chairperson

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB289:
AM1888
1 1. On page 15, line 14, after "prohibiting" insert "by ordinance";
2 in line 17 strike "and"; and in line 18 after "(iv)" insert "Any city or
3 village from regulating or prohibiting by ordinance the carrying of
4 firearms and ammunition in municipal parks and municipal buildings if the
5 city or village conspicuously posts notice of such ordinance at each
6 entrance to such park or building covered by such ordinance. No such
7 ordinance shall prohibit the carrying of a concealed handgun if the
8 concealed handgun is carried in compliance with the Concealed Handgun
9 Permit Act. Any notice of such ordinance shall conspicuously state that
10 the ordinance does not apply to such carrying of a concealed handgun; and
11 (v)".
Senator Kolterman filed the following amendment to LB467: AM1865 is available in the Bill Room.

**NOTICE OF COMMITTEE HEARING(S)**
Nebraska Retirement Systems
Room 1525

Friday, February 5, 2016 12:00 p.m.

LB805  
LB922  
LB986

Thursday, February 4, 2016 12:00 p.m.

AM1865 to LB467

(Signed) Mark Kolterman, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer(s)**

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Cook, Kolterman, Stinner - LB1030  
Schilz - LB276  
Chambers - LB738  
Gloor - LB1032  
Coash - LB1110

**VISITOR(S)**

The Doctor of the Day was Dr. Carol Lacroix from Omaha.

**ADJOURNMENT**

At 11:57 a.m., on a motion by Senator K. Haar, the Legislature adjourned until 10:00 a.m., Monday, January 25, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature
THIRTEENTH DAY - JANUARY 25, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 25, 2016

PRAYER

The prayer was offered by Reverend Jeffrey Bloom, Immanuel Lutheran Church, Lincoln.

ROLL CALL

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

The roll was called and all members were present except Senator Garrett who was excused; and Senators Bolz, Kintner, McCollister, and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twelfth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 176. Placed on Final Reading.

ST55

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

1. The Groene amendment, AM1634, has been incorporated into the E and R amendments, as follows: In ER143, on page 1, the matter beginning with "an" in line 9 through "or" in line 10 has been struck and "a" inserted.

2. In the E and R amendments, ER143, on page 4, line 27, "54-2601," has been inserted after "sections".

3. On page 1, line 2, "54-2601," has been inserted after "sections"; in line 4 "to change provisions relating to contract swine operations;" has been inserted after the semicolon; and in line 5 "to harmonize provisions;" has been inserted after the first semicolon.

(Signed) Matt Hansen, Chairperson
January 22, 2016

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

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

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

Margaret Propp, 7220 N. 15 Street, Lincoln, NE 68521

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

Dr. Peter Seiler, 19022 B Street, Omaha, NE 68130

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

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosures

January 22, 2016

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

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

Contingent upon your approval, the following individual is being reappointed to the Public Employees Retirement Board:

J. Russell Derr, 1701 Farnam Street, Omaha, NE 68183

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

Sincerely,
January 22, 2016

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

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

Contingent upon your approval, the following individuals are being reappointed to the Coordinating Commission for Postsecondary Education:

Colleen Adam, 4900 Osborne Drive East, Hastings, NE 68901
Ronald Hunter, 4293 470 Lane, Hay Springs, NE 69347

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

Sincerely,
(Signed) Pete Ricketts
Governor

MESSAGE FROM THE SECRETARY OF STATE

May 26, 2015

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

Dear Mr. President and Senators:

The purpose of this letter is to inform the honorable members of the Legislature that I have made the following appointment requiring Legislative confirmation:

Mr. Jeffery T. Peetz, esq., an Independent and a resident of the 1st Congressional District, has been appointed to fill a vacancy to the Nebraska Accountability and Disclosure Commission, for a six-year term beginning July 1, 2015, and ending on June 30, 2021. The appointee must be an Independent. Jeff replaces Jan Mumm, CPA, of Lincoln, Nebraska.
The appointment is made by me pursuant to the provisions of Sections 49-14,105, 49-14,110, 49-14,112, and 49-14,114 and is respectfully submitted for your consideration.

Attached is additional background information on the qualifications of the appointment.

Sincerely,
(Signed) John A. Gale
Secretary of State

cc: Frank Daley
cc: Jeffery T. Peetz

RESOLUTION(S)

LEGISLATIVE RESOLUTION 421. Introduced by Kolowski, 31.

WHEREAS, the Millard West High School Wildcat Marching Band was named Grand Champion at the field show competition at the 2015 National Funding Holiday Bowl in San Diego, California; and

WHEREAS, the Wildcats were first in their class and swept the caption awards, winning Best Music, Best Marching, Best Percussion, Best Color Guard, Best Drum Major, and Best General Effect; and

WHEREAS, these accomplishments would not have been possible without the hard work and dedication of the Wildcats and their band director John Keith; and

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

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

1. That the Legislature congratulates the Millard West High School Wildcat Marching Band on their accomplishments and on being named Grand Champion at the 2015 National Funding Holiday Bowl.
2. That a copy of this resolution be sent to the Millard West High School Wildcat Marching Band.

Laid over.
MOTION(S) - Confirmation Report(s)

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 379:

- Environmental Quality Council
  - James W. Hawks

Voting in the affirmative, 34:

Baker  Fox  Hilkemann  Lindstrom  Schumacher
Bloomfield  Friesen  Hughes  McCoy  Seiler
B拉斯ch  Gloor  Johnson  Pansing  Brooks  Smith
Chambers  Groene  Kolowski  Riepe  Stinner
Craighead  Haar, K.  Koltermann  Scheer  Sullivan
Crawford  Hadley  Kuehn  Schilz  Watermeier
Ebke  Hansen  Larson  Schnoor

Voting in the negative, 0.

Present and not voting, 10:

Campbell  Cook  Harr, B.  Krist  Morfeld
Coash  Davis  Howard  Mello  Williams

Excused and not voting, 5:

Bolz  Garrett  Kintner  McCollister  Murante

The appointment was confirmed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 379:

- Game and Parks Commission
  - Richard R. Bell

Voting in the affirmative, 36:

Baker  Fox  Hilkemann  Larson  Schnoor
Bloomfield  Friesen  Howard  Lindstrom  Schumacher
Bolz  Gloor  Johnson  McCoy  Seiler
Brasch  Groene  Kolowski  Pansing  Brooks  Smith
Chambers  Haar, K.  Koltermann  Riepe  Stinner
Craighead  Hadley  Krist  Scheer  Sullivan
Crawford  Hansen  Kuehn  Schilz  Watermeier
Ebke
Voting in the negative, 0.

Present and not voting, 10:

<table>
<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Campbell</td>
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<td>Coash</td>
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<td>Harr, B.</td>
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<tr>
<td>Kintner</td>
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<td>Morfeld</td>
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</tbody>
</table>

Excused and not voting, 3:

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<tr>
<td>Garrett</td>
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<tr>
<td>McCollister</td>
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<td>Murante</td>
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</table>

The appointment was confirmed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 665.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 666.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 667.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 289.** Senator Chambers renewed his motion, MO165, found on page 397, to recommit to Judiciary Committee.

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

Senator Kuehn moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Kuehn requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 10:

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<th>Name</th>
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<tbody>
<tr>
<td>Bolz</td>
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<tr>
<td>Coash</td>
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<tr>
<td>Gloor</td>
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<tr>
<td>Howard</td>
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<tr>
<td>Murante</td>
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</tbody>
</table>

Voting in the negative, 31:
The motion to cease debate failed with 10 ayes, 31 nays, 7 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 505A. Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 505, One Hundred Fourth Legislature, Second Session, 2016.

MOTION - Print in Journal

Senator B. Harr filed the following motion to LB926:

MO166

Withdraw bill.

AMENDMENT(S) - Print in Journal

Senator Cook filed the following amendment to LB289:

AM1900

1 1. Insert the following new section:
2 Sec. 6. Section 42-924, Revised Statutes Cumulative Supplement, 3 2014, is amended to read:
4 42-924 (1)(a) (4) Any victim of domestic abuse may file a petition 5 and affidavit for a protection order as provided in subsection (2) of
this section. Upon the filing of such a petition and affidavit in support
thereof, the court may issue a protection order without bond granting the
following relief:

(i) Enjoining the respondent from imposing any restraint upon the
petitioner or upon the liberty of the petitioner;
(ii) Enjoining the respondent from threatening, assaulting,
 molestation, attacking, or otherwise disturbing the peace of the
petitioner;
(iii) Enjoining the respondent from telephoning, contacting, or
otherwise communicating with the petitioner;
(iv) Removing and excluding the respondent from the residence of
the petitioner, regardless of the ownership of the residence;
(v) Ordering the respondent to stay away from any place specified
by the court;
(vi) Awarding the petitioner temporary custody of any minor
children not to exceed ninety days; or
(vii) Enjoining the respondent from possessing or purchasing a firearm
as defined in section 28-1201; or
(viii) Ordering such other relief deemed necessary to provide for
the safety and welfare of the petitioner and any designated family or
household member.
(b) An order issued pursuant to this subsection that meets the
requirements of 18 U.S.C. 922(g)(8)(A) through (C), as such section
existed on the effective date of this act, shall enjoin the respondent
from possessing or purchasing a firearm, as defined in section 28-1201,
for the length of the order.
(2) Petitions for protection orders shall be filed with the clerk of
the district court, and the proceeding may be heard by the county court
or the district court as provided in section 25-2740.
(3) A petition filed pursuant to subsection (1) of this section may
not be withdrawn except upon order of the court. An order issued pursuant
to subsection (1) of this section shall specify that it is effective for
a period of one year and, if the order grants temporary custody, the
number of days of custody granted to the petitioner unless otherwise
modified by the court.
(4) Any person who knowingly violates a protection order issued
pursuant to subsection (1) of this section or section 42-931 after
service or notice as described in subsection (2) of section 42-926 shall
be guilty of a Class I misdemeanor, except that any person convicted of
violating such order who has a prior conviction for violating a
protection order shall be guilty of a Class IV felony.
(5) If there is any conflict between sections 42-924 to 42-926 and
any other provision of law, sections 42-924 to 42-926 shall govern.
2. Renumber the remaining section and correct the repealer accordingly.
Senator Cook filed the following amendment to LB289:

AM1901

1. Insert the following new section:

Sec. 6. Section 28-1206, Revised Statutes Cumulative Supplement, 2014, is amended to read:

28-1206 (1)(a) Any person who possesses a firearm, a knife, or brass or iron knuckles and who has previously been convicted of a felony, who is a fugitive from justice, or who is the subject of a current and validly issued domestic violence protection order and is knowingly violating such order, or (b) any person who possesses a firearm or brass or iron knuckles and who has been convicted within the past seven years of a misdemeanor crime of domestic violence, commits the offense of possession of a deadly weapon by a prohibited person.

2. The felony conviction may have been had in any court in the United States, the several states, territories, or possessions, or the District of Columbia.

3(a) Possession of a deadly weapon which is not a firearm by a prohibited person is a Class III felony.

(b) Possession of a deadly weapon which is a firearm by a prohibited person is a Class ID felony for a first offense and a Class IB felony for a second or subsequent offense.

4(a)(i) For purposes of this section, misdemeanor crime of domestic violence means:

(A)(I) A crime that is classified as a misdemeanor under the laws of the United States or the District of Columbia or the laws of any state, territory, possession, or tribe;

(II) A crime that has, as an element, the use or attempted use of physical force or the threatened use of a deadly weapon; and

(III) A crime that is committed by another against his or her spouse, his or her former spouse, a person with whom he or she has a child in common whether or not they have been married or lived together at any time, or a person with whom he or she is or was involved in a dating relationship as defined in section 28-323; or

(B)(I) Assault in the third degree under section 28-310, stalking under subsection (1) of section 28-311.04, false imprisonment in the second degree under section 28-315, or first offense domestic assault in the third degree under subsection (1) of section 28-323 or any attempt or conspiracy to commit one of these offenses; and

(ii) A person shall not be considered to have been convicted of a misdemeanor crime of domestic violence unless:

(A) The person was represented by counsel in the case or knowingly and intelligently waived the right to counsel in the case; and

(B) In the case of a prosecution for a misdemeanor crime of domestic violence for which a person was entitled to a jury trial in
jurisdiction in which the case was tried, either:
(II) The person knowingly and intelligently waived the right to have
the case tried to a jury.
(b) For purposes of this section, subject of a current and validly
issued domestic violence protection order pertains to a current court
order that was validly issued pursuant to section 28-311.09 or 42-924 or
that meets or exceeds the criteria set forth in section 28-311.10
regarding protection orders issued by a court in any other state or a
territory, possession, or tribe.
2. Renumber the remaining section and correct the repealer
1 accordingly.

Senator Mello filed the following amendment to LB560:
AM1897
1 1. Strike the original section and insert the following new section:
2 Section 1. The Board of Regents of the University of Nebraska
3 approved the creation of the Nebraska Innovation Campus in 2009. The
4 objective of the Nebraska Innovation Campus is to leverage the research
and talent of the University of Nebraska to produce economic development
for the State of Nebraska. The Board of Regents subsequently created the
Nebraska Innovation Campus Development Corporation whose function is to
provide strategic direction and oversight over the development of the
Nebraska Innovation Campus.
10 The Legislature finds that innovation is increasingly important in
11 the creation of new companies and the success of established ones. The
12 Legislature acknowledges that the achievement of the objective of the
13 Nebraska Innovation Campus requires a long-term strategy.
14 The Legislature determines that quantifiable measurements and
15 benchmarks are required to track and evaluate the performance of the
16 Nebraska Innovation Campus and its development corporation.
17 The following measurements regarding the Nebraska Innovation Campus
18 shall be reported to the Legislature by the Nebraska Innovation Campus
19 Development Corporation:
20 (1) The percentage of investments by the state and university
21 compared to private sector investments;
22 (2) The number of square feet of construction;
23 (3) The number of private companies located on Nebraska Innovation
24 Campus;
25 (4) The number of private sector jobs located on Nebraska Innovation
26 Campus;
27 (5) The amount of private sector research funding to the university
attributable to Nebraska Innovation Campus;
28 (6) The number of internships or other employment opportunities
provided by private sector companies at Nebraska Innovation Campus to
university students;
29 (7) The percentage of facilities leased by private sector companies;
30 (8) The number of new businesses started or supported at Nebraska
Innovation Campus;
8 (9) The number of conferences and participants at Nebraska Innovation Campus; and
9 (10) The diversity of the appointments to the Nebraska Innovation Campus Development Corporation Board of Directors.
10 The report shall be submitted electronically to the Clerk of the Legislature by December 1 of each year.

NOTICE OF COMMITTEE HEARING(S)
Banking, Commerce and Insurance

Room 1507

Tuesday, February 16, 2016 1:30 p.m.
LB740
LB796
LB856
LB1041

Monday, February 22, 2016 1:30 p.m.
LB873
LB1025
LB1050

(Signed) Jim Scheer, Chairperson

Education

Room 1525

Monday, February 1, 2016 1:30 p.m.
LB1026
LB1064
LB1066

Tuesday, February 2, 2016 1:30 p.m.
LB1086
LB1052
LB1002

(Signed) Kate Sullivan, Chairperson
LEGISLATIVE RESOLUTION 422. Introduced by Campbell, 25.

WHEREAS, on February 1, 1966, the city of Lincoln purchased from the Consumers Public Power District the properties in and around Lincoln which officially established the Lincoln Electric System (LES); and

WHEREAS, the purchase agreement initially provided that the electric system would be managed by the Consumers Public Power District with oversight by the City Power Advisory Board; and

WHEREAS, in November 1970, Lincoln voters overwhelmingly approved a ballot measure to create a semiautonomous administrative board to provide management of LES; and
WHEREAS, the LES administrative board hired Walter A. Canney effective August 16, 1971, to serve as the first administrator of LES; and
WHEREAS, for the past 50 years, LES customers have benefited from the key principles of local and public utility ownership which include local control, low rates, reliable service, and customer engagement; and
WHEREAS, LES has seen significant system growth over the past 50 years, including a growth in gross revenues from $11 million in 1966 to approximately $315 million in 2015; and
WHEREAS, for the past 50 years, LES has provided Lincoln homes and businesses with reliable, safe, and efficient electric service at retail rates which are consistently among the lowest in the country; and
WHEREAS, for the past 50 years, Lincoln has been well served by the many local people serving local people, including the 80 Lincoln residents who have served on the LES administrative board and the many men and women who have been employed by LES; and
WHEREAS, for 50 years, LES has been, and will continue to be, a valuable community asset and a proven leader in the areas of integrity, reliability, safety, customer service, environmental responsibility, energy efficiency, and fiscal responsibility.

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

1. That the Legislature congratulates the city of Lincoln, the Lincoln Electric System, and all of the present and past LES employees and board members on its 50th anniversary of operation in Lincoln.

2. That a copy of this resolution be sent to Mayor Chris Beutler and LES Administrator and Chief Executive Officer Kevin Wailes.

Laid over.

COMMITTEE REPORT(S)
Nebraska Retirement Systems

LEGISLATIVE BILL 747. Placed on General File.

(Signed) Mark Kolterman, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Coash - LB276
Mello - LB716
VISITOR(S)

Visitors to the Chamber were members of Nebraskans Against Gun Violence from across the state; Cale Giese of the Nebraska LEAD Program from Wayne; Senator Groene's daughter, Rebecca Koellner, son-in-law, Greg Koellner, granddaughter, Correy, and grandson, Hudson, from Imperial; members from ABATE of Nebraska; Mecca Slaughter from Omaha; and members of the Nebraska Firearms Owners Association.

The Doctor of the Day was Dr. Jason Bespalec from Geneva.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Bolz, the Legislature adjourned until 9:00 a.m., Tuesday, January 26, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
FOURTEENTH DAY - JANUARY 26, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 26, 2016

PRAYER

The prayer was offered by Pastor Darin Bentzinger, Panama Presbyterian Church, Panama.

ROLL CALL

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

The roll was called and all members were present except Senator Coash who was excused; and Senators Bolz, Campbell, Craighead, Davis, Hansen, Mello, Morfeld, Pansing Brooks, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirteenth day was approved.

COMMITTEE REPORT(S)
Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Jeff Fassett, Director - Department of Natural Resources

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Ken Schilz, Chairperson
NOTICE OF COMMITTEE HEARING(S)
Natural Resources
Room 1525

Wednesday, February 3, 2016 1:30 p.m.
LB902

Thursday, February 4, 2016 1:30 p.m.
LB736
LB863

Friday, February 5, 2016 1:30 p.m.
LB887
LB897

(Signed) Ken Schilz, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 665. Placed on Select File.
LEGISLATIVE BILL 666. Placed on Select File.
LEGISLATIVE BILL 667. Placed on Select File.

(Signed) Matt Hansen, Chairperson

MOTION - Withdraw LB926

Senator B. Harr offered his motion, MO166, found on page 407, to withdraw LB926.

The B. Harr motion to withdraw the bill prevailed with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.
MOTION(S) - Confirmation Report(s)

Senator Gloor moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 392:

Department of Revenue
Tony Fulton, Tax Commissioner

Voting in the affirmative, 37:

<table>
<thead>
<tr>
<th>Baker</th>
<th>Fox</th>
<th>Howard</th>
<th>Murante</th>
<th>Smith</th>
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<td>Davis</td>
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<td>Schumacher</td>
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<tr>
<td>Ebke</td>
<td>Harr, B.</td>
<td>Morfeld</td>
<td>Seiler</td>
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Voting in the negative, 0.

Present and not voting, 6:

<table>
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<tr>
<th>Hilkemann</th>
<th>Krist</th>
<th>McCollister</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kolterman</td>
<td>Larson</td>
<td>McCoy</td>
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</table>

Excused and not voting, 6:

<table>
<thead>
<tr>
<th>Bolz</th>
<th>Coash</th>
<th>Hansen</th>
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<tbody>
<tr>
<td>Campbell</td>
<td>Craighead</td>
<td>Mello</td>
</tr>
</tbody>
</table>

The appointment was confirmed with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 392:

Game and Parks Commission
Dan C. Kreitman

Voting in the affirmative, 33:

<table>
<thead>
<tr>
<th>Baker</th>
<th>Ebke</th>
<th>Hadley</th>
<th>Lindstrom</th>
<th>Schumacher</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bloomfield</td>
<td>Fox</td>
<td>Hansen</td>
<td>Morfeld</td>
<td>Seiler</td>
</tr>
<tr>
<td>Brasch</td>
<td>Friesen</td>
<td>Hilkemann</td>
<td>Pansing</td>
<td>Brooks</td>
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<tr>
<td>Chambers</td>
<td>Garrett</td>
<td>Hughes</td>
<td>Riepe</td>
<td>Sullivan</td>
</tr>
<tr>
<td>Cook</td>
<td>Gloor</td>
<td>Johnson</td>
<td>Scheer</td>
<td>Williams</td>
</tr>
<tr>
<td>Crawford</td>
<td>Groene</td>
<td>Kintner</td>
<td>Schilz</td>
<td></td>
</tr>
<tr>
<td>Davis</td>
<td>Haar, K.</td>
<td>Kolowski</td>
<td>Schnoor</td>
<td></td>
</tr>
</tbody>
</table>

Voting in the negative, 0.

Present and not voting, 11:

Harr, B.  Krist  McCollister  Smith
Howard  Kuehn  McCoy  Watermeier
Kolterman  Larson  Murante

Excused and not voting, 5:

Bolz  Campbell  Coash  Craighead  Mello

The appointment was confirmed with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 392:

Nebraska Ethanol Board
Timothy L. Else
Jan Tenbensel

Voting in the affirmative, 36:

Baker  Crawford  Hansen  McCollister  Stinner
Bloomfield  Fox  Hilkemann  Pansing  Brooks  Sullivan
Bolz  Friesen  Howard  Scheer  Watermeier
Brasch  Garrett  Hughes  Schilz  Williams
Campbell  Gloor  Johnson  Schnoor
Chambers  Groene  Kintner  Schumacher
Cook  Haar, K.  Kolowski  Seiler
Craighead  Hadley  Kolterman  Smith

Voting in the negative, 0.

Present and not voting, 12:

Davis  Krist  Lindstrom  Morfeld
Ebke  Kuehn  McCoy  Murante
Harr, B.  Larson  Mello  Riepe

Excused and not voting, 1:

Coash

The appointments were confirmed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.
GENERAL FILE

LEGISLATIVE BILL 289. Senator Chambers renewed his motion, MO165, found on page 397 and considered on page 406, to recommit to Judiciary Committee.

PRESIDENT FOLEY PRESIDING

Senator Groene moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 3 nays, 15 present and not voting, and 1 excused and not voting.

Senator Kintner moved for a call of the house. The motion prevailed with 43 ayes, 0 nays, and 6 not voting.

Senator Kintner requested a roll call vote on the Chambers motion to recommit to committee.

Voting in the affirmative, 10:

<table>
<thead>
<tr>
<th>Campbell</th>
<th>Haar, K.</th>
<th>Howard</th>
<th>Pansing</th>
<th>Brooks</th>
<th>Seiler</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cook</td>
<td>Hansen</td>
<td>Krist</td>
<td>Schumacher</td>
<td>Sullivan</td>
<td></td>
</tr>
</tbody>
</table>

Voting in the negative, 31:

| Bloomfield | Friesen | Johnson | McCoy | Stinner |
| Brasch     | Garrett  | Kintner | Murante | Watermeier |
| Craighead | Gloor    | Koltermann | Riepe | Williams |
| Crawford   | Groene   | Kuehn   | Scheer |
| Davis      | Hadley   | Larson  | Schilz |
| Ebke       | Hilkemann| Lindstrom | Schnoor |
| Fox        | Hughes   | McCollister | Smith |

Present and not voting, 7:

<table>
<thead>
<tr>
<th>Baker</th>
<th>Chambers</th>
<th>Kolowski</th>
<th>Morfeld</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bolz</td>
<td>Harr, B.</td>
<td>Mello</td>
<td></td>
</tr>
</tbody>
</table>

Excused and not voting, 1:

| Coash |

The Chambers motion to recommit to committee failed with 10 ayes, 31 nays, 7 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.
REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Adam, Colleen - Coordinating Commission for Postsecondary Education - Education
Derr, J. Russell - Public Employees Retirement Board - Nebraska Retirement Systems
Hunter, Ronald - Coordinating Commission for Postsecondary Education - Education
Peetz, Jeffery T. - Nebraska Accountability and Disclosure Commission - Government, Military and Veterans Affairs
Propp, Margaret - Commission for the Deaf and Hard of Hearing - Health and Human Services
Seiler, Peter - Commission for the Deaf and Hard of Hearing - Health and Human Services

(Signed) Bob Krist, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARING(S)

Revenue
Room 1524

Wednesday, February 3, 2016 1:30 p.m.

LB889
LB886
LB907
LB951

Thursday, February 4, 2016 1:30 p.m.

LB958
LB717
LB940

(Signed) Mike Gloor, Chairperson
Thursday, February 4, 2016 1:30 p.m.

Agency 16 - Revenue, Department of
Agency 65 - Administrative Services, Department of
Agency 71 - Nebraska Energy Office
Agency 85 - Public Employees Retirement Board, Nebraska
Agency 93 - Tax Equalization and Review Commission
LB809

Friday, February 5, 2016 1:30 p.m.

Agency 11 - Attorney General
LB1006
LB1017
LB1028
LB1091

Monday, February 8, 2016 1:30 p.m.

Agency 25 - Health and Human Services
LB911
LB923
LB931
LB988
LB1030
LB1093

Tuesday, February 9, 2016 1:30 p.m.

Agency 13 - Education, Department of
LB800
LB838
LB1053
LB1074

Wednesday, February 10, 2016 1:30 p.m.

Agency 78 - Nebraska Commission on Law Enforcement and Criminal Justice
Agency 46 - Correctional Services, Department of
LB733
Thursday, February 11, 2016 1:30 p.m.

Agency 9 - Secretary of State
Agency 10 - Auditor of Public Accounts
Agency 14 - Public Service Commission
Agency 24 - Motor Vehicles, Department of
LB715
LB789
LB1018

Room 1524

Tuesday, February 16, 2016 1:30 p.m.

Agency 27 - Roads, Department of
LB960

(Signed) Heath Mello, Chairperson

GENERAL FILE

LEGISLATIVE BILL 289. Senator Chambers offered the following motion:
MO167
Reconsider the vote taken to recommit to committee.

Pending.

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 731. Placed on General File.
LEGISLATIVE BILL 853. Placed on General File.

LEGISLATIVE BILL 778. Placed on General File with amendment.
AM1874
1 1. On page 7, strike lines 1 and 2 and insert the following new subdivision:
3 "(b) Control in the case of any other entity means (i) the power,
4 directly or indirectly, to direct the management of policies of the
5 entity, (ii) the contribution of twenty-five percent or more of the
6 capital of the entity; or (iii) the right to receive, upon dissolution,
7 twenty-five percent or more of the capital of the entity."

(Signed) Jim Scheer, Chairperson
FOURTEENTH DAY - JANUARY 26, 2016

NOTICE OF COMMITTEE HEARING(S)
Transportation and Telecommunications

Room 1113

Tuesday, February 9, 2016 1:30 p.m.
LB996 (cancel)

Monday, February 8, 2016 1:30 p.m.
LB996

Tuesday, February 23, 2016 1:30 p.m.
LB1068

(Signed) Jim Smith, Chairperson

Health and Human Services

Room 1510

Wednesday, February 3, 2016 1:30 p.m.
LB818
LB684
LB866

Thursday, February 4, 2016 1:00 p.m.

Annual Committee Briefing by DHHS Division of Developmental Disabilities
Courtney L. Miller - Department of Health and Human Services
LB895
LB1039
LB1033

Friday, February 5, 2016 1:30 p.m.
LB979
LB962
LB963

(Signed) Kathy Campbell, Chairperson
RESOLUTION(S)

LEGISLATIVE RESOLUTION 423. Introduced by Kolterman, 24; Chambers, 11.

WHEREAS, Elaine and Boyd ("Bud") Stuhr celebrated their 60th wedding anniversary on January 20, 2016; and
WHEREAS, Elaine and Bud were married January 20, 1956, at Zion Lutheran Church in Thayer; and
WHEREAS, Elaine and Bud became parents to two daughters, Cynthia and Teresa, and one son, Boyd Jr. Elaine and Bud also have six grandchildren and two great-grandchildren; and
WHEREAS, Elaine served as a state senator in the Nebraska Legislature from 1995 to 2007 and has dedicated her life to public service.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates Elaine and Bud Stuhr on their 60th wedding anniversary and thanks Elaine for her service to this state.
2. That a copy of this resolution be sent to Elaine and Bud Stuhr.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Morfeld filed the following amendment to LB289:
AM1915
1 1. Strike the original sections and insert the following new section:
3 Section 1. (1) Notwithstanding any other provision of any law or any rule or regulation of this state or any political subdivision thereof:
5 any person who is not otherwise prohibited from transporting, shipping,
6 or receiving a firearm shall be entitled to transport a firearm for any lawful purpose from any place where he or she may lawfully possess and carry such firearm to any other place where he or she may lawfully possess and carry such firearm, subject to the requirements in subsection (2) of this section.
11 (2) This section shall apply if, during such transportation, the firearm is unloaded, and neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of such transporting vehicle. In the case of a vehicle without a compartment separate from the driver’s compartment, the firearm or ammunition shall be contained in a locked container other than the glove compartment or console.

Senator Mello filed the following amendment to LB289:
AM1910
1 1. Strike original sections 1 and 2.
2 2. On page 17, after line 3, insert the following new subsection:
"(5) This section shall not apply to any city of the metropolitan class or city of the primary class."
3 3. Renumber the remaining sections and correct the repealer accordingly.

Senator Mello filed the following amendment to LB289:
AM1918
1 1. Strike original sections 1 and 2.
2 2. On page 17, after line 3, insert the following new subsection:
3 "(5) This section shall not apply to any city of the metropolitan class or city of the primary class."
5 3. Renumber the remaining sections and correct the repealer accordingly.

Senator Johnson filed the following amendment to LB136:
AM1768
1 1. Insert the following new section:
2 Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.

Senator Smith filed the following amendment to LB977:
AM1895
1 1. On page 2, line 9, after "(2)" insert "An implement of husbandry being operated on any highway of this state shall not cross any bridge or culvert in which the vehicle axle, axle groupings, or gross weight exceeds the limits established in subsections (2), (3), and (4) of section 60-6,294, or weight limits established by bridge postings."
6 (3)"

NOTICE OF COMMITTEE HEARING(S)
Health and Human Services
Room 1510

Wednesday, February 3, 2016 1:30 p.m.

LB802

(Signed) Kathy Campbell, Chairperson

VISITOR(S)
Visitor to the Chamber was Ryan Bergh from Omaha.

The Doctor of the Day was Dr. David Hoelting from Pender.
MOTION - Recess

Senator Chambers moved to recess until 12:30 p.m.

The motion failed.

MOTION - Adjournment

Senator Seiler moved to adjourn until 9:00 a.m., Wednesday, January 27, 2016.

Senator Chambers moved for a call of the house. The motion failed with 15 ayes, 18 nays, 11 present and not voting, and 5 excused and not voting.

Senator Chambers requested a roll call vote on the motion to adjourn.

The Seiler motion to adjourn prevailed with 17 ayes, 8 nays, 19 present and not voting, and 5 excused and not voting, and at 12:04 p.m., the Legislature adjourned until 9:00 a.m., Wednesday, January 27, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
FIFTEENTH DAY - JANUARY 27, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 27, 2016

PRAYER

The prayer was offered by Reverend Scott Porath, Immanuel Lutheran Church, Eagle.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Coash who was excused; and Senators Bolz, Craighead, Gloor, McCollister, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourteenth day was approved.

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 864. Placed on General File.

LEGISLATIVE BILL 700. Placed on General File with amendment. AM1889
1 1. On page 2, line 16, after the comma insert "except for an
2 amendment that serves only to correct a misspelling or other
3 typographical error."

LEGISLATIVE BILL 703. Placed on General File with amendment. AM1877
1 1. On page 2, line 27, after the period insert "If the owner or
2 occupant of the lot or piece of ground does not request a hearing with
3 the city within five days after receipt of such notice or fails to comply
4 with the order to abate and remove the nuisance, the city may have such
5 work done."
6 2. On page 4, line 4, after the period insert "If the owner or
occupant of the lot or piece of ground does not request a hearing with
the city or village within five days after receipt of such notice or
fails to comply with the order to abate and remove the nuisance, the city
or village may have such work done."

LEGISLATIVE BILL 705. Placed on General File with amendment.
AM1884
1 1. On page 12, line 3, strike "remonstrance" and show as stricken.
2 2. On page 18, line 22, after "ordinance" insert "or as provided
3 under section 16-252".
4 3. On page 54, line 13, strike "paving and" and show as stricken.

(Signed) Sue Crawford, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR Committee
LB1095 Revenue (rereferred)

(Signed) Bob Krist, Chairperson
Executive Board

GENERAL FILE

LEGISLATIVE BILL 289. Senator Chambers renewed his motion,
MO167, found on page 422, to reconsider the vote taken to recommit to
committee.

SPEAKER HADLEY PRESIDING

Senator Ebke offered the following motion:
MO169
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Ebke moved for a call of the house. The motion prevailed with 38
ayes, 0 nays, and 11 not voting.

Senator Ebke requested a roll call vote on the motion to invoke cloture.

Senator Chambers requested the roll call vote be taken in regular order.
Voting in the affirmative, 32:

Bloomfield  Fox  Johnson  McCoy  Smith
Bolz  Friesen  Kintner  Murante  Stinner
Brasch  Garrett  Kolterman  Riepe  Watermeier
Craighead  Gloor  Kuehn  Scheer  Williams
Crawford  Groene  Larson  Schilz
Davis  Hilkemann  Lindstrom  Schnoor
Ebke  Hughes  McCollister  Seiler

Voting in the negative, 10:

Campbell  Cook  Hadley  Harr, B.  Krist
Chambers  Haar, K.  Hansen  Howard  Sullivan

Present and not voting, 6:

Baker  Mello  Pansing  Brooks
Kolowski  Morfeld  Schumacher

Excused and not voting, 1:

Coash

The Ebke motion to invoke cloture failed with 32 ayes, 10 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**COMMITTEE REPORT(S)**
Banking, Commerce and Insurance

**LEGISLATIVE BILL 729.** Placed on General File.
**LEGISLATIVE BILL 758.** Placed on General File.
**LEGISLATIVE BILL 772.** Placed on General File.
**LEGISLATIVE BILL 819.** Placed on General File.
**LEGISLATIVE BILL 840.** Placed on General File.

(Signed) Jim Scheer, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**
Nebraska Retirement Systems

Room 1525

Tuesday, February 9, 2016 12:00 p.m.

LB1069

(Signed) Mark Kolterman, Chairperson
Wednesday, February 3, 2016 1:30 p.m.

LB953
LB780
LB1103
LB934
LB1008

(Signed) Les Seiler, Chairperson

Revenue
Room 1524

Wednesday, February 3, 2016 1:30 p.m.

LB951 (cancel)

Wednesday, February 3, 2016 1:30 p.m.

LB1015

(Signed) Mike Gloor, Chairperson

Executive Board
Room 2102

Wednesday, February 3, 2016 12:00 p.m.

LB987
LB1083

Friday, February 5, 2016 12:00 p.m.

LB1022
LB1102

Monday, February 8, 2016 12:00 p.m.

LR403
LR413
LR418

(Signed) Bob Krist, Chairperson
FIFTEENTH DAY - JANUARY 27, 2016

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 3, 2016 1:30 p.m.

LB753
LB718
LB766

Thursday, February 4, 2016 1:30 p.m.

LB687
LR379CA
LB742

Friday, February 5, 2016 1:30 p.m.

LB993
LB935
LB823

(Signed) John Murante, Chairperson

Judiciary

Room 1113

Friday, February 19, 2016 1:30 p.m.

LB832
LB890
LB916
LB966

(Signed) Les Seiler, Chairperson
COMMITTEE REPORT(S)
Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Kyle Schneweis, Director - Department of Roads

Aye: 8 Brasci, Davis, Friesen, Garrett, McCoy, Murante, Seiler, Smith. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Jim Smith, Chairperson

AMENDMENT(S) - Print in Journal

Senator Fox filed the following amendment to LB289:
AM1933
1 1. On page 15, line 17, after the semicolon insert the following new
2 subdivision:
3 "(iv) Any city of the metropolitan or primary class from regulating
4 or prohibiting the possession of concealable firearms by a person who is
5 at least eighteen years of age and younger than twenty-one years of
6 age;"; and in line 18 strike "(iv)" and insert "(v)".

Senator Johnson filed the following amendment to LB798:
AM1907
1 1. On page 2, line 20, after "sections" insert "2-102.12, 2-102.20(B),"; and after the third comma insert "2-501.11,"

Senator Kuehn filed the following amendment to LB471:
AM1909
(Amendments to Standing Committee amendments, AM1809)
1 1. Strike original amendment 1 and insert the following new
2 amendment:
3 1. Strike the original sections and insert the following new
4 sections:
5 Section 1. Section 71-2454, Revised Statutes Cumulative Supplement, 2014, is amended to read:
6 71-2454 (1) An It is the intent of the Legislature that an entity
7 described in section 71-2455 shall establish a system of prescription
8 drug monitoring for the purposes of (a 1) preventing the misuse of
9 controlled substances that are prescribed in an efficient and cost-
10 effective manner and (b 2) allowing prescribers and dispensers doctors
11 and pharmacists to monitor the care and treatment of patients for whom
12 such a prescription drug is prescribed to ensure that such prescription
13 drugs are used for medically appropriate purposes and that the State of
14 Nebraska remains on the cutting edge of medical information technology.
Such system of prescription drug monitoring shall be implemented beginning January 1, 2017, and shall include, but not be limited to, provisions that:

(a) Prohibit any patient from opting out of the prescription drug monitoring system;

(b) Require all prescriptions dispensed in this state or to an address in this state to be entered into the system by the dispenser or his or her designee daily after such prescription is dispensed, including those for patients paying cash for such prescription drug or otherwise not relying on a third-party payor for payment for the prescription drug;

(c) Allow all prescribers or dispensers of prescription drugs to access the system at no cost to such prescriber or dispenser; and

(d) Ensure that such system includes information relating to all payors, including, but not limited to, the medical assistance program established pursuant to the Medical Assistance Act.

Dispensers may begin on the effective date of this act to report dispensing of prescriptions to the entity described in section 71-2455 which is responsible for establishing the system of prescription drug monitoring.

Prescription information that shall be submitted electronically to the prescription drug monitoring system shall include:

(a) The patient’s name, address, and date of birth;

(b) The name and address of the pharmacy dispensing the prescription;

(c) The date the prescription is written;

(d) The date the prescription is filled;

(e) The name of the drug prescribed;

(f) The strength of the drug prescribed;

(g) The quantity of the drug prescribed and the number of days’ supply; and

(h) The prescriber’s name, address, and National Provider Identifier number.

Beginning January 1, 2018, a veterinarian licensed under the Veterinary Medicine and Surgery Practice Act shall be required to report a dispensed prescription of controlled substances listed on Schedule II, Schedule III, or Schedule IV pursuant to section 28-405.

For purposes of this section:

(a) Designee means any licensed or registered health care professional designated by a dispenser to act as an agent of the dispenser for purposes of submitting or accessing data in the prescription drug monitoring system and who is directly supervised by such dispenser;

(b) Dispenser means a person authorized in the jurisdiction in which he or she is practicing to deliver a prescription to the ultimate user by or pursuant to the lawful order of a prescriber but does not include (i) a licensed hospital pharmacy that distributes such prescription for the purposes of inpatient hospital care or emergency department care for the immediate use of a prescription, (ii) an authorized person who administers a prescription upon the lawful order of a prescriber, or
8 (iii) a wholesale distributor of a prescription drug monitored by the
prescription drug monitoring system, and (iv) through December 31, 2017,
a veterinarian licensed under the Veterinary Medicine and Surgery
Practice Act when dispensing prescriptions for animals in the usual
course of providing professional services; and
(c) Prescriber means a health care professional authorized to
prescribe in the profession which he or she practices.
Sec. 2. (1) The Veterinary Prescription Monitoring Program Task
Force is created. The task force shall conduct a study to develop
recommendations of which controlled substances shall be reported by a
veterinarian to the prescription monitoring program created under section
71-2454 when dispensing drugs from a veterinarian’s office or an animal
shelter. The study shall include appropriate methods and procedures of
reporting by the veterinarians with the necessary database field
information. The task force shall utilize nationally available resources
afforded by the American Association of Veterinary State Boards and the
Department of State Legislative and Regulatory Affairs of the American
Veterinary Medical Association in development of the recommendations.
(2) The task force shall consist of at least ten members appointed
by the chairperson of the Health and Human Services Committee of the
Legislature as follows: One member of the Health and Human Services
Committee; two at-large members of the Legislature; three members
selected from a list of six veterinarians provided by the Board of
Veterinary Medicine and Surgery, one of whom is employed by or provides
services at an animal shelter; one pharmacist nominated by the Nebraska
Pharmacists Association or its successor organization; and two members
nominated by the Nebraska Veterinary Medical Association or its successor
organization. The task force shall also include a representative of the
prescription drug monitoring program who shall be a nonvoting member and
serve in an advisory capacity only.
(3) The members of the task force shall be appointed within one
hundred twenty days after the effective date of this act. The initial
meeting of the task force shall be convened within one hundred eighty
days after the effective date of this act. The task force shall elect a
chairperson and may elect any additional officers from among its members.
All task force members shall serve without compensation.
(4) The task force shall report its findings and recommendations to
the Health and Human Services Committee of the Legislature on or before
December 1, 2016.
(5) For purposes of this section, animal shelter has the definition
found in section 54-626.
Sec. 3. Original section 71-2454, Revised Statutes Cumulative
Supplement, 2014, is repealed.
Sec. 4. Since an emergency exists, this act takes effect when passed
and approved according to law.

Senator Cook filed the following amendment to LB289:
AM1936
1 1. Insert the following new section:
Sec. 6. Section 42-924, Revised Statutes Cumulative Supplement, 2014, is amended to read:
4-924 (1)(a) Any victim of domestic abuse may file a petition and affidavit for a protection order as provided in subsection (2) of this section. Upon the filing of such a petition and affidavit in support thereof, the court may issue a protection order without bond granting the following relief:
(i) Enjoining the respondent from imposing any restraint upon the petitioner or upon the liberty of the petitioner;
(ii) Enjoining the respondent from threatening, assaulting, molesting, attacking, or otherwise disturbing the peace of the petitioner;
(iii) Enjoining the respondent from telephoning, contacting, or otherwise communicating with the petitioner;
(iv) Removing and excluding the respondent from the residence of the petitioner, regardless of the ownership of the residence;
(v) Ordering the respondent to stay away from any place specified by the court;
(vi) Awarding the petitioner temporary custody of any minor children not to exceed ninety days; or
(vii) Enjoining the respondent from possessing or purchasing a firearm as defined in section 28-1201; or
(viii) Ordering such other relief deemed necessary to provide for the safety and welfare of the petitioner and any designated family or household member.
(b) An order issued pursuant to this subsection that meets the requirements of 18 U.S.C. 922(g)(8)(A) through (C), as such section existed on the effective date of this act, shall enjoin the respondent from possessing or purchasing a firearm, as defined in section 28-1201, for the length of the order.
(2) Petitions for protection orders shall be filed with the clerk of the district court, and the proceeding may be heard by the county court or the district court as provided in section 25-2740.
(3) A petition filed pursuant to subsection (1) of this section may not be withdrawn except upon order of the court. An order issued pursuant to subsection (1) of this section shall specify that it is effective for a period of one year and, if the order grants temporary custody, the number of days of custody granted to the petitioner unless otherwise modified by the court.
(4) Any person who knowingly violates a protection order issued pursuant to subsection (1) of this section or section 42-931 after service or notice as described in subsection (2) of section 42-926 shall be guilty of a Class I misdemeanor, except that any person convicted of violating such order who has a prior conviction for violating a protection order shall be guilty of a Class IV felony.
(5) If there is any conflict between sections 42-924 to 42-926 and any other provision of law, sections 42-924 to 42-926 shall govern.
2. Renumber the remaining section and correct the repealer accordingly.
Senator Cook filed the following amendment to LB289: AM1937

1 1. Insert the following new section:
2 Sec. 6. Section 28-1206, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:
4 28-1206 (1)(a) Any person who possesses a firearm, a knife, or brass
5 or iron knuckles and who has previously been convicted of a felony, who
6 is a fugitive from justice, or who is the subject of a current and
7 validly issued domestic violence protection order and is knowingly
8 violating such order, or (b) any person who possesses a firearm or brass
9 or iron knuckles and who has been convicted within the past seven years
10 of a misdemeanor crime of domestic violence, commits the offense of
11 possession of a deadly weapon by a prohibited person.
12 (2) The felony conviction may have been had in any court in the
13 United States, the several states, territories, or possessions, or the
14 District of Columbia.
15 (3)(a) Possession of a deadly weapon which is not a firearm by a
16 prohibited person is a Class III felony.
17 (b) Possession of a deadly weapon which is a firearm by a prohibited
18 person is a Class IIB felony for a first offense and a Class IIB felony for
19 a second or subsequent offense.
20 (4)(a)(i) For purposes of this section, misdemeanor crime of
21 domestic violence means:
22 (A)(I) A crime that is classified as a misdemeanor under the laws of
23 the United States or the District of Columbia or the laws of any state,
24 territory, possession, or tribe;
25 (II) A crime that has, as an element, the use or attempted use of
26 physical force or the threatened use of a deadly weapon; and
27 (III) A crime that is committed by another against his or her
28 spouse, his or her former spouse, a person with whom he or she has a
29 child in common whether or not they have been married or lived together
30 at any time, or a person with whom he or she is or was involved in a
31 dating relationship as defined in section 28-323; or
32 (B)(I) Assault in the third degree under section 28-310, stalking
33 under subsection (1) of section 28-311.04, false imprisonment in the
34 second degree under section 28-315, or first offense domestic assault in
35 the third degree under subsection (1) of section 28-323 or any attempt or
36 conspiracy to commit one of these offenses; and
37 (II) The crime is committed by another against his or her spouse,
38 his or her former spouse, a person with whom he or she has a child in
39 common whether or not they have been married or lived together at any
40 time, or a person with whom he or she is or was involved in a dating
41 relationship as defined in section 28-323.
42 (ii) A person shall not be considered to have been convicted of a
43 misdemeanor crime of domestic violence unless:
44 (A) The person was represented by counsel in the case or knowingly
45 and intelligently waived the right to counsel in the case; and
46 (B) In the case of a prosecution for a misdemeanor crime of domestic
47 violence for which a person was entitled to a jury trial in the
jurisdiction in which the case was tried, either:
22 (I) The case was tried to a jury; or
23 (II) The person knowingly and intelligently waived the right to have
24 the case tried to a jury.
25 (b) For purposes of this section, subject of a current and validly
issued domestic violence protection order pertains to a current court
order that was validly issued pursuant to section 28-311.09 or 42-924 or
28 that meets or exceeds the criteria set forth in section 28-311.10
29 regarding protection orders issued by a court in any other state or a
30 territory, possession, or tribe.
31 2. Renumber the remaining section and correct the repealer
1 accordingly.

SELECT FILE

LEGISLATIVE BILL 285. ER144, found on page 275, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 47. ER145, found on page 307, was adopted.
Senator Watermeier offered his amendment, AM1871, found on page 367.
The Watermeier amendment was adopted with 35 ayes, 0 nays, 10 present
and not voting, and 4 excused and not voting.
Senator Chambers withdrew his amendment, FA82, found on page 397.
Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 471. Title read. Considered.
Committee AM1809, found on page 225, was offered.
Senator Kuehn withdrew his amendment, AM1823, found on page 227.
Senator Kuehn offered his amendment, AM1909, found in this day's
Journal, to the committee amendments.
Senator Kuehn moved for a call of the house. The motion prevailed with 28
ayes, 0 nays, and 21 not voting.
The Kuehn amendment was adopted with 46 ayes, 0 nays, 1 present and not
voting, and 2 excused and not voting.
The Chair declared the call raised.
The committee amendment, as amended, was adopted with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 47 ayes, 0 nays, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 190. ER11, found on page 402, First Session, 2015, was adopted.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 270. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 131. Title read. Considered.

Committee AM405, found on page 537, First Session, 2015, was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

NOTICE OF COMMITTEE HEARING(S)

Business and Labor

Room 2102

Monday, February 8, 2016 1:30 p.m.

LB836
LB743
LB1001
LB1005
LB983

(Signed) Burke Harr, Chairperson
AMENDMENT(S) - Print in Journal

Senator Larson filed the following amendment to LB618:

AM1778
(Amendments to Standing Committee amendments, AM792)
1 1. On page 1, line 3; page 2, line 21; page 4, line 4; and page 6,
2 line 16, strike "2015" and insert "2016".
3 2. On page 1, line 4; page 2, line 22; page 4, line 5; and page 6,
4 line 17, strike "2020" and insert "2021".

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Davis - LB689
Gloor, Lindstrom - LB276
Fox - LB1030 and LB190

VISITOR(S)

The Doctor of the Day was Dr. Doug Bauer from Lincoln.
ADJOURNMENT

At 11:57 a.m., on a motion by Senator Sullivan, the Legislature adjourned until 9:00 a.m., Thursday, January 28, 2016.

Patrick J. O’Donnell
Clerk of the Legislature
The prayer was offered by Reverend Jerry Yount, Barada United Methodist Church, Barada.

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Cook and Scheer who were excused; and Senators Bloomfield, Craighead, Davis, Hughes, Lindstrom, McCollister, Morfeld, and Murante who were excused until they arrive.

The Journal for the fifteenth day was approved.

LEGISLATIVE BILL 285. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

Following is a list of all lobbyists who have registered as of January 27, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Anderson, Benjamin
First Five Nebraska (Withdrawn 01/26/2016)
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)


WHEREAS, Sean Lynch II, a student at Omaha Skutt Catholic High School has been selected as one of Nebraska's two delegates to the United States Senate Youth Program; and
WHEREAS, the program was established in 1962 and brings outstanding high school students who are interested in pursuing careers in public service to Washington, D.C., for an intensive week-long educational event; and
WHEREAS, in this highly competitive program, two student delegates are selected from each state, the District of Columbia, and the Department of Defense Education Activity; and
WHEREAS, Sean joins a distinguished group which has demonstrated outstanding leadership abilities, a commitment to volunteer work, and academic excellence; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievement of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates Sean Lynch II for being chosen as a Nebraska delegate to the United States Senate Youth Program, and extends its best wishes for his continued academic success and civic involvement.
2. That a copy of this resolution be sent to Sean Lynch II.

Laid over.

NOTICE OF COMMITTEE HEARING(S)
Judiciary
Room 1113
Thursday, February 4, 2016 1:30 p.m.
LB1094

(Signed) Les Seiler, Chairperson

RESOLUTION(S)
Pursuant to Rule 4, Sec. 5(b), LRs 416 and 417 were adopted.

SPEAKER SIGNED
While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR416 and LR417.

MOTION(S) - Confirmation Report(s)
Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 415:
Department of Natural Resources
Jeff Fasset, Director

Voting in the affirmative, 28:
Baker Fox Harr, B. Pansing Brooks Smith
Bolz Fiesen Hilkemann Riepe Stinner
Brasch Garrett Koltermann Schilz Sullivan
Chambers Gloor Krist Schnoor Williams
Crawford Groene Kuehn Schumacher
Ebke Hadley Mello Seiler

Voting in the negative, 0.
Present and not voting, 11:
The appointment was confirmed with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 505.** Title read. Considered.

Committee AM391, found on page 568, First Session, 2015, lost with 0 ayes, 25 nays, 19 present and not voting, and 5 excused and not voting.

Senator Krist offered the following amendment:

AM1931
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 29-3523, Revised Statutes Supplement, 2015, is
4 amended to read:
5 29-3523 (1) After the expiration of the periods described in
6 subsection (3) of this section, a criminal justice agency shall respond
7 to a public inquiry in the same manner as if there were no criminal
8 history record information and criminal history record information shall
9 not be disseminated to any person other than a criminal justice agency,
10 except as provided in subsection (2) of this section or That part of
11 criminal history record information consisting of a notation of an
12 arrest, described in subsection (3) of this section, shall not be
13 disseminated to persons other than criminal justice agencies after the
14 expiration of the periods described in subsection (3) of this section
15 except as provided in subsection (2) of this section and except when the
16 subject of the record:
17 (a) Is currently the subject of prosecution or correctional control
18 as the result of a separate arrest;
19 (b) Is currently an announced candidate for or holder of public
20 office;
21 (c) Has made a notarized request for the release of such record to a
22 specific person; or
23 (d) Is kept unidentified, and the record is used for purposes of
24 surveying or summarizing individual or collective law enforcement agency
25 activity or practices, or the dissemination is requested consisting only
26 of release of criminal history record information showing (i) dates of
27 arrests, (ii) reasons for arrests, and (iii) the nature of the
1 dispositions including, but not limited to, reasons for not prosecuting
(2) That part of criminal history record information consisting of a notation of an arrest, described in subsection (4) of this section, may be disseminated to individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that specifically authorizes access to the information, limits the use of the information to research, evaluative, or statistical activities, and ensures the confidentiality and security of the information.

(3) Except as provided in subsections (1) and (2) of this section, in the case of an arrest, citation in lieu of arrest, or referral for prosecution without citation, all criminal history record information relating to the case shall be removed from the public record as follows:

(a) When in the case of an arrest for which no charges are filed as a result of the determination of the prosecuting attorney, the criminal history record information shall not be part of the public record after one year from the date of arrest, citation in lieu of arrest, or referral for prosecution without citation;

(b) When in the case of an arrest for which charges are not filed as a result of a completed diversion, the criminal history record information shall not be part of the public record after two years from the date of arrest, citation in lieu of arrest, or referral for prosecution without citation; and

(c) When in the case of an arrest for which charges are filed, but the case is dismissed by the court (i) on motion of the prosecuting attorney, (ii) as a result of a hearing not the subject of a pending appeal, (iii) after acquittal, or (iv) after completion of a program prescribed by a drug court or any other problem solving court approved by the Supreme Court, the criminal history record information shall not be part of the public record immediately upon notification of a criminal justice agency after acquittal pursuant to subdivision (3)(c)(iii) of this section or after the entry of an order dismissing the case after three years from the date of arrest.

(4) Upon acquittal or entry of an order dismissing a case described in subdivision (3)(c) of this section, the court shall:

(a) Order that all records, including any information or other data concerning any proceedings relating to the case, including the arrest, taking into custody, petition, complaint, indictment, information, trial, hearing, adjudication, correctional supervision, dismissal, or other disposition or sentence, are not part of the public record and shall not be disseminated to persons other than criminal justice agencies, except as provided in subsection (1) or (2) of this section;

(b) Send notice of the order (i) to the Nebraska Commission on Law Enforcement and Criminal Justice, (ii) to the Nebraska State Patrol, and (iii) to law enforcement agencies, county attorneys, and city attorneys referenced in the court record;

(c) Order all parties notified under subdivision (4)(b) of this section to seal all records pertaining to the case; and
(d) If the case was transferred from one court to another, send notice of the order to seal the record to the transferring court.

(5) In any application for employment, bonding, license, education, or other right or privilege, any appearance as a witness, or any other public inquiry, a person cannot be questioned with respect to any offense for which the record is sealed. If an inquiry is made in violation of this subsection, the person may respond as if the offense never occurred.

(4) Any person arrested due to the error of a law enforcement agency may file a petition with the district court for an order to expunge the criminal history record information related to such error. The petition shall be filed in the district court of the county in which the petitioner was arrested. The county attorney shall be named as the respondent and shall be served with a copy of the petition. The court may grant the petition and issue an order to expunge such information if the petitioner shows by clear and convincing evidence that the arrest was due to error by the arresting law enforcement agency.

Sec. 2. Original section 29-3523, Revised Statutes Supplement, 2015, is repealed.

The Krist amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 505A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 275. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 474. Title read. Considered.

Committee AM347, found on page 596, First Session, 2015, was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 474A. Title read. Considered.

Senator Chambers offered the following amendment:

AM1934

1. On page 2, line 2, strike "FY2015-16" and insert "FY2016-17"; in line 4 strike "First" and insert "Second"; and in line 5 strike "2015"
3 and insert "2016".

The Chambers amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

RESOLUTION(S)


WHEREAS, Lincoln High School received a 2015 NebraskARTS Award presented by Nebraskans for the Arts; and
WHEREAS, Nebraskans for the Arts annually recognizes select schools and school districts that make notable and worthwhile contributions to the arts and arts education in Nebraska; and
WHEREAS, the award event was held in the State Capitol rotunda on October 21, 2015, and included displays of student artwork and performances from the honored schools; and
WHEREAS, Lincoln High School's International Baccalaureate program features music, theatre, and visual arts in an integrated curriculum which encourages students to develop meaningful experiences in creating, refining, and presenting their work in the classroom and the community; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates Lincoln High School for receiving a 2015 NebraskARTS Award.
2. That a copy of this resolution be sent to Lincoln High School.

Laid over.

COMMITTEE REPORT(S)

Agriculture

The Agriculture Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Ryan Ueberrhein - Beginning Farmer Board

The Agriculture Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Donald Anthony - Beginning Farmer Board  
Bradley Lubben - Beginning Farmer Board  
Todd Reed - Beginning Farmer Board


The Agriculture Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Nadine Hagedorn - Beginning Farmer Board


(Signed) Jerry Johnson, Chairperson

COMMITTEE REPORT(S)
Agriculture

LEGISLATIVE BILL 909. Placed on General File.
LEGISLATIVE BILL 921. Placed on General File.

(Signed) Jerry Johnson, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Revenue

Room 1524

Friday, February 5, 2016 1:30 p.m.

LB774  
LB671

(Signed) Mike Gloor, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 26CA. Read. Considered.

Senator Bloomfield offered the following motion:
MO170  
Bracket until April 20, 2016.
SENATOR KRIST PRESIDING

The Bloomfield motion to bracket failed with 5 ayes, 28 nays, 13 present and not voting, and 3 excused and not voting.

Senator Schumacher offered the following amendment:
FA83
   Insert after the word "electors" in line 16 of page 2: "as five questions
   (a) relating to eligible age for members of the Legislature;
   (b) relating to eligible age for the office of Governor or Lieutenant Governor;
   (c) relating to eligible age for the office of Chief Justice or Judge of the Supreme Court;
   (d) relating to eligible age for all other public offices; and
   (e) relating to the amended language regarding residency requirements for appointed members of the Legislature."

Senator Larson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Senator Schumacher moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Schumacher requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Baker   Coash    Kolowski Schnoor Williams
Bloomfield Friesen Krist Schumacher
Campbell Harr, B. McCollister Seiler
Chambers Hilkemann Pansing Brooks Sullivan

Voting in the negative, 21:

Bolz   Garrett   Kintner Morfeld Watermeier
Brasch Groene Kuehn Murante
Craighead Haar, K. Larson Riepe
Ebke Hughes Lindstrom Schilz
Fox    Johnson McCoy Stinner

Present and not voting, 7:

Crawford Hansen Kolterman Smith
Gloor Howard Mello

Excused and not voting, 4:
The Schumacher amendment lost with 17 ayes, 21 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 471. Placed on Select File with amendment.
ER148
1 1. In the Kuehn amendment, AM1909, on page 3, line 7, strike "or";
2 in line 9 strike "and" and insert "or"; and in line 18 after
3 "prescription" insert "drug".
4 2. On page 1, strike lines 2 through 5 and insert "section 71-2454,
5 Revised Statutes Cumulative Supplement, 2014; to change provisions
6 relating to prescription drug monitoring; to create a task force; to
7 provide powers and duties; to harmonize provisions; to repeal the
8 original section; and to declare an emergency.".

LEGISLATIVE BILL 270. Placed on Select File with amendment.
ER149
1 1. On page 4, line 14, strike "2015" and insert "2016".

LEGISLATIVE BILL 131. Placed on Select File with amendment.
ER150
1 1. In the Standing Committee amendments, AM405:
2 a. On page 1, line 7, strike "sections" and insert "section"; and
3 b. On page 1, lines 19 and 25; and page 2, line 22, strike "city or
4 village's" and after "proposal" insert "of the city or village".
5 2. On page 1, strike beginning with "annexation" in line 1 through
6 line 6 and insert "political subdivisions; to provide restrictions on and
7 requirements for sanitary and improvement districts subject to municipal
8 annexation.".

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Judiciary

LEGISLATIVE BILL 327. Placed on General File with amendment.
AM1777
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 25-1010, Revised Statutes Supplement, 2015, is
4 amended to read:
25-1010 (1) When an affidavit is filed in a civil action and contains the necessary allegations of an affidavit of attachment and, in addition, contains allegations that the affiant has good reason to and does believe that the named any person, partnership, limited liability company, or corporation (a) to be named has property or credits of and is indebted to the defendant, describing such property, in his or her possession or control that cannot be levied upon by attachment, with a description of such property or credits, and (b) is indebted to the defendant, a judge of any district court or county court may direct the clerk to issue a summons and order requiring such person, partnership, limited liability company, or corporation as garnishee to answer written interrogatories, to be furnished by the plaintiff and attached to such summons and order as respecting the matters set forth in this section and section 25-1026. All answers must be given in writing but do not need to be verified or given under oath. All answers so given will be deemed to be true and subject to all of the penalties of perjury in the event of willful falsification. A garnishee that is a financial institution shall be paid a fifteen-dollar fee by the plaintiff or his or her agent or attorney at the time of service of a garnishment summons which fee shall be taxed as part of the costs of the action. Failure to pay the fee renders the garnishment void and the garnishee need not answer the interrogatories or take any other action. A separate fee shall be paid under this section for each defendant if the garnishment summons is issued for more than one defendant. If a financial institution is authorized to charge a garnishment processing fee to its customer, the fee received by the financial institution under this section shall be deducted from the amount of any garnishment processing fee that the financial institution collects from its customer.

(2) Except as otherwise provided in this section, the summons and order referred to in subsection (1) of this section shall be returnable within five days after from the date of the issuance thereof and shall require the garnishee to answer within ten days after from the date of service upon him or her. The order shall inform the garnishee (a) of the penalties that may be imposed in the event of willful falsification, (b) that the garnishee is obligated to hold the property of every description and the credits of the defendant in the garnishee's possession or under his or her control at the time of the service of the order and the interrogatories until further direction from the court, (c) of the garnishee's ability to obtain discharge from liability to the defendant under section 25-1027, and (d) of the ability of the court to enter judgment against the garnishee upon failure to answer the interrogatories as provided in section 25-1028. If the answers to the interrogatories identify property or credits of the defendant in the possession of the garnishee, the clerk shall mail to the last-known address of the defendant copies of the garnishment summons and answers to interrogatories within five days after the return of the answers to the garnishee.

(3) Prior to final judgment in an action, no order of garnishment
27 shall issue for wages due from an employer to an employee.
28 (4)(a) In any case involving service of a garnishment summons on a
29 financial institution where deposits are received within this state, the
30 financial institution shall (i) if its main chartered office is located
31 in this state, designate its main chartered office for the service of
1 summons or (ii) if its main chartered office is located in another state,
2 designate any one of its offices or branches or its agent for service of
3 process in this state for service of summons. The designation of a main
4 chartered office or an office or branch or the agent for service of
5 process under this subdivision shall be made by filing a notice of
6 designation with the Department of Banking and Finance, shall contain the
7 physical address of the main chartered office or the office or branch or
8 the agent for service of process designated, and shall be effective upon
9 placement on the department web site. The department shall post the list
10 of such designated main chartered offices and offices or branches or
11 agents for service of process on its web site for access by the public. A
12 financial institution may modify or revoke a designation made under this
13 subdivision by filing the modification or revocation with the department.
14 The modification or revocation shall be effective when the department's
15 web site has been updated to reflect the modification or revocation,
16 except that the judgment creditor may rely upon the designation that was
17 modified or revoked during the thirty-day period following the effective
18 date of the modification or revocation if the summons is timely served
19 upon the financial institution. The department shall update its web site
20 to reflect a filing by a financial institution pursuant to this
21 subdivision or a modification or revocation filed by a financial
22 institution pursuant to this subdivision within ten business days
23 following the filing by the financial institution. The department web
24 site shall reflect the date its online records for each financial
25 institution have most recently been updated.
26 (b) If a financial institution where deposits are received has
27 designated its main chartered office or one of its offices or branches or
28 its agent for service of process for the service of summons, service made
29 on the main chartered office or the office or branch or the agent for
30 service of process so designated shall be valid and effective as to any
31 property or credits of the defendant in the possession or control of the
1 main chartered office of the financial institution in this state and any
2 of the financial institution offices or branches located within this
3 state. If service of summons is not made on the main chartered office or
4 the office or branch or the agent for service of process designated by
5 the financial institution, but instead is made at another office or
6 branch of the financial institution located in Nebraska, the financial
7 institution, in its discretion, and without violating any obligation to
8 its customer, may elect to treat the service of summons as valid and
9 effective as to any property or credits of the defendant in the
10 possession or control of the main chartered office of the financial
11 institution in this state and any of the financial institution offices or
12 branches located within this state. In the absence of such an election,
13 the financial institution shall file a statement with the interrogatories
14 that the summons was not served at the financial institution's designated
15 location for receiving service of summons and, therefore, was not
16 processed, and shall provide the address at which the financial
17 institution is to receive service of summons.
18 (c) For purposes of this subsection, financial institution means a
19 bank, savings bank, building and loan association, savings and loan
20 association, or credit union whether chartered by the United States, the
21 Department of Banking and Finance, or a foreign state agency.
22 (d) The notice of designation, modification, or revocation shall be
23 made by a financial institution on forms prescribed by the department.
24 (e) The Department of Banking and Finance, any employee of the
25 department, or any person acting on behalf of the department shall be
26 immune from civil and criminal liability for any acts or omissions which
27 occur as a result of the requirements of this subsection.
28 Sec. 2. Section 25-1028, Reissue Revised Statutes of Nebraska, is
29 amended to read:
30 25-1028 If the garnishee fails to answer, as required by section
31 25-1026, the garnishee he shall be presumed to be indebted to the
1 defendant in the full amount of the claim of plaintiff. Upon notice to
2 the garnishee given within such time and in such manner as the court
3 shall direct, judgment may be entered for such amount as the court may
4 find due from the garnishee.
5 Sec. 3. Section 25-1030.02, Reissue Revised Statutes of Nebraska, is
6 amended to read:
7 25-1030.02 (1) The trial of the determination of the liability of
8 the garnishee shall be conducted the same as in a civil action. If it
9 appears upon the trial of the liability of the garnishee
10 that the garnishee was (a 1) indebted to the defendant, or (b 2) had any
11 property or credits of the defendant, in the garnishee's his possession
12 or under his control at the time of being served with the notice of
13 garnishment, the garnishee he shall be liable to the plaintiff, if in
14 case judgment is finally recovered by plaintiff against the defendant, to
15 the full amount thereof, or to the amount of such indebtedness or
16 property held by the garnishee.
17 (2) The plaintiff in such event may have a judgment against the
18 garnishee (a 1) for the amount of money due from the garnishee to the
19 defendant in the original action, or (b 2) for the delivery to the
20 sheriff or to the clerk of the court of any property in the garnishee's
21 hands belonging to the defendant in the original action within a time to
22 be fixed by the court, or (c) for the value of the property same as fixed
23 in the judgment if not delivered within the time fixed.
24 Sec. 4. Section 25-1056, Revised Statutes Supplement, 2015, is
25 amended to read:
26 25-1056 (1) In all cases when a judgment has been entered by any
27 court of record and the judgment creditor or his or her agent or attorney
28 has filed an affidavit setting forth the amount due on the judgment,
29 interest, and costs in the office of the clerk of the court where the
30 judgment has been entered and that the judgment creditor or his or her
31 agent or attorney he or she has good reason to and does believe that the
named any person, partnership, limited liability company, or corporation, naming him, her, or it, has property of or and is indebted to the
judgment debtor, the clerk shall issue a summons which shall set forth
the amount due on the judgment, interest, and costs as shown in the
affidavit and require such person, partnership, limited liability
company, or corporation, as garnishee, to answer written interrogatories
to be furnished by the plaintiff and to be attached to such summons as
respecting the matters set forth in sections 25-1010 and section 25-1026.
A garnishee that is a financial institution shall be paid a fifteen-
dollar fee by the plaintiff or his or her agent or attorney at the time
of service of a garnishment summons, which fee shall be taxed as part of
the costs of the action. Failure to pay the fee renders the garnishment
void, and the garnishee need not answer the interrogatories or take any
other action. A separate fee shall be paid under this section for each
defendant if the garnishment summons is issued for more than one
defendant. If a financial institution is authorized to charge a
garnishment processing fee to its customer, the fee received by the
financial institution under this section shall be deducted from the
amount of any garnishment processing fee that the financial institution
collects from its customer. Except as otherwise provided in this section,
the summons shall be returnable within ten days after from the date
of its issuance and shall require the garnishee to answer within ten days
after from the date of service upon such garnishee him or her. Except
when wages are involved, the garnishee shall hold the property of every
description and the credits of the defendant in the garnishee's his or
her possession or under his or her control at the time of the service of
the summons and interrogatories until the further order of the court. If
the only property in the possession or under the control of the garnishee
at the time of the service of the summons and interrogatories is credits
of the defendant and the amount of such credits is not in dispute by the
garnishee, then such garnishee shall only hold the credits of the
defendant in the garnishee's his or her possession or under his or her
control at the time of the service of the summons and interrogatories to
the extent of the amount of the judgment, interest, and costs set forth
in the summons until further order of the court. When wages are involved,
the garnishee shall pay to the employee all disposable earnings exempted
from garnishment by statute, and any disposable earnings remaining after
such payment shall be retained by the garnishee until further order of
the court. Thereafter, the service of the summons and interrogatories and
all further proceedings shall be in all respects the same as is provided
for in sections 25-1010, 25-1011, and 25-1026 to 25-1031.01 unless
inconsistent with this section.
(2) If it appears from the answer of the garnishee that the judgment
debtor was an employee of the garnishee, that the garnishee otherwise
owed earnings to the judgment debtor when the garnishment order was
served, or that earnings would be owed within sixty days thereafter and
there is not a successful written objection to the order or the answer of
the garnishee filed, on application by the judgment creditor, the court
shall order that the nonexempt earnings, if any, withheld by the
garnishee after service of the order be transferred to the court for
delivery to the judgment creditor who is entitled to such earnings.
Except for garnishments in support of a person, the payments may be made
payable to the judgment creditor or assignee and shall be forwarded to
the issuing court to record the judgment payment prior to the court
delivering the payment to the judgment creditor or assignee. The court
shall, upon application of the judgment creditor, further order that the
garnishment is a continuing lien against the nonexempt earnings of the
judgment debtor. An order of continuing lien on nonexempt earnings
entered pursuant to this section shall require the garnishee to continue
to withhold the nonexempt earnings of the judgment debtor for as long as
the continuing lien remains in effect.
Beginning with the pay period during which the writ was served and
while the continuing lien remains in effect, the garnishee shall deliver
the nonexempt earnings to the court from which the garnishment was issued
for each pay period or on a monthly basis if the garnishee so desires and
shall deliver to the judgment debtor his or her exempt earnings for each
pay period.
A continuing lien ordered pursuant to this section shall be
invalid and shall have no force and effect upon the occurrence of any of
the following:
The underlying judgment is satisfied in full or vacated or
expires;
The judgment debtor leaves the garnishee's employ for more than
sixty days;
The judgment creditor releases the garnishment;
The proceedings are stayed by a court of competent jurisdiction,
including the United States Bankruptcy Court;
The judgment debtor has not earned any nonexempt earnings for at
least sixty days;
The court orders that the garnishment be quashed; or
Ninety days have expired since service of the writ. The judgment
creditor may extend the lien for a second ninety-day period by filing
with the court a notice of extension during the fifteen days immediately
prior to the expiration of the initial lien, and the continuing lien in
favor of the initial judgment creditor shall continue for a second
ninety-day period.
To determine priority, garnishments and liens shall rank
according to time of service.
Garnishments, liens, and wage assignments which are not for the
support of a person shall be inferior to wage assignments for the support
of a person. Garnishments which are not for the support of a person and
liens shall be inferior to garnishments for the support of a person.
Only one order of continuing lien against earnings due the
judgment debtor shall be in effect at one time. If an employee's wages
are already being garnished pursuant to a continuing lien at the time of
service of a garnishment upon an employer, the answer to garnishment
interrogatories shall include such information along with the date of
termination of such continuing lien and the title of the case from which
such garnishment is issued. Except as provided in subsection (4) of this
section, a continuing lien obtained pursuant to this section shall have
priority over any subsequent garnishment or wage assignment.
(6)(a) In any case involving service of a garnishment summons on a
financial institution where deposits are received within this state, the
financial institution shall (i) if its main chartered office is located
in this state, designate its main chartered office for the service of
summons or (ii) if its main chartered office is located in another state,
designate any one of its offices or branches or its agent for service of
process in this state for service of summons. The designation of a main
chartered office or an office or branch or the agent for service of
process under this subdivision shall be made by filing a notice of
designation with the Department of Banking and Finance, shall contain the
physical address of the main chartered office or the office or branch or
the agent for service of process designated, and shall be effective upon
placement on the department web site. The department shall post the list
of such designated main chartered offices and offices or branches or
agents for service of process on its web site for access by the public. A
financial institution may modify or revoke a designation made under this
subdivision by filing the modification or revocation with the department.
The modification or revocation shall be effective when the department's
web site has been updated to reflect the modification or revocation,
except that the judgment creditor may rely upon the designation that was
modified or revoked during the thirty-day period following the effective
date of the modification or revocation if the summons is timely served
upon the financial institution. The department shall update its web site
to reflect a filing by a financial institution pursuant to this
subdivision or a modification or revocation filed by a financial
institution pursuant to this subdivision within ten business days
following the filing by the financial institution. The department web
site shall reflect the date its online records for each financial
institution have most recently been updated.
(b) If a financial institution where deposits are received has
designated its main chartered office or one of its offices or branches or
its agent for service of process for the service of summons, service made
on the main chartered office or the office or branch or the agent for
service of process so designated shall be valid and effective as to any
property or credits of the defendant in the possession or control of the
main chartered office of the financial institution in this state and any
of the financial institution offices or branches located within this
state. If service of summons is not made on the main chartered office or
the office or branch or the agent for service of process designated by
the financial institution, but instead is made at another office or
branch of the financial institution located in Nebraska, the financial
institution, in its discretion, and without violating any obligation to
its customer, may elect to treat the service of summons as valid and
effective as to any property or credits of the defendant in the
possession or control of the main chartered office of the financial
institution in this state and any of the financial institution offices or
24 branches located within this state. In the absence of such an election,
25 the financial institution shall file a statement with the interrogatories
26 that the summons was not served at the financial institution's designated
27 location for receiving service of summons and, therefore, was not
28 processed, and shall provide the address at which the financial
29 institution is to receive service of summons.
30 (c) For purposes of this subsection, financial institution means a
31 bank, savings bank, building and loan association, savings and loan
1 association, or credit union whether chartered by the United States, the
2 Department of Banking and Finance, or a foreign state agency.
3 (d) The notice of designation, modification, or revocation shall be
4 made by a financial institution on forms prescribed by the department.
5 (e) The Department of Banking and Finance, any employee of the
6 department, or any person acting on behalf of the department shall be
7 immune from civil and criminal liability for any acts or omissions which
8 occur as a result of the requirements of this subsection.
9 Sec. 5. This act becomes operative on January 1, 2017.
10 Sec. 6. Original sections 25-1028 and 25-1030.02, Reissue Revised
11 Statutes of Nebraska, and sections 25-1010 and 25-1056, Revised Statutes
12 Supplement, 2015, are repealed.

LEGISLATIVE BILL 846. Placed on General File with amendment.
AM1908
1 1. Strike the original section and insert the following new section:
2 Section 1. (1) On or before January 1, 2017, the Nebraska State
3 Patrol, each county sheriff, each city or village police department, and
4 any other law enforcement agency of this state or of a political
5 subdivision of this state shall adopt a written eyewitness
6 misidentification prevention policy and provide a copy of such policy to
7 the Nebraska Commission on Law Enforcement and Criminal Justice.
8 (2) The policy required by this section shall, at a minimum, include
9 the following:
10 (a) Blind or blinded administration of the lineup, in which the
11 officer conducting the lineup is unaware of the suspect’s identity or, if
12 that is not practical, the officer uses a blinded procedure that prevents
13 him or her from seeing which photograph is being viewed by the witness at
14 a given time;
15 (b) Instructions to the eyewitness, including that the perpetrator
16 may or may not be among the persons in the identification procedure;
17 (c) Use of nonsuspect fillers that do not make the suspect
18 noticeably stand out and that generally match the witness’s description
19 of the perpetrator; and
20 (d) A requirement that, if the witness makes an identification, the
21 officer shall elicit and document the witness’s level of certainty, in
22 the witness's own words, immediately after the identification is made.
23 (3) The Nebraska Commission on Law Enforcement and Criminal Justice
24 shall develop and distribute a suggested model written eyewitness
25 misidentification prevention policy that includes the policies described
26 in subsection (2) of this section. If a law enforcement agency fails to
LEGISLATIVE JOURNAL

27 adopt its own policy as required under subsection (1) of this section,
1 the commission shall require such law enforcement agency to adopt the
2 model policy.

(Signed) Les Seiler, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 735. Placed on General File.
LEGISLATIVE BILL 785. Placed on General File.
LEGISLATIVE BILL 811. Placed on General File.
LEGISLATIVE BILL 814. Placed on General File.
LEGISLATIVE BILL 929. Placed on General File.

LEGISLATIVE BILL 880. Placed on General File with amendment.
AM1872
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 60-3,122.03, Revised Statutes Cumulative
4 Supplement, 2014, is amended to read:
5 60-3,122.03 (1) The department shall design license plates to be
6 known as Military Honor Plates. The department shall create designs
7 honoring persons who have served or are serving in the United States
8 Army, United States Army Reserve, United States Navy, United States Navy
9 Reserve, United States Marine Corps, United States Marine Corps Reserve,
10 United States Coast Guard, United States Coast Guard Reserve, United
11 States Air Force, United States Air Force Reserve, or National Guard.
12 There shall be eleven six designs, one for each of such armed forces
13 reflecting its official emblem, official seal, or other official image.
14 The issuance of plates for each of such armed forces shall be conditioned
15 on the approval of the armed forces owning the copyright to the official
16 emblem, official seal, or other official image. A person may qualify for
17 a Military Honor Plate by registering with the Department of Veterans'
18 Affairs pursuant to section 80-414. The Department of Motor Vehicles
19 shall verify the applicant's eligibility for a plate created pursuant to
20 this section by consulting the registry established by the Department of
21 Veterans' Affairs.
22 (2) The design shall be selected on the basis of limiting the
23 manufacturing cost of each plate to an amount less than or equal to the
24 amount charged for license plates pursuant to section 60-3,102. The
25 Department of Motor Vehicles shall make applications available for each
26 type of plate when it is designed. The department may adopt and
27 promulgate rules and regulations to carry out this section and section
1 60-3,122.04.
2 (3) One type of Military Honor Plates shall be alphanumeric plates.
3 The department shall:
4 (a) Assign a designation up to five characters; and
5 (b) Not use a county designation.
6 (4) One type of Military Honor Plates shall be personalized message
7 plates. Such plates shall be issued subject to the same conditions
8 specified for personalized message license plates in section 60-3,118,
9 except that a maximum of five characters may be used.
10 Sec. 2. Section 60-3,122.04, Revised Statutes Cumulative Supplement,
11 2014, is amended to read:
12 60-3,122.04 (1) An Beginning January 2, 2016, an eligible person may
13 apply to the department for Military Honor Plates in lieu of regular
14 license plates on an application prescribed and provided by the
15 department for any motor vehicle, trailer, semitrailer, or cabin trailer,
16 except for a motor vehicle or trailer registered under section 60-3,198.
17 An applicant receiving a Military Honor Plate for a farm truck with a
18 gross weight of over sixteen tons shall affix the appropriate tonnage
19 decal to the plate. The department shall make forms available for such
20 applications through the county treasurers. The license plates shall be
21 issued upon payment of the license fee described in subsection (2) of
22 this section and verification by the department of an applicant's
23 eligibility using the registry established by the Department of Veterans'
24 Affairs pursuant to section 80-414. To be eligible an applicant shall be
25 (a) active duty or reserve duty armed forces personnel serving in any of
26 the armed forces listed in subsection (1) of section 60-3,122.03, or (b)
27 a veteran of any of such armed forces who was discharged or otherwise
28 separated with a characterization of honorable or general (under
29 honorable conditions), (c) a current or former commissioned officer of
30 the United States Public Health Service or National Oceanic and
31 Atmospheric Administration who has been detailed directly to any branch
1 of such armed forces for service on active or reserve duty and who was
2 discharged or otherwise separated with a characterization of honorable or
3 general (under honorable conditions) as proven with valid orders from the
4 United States Department of Defense, a statement of service provided by
5 the United States Public Health Service, or a report of transfer or
6 discharge provided by the National Oceanic and Atmospheric
7 Administration, or (d) a trust that owns the motor vehicle, trailer,
8 semitrailer, or cabin trailer if a designated beneficiary of the trust
9 qualifies under subdivision (1)(a), (b), or (c) of this section. Any
10 person using Military Honor Plates shall surrender the plates to the
11 county treasurer if such person is no longer eligible for the plates.
12 Regular plates shall be issued to any such person upon surrender of the
13 Military Honor Plates for a three-dollar transfer fee and forfeiture of
14 any of the remaining annual fee. The three-dollar transfer fee shall be
15 remitted to the State Treasurer for credit to the Department of Motor
16 Vehicles Cash Fund.
17 (2)(a) In addition to all other fees required for registration under
18 the Motor Vehicle Registration Act, each application for initial issuance
19 or renewal of alphanumeric Military Honor Plates shall be accompanied by
20 a fee of five dollars. County treasurers collecting fees pursuant to this
21 subdivision shall remit them to the State Treasurer. The State Treasurer
22 shall credit five dollars of the fee to the Nebraska Veteran Cemetery
23 System Operation Fund.
24 (b) In addition to all other fees required for registration under
the Motor Vehicle Registration Act, each application for initial issuance
or renewal of personalized message Military Honor Plates shall be
accompanied by a fee of forty dollars. County treasurers collecting fees
pursuant to this subdivision shall remit them to the State Treasurer. The
State Treasurer shall credit twenty-five percent of the fee for initial
issuance and renewal of such plates to the Department of Motor Vehicles
Cash Fund and seventy-five percent of the fee to the Nebraska Veteran
Cemetery System Operation Fund.

(3) When the Department of Motor Vehicles receives an application
for Military Honor Plates, the department shall deliver the plates to the
county treasurer of the county in which the motor vehicle or cabin
trailer is registered. The county treasurer shall issue Military Honor
Plates in lieu of regular license plates when the applicant complies with
the other provisions of the Motor Vehicle Registration Act for
registration of the motor vehicle or cabin trailer. If Military Honor
Plates are lost, stolen, or mutilated, the licensee shall be issued
replacement license plates upon request pursuant to section 60-3,157.

(4) The owner of a motor vehicle or cabin trailer bearing Military
Honor Plates may apply to the county treasurer to have such plates
transferred to a motor vehicle other than the vehicle for which such
plates were originally purchased if such vehicle is owned by the owner of
the plates. The owner may have the unused portion of the fee for the
plates credited to the other vehicle which will bear the plates at the
rate of eight and one-third percent per month for each full month left in
the registration period. Application for such transfer shall be
accompanied by a fee of three dollars. Fees collected pursuant to this
subsection shall be remitted to the State Treasurer for credit to the
Department of Motor Vehicles Cash Fund.

(5) If the cost of manufacturing Military Honor Plates at any time
exceeds the amount charged for license plates pursuant to section
60-3,102, any money to be credited to the Nebraska Veteran Cemetery
System Operation Fund shall instead be credited first to the Highway
Trust Fund in an amount equal to the difference between the manufacturing
costs of Military Honor Plates and the amount charged pursuant to section
60-3,102 with respect to such plates and the remainder shall be credited
to the Nebraska Veteran Cemetery System Operation Fund.

(6) If the director discovers evidence of fraud in an application
for Military Honor Plates or that the holder is no longer eligible to
have Military Honor Plates, the director may summarily cancel the plates
and registration and send notice of the cancellation to the holder of the
license plates.

Sec. 3. Section 60-4,189, Revised Statutes Cumulative Supplement,
2014, is amended to read:

60-4,189 (1) An operator’s license or a state identification card
shall include a notation of the word "veteran" on the front of the
license or card as directed by the department if the individual applying
for such license or card is eligible for the license or card and (a) has
served on active duty in the armed forces of the United States, other
than active duty for training, and was discharged or otherwise separated
12 with a characterization of honorable or general (under honorable
13 conditions) from such service or has served in the United States Public
14 Health Service or the National Oceanic and Atmospheric Administration,
15 was detailed to any branch of the armed forces of the United States for
16 service on active or reserve duty, and was discharged or otherwise
17 separated with a characterization of honorable or general (under
18 honorable conditions) as proven with valid orders from the United States
19 Department of Defense, a statement of service provided by the United
20 States Public Health Service, or a report of transfer or discharge
21 provided by the National Oceanic and Atmospheric Administration, (b)
22 registers with the Department of Veterans' Affairs pursuant to section
23 80-414 as verification of such service, and (c) indicates on the
24 application under section 60-484 his or her wish to include such notation
25 on his or her license or card.
26 (2) The Department of Motor Vehicles shall consult the registry
27 established pursuant to section 80-414 before placing the notation of the
28 word "veteran" on the operator's license or state identification card
29 issued to the applicant. Such notation shall not be authorized unless the
30 registry verifies the applicant's eligibility. If the Director of Motor
31 Vehicles discovers evidence of fraud in an application under this
1 section, the director may summarily cancel the license or state
2 identification card and send notice of the cancellation to the licensee
3 or cardholder. If the Department of Motor Vehicles has information that
4 an individual is no longer eligible for the notation, the department may
5 summarily cancel the license and send notice of the cancellation to the
6 licensee or cardholder. The notation shall not be restored until the
7 Department of Motor Vehicles subsequently verifies the applicant's
8 eligibility by consulting the registry of the Department of Veterans'
9 Affairs.
10 (3) The notation authorized in subsection (1) of this section shall
11 continue to be included on the license or card upon renewal of such
12 license or card if the licensee or cardholder, at the time of renewal,
13 indicates the desire to include the notation.
14 (4) An individual may obtain a replacement operator's license or
15 state identification card to add or remove the notation authorized in
16 subsection (1) of this section by applying to the Department of Motor
17 Vehicles for such replacement license or card and, if adding the
18 notation, by meeting the requirements of subsection (1) of this section.
19 The fee for such replacement license or card shall be the fee provided in
20 section 60-4,115.
21 Sec. 4. Section 80-414, Reissue Revised Statutes of Nebraska, is
22 amended to read:
23 80-414 (1) The Department of Veterans' Affairs shall create and
24 maintain a registry of residents of Nebraska who meet the requirements of
25 subsection (1) subdivision (1)(a) or (b) of section 60-3,122.04 or
26 subsection (1) of section 60-4,189. The Department of Veterans' Affairs
27 may adopt and promulgate rules and regulations governing the
28 establishment and maintenance of the registry. The registry may be used
29 to assist the department in carrying out the duties of the department and
30 shall provide for the collection of sufficient information to identify an
31 individual who qualifies for Military Honor Plates or a notation of
1 "veteran" on his or her operator's license or state identification card
2 issued by the Department of Motor Vehicles. The registry may include
3 information such as identifying information on an individual, an
4 individual's records on active duty or reserve duty in the armed forces
5 of the United States, or an individual's status of active duty, reserve
6 duty, retired, discharged, or other.
7 (2) Any resident of Nebraska who meets the requirements of
8 subsection (1) subdivision (1)(a) or (b) of section 60-3,122.04 or
9 subsection (1) of section 60-4,189 shall register with the Department of
10 Veterans' Affairs using the registry created by this section before being
11 eligible for Military Honor Plates or a notation of "veteran" on his or
12 her operator's license or state identification card issued by the
13 Department of Motor Vehicles. No person shall be deemed eligible until
14 his or her status has been verified on the registry.
15 (3) The Department of Motor Vehicles may adopt and promulgate rules
16 and regulations governing use of the registry of the Department of
17 Veterans' Affairs for determination of eligibility for the issuance of
18 Military Honor Plates or the notation of "veteran" on operators' licenses
19 and state identification cards.
20 Sec. 5. This act becomes operative on January 1, 2017.
21 Sec. 6. Original section 80-414, Reissue Revised Statutes of
22 Nebraska, and sections 60-3,122.03, 60-3,122.04, and 60-4,189, Revised
23 Statutes Cumulative Supplement, 2014, are repealed.

(Signed) Jim Smith, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 47. Placed on Final Reading.
LEGISLATIVE BILL 190. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 426. Introduced by Mello, 5; Baker, 30;
Bolz, 29; Crawford, 45; Hadley, 37; Kolowski, 31; Kuehn, 38;
McCollister, 20; Morfeld, 46; Smith, 14; Stinner, 48; Sullivan, 41;
Williams, 36.

WHEREAS, career and technical education provides students with the
strong knowledge base and diverse skill set necessary to keep up with the
increasing demands of local, national, and global markets; and
WHEREAS, career and technical education helps grow our economy and
reduce unemployment by preparing students for careers in a variety of
sectors that need highly skilled workers; and
WHEREAS, career and technical education programs provide pathways to employment and higher education that fit the needs of students. Such programs have many proven benefits for students, such as lowering dropout rates and improving students’ prospects for career advancement.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature designates February 2016 as Career and Technical Education Month in the State of Nebraska.
2. That Nebraskans are encouraged to realize the importance of career and technical education and support those who pursue such education.
3. That Nebraskans are also encouraged to recognize the benefits that career and technical education has for the economy and for employers and employees in our communities, and the potential such education has to make Nebraska a better place to live and work.

Laid over.

COMMITTEE REPORT(S)
Judiciary

The Judiciary Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Virgil J. Patlan Sr. - Board of Parole

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.

JoAnna Briggs - Crime Victim's Reparations Committee
Brian Wachman - Crime Victim's Reparations Committee

(Signed) Les Seiler, Chairperson

ANNOUNCEMENT(S)

The State-Tribal Relations Committee designates LB1104 as its priority bill.
NOTICE OF COMMITTEE HEARING(S)
Government, Military and Veterans Affairs
Room 1507
Thursday, February 4, 2016 1:30 p.m.

LB867

(Signed) John Murante, Chairperson
Nebraska Retirement Systems
Room 1525
Monday, February 22, 2016 9:00 a.m.

Omaha Public Schools Employee Retirement System Actuarial Report
J. Russell Derr - Public Employees Retirement Board

(Signed) Mark Kolterman, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)
Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Johnson, Watermeier - LB276
Johnson - LB886 and LB952
Fox - LB1009
Larson - LR35
Williams - LB907
Watermeier - LB897 and LB915
Baker - LR422
Cook - LB947
Hansen, Morfeld - LR26CA

VISITOR(S)
Visitors to the Chamber were members of the Nebraska Youth Summit on Climate and the Hip Hop Caucus from across the state.

The Doctor of the Day was Dr. Patrick Courtney from Lincoln.

ADJOURNMENT
At 12:03 p.m., on a motion by Senator Sullivan, the Legislature adjourned until 10:00 a.m., Monday, February 1, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
SEVENTEENTH DAY - FEBRUARY 1, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 1, 2016

PRAYER

The prayer was offered by Senator Riepe.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Coash presiding.

The roll was called and all members were present except Senators Craighead, Kintner, and McCoy who were excused; and Senators Campbell, Davis, Gloor, Hil kemann, McCollister, Morfeld, Schilz, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixteenth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 505. Placed on Select File with amendment. ER153
1 1. On page 1, line 2, strike "Reissue Revised Statutes of Nebraska"
2 and insert "Revised Statutes Supplement, 2015".

LEGISLATIVE BILL 505A. Placed on Select File.

LEGISLATIVE BILL 275. Placed on Select File with amendment. ER151
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 60-6,197.06, Revised Statutes Supplement, 2015,
4 is amended to read:
5 60-6,197.06 (1) Unless otherwise provided by law pursuant to an
6 ignition interlock permit, any person operating a motor vehicle on the
7 highways or streets of this state while his or her operator's license has
been revoked pursuant to section 28-306, section 60-698, subdivision (4),
9 (5), (6), (7), (8), (9), or (10) of section 60-6,197.03, or section
10 60-6,198, or pursuant to subdivision (2)(c) or (2)(d) of section 60-6,196
11 or subdivision (4)(c) or (4)(d) of section 60-6,197 as such subdivisions
12 existed prior to July 16, 2004, shall be guilty of a Class IV felony, and
13 the court shall, as part of the judgment of conviction, revoke the
14 operator's license of such person for a period of fifteen years from the
15 date ordered by the court and shall issue an order pursuant to section
16 60-6,197.01. Such revocation and order shall be administered upon
17 sentencing, upon final judgment of any appeal or review, or upon the date
18 that any probation is revoked.
19 (2) If such person has had a conviction under this section or under
20 subsection (6) of section 60-6,196 or subsection (7) of section 60-6,197,
21 as such subsections existed prior to July 16, 2004, and operates a motor
22 vehicle on the highways or streets of this state while his or her
23 operator's license has been revoked pursuant to such conviction prior to
24 the date of the current conviction under this section, such person shall
25 be guilty of a Class IIA felony, and the court shall, as part of the
26 judgment of conviction, revoke the operator's license of such person for
27 an additional a period of fifteen years from the date ordered by the
1 court and shall issue an order pursuant to section 60-6,197.01. Such
2 revocation and order shall be administered upon sentencing, upon final
3 judgment of any appeal or review, or upon the date that any probation is
4 revoked.
5 Sec. 2. Original section 60-6,197.06, Revised Statutes Supplement,
6 2015, is repealed.
7 On page 1, line 2, strike "Reissue Revised Statutes of Nebraska"
8 and insert "Revised Statutes Supplement, 2015".

LEGISLATIVE BILL 474. Placed on Select File with amendment.
ER152 is available in the Bill Room.

LEGISLATIVE BILL 474A. Placed on Select File with amendment.
ER154
1 1. On page 1, line 3, strike "First Session, 2015" and insert
2 "Second Session, 2016".

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Revenue

LEGISLATIVE BILL 941. Placed on General File.

LEGISLATIVE BILL 776. Placed on General File with amendment.
AM1932 is available in the Bill Room.

LEGISLATIVE BILL 727. Indefinitely postponed.
The Revenue Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Robert W. Hotz - Tax Equalization and Review Commission


The Revenue Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Steven Keetle - Tax Equalization and Review Commission


(Signed) Mike Gloor, Chairperson

GENERAL FILE

LEGISLATIVE BILL 759. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 760. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 761. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 771. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 699. Title read. Considered.

Committee AM1861, found on page 349, was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.
LEGISLATIVE BILL 751. Title read. Considered.

Committee AM1852, found on page 354, was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 695. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 1 nay, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 702. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

SENATOR SCHEER PRESIDING

LEGISLATIVE BILL 775. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 737. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 427. Introduced by Cook, 13.

WHEREAS, Dr. Glenda Baskin Glover serves as the First International Vice President of Alpha Kappa Alpha Sorority, Incorporated; and
WHEREAS, Dr. Glover was initiated into Alpha Kappa Alpha in the Alpha Psi Chapter at Tennessee State University; and
WHEREAS, Dr. Glover has been active in Alpha Kappa Alpha at many levels and served in several key leadership positions; and
WHEREAS, Dr. Glover has spent her professional career as a nationally recognized educator, administrator, and advocate for excellence in education; and
WHEREAS, Dr. Glover is currently president of Tennessee State University in Nashville, Tennessee; and
WHEREAS, Alpha Kappa Alpha is celebrating its 108th anniversary in 2016; and
WHEREAS, the primary mission of Alpha Kappa Alpha is to enable its members to effectively advocate for social change that results in equality and equity for all citizens of the world; and
WHEREAS, Alpha Kappa Alpha has been serving Nebraska communities since the Gamma Beta Chapter was chartered in 1940 at the University of Nebraska Omaha.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates Dr. Glenda Baskin Glover for her outstanding service with Alpha Kappa Alpha Sorority, Incorporated.
2. That a copy of this resolution be sent to Dr. Glenda Baskin Glover.

Laid over.

LEGISLATIVE RESOLUTION 428. Introduced by Davis, 43.

WHEREAS, Hyannis Area Schools received a 2015 NebraskARTS Award presented by Nebraskans for the Arts; and
WHEREAS, Nebraskans for the Arts annually recognizes select schools and school districts that make notable and worthwhile contributions to the arts and arts education in Nebraska; and
WHEREAS, the award event was held in the State Capitol rotunda on October 21, 2015, and included displays of student artwork and performances from the honored schools; and
WHEREAS, Hyannis Area Schools has committed to making art, music, speech, and drama integral parts of its students' education and has been described as a sparkling gem nestled within the beautiful Nebraska Sandhills; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates Hyannis Area Schools for receiving a 2015 NebraskARTS Award.
2. That a copy of this resolution be sent to Hyannis Area Schools.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Howard filed the following amendment to LB471:
AM1952

(Amendments to AM1909)
1 1. Insert the following new section:
2 Sec. 3. Section 84-712.05, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 84-712.05 The following records, unless publicly disclosed in an
5 open court, open administrative proceeding, or open meeting or disclosed
6 by a public entity pursuant to its duties, may be withheld from the
7 public by the lawful custodian of the records:
8 (1) Personal information in records regarding a student, prospective
9 student, or former student of any educational institution or exempt
10 school that has effectuated an election not to meet state approval or
11 accreditation requirements pursuant to section 79-1601 when such records
12 are maintained by and in the possession of a public entity, other than
13 routine directory information specified and made public consistent with
14 20 U.S.C. 1232g, as such section existed on February 1, 2013, and
15 regulations adopted thereunder;
16 (2) Medical records, other than records of births and deaths and
17 except as provided in subdivision (5) of this section, in any form
18 concerning any person; records of elections filed under section 44-2821;
19 and patient safety work product under the Patient Safety Improvement Act;
20 (3) Trade secrets, academic and scientific research work which is in
21 progress and unpublished, and other proprietary or commercial information
22 which if released would give advantage to business competitors and serve
23 no public purpose;
24 (4) Records which represent the work product of an attorney and the
25 public body involved which are related to preparation for litigation,
26 labor negotiations, or claims made by or against the public body or which
1 are confidential communications as defined in section 27-503;
2 (5) Records developed or received by law enforcement agencies and
3 other public bodies charged with duties of investigation or examination
4 of persons, institutions, or businesses, when the records constitute a
5 part of the examination, investigation, intelligence information, citizen
6 complaints or inquiries, informant identification, or strategic or
7 tactical information used in law enforcement training, except that this
8 subdivision shall not apply to records so developed or received relating
9 to the presence of and amount or concentration of alcohol or drugs in any
10 body fluid of any person;
11 (6) Appraisals or appraisal information and negotiation records
12 concerning the purchase or sale, by a public body, of any interest in
13 real or personal property, prior to completion of the purchase or sale;
14 (7) Personal information in records regarding personnel of public
15 bodies other than salaries and routine directory information;
16 (8) Information solely pertaining to protection of the security of
17 public property and persons on or within public property, such as
18 specific, unique vulnerability assessments or specific, unique response
19 plans, either of which is intended to prevent or mitigate criminal acts
20 the public disclosure of which would create a substantial likelihood of
21 endangering public safety or property; computer or communications network
22 schema, passwords, and user identification names; guard schedules; lock
23 combinations; or public utility infrastructure specifications or design
24 drawings the public disclosure of which would create a substantial
25 likelihood of endangering public safety or property, unless otherwise
26 provided by state or federal law;
27 (9) The security standards, procedures, policies, plans,
28 specifications, diagrams, access lists, and other security-related
29 records of the Lottery Division of the Department of Revenue and those
30 persons or entities with which the division has entered into contractual
31 relationships. Nothing in this subdivision shall allow the division to
1 withhold from the public any information relating to amounts paid persons
2 or entities with which the division has entered into contractual
3 relationships, amounts of prizes paid, the name of the prize winner, and
4 the city, village, or county where the prize winner resides;
5 (10) With respect to public utilities and except as provided in
6 sections 43-512.06 and 70-101, personally identified private citizen
7 account payment and customer use information, credit information on
8 others supplied in confidence, and customer lists;
9 (11) Records or portions of records kept by a publicly funded
10 library which, when examined with or without other records, reveal the
11 identity of any library patron using the library's materials or services;
12 (12) Correspondence, memoranda, and records of telephone calls
13 related to the performance of duties by a member of the Legislature in
14 whatever form. The lawful custodian of the correspondence, memoranda, and
15 records of telephone calls, upon approval of the Executive Board of the
16 Legislative Council, shall release the correspondence, memoranda, and
17 records of telephone calls which are not designated as sensitive or
18 confidential in nature to any person performing an audit of the
19 Legislature. A member's correspondence, memoranda, and records of
20 confidential telephone calls related to the performance of his or her
21 legislative duties shall only be released to any other person with the
22 explicit approval of the member;
23 (13) Records or portions of records kept by public bodies which
24 would reveal the location, character, or ownership of any known
25 archaeological, historical, or paleontological site in Nebraska when
26 necessary to protect the site from a reasonably held fear of theft,
27 vandalism, or trespass. This section shall not apply to the release of
28 information for the purpose of scholarly research, examination by other
29 public bodies for the protection of the resource or by recognized tribes,
30 the Unmarked Human Burial Sites and Skeletal Remains Protection Act, or
31 the federal Native American Graves Protection and Repatriation Act;
1 (14) Records or portions of records kept by public bodies which
2 maintain collections of archaeological, historical, or paleontological
3 significance which reveal the names and addresses of donors of such
4 articles of archaeological, historical, or paleontological significance
5 unless the donor approves disclosure, except as the records or portions
6 thereof may be needed to carry out the purposes of the Unmarked Human
7 Burial Sites and Skeletal Remains Protection Act or the federal Native
8 American Graves Protection and Repatriation Act;
9 (15) Job application materials submitted by applicants, other than
10 finalists, who have applied for employment by any public body as defined
11 in section 84-1409. For purposes of this subdivision, (a) job application
12 materials means employment applications, resumes, reference letters, and
13 school transcripts and (b) finalist means any applicant (i) who reaches
14 the final pool of applicants, numbering four or more, from which the
15 successful applicant is to be selected, (ii) who is an original applicant
16 when the final pool of applicants numbers less than four, or (iii) who is
17 an original applicant and there are four or fewer original applicants;
18 (16) Records obtained by the Public Employees Retirement Board pursuant to section 84-1512;
19 (17) Social security numbers; credit card, charge card, or debit card numbers and expiration dates; and financial account numbers supplied to state and local governments by citizens; and
20 (18) Information exchanged between a jurisdictional utility and city pursuant to section 66-1867; and -
21 (19) All prescription drug information submitted pursuant to section 71-2454, all data contained in the prescription drug monitoring system, and any report obtained from data contained in the prescription drug monitoring system.

2. On page 1, line 17, strike "beginning January 1, 2017, and" and insert "as follows: Except as provided in subsection (4) of this section, beginning January 1, 2017, all dispensed prescriptions of controlled substances shall be reported; and beginning January 1, 2018, all prescription information shall be reported to the prescription drug monitoring system. The prescription drug monitoring system".

3. On page 2, line 10, strike "shall include" and insert "shall be determined by the entity described in section 71-2455 and shall include, but not be limited to:"; in line 14 strike "written" and insert "issued"; in line 16 strike "prescribed" and insert "dispensed or the National Drug Code number as published by the federal Food and Drug Administration of the drug dispensed"; in line 20 strike ", address,"; in line 21 after "number" insert "or Drug Enforcement Administration number when reporting a controlled substance"; and in line 26 after "(5)" insert "All prescription drug information submitted pursuant to this section, all data contained in the prescription drug monitoring system, and any report obtained from data contained in the prescription drug monitoring system are not public records and may be withheld pursuant to section 84-712.05. (6)."

4. On page 3, strike beginning with line 4 through "prescription" in line 7 and insert "the delivery of such prescription drug for immediate use for purposes of inpatient hospital care or emergency department care, (ii) the administration of a prescription drug by an authorized person".

5. Amend the repealer and renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARING(S)

Agriculture

Room 2102

Tuesday, February 9, 2016 1:30 p.m.

Christopher P. Kircher - Nebraska State Fair Board
Lowell Minert - Nebraska State Fair Board
LB945
AMENDMENT(S) - Print in Journal

Senator Larson filed the following amendment to LB970:
AM1925
1 1. Strike original section 14 and renumber the remaining section 2 accordingly.

Senator Larson filed the following amendment to LB970:
AM1926
1 1. Strike original section 14 and renumber the remaining section 2 accordingly.

Senator Larson filed the following amendment to LB1105:
AM1927
1 1. Strike original section 30.

Senator Larson filed the following amendment to LB1105:
AM1928
1 1. Strike original section 30.

COMMITTEE REPORT(S)
Government, Military and Veterans Affairs

LEGISLATIVE BILL 784. Placed on General File.
LEGISLATIVE BILL 807. Placed on General File.

LEGISLATIVE BILL 827. Placed on General File with amendment.
AM1912
1 1. On page 2, lines 10 and 11, strike "sums of money" and insert "ad 2 valorem taxes and special assessments".

(Signed) John Murante, Chairperson
GENERAL FILE

LEGISLATIVE BILL 876. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 853. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

MOTION - Suspend Rules

Senator Hadley offered the following motion:
To suspend the rules, Rule 3, Sec. 14, to permit cancellation of hearings on the following bills and agency hearings: LBs 713, 852, 755, 858, 794, 817, 1036, 1086, 1052, 1002, 669, 668, 989, 860, 808, 1059, 1012, and AM1897 to LB560, as well as agency hearings on Agencies 50 and 51 as scheduled for Tuesday, February 2, 2016.

The Hadley motion to suspend the rules prevailed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE RESOLUTION 26CA. Considered.

SENATOR WATERMEIER PRESIDING

Senator Larson moved for a call of the house. The motion prevailed with 36 ayes, 1 nay, and 12 not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 11 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARING(S)

Appropriations

Room 1524

Tuesday, February 2, 2016 1:30 p.m.

Agency 50 - Nebraska State College System (cancel)
Agency 51 - University of Nebraska System (cancel)
Hearing on AM1897 to LB560 (cancel)
LB713 (cancel)
Tuesday, February 9, 2016 9:00 a.m.

Agency 50 - Nebraska State College System
Agency 51 - University of Nebraska System
Hearing on AM1897 to LB560

LB713
LB852
LB755
LB858

(Signed) Heath Mello, Chairperson

Banking, Commerce and Insurance

Room 1507

Tuesday, February 2, 2016 1:30 p.m.

LB794 (cancel)
LB817 (cancel)
LB1036 (cancel)

Tuesday, February 9, 2016 9:00 a.m.

LB794
LB817
LB1036

(Signed) Jim Scheer, Chairperson

Education

Room 1525

Tuesday, February 2, 2016 1:30 p.m.

LB1086 (cancel)
LB1052 (cancel)
LB1002 (cancel)

Tuesday, February 9, 2016 9:00 a.m.

LB1086
LB1052
LB1002
Tuesday, February 9, 2016 1:30 p.m.

LB959
LB882
LB883
LB1063

(Signed) Kate Sullivan, Chairperson
Transportation and Telecommunications
Room 1113

Tuesday, February 2, 2016 1:30 p.m.

LB989 (cancel)
LB669 (cancel)
LB668 (cancel)

Tuesday, February 9, 2016 9:00 a.m.

LB989
LB669
LB668

(Signed) Jim Smith, Chairperson
Urban Affairs
Room 1510

Tuesday, February 2, 2016 1:30 p.m.

LB860 (cancel)
LB808 (cancel)
LB1059 (cancel)
LB1012 (cancel)

Tuesday, February 9, 2016 9:00 a.m.

LB860
LB808
LB1059
LB1012

(Signed) Sue Crawford, Chairperson
AMENDMENT(S) - Print in Journal

Senator Krist filed the following amendment to LB505:
AM1959
(Amendments to AM1931)

1 1. Insert the following new section:
    2 Sec. 2. This act becomes operative on January 1, 2017.
    3 2. Renumber the remaining section accordingly.

NOTICE OF COMMITTEE HEARING(S)
Business and Labor
Room 2102

Monday, February 8, 2016 1:30 p.m.
LB821

Monday, February 22, 2016 1:30 p.m.
LB1110
LB1029
LB1044
LB1045

Monday, February 29, 2016 1:30 p.m.
LB828 (rehearing)
LB981
LB982

(Signed) Burke Harr, Chairperson
Transportation and Telecommunications
Room 1113

Monday, February 22, 2016 1:30 p.m.
LB768 (cancel)

Tuesday, February 9, 2016 9:00 a.m.
LB768

(Signed) Jim Smith, Chairperson
Monday, February 8, 2016 1:30 p.m.

LB1049
LB1004
LB1065

(Signed) Kate Sullivan, Chairperson

Natural Resources

Room 1525

Wednesday, February 10, 2016 1:30 p.m.

Hilary K. Maricle - Environmental Quality Council
LB1038

Thursday, February 11, 2016 1:30 p.m.

John Arley Rundel - Nebraska Oil and Gas Conservation Commission
LB1071
LB1101

Wednesday, February 17, 2016 1:30 p.m.

LB1070
LB1082
LB1100

Thursday, February 18, 2016 1:30 p.m.

LB711
LB712

Wednesday, February 24, 2016 1:30 p.m.

LB1019

Thursday, February 25, 2016 1:30 p.m.

LB961

(Signed) Ken Schilz, Chairperson
AMENDMENT(S) - Print in Journal

Senator Friesen filed the following amendment to LB311:
AM1967 is available in the Bill Room.

SPEAKER HADLEY PRESIDING

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 419, 420, 421, and 422 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 419, 420, 421, and 422.

VISITOR(S)

Visitors to the Chamber were Yavor Haytov, Deputy Speaker of Bulgaria's Parliament, Angel Velitchkov of Nebraska Department of Agriculture, Counsel for International Trade, Albena Haytova, and Miroslav Raytov from Bulgaria; Chris and Megan Lynch from Omaha; and 75 members of the Nebraska Physical Therapy Association including students from UNMC and Creighton, from Omaha.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 11:45 a.m., on a motion by Senator Ebke, the Legislature adjourned until 10:00 a.m., Tuesday, February 2, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
EIGHTEENTH DAY - FEBRUARY 2, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

EIGHTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 2, 2016

PRAYER

The prayer was offered by Senator Bolz.

ROLL CALL

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

The roll was called and all members were present except Senators Baker, Chambers, Cook, Craighead, Crawford, Davis, Ebke, Fox, Garrett, K. Haar, B. Harr, Hilkemann, Howard, Johnson, Kolowski, Krist, Larson, Lindstrom, McCollister, McCoy, Pansing Brooks, Riepe, Schumacher, and Smith who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventeenth day was approved.

NOTICE OF COMMITTEE HEARING(S)

Judiciary

Room 1113

Wednesday, February 10, 2016 1:30 p.m.

LB984
LB1106
LB1108
LB980
LB843
LB1079
Thursday, February 11, 2016 1:30 p.m.

LB892
LB757
LB829
LB1075
LB947

(Signed) Les Seiler, Chairperson
Revenue
Room 1524

Wednesday, February 10, 2016 1:30 p.m.

LB951
LB1048
LB812

Thursday, February 11, 2016 1:30 p.m.

LB1013
LB949
LB950

(Signed) Mike Gloor, Chairperson

ANNOUNCEMENT(S)

Senator Kolterman announced the Nebraska Retirement Systems Committee will meet in Room 2102 on February 9, 2016, instead of Room 1525.

Senator Mello announced the Appropriations Committee will meet in Room 1524 on February 9, 2016, at 2:00 p.m. instead of 1:30 p.m.

ADJOURNMENT

At 10:38 a.m., on a motion by Senator Campbell, the Legislature adjourned until 10:00 a.m., Wednesday, February 3, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
The prayer was offered by Senator Scheer.

ROLL CALL

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

The roll was called and all members were present except Senators Craighead, McCoy, and Pansing Brooks who were excused; and Senators Coash, Davis, K. Haar, Mello, Morfeld, Schilz, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 477, line 20, after "LB828" insert "(rehearing)".

The Journal for the seventeenth day was approved as corrected.

The Journal for the eighteenth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 759. Placed on Select File.
LEGISLATIVE BILL 760. Placed on Select File.
LEGISLATIVE BILL 761. Placed on Select File.
LEGISLATIVE BILL 771. Placed on Select File.
LEGISLATIVE BILL 699. Placed on Select File.

LEGISLATIVE BILL 751. Placed on Select File with amendment.
ER155
1 1. On page 1, line 5, after the semicolon insert "to change certain
2 notice provisions;".

LEGISLATIVE BILL 695. Placed on Select File.
LEGISLATIVE BILL 702. Placed on Select File.
LEGISLATIVE BILL 775. Placed on Select File.

LEGISLATIVE BILL 737. Placed on Select File with amendment.

1 1. On page 1, strike beginning with "environmental" in line 1
2 through line 9 and insert "the Wastewater Treatment Facilities
3 Construction Assistance Act; to amend sections 81-15,149, 81-15,150,
4 81-15,151, 81-15,154, 81-15,155, and 81-15,156, Reissue Revised Statutes
5 of Nebraska; to redefine a term; to change powers of the Director of
6 Environmental Quality; to change provisions relating to the Wastewater
7 Treatment Facilities Construction Loan Fund, categories of loan
8 eligibility, eligible items, loan conditions, and loan terms; and to
9 repeal the original sections.

LEGISLATIVE BILL 876. Placed on Select File.

LEGISLATIVE BILL 853. Placed on Select File.

LEGISLATIVE RESOLUTION 26CA. Placed on Select File with

amendment.

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

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 837. Placed on General File.

LEGISLATIVE BILL 942. Placed on General File.

LEGISLATIVE BILL 1035. Placed on General File with amendment.

1 AM1964
2 1. On page 4, line 6, after the period insert "For each farm product
3 list, the fee shall be an amount determined by the Secretary of State not
4 to exceed two hundred dollars per year"; strike beginning with "on" in
5 line 16 through "basis" in line 17, show the old matter as stricken, and
6 insert "not more often than once every month and not less often than once
7 every three months as determined by the Secretary of State"; and in line
8 21 strike "therefor", show as stricken, and insert "for such lists, not
9 to exceed the charges provided for in subdivision (4) of this section".
10 2. On page 6, strike beginning with "on" in line 23 through "basis"
11 in line 24, show the old matter as stricken, and insert "not more often
12 than once every month and not less often than once every three months on
13 the date".
14 3. On page 7, line 12, after the period insert "For each master lien
15 list, the fee shall be an amount determined by the Secretary of State not
16 to exceed two hundred dollars per year"; and in line 16 strike
17 "therefor", show as stricken, and insert "for such lists, not to exceed
18 the charges provided for in this subsection".
The Banking, Commerce and Insurance Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Courtney Dentlinger, Director - Department of Economic Development


(Signed) Jim Scheer, Chairperson

MESSAGE(S) FROM THE GOVERNOR

February 2, 2016

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

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

Contingent upon your approval, the following individual is being appointed as the Chief Information Officer:

Edward A. Toner, 3814 S. 192 Street, Omaha, NE 68130

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR423 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR423.
LEGISLATIVE BILL 295. Title read. Considered.
Committee AM323, found on page 538, First Session, 2015, was offered.
Senator Crawford offered her amendment, AM556, found on page 1465, First Session, 2015, to the committee amendment.
The Crawford amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.
The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.
Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 221. Title read. Considered.
Committee AM467, found on page 611, First Session, 2015, was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.
Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 53. Title read. Considered.
Senator Scheer offered his amendment, AM762, found on page 814, First Session, 2015.

SENATOR KRIST PRESIDING
The Scheer amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.
Advanced to Enrollment and Review Initial with 25 ayes, 3 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 311. Title read. Considered.
Committee AM386, found on page 692, First Session, 2015, was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.
Senator Friesen offered his amendment, AM1967, found on page 479.
The Friesen amendment was adopted with 27 ayes, 1 nay, 12 present and not voting, and 9 excused and not voting.
Advanced to Enrollment and Review Initial with 30 ayes, 1 nay, 9 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 400.** Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 400A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 378.** Title read. Considered.

Corrected committee AM637, found on page 729, First Session, 2015, was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

**NOTICE OF COMMITTEE HEARING(S)**

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 10, 2016 1:30 p.m.

LB912
LB1109

Thursday, February 11, 2016 1:30 p.m.

LB754
LB1073
LB878
LB877

(Signed) John Murante, Chairperson

Health and Human Services

Room 1510

Wednesday, February 10, 2016 1:30 p.m.

LB696
LB1032
Thursday, February 11, 2016 1:00 p.m.

DHHS Division of Behavioral Health Annual Committee Briefing
Sheri Dawson - Department of Health and Human Services
LB985
LB804
LB891

(Signed) Kathy Campbell, Chairperson

 COMMITTEE REPORT(S)
  Education

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Stan H. Carpenter - Nebraska Educational Telecommunications Commission


LEGISLATIVE BILL 734. Placed on General File.

LEGISLATIVE BILL 692. Placed on General File with amendment. AM1883
1 1. On page 4, strike lines 20 through 24; in line 25 strike "(iii)"
2 and insert "(ii)"; in line 27 strike "(iv)" and insert "(iii)"; in line
3 28 strike "(v)" and insert "(iv)"; and in line 30 strike "(vi)" and
4 insert "(v)".
5 2. On page 5, line 2, strike "(vii)" and insert "(vi)"; and in line
6 9 strike "(viii)" and insert "(vii)".

LEGISLATIVE BILL 726. Placed on General File with amendment. AM1882
1 1. On page 2, line 4, strike "An" and insert "Beginning with school
2 year 2017-18, an".

(Signed) Kate Sullivan, Chairperson

AMENDMENT(S) - Print in Journal

Senator Krist filed the following amendment to LB28:
AM1986
1 1. On page 4, line 15, strike "2015" and insert "2016" and strike
2 "2016" and insert "2017", and in line 18 strike "2016" and insert "2017".
Senator Krist filed the following amendment to LB28:

AM1788

(Amendments to Standing Committee amendments, AM708)

1. Strike the original sections and all amendments thereto and
2. insert the following new sections:
3. Section 1. Sections 1 to 5 of this act shall be known and may be
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
decay chain of naturally occurring uranium in soil;
6. (2) Radon is the leading cause of lung cancer among nonsmokers and
the number one risk in homes according to the Harvard School of Public
Health, Harvard Center for Risk Analysis;
7. (3) The World Health Organization Handbook on Indoor Radon includes
key messages which state:
8. (a) "There is no known threshold concentration below which radon
exposure presents no risk."; and
9. (b) "The majority of radon-induced lung cancers are caused by low
and moderate radon concentrations rather than by high radon
concentrations, because in general less people are exposed to high indoor
radon concentrations.";
10. (4) The Surgeon General of the United States urged Americans to test
their homes to find out how much radon they might be breathing;
11. (5) The United States Environmental Protection Agency estimates that
more than twenty thousand Americans die of radon-related lung cancer each
year; and
12. (6) The United States Environmental Protection Agency has identified
radon levels in Nebraska as the third highest in the United States
because of the high concentration of uranium in the soil.

1. Sec. 3. For purposes of the Radon Resistant New Construction Act:
2. (1) Active radon mitigation system means a family of radon
mitigation systems involving mechanically driven soil depressurization,
including subslab depressurization, drain tile depressurization, block
wall depressurization, and submembrane depressurization. Active radon
mitigation system is also known as active soil depressurization;
3. (2) Building code means an ordinance, resolution, or law that
establishes standards applicable to new construction;
4. (3) Building contractor means any individual, corporation,
partnership, limited liability company, or other business entity that
engages in new construction;
5. (4) Department means the Department of Health and Human Services;
6. (5) New construction means any original construction of a single-
family home or a multifamily dwelling, including apartments, group homes,
condominiums, and townhouses, or any original construction of a building
used for commercial, industrial, educational, or medical purposes. New
construction does not include additions to existing structures or
remodeling of existing structures;
7. (6) Passive new construction pipe means a pipe installed in new
construction that relies solely on the convective flow of air upward for
soil gas depressurization and may consist of multiple pipes routed
through conditioned space from below the foundation to above the roof;
and
(7) Radon mitigation specialist means an individual who is licensed
by the department as a radon mitigation specialist in accordance with the
Radiation Control Act.
Sec. 4. (1) The Radon Resistant New Construction Task Force is
created. The task force shall consist of the chief medical officer of the
Division of Public Health of the Department of Health and Human Services
as designated in section 81-3115 or his or her designee, who shall serve
as the chairperson of the task force, and the following additional
members to be appointed by the Governor:
(a) Three representatives of home builders' associations in
Nebraska, each from a different congressional district;
(b) A representative of a home inspectors' association in Nebraska;
(c) Two representatives of commercial construction associations, one
of whom must have experience related to large-scale projects and one of
whom must have experience related to medium-scale to small-scale
projects;
(d) A representative of a Nebraska realtors' organization;
(e) A representative of a respiratory disease organization;
(f) A representative of a cancer research and prevention
organization;
(g) A representative of the League of Nebraska Municipalities;
(h) Three community public health representatives, each from a
different congressional district;
(i) A professional engineer as defined in section 81-3422;
(j) An architect as defined in section 81-3404; and
(k) A representative with expertise in residential or commercial
building codes.
(2) The task force shall meet at the call of the chairperson. The
appointed members of the task force shall serve without compensation but
shall be reimbursed for their actual and necessary expenses as provided
in sections 81-1174 to 81-1177. The department shall provide staff and
support for the operation of the task force.
(3) The task force shall develop minimum standards for radon
resistant new construction and shall recommend such minimum standards to
the Governor, to the Health and Human Services Committee of the
Legislature, and to the Urban Affairs Committee of the Legislature. In
developing such minimum standards, the task force shall:
(a) Design the minimum standards so that they may be enforced by a
county, city, or village as part of its local building code;
(b) Consider Appendix F of the International Residential Code for
One- and Two-Family Dwellings, 2012 edition, published by the
International Code Council; and
(c) Consider including the following provisions in such minimum
standards:
(i) A requirement that the installation of an active radon
mitigation system only be performed by a building contractor or his or her subcontractors or by a radon mitigation specialist; (ii) A requirement that the installation of radon resistant new construction only be performed by a building contractor or his or her subcontractors or by a radon mitigation specialist; and (iii) A requirement that only a building contractor or his or her subcontractors or a radon mitigation specialist be allowed to install a radon vent fan or upgrade a passive new construction pipe to an active radon mitigation system.

(4) The task force shall provide its recommendations by April 15, 2017. The task force and this section terminate on May 1, 2017.

Sec. 5. It is the intent of the Legislature that the recommendations provided by the Radon Resistant New Construction Task Force under section 4 of this act be used by the Legislature during the 2018 legislative session to establish, in statute, minimum standards for radon resistant new construction.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 429. Introduced by Cook, 13.

WHEREAS, Cynthia Butler-McIntyre was the 24th National President of Delta Sigma Theta Sorority, Incorporated; and

WHEREAS, Cynthia was initiated into Delta Sigma Theta through the Beta Gamma Chapter of Dillard University in 1973; and

WHEREAS, Cynthia has served the sorority on local, state, regional, and national levels; and

WHEREAS, Cynthia has spent her professional career as a nationally recognized educator, mentor, and advocate for excellence in education; and

WHEREAS, Cynthia was presented with the prestigious National Alliance of Black School Educators Lifetime Achievement Award in Education; and

WHEREAS, Delta Sigma Theta is celebrating its 103rd anniversary in 2016; and

WHEREAS, the primary mission of Delta Sigma Theta is to provide assistance and support through established programs in local communities and throughout the world and to confront the challenges facing African Americans; and

WHEREAS, Delta Sigma Theta has been serving Nebraska communities since the Omicron Chapter of the University of Nebraska-Lincoln was chartered in 1922.

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

1. That the Legislature congratulates Cynthia Butler-McIntyre for her outstanding service with Delta Sigma Theta Sorority, Incorporated.

2. That a copy of this resolution be sent to Cynthia Butler-McIntyre.

Laid over.
UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Friesen, Hughes - LR378CA
Fox - LB708 and LB801

VISITOR(S)

The Doctor of the Day was Dr. Jeff Harrison from Papillion.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Garrett, the Legislature adjourned until 9:00 a.m., Thursday, February 4, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
TWENTIETH DAY - FEBRUARY 4, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 4, 2016

PRAYER

The prayer was offered by Senator Ebke.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Craighead, McCoy, and Seiler who were excused; and Senators Campbell, Friesen, Garrett, Larson, McCollister, Mello, Morfeld, and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the nineteenth day was approved.

MOTION(S) - Confirmation Report(s)

Senator Smith moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 432:
Department of Roads
   Kyle Schneweis, Director

Voting in the affirmative, 27:

Baker       Davis       Hilkemann    Lindstrom    Schumacher
Bloomfield  Ebke        Howard      Pansing       Brooks      Smith
Boz         Fox          Kolowski    Riepe         Sullivan
Brasch      Gloor       Koltermann  Scheer
Coash       Groene      Krist       Schilz
Crawford    Haar, K.    Kuehn       Schnoor
Present and not voting, 11:

Chambers Hansen Johnson Watermeier
Cook Harr, B. Kintner Williams
Hadley Hughes Stinner

Excused and not voting, 11:

Campbell Garrett McCoy Murante
Craighead Larson Mello Seiler
Friesen McCollister Morfeld

The appointment was confirmed with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Senator Johnson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 448:

Beginning Farmer Board
Donald Anthony
Bradley Lubben
Todd Reed

Voting in the affirmative, 30:

Baker Davis Hilkemann Lindstrom Schnoor
Bloomfield Ebke Howard Murante Schumacher
Bolz Fox Johnson Pansing Brooks Smith
Brasch Groene Kolowski Riepe Stinner
Chambers Haar, K. Kolterman Scheer Sullivan
Coash Hadley Kuehn Schilz Watermeier

Voting in the negative, 0.

Present and not voting, 9:

Cook Gloor Harr, B. Kintner Williams
Crawford Hansen Hughes Krist

Excused and not voting, 10:

Campbell Friesen Larson McCoy Morfeld
Craighead Garrett McCollister Mello Seiler

The appointments were confirmed with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.
Senator Johnson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 447:

Beginning Farmer Board

Nadine Hagedorn

Voting in the affirmative, 29:

Bloomfield Ebke Howard Lindstrom Schnoor
Bolz Fox Johnson Mello Schumacher
Brasch Gloor Kolowski Murante Smith
Chambers Groene Kolterman Riepe Stinner
Coash Haar, K. Krist Scheer Sullivan
Davis Hilkenmann Kuehn Schilz

Voting in the negative, 0.

Present and not voting, 12:

Baker Hadley Hughes Watermeier
Cook Hansen Kintner Williams
Crawford Harr, B. Pansing Brooks

Excused and not voting, 9:

Campbell Friesen Larson McCoy Seiler
Craighead Garrett McCollister Morfeld

The appointment was confirmed with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Senator Johnson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 447:

Beginning Farmer Board

Ryan Ueberrhein

Voting in the affirmative, 30:

Baker Ebke Howard Lindstrom Schnoor
Bolz Fox Hughes McCollister Schumacher
Brasch Groene Johnson Mello Smith
Campbell Haar, K. Kolowski Murante Stinner
Coash Hadley Kolterman Pansing Brooks Sullivan
Davis Hilkenmann Kuehn Riepe Watermeier

Voting in the negative, 0.

Present and not voting, 12:
The appointment was confirmed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Senator Coash moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 463:

Board of Parole
Virgil J. Patlan Sr.

Voting in the affirmative, 40:

Baker  Crawford  Hansen  Lindstrom  Schilz
Bloomfield  Davis  Hilkemann  McCollister  Schnoor
Bolz  Ebke  Howard  Mello  Schumacher
Brasch  Fox  Johnson  Morfeld  Smith
Campbell  Gloor  Kolowski  Murante  Stinner
Chambers  Groene  Kolterman  Pansing  Brooks  Sullivan
Coash  Haar, K.  Krist  Riepe  Watermeier
Cook  Hadley  Kuehn  Scheer  Williams

Voting in the negative, 0.

Present and not voting, 3:

Harr, B.  Hughes  Kintner

Excused and not voting, 6:

Craighead  Garrett  McCoy
Friesen  Larson  Seiler

The appointment was confirmed with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

Senator Coash moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 463:

Crime Victim's Reparations Committee
JoAnna Briggs
Brian Wachman

Voting in the affirmative, 34:
Voting in the negative, 0.

Present and not voting, 9:

Baker  Crawford  Hilkemann  McCollister  Schnoor
Bloomfield  Davis  Howard  Mello  Schumacher
Brasch  Gloor  Johnson  Murante  Smith
Campbell  Groene  Kolowski  Pansing Brooks  Stinner
Chambers  Haar, K.  Kolterman  Riepe  Sullivan
Coash  Hadley  Krist  Scheer  Williams
Cook  Hansen  Lindstrom  Schilz

The appointments were confirmed with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Senator Gloor moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 467:

Tax Equalization and Review Commission
Robert W. Hotz

Voting in the affirmative, 36:

Baker  Crawford  Hilkemann  Mello  Smith
Bloomfield  Davis  Howard  Murante  Stinner
Bolz  Fox  Johnson  Pansing Brooks  Sullivan
Brasch  Gloor  Kolowski  Riepe  Williams
Campbell  Groene  Kolterman  Scheer
Chambers  Haar, K.  Krist  Schilz
Coash  Hadley  Lindstrom  Schnoor
Cook  Hansen  McCollister  Schumacher

Voting in the negative, 0.

Present and not voting, 8:

Ebke  Harr, B.  Kintner  Morfeld
Friesen  Hughes  Kuehn  Watermeier

Excused and not voting, 5:
The appointment was confirmed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Senator Gloor moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 467:

Tax Equalization and Review Commission
  Steven Keetle

Voting in the affirmative, 33:

Baker    Crawford    Hilkemann    McCollister    Schumacher
Bloomfield Friesen Howard Murante Smith
Bolz Garrett Johnson Pansing Brooks Stinner
Brasch Gloor Kolowski Riepe Sullivan
Campbell Groene Kolterman Scheer Williams
Chambers Haar, K. Krist Schilz
Cook Hansen Lindstrom Schnoor

Voting in the negative, 0.

Present and not voting, 12:

Coash Fox Hughes Mello
Davis Hadley Kintner Morfeld
Ebke Harr, B. Kuehn Watermeier

Excused and not voting, 4:

Craighead Larson McCoy Seiler

The appointment was confirmed with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Senator Scheer moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment(s) found on page 485:

Department of Economic Development
  Courtney Dentlinger, Director

Voting in the affirmative, 28:

Bloomfield Fox Johnson Murante Smith
Brasch Friesen Kolowski Pansing Brooks Stinner
Campbell Garrett Kolterman Riepe Sullivan
Chambers Haar, K. Krist Scheer Williams
Cook Hansen Lindstrom Schnoor
Crawford Howard McCollister Schumacher
Voting in the negative, 0.

Present and not voting, 17:

Baker   Ebke   Harr, B.   Kuehn   Watermeier
Bolz    Gloor  Hilkemann Mello
Coash   Groene Hughes Morfeld
Davis   Hadley Kintner Schilz

Excused and not voting, 4:

Craighead  Larson  McCoy  Seiler

The appointment was confirmed with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 488:
  Nebraska Educational Telecommunications Commission
  Stan H. Carpenter

Voting in the affirmative, 26:

Brasch  Friesen  Johnson  Riepe  Sullivan
Campbell Garrett Holtermann Scheer Williams
Chambers Gloor  Lindstrom Schnoor
Cook    Groene McCollister Schumacher
Crawford Haar, K.  Murante  Smith
Fox     Howard  Pansing Brooks Stinner

Voting in the negative, 1:

Krist

Present and not voting, 18:

Baker   Davis   Harr, B.   Kolowski Schilz
Bloomfield Ebke  Hilkemann Kuehn Watermeier
Bolz    Hadley  Hughes  Mello
Coash   Hansen  Kintner Morfeld

Excused and not voting, 4:

Craighead  Larson  McCoy  Seiler

The appointment was confirmed with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.
LEGISLATIVE JOURNAL

SELECT FILE

LEGISLATIVE BILL 665. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 666. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 667. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 136. ER146, found on page 378, was adopted.

Senator Johnson offered his amendment, AM1768, found on page 425.

The Johnson amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 471. ER148, found on page 450, was adopted.

Senator Howard offered her amendment, AM1952, found on page 469.

The Howard amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 430. Introduced by Scheer, 19.

PURPOSE: The purpose of this resolution is to study whether the Nebraska Banking Act should be updated. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Department of Banking and Finance and should consider the input of interested persons as the committee deems necessary or appropriate.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purpose of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.
Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 431.** Introduced by Scheer, 19.

PURPOSE: The purpose of this resolution is to study whether the Securities Act of Nebraska should be updated. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Department of Banking and Finance and should consider the input of interested persons as the committee deems necessary or appropriate.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purpose of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**AMENDMENT(S) - Print in Journal**

Senator Chambers filed the following amendment to LB474:

AM1958

(Amendments to E & R amendments, ER152)

1. On page 9, line 19, strike "when it is designed" and insert "by October 1, 2016"; and in line 30 strike "A" and insert "Beginning October 31, 2016, a".

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Toner, Edward A. - Chief Information Officer - Government, Military and Veterans Affairs

(Signed) Bob Krist, Chairperson
Executive Board

**COMMITTEE REPORT(S)**

**Enrollment and Review**

**LEGISLATIVE BILL 295.** Placed on Select File with amendment.

ER158

1. In the Crawford amendment, AM556:
2 a. On page 1, line 23; and page 3, line 2, strike "effects" and insert "affects";
3 b. On page 2, line 31, strike "city or village's"; and
5 c. On page 3, lines 1 and 3, after "jurisdiction" insert "of the city or village"; and in line 2 strike "city or village's".
7 2. On page 1, strike lines 2 through 5 and insert "16-901 and 17-1001, Reissue Revised Statutes of Nebraska; to require notice and opportunity for comment regarding zoning ordinances affecting extraterritorial zoning jurisdiction for certain municipalities; to harmonize provisions; and to repeal the original sections."

LEGISLATIVE BILL 221. Placed on Select File.

(Signed) Matt Hansen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 328. Title read. Considered.

Senator Chambers offered the following motion:
MO171
Bracket until April 20, 2016.

Senator Chambers withdrew his motion to bracket.

Senator Chambers offered the following motion:
MO172
Recommit to the Natural Resources Committee.

Senator Chambers withdrew his motion to recommit to committee.

Senator Chambers offered the following amendment:
FA84
Strike section 1.

Senator Chambers withdrew his amendment.

Senator Chambers offered the following motion:
MO173
Indefinitely postpone.

Senator Chambers withdrew his motion to indefinitely postpone.

Senator Schilz moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 6 nays, 11 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.
LEGISLATIVE BILL 19. Title read. Considered.

SPEAKER HADLEY PRESIDING

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 188. Title read. Considered.

Committee AM374, found on page 746, First Session, 2015, was offered.

Senator Chambers offered the following amendment to the committee amendment:
FA85
Amend AM374
In line 9 after "vehicle" and insert "and such fact is known to the officer at the time the pursuit was commenced".

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 4:

<table>
<thead>
<tr>
<th>Bolz</th>
<th>Cook</th>
<th>Haar, K.</th>
<th>Schumacher</th>
</tr>
</thead>
</table>

Voting in the negative, 16:

<table>
<thead>
<tr>
<th>Coash</th>
<th>Groene</th>
<th>Kuehn</th>
<th>Scheer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ebke</td>
<td>Hughes</td>
<td>Larson</td>
<td>Schnoor</td>
</tr>
<tr>
<td>Friesen</td>
<td>Johnson</td>
<td>Lindstrom</td>
<td>Watermeier</td>
</tr>
<tr>
<td>Garrett</td>
<td>Kintner</td>
<td>Murante</td>
<td>Williams</td>
</tr>
</tbody>
</table>

Present and not voting, 26:

<table>
<thead>
<tr>
<th>Baker</th>
<th>Davis</th>
<th>Hilkemann</th>
<th>Mello</th>
<th>Stinner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bloomfield</td>
<td>Fox</td>
<td>Howard</td>
<td>Morfeld</td>
<td>Sullivan</td>
</tr>
<tr>
<td>Brasch</td>
<td>Gloor</td>
<td>Kolowski</td>
<td>Pansing Brooks</td>
<td></td>
</tr>
<tr>
<td>Campbell</td>
<td>Hadley</td>
<td>Kolterman</td>
<td>Riepe</td>
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<tr>
<td>Chambers</td>
<td>Hansen</td>
<td>Krist</td>
<td>Schilz</td>
<td></td>
</tr>
<tr>
<td>Crawford</td>
<td>Harr, B.</td>
<td>McCollister</td>
<td>Smith</td>
<td></td>
</tr>
</tbody>
</table>

Excused and not voting, 3:

<table>
<thead>
<tr>
<th>Craighead</th>
<th>McCoy</th>
<th>Seiler</th>
</tr>
</thead>
</table>

The Chambers amendment lost with 4 ayes, 16 nays, 26 present and not voting, and 3 excused and not voting.
The Chair declared the call raised.

Senator Chambers offered the following motion:

MO174
Reconsider the vote taken on FA85.

SENATOR SCHEER PRESIDING

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 53. Placed on Select File with amendment.

ER159

1. Strike the original sections and all amendments thereto and

2. insert the following new sections:

3. Section 1. Section 60-3,100, Revised Statutes Supplement, 2015, is

4. amended to read:

5. 60-3,100 (1) The department shall issue to every person whose motor

6. vehicle or trailer is registered one or two fully reflectorized license

7. plates upon which shall be displayed (a) the registration number

8. consisting of letters and numerals assigned to such motor vehicle or

9. trailer in figures not less than two and one-half inches nor more than

10. three inches in height and (b) also the word Nebraska suitably lettered

11. so as to be attractive. Two license plates shall be issued for every

12. motor vehicle, except that one plate shall be issued for dealers,

13. autocycles, motorcycles, minitrucks, truck-tractors, trailers, buses,

14. apportionable vehicles, and special interest motor vehicles that use the

15. special interest motor vehicle license plate authorized by and issued

16. under section 60-3,135.01. The license plates shall be of a color

17. designated by the director. The color of the plates shall be changed each

18. time the license plates are changed. Each time the license plates are

19. changed, the director shall secure competitive bids for materials

20. pursuant to sections 81-145 to 81-162. Autocycle, motorcycle, minitruck,

21. low-speed vehicle, and trailer license plate letters and numerals may be

22. one-half the size of those required in this section.

23. (2) (a) Except as otherwise provided in this subsection, two license

24. plates shall be issued for every motor vehicle.

25. (b) One license plate shall be issued for (i) apportionable

26. vehicles, (ii) buses, (iii) dealers, (iv) minitrucks, (v) motorcycles,

27. (vi) special interest motor vehicles that use the special interest motor

1. vehicle license plate authorized by and issued under section 60-3,135.01.

2. (vii) trailers, and (viii) truck-tractors.

3. (c) (i) Beginning January 1, 2017, one license plate shall be issued,

4. upon request and compliance with this subdivision, for any passenger car

5. which is not manufactured to be equipped with a bracket on the front of

6. the vehicle to display a license plate. A license decal shall be issued
7 with the license plate as provided in subdivision (ii) of this
8 subdivision and shall be displayed on the driver's side of the
9 windshield. In order to request a single license plate and license decal,
10 there shall be an additional annual nonrefundable registration fee of one
11 hundred dollars plus the cost of the decal paid to the county treasurer
12 at the time of registration. All fees collected under this subdivision
13 shall be remitted to the State Treasurer for credit to the Highway Trust
14 Fund.
15 (ii) The department shall design, procure, and furnish to the county
16 treasurers a license decal which shall be displayed as evidence that a
17 license plate has been obtained under this subdivision. Each county
18 treasurer shall furnish a license decal to the person obtaining the
19 plate.
20 (d 2) When two license plates are issued, one shall be prominently
21 displayed at all times on the front and one on the rear of the registered
22 motor vehicle or trailer. When only one plate is issued, it shall be
23 prominently displayed on the rear of the registered motor vehicle or
24 trailer. When only one plate is issued for motor vehicles registered
25 pursuant to section 60-3,198 and truck-tractors, it shall be prominently
26 displayed on the front of the apportionable vehicle.
27 Sec. 2. Original section 60-3,100, Revised Statutes Supplement,
28 2015, is repealed.
29 2. On page 1, line 2, strike "Cumulative"; and in line 3 strike
30 "2014" and insert "2015".

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Executive Board

LEGISLATIVE BILL 954. Placed on General File.
LEGISLATIVE BILL 1016. Placed on General File.

(Signed) Bob Krist, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 718. Placed on General File.
LEGISLATIVE BILL 753. Placed on General File.
LEGISLATIVE BILL 766. Placed on General File.

(Signed) John Murante, Chairperson
BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 510A. Introduced by Cook, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 510, One Hundred Fourth Legislature, Second Session, 2016.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 432. Introduced by Kolterman, 24.

WHEREAS, Isabella Graves, a junior at Seward High School and a member of the Nebraska-Iowa chapter of the Junior National Association of the Deaf (Junior NAD), was elected Miss Junior NAD Ambassador at the association's 2015 national conference in Florida; and
WHEREAS, Junior NAD chapters focus on advocacy, involvement, and fellowship, and their members help organize community events and fundraisers. Chapter members develop the skills to become future leaders and advocates in the deaf and hard of hearing community; and
WHEREAS, Isabella is a dynamic and motivated young woman who is also a member of the Seward High School speech team; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates Isabella Graves on being elected Miss Junior National Association of the Deaf Ambassador.
2. That a copy of this resolution be sent to Isabella Graves.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB188:
FA86
On page 3, lines 24-28; and page 5, lines 26-30, strike new language.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Coash - LB53
Fox - LR35
VISITOR(S)

Visitors to the Chamber were Alyssa Howell, Miss Nebraska 2015, from Omaha; members of Nebraska Speech-Language-Hearing Association; and Kendall Hallstrom from Syracuse.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Fox, the Legislature adjourned until 9:00 a.m., Friday, February 5, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
TWENTY-FIRST DAY - FEBRUARY 5, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 5, 2016

PRAYER

The prayer was offered by Pastor Grant Reynolds, Good News Assembly of God Church, Falls City.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senator McCoy who was excused; and Senators Hansen, Hilkemann, Larson, and McCollister who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twentieth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 311. Placed on Select File with amendment. ER161 is available in the Bill Room.

LEGISLATIVE BILL 400. Placed on Select File.

LEGISLATIVE BILL 400A. Placed on Select File with amendment. ER160

1 1. On page 1, line 3, strike "First Session, 2015" and insert 2 "Second Session, 2016".
3 2. On page 2, line 2, strike "FY2015-16" and insert "FY2016-17"; and 4 in line 4, strike "First Session, 2015" and insert "Second Session, 2016".

LEGISLATIVE BILL 378. Placed on Select File.

(Signed) Matt Hansen, Chairperson
REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 4, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Allen, Brian
   Helios
Bourke, Nick
   Pew Charitable Trusts, The
Cavanaugh Law Firm, P.C., L.L.O.
   Nebraska Chapter of the Sierra Club
Eash, Matthew
   Nebraska School Finance Strategies, Inc.
Heartland Strategy Group, LLC
   Peetz & Company
Kissel/E&S Associates, LLC
   Kaplan Higher and Professional Education
Koops, Berend
   Merck Sharp and Dohme Corp.
Lautenbaugh, Scott
   Heartland Strategy Group, LLC
Mumgaard, D. Milo
   Legal Aid of Nebraska
Nowka & Edwards
   Intoximeters, Inc
Pappas, James E.
   Planned Parenthood of the Heartland
   UNO Chapter of the AAUP
Radcliffe, Walter H. of Radcliffe and Associates
   One Vista LLC

REPORTS

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

RESOLUTION(S)

LEGISLATIVE RESOLUTION 433. Introduced by Riepe, 12.

   WHEREAS, Nathan Andrew Richards, a member of Troop 282 from Omaha, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and
WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout his scouting experience, Nathan has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his community service project, Nathan installed a memorial outside Ralston High School that honors the service and sacrifice by the brave men and women of the United States Armed Forces who have given their lives in the line of duty. The memorial includes a bronze monument depicting the Fallen Soldier Battle Cross. The memorial recognizes the American Legion and Veterans of Foreign Wars and pays tribute to prisoners of war and persons declared missing in action, as well as Nebraskans who have received the Medal of Honor; and

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

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

1. That the Legislature congratulates Nathan Andrew Richards on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Nathan Andrew Richards.

Laid over.

ANNOUNCEMENT

The Chair announced the birthday of Senator Williams.

MOTION - Return LB176 to Select File

Senator Davis moved to return LB176 to Select File for his specific amendment, AM1886, found on page 387.

Senator Schilz offered the following motion:

MO175
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Schilz requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 34:
BILLS ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 176.**

A BILL FOR AN ACT relating to the Competitive Livestock Markets Act; to amend sections 54-2601, 54-2602, 54-2604, and 54-2627.01, Reissue Revised Statutes of Nebraska; to define terms; to change provisions relating to prohibited acts; to change provisions relating to contract swine operations; to change and eliminate provisions relating to legislative findings; to harmonize provisions; to repeal the original sections; and to outright repeal section 54-2603, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 34:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB47 with 44 ayes, 1 nay, 3 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 47.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-494, Reissue Revised Statutes of Nebraska, section 60-484, Revised Statutes Cumulative Supplement, 2014, and section 60-4,144, Revised Statutes Supplement, 2015; to change provisions relating to applications and anatomical gifts; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"
Voting in the negative, 0.

Excused and not voting, 1:

McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 190.**

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2433, Revised Statutes Cumulative Supplement, 2014; to change application provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Baker  Ebke  Harr, B.  Larson  Schnoor
Bloomfield  Ebke  Hilkemann  Lindstrom  Schumacher
Bolz  Fox  Howard  McCollister  Seiler
Brasch  Friesen  Hughes  Mello  Smith
Campbell  Garrett  Johnson  Morfeld  Stinner
Chambers  Gloor  Kintner  Murante  Sullivan
Coash  Groene  Kolowski  Pansing  Brooks  Watermeier
Cook  Haar, K.  Koltermann  Riepe  Williams
Craighead  Hadley  Krist  Scheer
Crawford  Hansen  Kuehn  Schilz

Voting in the negative, 2:

Chambers  Cook

Present and not voting, 3:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 285.

A BILL FOR AN ACT relating to political subdivisions; to amend section 13-2709, Revised Statutes Cumulative Supplement, 2014; to change a reporting requirement under the Civic and Community Center Financing Act; to create a fund; to provide for distribution of certain amounts in the Civic and Community Center Financing Fund; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Baker    Fox    Hughes    McCollister    Smith
Bolz     Friesen Johnson Mello Stinner
Brasch   Garrett Kintner Morfeld Sullivan
Campbell Gloor Kolowski Murante Watermeier
Coash    Groene Koltermann Pansing Brooks Williams
Cook     Haar, K. Krist    Riepe
Craighead Hadley Kuehn Scheer
Crawford Harr, B. Larson Schilz
Ebke     Hilkemann Lindstrom Seiler

Voting in the negative, 3:

Chambers Davis Schumacher

Present and not voting, 4:

Bloomfield Hansen Howard Schnoor

Excused and not voting, 1:

McCoY

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 176, 47, 190, and 285.

SENIOR SCHEER PRESIDING

GENERAL FILE

LEGISLATIVE BILL 188. Senator Chambers renewed his motion, MO174, found on page 504, to reconsider the vote taken on FA85.

Pending.

COMMITTEE REPORT(S)

General Affairs

LEGISLATIVE RESOLUTION 380CA. Indefinitely postponed.

(Signed) Tyson Larson, Chairperson

Health and Human Services

LEGISLATIVE BILL 786. Placed on General File.
LEGISLATIVE BILL 791. Placed on General File.
LEGISLATIVE BILL 813. Placed on General File.
LEGISLATIVE BILL 859. Placed on General File.

LEGISLATIVE BILL 746. Placed on General File with amendment.

AM1903
1 1. Insert the following new section:
2 Sec. 20. This act becomes operative on July 1, 2016.
3 2. On page 18, line 27, after "report" insert "as defined in 15
4 U.S.C. 1681a(d), as such section existed on January 1, 2016."
5 3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 849. Placed on General File with amendment.

AM1983
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Sections 1 to 8 of this act shall be known and may be
4 cited as the Assisting Caregiver Transitions Act.
5 Sec. 2. For purposes of the Assisting Caregiver Transitions Act:
6 (1) Activities of daily living means transfer, ambulation, exercise,
7 toileting, eating, self-administration of medication, and similar
8 activities;
9 (2) Aftercare means assistance provided by a caregiver to a patient
10 in the patient’s residence after the patient’s discharge from a hospital
11 following an inpatient stay and may include, but is not limited to, (a)
(3) Caregiver means a person nineteen years of age or older who is
designated by a patient or a patient's legal guardian to provide
aftercare;
(4) Hospital means a general acute hospital as defined in section
71-412; and
(5) Residence means the home in which a patient resides. Residence
does not include an assisted-living facility as defined in section
71-406, a group home, a hospital as defined in section 71-419, an
intermediate care facility as defined in section 71-420, a rehabilitation
hospital as defined in section 71-427 or other rehabilitation facility, a
nursing facility as defined in section 71-424, or a skilled nursing
facility as defined in section 71-429.
Sec. 3. (1) A hospital shall give each patient or patient’s legal
guardian the opportunity to designate at least one caregiver as soon as
practicable and prior to the patient’s release.
(2) If a patient is unconscious or incapacitated upon his or her
admission to the hospital, the hospital shall give the patient or the
patient’s legal guardian the opportunity to designate a caregiver as soon
as possible after the patient’s recovery of consciousness or capacity.
(3) A patient or his or her legal guardian is not required to
designate a caregiver at any time. If a patient or a patient's legal
guardian declines to designate a caregiver, the hospital shall document
this fact in the patient’s medical record.
Sec. 4. (1) If a patient or a patient’s legal guardian designates a
caregiver, the hospital shall record in the patient’s medical record the
designated caregiver’s name, his or her relationship to the patient, and
the caregiver’s telephone number, residence address, and other contact
information.
(2) A patient or a patient’s legal guardian may change the caregiver
designation at any time. The hospital shall document the change in the
patient’s medical record before the patient’s discharge.
(3) A person designated as a caregiver is not obligated to accept
such designation or to perform aftercare for the designating patient or
patient's legal guardian.
Sec. 5. If a patient or a patient’s legal guardian designates a
caregiver, the hospital shall notify the caregiver of the patient’s
discharge from the hospital or transfer to another facility as soon as
practicable which may be after the patient’s physician issues a discharge
or transfer order. If the hospital is unable to contact the caregiver,
such lack of contact shall not interfere with, delay, or otherwise affect
the medical care provided to the patient or the medically appropriate
discharge or transfer of the patient. The hospital shall document all
attempts to contact the caregiver in the patient's medical record.
Sec. 6. (1) As soon as possible after designation of a caregiver
and prior to the patient’s discharge, the hospital shall attempt to
consult with the patient or the patient’s legal guardian and the
caregiver and shall issue a discharge plan that describes the patient’s
aftercare needs. The discharge plan shall include, but need not be
limited to:
(a) The name and contact information of the caregiver, as provided
by him or her; and
(b) A description of the aftercare tasks necessary to maintain the
patient’s ability to reside in his or her residence.
(2) The hospital shall provide the caregiver with instructions
concerning all aftercare tasks described in the discharge plan. The
instructions shall include, but need not be limited to:
(a) A live demonstration of or instruction in the aftercare tasks,
as performed by a hospital employee or other authorized individual in a
culturally competent manner;
(b) An opportunity for the caregiver and the patient or the
patient’s guardian to ask questions about aftercare; and
(c) Answers to the caregiver’s, patient’s, and patient’s legal
guardian’s questions in a culturally competent manner.
(3) The hospital shall document the instructions in the patient’s
medical record, including the date, time, and contents of the
instructions and whether the caregiver accepted or refused the offer of
instruction.
Sec. 7. The Assisting Caregiver Transitions Act does not:
(1) Create a private right of action against a hospital, a hospital
employee, or a person with whom the hospital has a contractual
relationship;
(2) Create additional civil or regulatory liability for a hospital,
a hospital employee, or a person with whom the hospital has a contractual
relationship;
(3) Supersede or replace existing rights or remedies under any other
law;
(4) Affect a license issued to a hospital pursuant to the Health
Care Facility Licensure Act;
(5) Establish a new requirement to reimburse or otherwise pay for
services rendered by a caregiver for aftercare; or
(6) Interfere with an individual acting under a valid health care
power of attorney as defined in section 30-3401 or acting as a
conservator as defined in section 30-2209.
Sec. 8. The Department of Health and Human Services may adopt and
promulgate rules and regulations to carry out the Assisting Caregiver
Transitions Act.

LEGISLATIVE BILL 898. Placed on General File with amendment.
AM1859
1 1. On page 2, line 14, after the second comma insert "crochet
2 hooks,"; in line 15 after the third comma insert "blunt-tipped"; in line
3 20 after "agents" insert an underscored comma; and in line 21 after the
4 last comma insert "in conjunction with hair braiding."
COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 328. Placed on Select File.
LEGISLATIVE BILL  19. Placed on Select File.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Cook filed the following amendment to LB510A:
AM2015
1 1. On page 2, line 1, strike "$161,968" and insert "$115,967".

NOTICE OF COMMITTEE HEARING(S)
Government, Military and Veterans Affairs
Room 1507

Wednesday, February 17, 2016 1:30 p.m.
LB851
LB694
LB992
LB955

Thursday, February 18, 2016 1:30 p.m.
LB1080
LB978
LB999

Friday, February 19, 2016 1:30 p.m.
LB1099
LB1084
LR381

(Signed) John Murante, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 136. Placed on Final Reading.
LEGISLATIVE BILL 471. Placed on Final Reading.

ST56

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

1. In the Howard amendment, AM1952, on page 5, line 6, the colon has been struck.
2. In the E and R amendments, ER148, on page 1, line 4, "84-712.05, Reissue Revised Statutes of Nebraska, and section" has been inserted after "section"; in line 7 "to provide that certain prescription information, data, and reports are not a public record;" has been inserted after "duties;"; and in line 8 "section" has been struck and "sections" inserted.
3. In the Kuehn amendment, AM1909:
   a. Sections 3 and 4 have been renumbered as sections 4 and 5, respectively; and
   b. On page 4, line 18, "84-712.05, Reissue Revised Statutes of Nebraska, and section" has been inserted after "section"; and in line 19 "is" has been struck and "are" inserted.

LEGISLATIVE BILL 665. Placed on Final Reading.

LEGISLATIVE BILL 666. Placed on Final Reading.

LEGISLATIVE BILL 667. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

General Affairs

LEGISLATIVE BILL 820. Placed on General File with amendment.

AM1987

1 1. On page 3, line 14; page 5, lines 5 and 6; and page 6, lines 9 and 11, after each occurrence of "occurring" insert "weather".

LEGISLATIVE BILL 862. Placed on General File with amendment.

AM1970

1 1. Insert the following new sections:
2 Section 1. For purposes of sections 1 to 3 of this act:
3 (1) Confidential information means information related to the play
4 of a fantasy contest obtained as a result of or by virtue of a person’s
5 employment by a fantasy contest operator;
6 (2) Entry fee means cash or cash equivalent that is required to be
7 paid to a fantasy contest operator by a person who participates as a
8 player in a fantasy contest;
9 (3) Fantasy contest has the same meaning as in section 28-1101; and
10 (4) Fantasy contest operator means a person or an entity that offers
11 fantasy contests for a cash prize to the general public upon the payment
12 of an entry fee.
13 Sec. 2. (1) A fantasy contest operator conducting fantasy contests
14 in Nebraska shall register with the Department of Revenue on forms
15 prescribed and furnished by the department. The registration fee shall be
fifty thousand dollars and the annual renewal fee shall be ten thousand
dollars, except that the fantasy contest operator's registration fee or
annual renewal fee shall not exceed ten percent of the amount of entry
fees collected by the fantasy contest operator from the operation of
fantasy contests in this state less the amount of cash prizes or cash
prize equivalents paid to fantasy contest participants. The department
shall require the fantasy contest operator to provide written evidence of
the proposed amount of entry fees and cash prizes or cash prize
equivalents to be paid to fantasy contest participants during the annual
registration period. Prior to renewal, the fantasy contest operator shall
provide written evidence to the department of the actual entry fees
collected and cash prizes or cash prize equivalents paid to fantasy
contest participants during the previous registration period. The fantasy
contest operator shall remit to the department any difference in fees
that results from the difference between the proposed amount of entry
fees and cash prizes or cash prize equivalents paid to fantasy contest
participants and the actual amounts collected and paid. The registration
shall be valid upon receipt by the department of both a registration or
renewal application and payment of the registration or renewal fee.
(2) The department shall remit all registration and renewal fees
collected under this section to the State Treasurer for credit to the
General Fund.
Sec. 3. A fantasy contest operator shall implement procedures for
fantasy contests that:
(1) Prevent an employee of the fantasy contest operator, and any
relative living in the same household as such employee, from
participating in any fantasy contest offered by the fantasy contest
operator;
(2) Prevent the sharing of confidential information with third
parties that could affect the outcome of any fantasy contest until the
information is made publicly available;
(3) Prevent the fantasy contest operator, and any relative living in
the same household as such fantasy contest operator, from participating
in any fantasy contest offered by the fantasy contest operator;
(4) Verify that a participant in a fantasy contest is eighteen years
of age or older;
(5) Ensure that a person who plays or officiates in a game or
contest that is the subject of any fantasy contest is restricted from
participating in such fantasy contest that is determined, in whole or in
part, on the accumulated statistical results of a team of players in a
game or contest in which such person is a player or an official;
(6) Allow a person to restrict himself or herself from entering a
fantasy contest upon request and provide reasonable steps to prevent the
person from participating in any fantasy contest offered by the fantasy
contest operator;
(7) Disclose the number of entries that a participant in a fantasy
contest may submit to each fantasy contest and provide reasonable steps
to prevent a participant from submitting more than the allowable number;
7 (8) Segregate fantasy contest funds of participants from operational
funds of the fantasy contest operator and maintain a reserve in the form
of cash, cash equivalents, an irrevocable letter of credit, a bond, or a
combination thereof, in the amount of the deposits made to the accounts
of the fantasy contest participants for the benefit and protection of the
funds of the participants held in such separate accounts.

Sec. 4. A fantasy contest operator offering fantasy contests in
Nebraska shall contract with a third party to annually perform an
independent audit to ensure compliance with sections 2 and 3 of this act.
Such audit shall be consistent with standards adopted by the Department
of Revenue similar to those established by the Public Company Accounting
Oversight Board. The fantasy contest operator shall submit the results of
such audit to the Department of Revenue.

Sec. 7. Section 28-1113, Reissue Revised Statutes of Nebraska, is
amended to read:
28-1113 Nothing in this article shall be construed to:
23 (1) Apply to or prohibit wagering on the results of horseraces by
24 the parimutuel or certificate method when conducted by licensees within
25 the racetrack enclosure at licensed horserace meetings; or
26 (2) Prohibit or punish the conducting or participating in any bingo,
27 lottery by the sale of pickle cards, lottery, raffle, or gift enterprise,
28 or fantasy contest when conducted in accordance with the Nebraska Bingo
29 Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and
30 Raffle Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small
31 Lottery and Raffle Act, the State Lottery Act, or section 9-701, or
subdivision (5) of section 28-1101.

2. Renumber the remaining sections and correct the repealer
3 accordingly.

LEGISLATIVE BILL 970. Placed on General File with amendment.
AM2020 is available in the Bill Room.

(Signed) Tyson Larson, Chairperson
Judiciary

LEGISLATIVE BILL 924. Placed on General File.

LEGISLATIVE BILL 1009. Placed on General File with amendment.
AM1960
1 1. Insert the following new sections:
2 Sec. 10. If any section in this act or any part of any section is
3 declared invalid or unconstitutional, the declaration shall not affect
4 the validity or constitutionality of the remaining portions.
5 Sec. 12. Since an emergency exists, this act takes effect when
6 passed and approved according to law.
7 2. On page 9, strike lines 18 through 31 and insert the following
8 new subdivision:
9 "(44) Lookalike substance means a product or substance, not
specifically designated as a controlled substance in section 28-405, that is either portrayed in such a manner by a person to lead another person to reasonably believe that it produces effects on the human body that replicate, mimic, or are intended to simulate the effects produced by a controlled substance or that possesses one or more of the following indicia or characteristics:

(a) The packaging or labeling of the product or substance suggests that the user will achieve euphoria, hallucination, mood enhancement, stimulation, or another effect on the human body that replicates or mimics those produced by a controlled substance;

(b) The name or packaging of the product or substance uses images or labels suggesting that it is a controlled substance or produces effects on the human body that replicate or mimic those produced by a controlled substance;

(c) The product or substance is marketed or advertised for a particular use or purpose and the cost of the product or substance is disproportionately higher than other products or substances marketed or advertised for the same or similar use or purpose;

(d) The packaging or label on the product or substance contains words or markings that state or suggest that the product or substance is in compliance with state and federal laws regulating controlled substances;

(e) The owner or person in control of the product or substance uses evasive tactics or actions to avoid detection or inspection of the product or substance by law enforcement authorities;

(f) The owner or person in control of the product or substance makes a verbal or written statement suggesting or implying that the product or substance is a synthetic drug or that consumption of the product or substance will replicate or mimic effects on the human body to those effects commonly produced through use or consumption of a controlled substance;

(g) The owner or person in control of the product or substance makes a verbal or written statement to a prospective customer, buyer, or recipient of the product or substance implying that the product or substance may be resold for profit; or

(h) The product or substance contains a chemical or chemical compound that does not have a legitimate relationship to the use or purpose claimed by the seller, distributor, packer, or manufacturer of the product or substance or indicated by the product name, appearing on the product’s packaging or label or depicted in advertisement of the product or substance.”.

3. On page 10, strike lines 1 through 28.

4. Renumber the remaining section accordingly.

(Signed) Les Seiler, Chairperson
PRESENTED TO THE GOVERNOR

Presented to the Governor on February 5, 2016, at 11:40 a.m. were the following: LBs 176, 47, 190, and 285.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

ANNOUNCEMENT(S)

The General Affairs Committee designates LB970 as its priority bill.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Kintner - LB717 and LB188

VISITOR(S)

Visitor to the Chamber was Marva Dunning from Omaha.

The Doctor of the Day was Dr. Doug Dunning from Omaha.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator McCollister, the Legislature adjourned until 10:00 a.m., Monday, February 8, 2016.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper
TWENTY-SECOND DAY - FEBRUARY 8, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 8, 2016

PRAYER

The prayer was offered by Pastor Ron Drury, Shepherd of the Hills Lutheran Church, Hickman.

ROLL CALL

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

The roll was called and all members were present except Senators Morfeld and Murante who were excused; and Senators Bolz, McCoy, Sullivan, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-first day was approved.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 424, 425, 426, 427, and 428 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 424, 425, 426, 427, and 428.

ANNOUNCEMENT

Pursuant to Rule 8, Sec. 3, the Appropriations Committee presented its preliminary report on February 8, 2016, summarizing the recommended appropriations for the following biennium.
SELECT FILE

LEGISLATIVE BILL 759. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 760. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 761. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 771. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 699. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 751. ER155, found on page 483, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 695. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 702. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 775. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 737. ER157, found on page 484, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 876. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 853. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 270. ER149, found on page 450, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 131. ER150, found on page 450, was adopted.
Senator B. Harr offered the following amendment:

AM2047

(Amendments to Standing Committee amendments, AM405)

1. Insert the following new sections:

Sec. 2. Section 33-114, Reissue Revised Statutes of Nebraska, is amended to read:

33-114 Each county treasurer shall receive for and on behalf of the county for services rendered to other governmental subdivisions and agencies, when fees for services rendered by him or her are not otherwise specifically provided, the following fees: (1) On all sums of money collected by him or her for each fiscal year, two percent of the sums so collected; (2) for the collection of all sums of money, general or bonded, of drainage, irrigation, or natural resources districts, one percent of the sums so collected; (3) for the collection of all ad valorem taxes and special assessments, general or bonded, of sanitary and improvement districts, two percent of the sums so collected; (4) for the collection of all sums of money for municipal taxes, general or special, including money for bond sinking fund or bond interest fund and school money, one percent of the sums so collected; and (5) for the collection of all sums of money for special assessments for municipal improvements, one and one-half percent of the sums so collected. On all sums collected, such percentage shall be allowed but once. In computing the amount collected for the purpose of charging percentage, all sums from whatever fund derived shall be included together, except the school fund. The treasurer shall be paid in the same proportion from the respective funds of the state collected by him or her whether the funds are in money or state warrants.

Sec. 3. Original section 33-114, Reissue Revised Statutes of Nebraska, is repealed.

The B. Harr amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 505. ER153, found on page 465, was adopted.

Senator Krist offered his amendment, AM1959, found on page 477.

The Krist amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 505A. Senator Krist offered the following amendment:

AM1999

1. Insert the following new section:
Sec. 2. There is hereby appropriated (1) $30,000 from the General Fund for FY2016-17 and (2) $-0- from the General Fund for FY2017-18 to the Nebraska Commission on Law Enforcement and Criminal Justice, for Program 215, to aid in carrying out the provisions of Legislative Bill 505. One Hundred Fourth Legislature, Second Session, 2016.

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

2. On page 2, after line 5 insert:

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

The Krist amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Legislative Bill 275. ER151, found on page 465, was adopted.

Advanced to Enrollment and Review for Engrossment.

Legislative Bill 474. ER152, found on page 466, was adopted.

Senator Chambers offered his amendment, AM1958, found on page 501.

The Chambers amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

Legislative Bill 474A. ER154, found on page 466, was adopted.

Advanced to Enrollment and Review for Engrossment.

General File

Legislative Bill 188. Senator Chambers renewed his motion, MO174, found on page 504 and considered on page 516, to reconsider the vote taken on FA85.

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

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 11:
AMENDMENT(S) - Print in Journal

Senator Schilz filed the following amendment to LB1038:
AM1966
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 46-290, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 46-290 (1)(a) Except as provided in this section and sections
6 46-2,120 to 46-2,130, any person having a permit to appropriate water for
7 beneficial purposes issued pursuant to sections 46-233 to 46-235,
8 46-240.01, 46-241, 46-242, or 46-637 and who desires (i) to transfer the
9 use of such appropriation to a location other than the location specified
10 in the permit, (ii) to change that appropriation to a different type of
11 appropriation as provided in subsection (3) of this section, or (iii) to
12 change the purpose for which the water is to be used under a natural-
13 flow, storage, or storage-use appropriation to a purpose not at that time
14 permitted under the appropriation shall apply for approval of such
15 transfer or change to the Department of Natural Resources.
16 (b) The application for such approval shall contain (i) the number
17 assigned to such appropriation by the department, (ii) the name and
address of the present holder of the appropriation, (iii) if applicable, the
name and address of the person or entity to whom the appropriation would be transferred or who will be the user of record after a change in
the location of use, type of appropriation, or purpose of use under the appropriation, (iv) the legal description of the land to which the appropriation is now appurtenant, (v) the name and address of each holder of a mortgage, trust deed, or other equivalent consensual security interest against the tract or tracts of land to which the appropriation is now appurtenant, (vi) if applicable, the legal description of the land to which the appropriation is proposed to be transferred, (vii) if a transfer is proposed, whether other sources of water are available at the original location of use and whether any provisions have been made to prevent either use of a new source of water at the original location or increased use of water from any existing source at that location, (viii) if applicable, the legal descriptions of the beginning and end of the stream reach to which the appropriation is proposed to be transferred for the purpose of augmenting the flows in that stream reach, (ix) if a proposed transfer is for the purpose of increasing the quantity of water available for use pursuant to another appropriation, the number assigned to such other appropriation by the department, (x) the purpose of the current use, (xi) if a change in purpose of use is proposed, the proposed purpose of use, (xii) if a change in the type of appropriation is proposed, the type of appropriation to which a change is desired, (xiii) if a proposed transfer or change is to be temporary in nature, the duration of the proposed transfer or change, and (xiv) such other information as the department by rule and regulation requires.

(2) If a proposed transfer or change is to be temporary in nature, a copy of the proposed agreement between the current appropriator and the person who is to be responsible for use of water under the appropriation while the transfer or change is in effect shall be submitted at the same time as the application.

(3) Regardless of whether a transfer or a change in the purpose of use is involved, the following changes in type of appropriation, if found by the Director of Natural Resources to be consistent with section 46-294, may be approved subject to the following:

(a) A natural-flow appropriation for direct out-of-stream use may be changed to a natural-flow appropriation for aboveground reservoir storage or for intentional underground water storage;

(b) A natural-flow appropriation for intentional underground water storage may be changed to a natural-flow appropriation for direct out-of-stream use or for aboveground reservoir storage;

(c) A natural-flow appropriation for direct out-of-stream use, for aboveground reservoir storage, or for intentional underground water storage may be changed to an instream appropriation subject to sections 46-2,107 to 46-2,119 if the director determines that the resulting instream appropriation would be consistent with subdivisions (2), (3), 6 and (4) of section 46-2,115;

(d) A natural-flow appropriation for direct out-of-stream use, for aboveground reservoir storage, or for intentional underground water storage...
storage may be changed to an appropriation for induced ground water recharge if the director determines that the resulting appropriation for induced ground water recharge would be consistent with subdivisions (2) (a)(i) and (ii) of section 46-235; and

(e) An appropriation for manufacturing of hydropower may be changed in the full amount to an instream basin-management appropriation to be held jointly by the Game and Parks Commission and any natural resources district or combination of natural resources districts to maintain the functional stream flow for conservation of fish and wildlife and for recreation that existed by the manufacturing of hydropower and to assist in the implementation of integrated management of ground water and surface water resources; and

(f e) The incidental underground water storage portion, whether or not previously quantified, of a natural-flow or storage-use appropriation may be separated from the direct-use portion of the appropriation and may be changed to a natural-flow or storage-use appropriation for intentional underground water storage at the same location if the historic consumptive use of the direct-use portion of the appropriation is transferred to another location or is terminated, but such a separation and change may be approved only if, after the separation and change, (i) the total permissible diversion under the appropriation will not increase, (ii) the projected consequences of the separation and change are consistent with the provisions of any integrated management plan adopted in accordance with section 46-718 or 46-719 for the geographic area involved, and (iii) if the location of the proposed intentional underground water storage is in a river basin, subbasin, or reach designated as overappropriated in accordance with section 46-713, the integrated management plan for that river basin, subbasin, or reach has gone into effect, and that plan requires that the amount of the intentionally stored water that is consumed after the change will be no greater than the amount of the incidentally stored water that was consumed prior to the change. Approval of a separation and change pursuant to this subdivision (f e) shall not exempt any consumptive use associated with the incidental recharge right from any reduction in water use required by an integrated management plan for a river basin, subbasin, or reach designated as overappropriated in accordance with section 46-713.

Whenever any change in type of appropriation is approved pursuant to this subsection and as long as that change remains in effect, the appropriation shall be subject to the statutes, rules, and regulations that apply to the type of appropriation to which the change has been made.

(4) The Legislature finds that induced ground water recharge appropriations issued pursuant to sections 46-233 and 46-235 and instream appropriations issued pursuant to section 46-2,115 are specific to the location identified in the appropriation. Neither type of appropriation shall be transferred to a different location, changed to a different type of appropriation, or changed to permit a different purpose of use. (5) In addition to any other purposes for which transfers and
27 changes may be approved, such transfers and changes may be approved if
28 the purpose is (a) to maintain or augment the flow in a specific stream
29 reach for any instream use that the department has determined, through
30 rules and regulations, to be a beneficial use or (b) to increase the
31 frequency that a diversion rate or rate of flow specified in another
1 valid appropriation is achieved.
2 For any transfer or change approved pursuant to subdivision (a) of
3 this subsection, the department shall be provided with a report at least
4 every five years while such transfer or change is in effect. The purpose
5 of such report shall be to indicate whether the beneficial instream use
6 for which the flow is maintained or augmented continues to exist. If the
7 report indicates that it does not or if no report is filed within sixty
8 days after the department's notice to the appropriator that the deadline
9 for filing the report has passed, the department may cancel its approval
10 of the transfer or change and such appropriation shall revert to the same
11 location of use, type of appropriation, and purpose of use as prior to
12 such approval.
13 (6) A quantified or unquantified appropriation for incidental
14 underground water storage may be transferred to a new location along with
15 the direct-use appropriation with which it is recognized if the director
16 finds such transfer to be consistent with section 46-294 and determines
17 that the geologic and other relevant conditions at the new location are
18 such that incidental underground water storage will occur at the new
19 location. The director may request such information from the applicant as
20 is needed to make such determination and may modify any such quantified
21 appropriation for incidental underground water storage, if necessary, to
22 reflect the geologic and other conditions at the new location.
23 (7) Unless an incidental underground water storage appropriation is
24 changed by subdivision (3)(f)(e) of this section or is
25 transferred as authorized by subsection (6) of this section or subsection
26 (1) of section 46-291, such appropriation shall be canceled or modified,
27 as appropriate, by the director to reflect any reduction in water that
28 will be stored underground as the result of a transfer or change of the
29 direct-use appropriation with which the incidental underground water
30 storage was recognized prior to the transfer or change.
31 (8) Any appropriation for manufacturing of hydropower changed under
1 subdivision (3)(e) of this section to an instream basin-management
2 appropriation shall maintain the priority date and preference category of
3 the original appropriation but shall be subject to condemnation and
4 subordination pursuant to sections 70-668 and 70-669, except that any
5 person who held a subordination agreement or condemnation award prior to
6 the transfer shall be allowed to enter into a new subordination agreement
7 for the original term of subordination agreement or condemnation award at
8 no additional cost.
9 Sec. 2. Section 70-668, Reissue Revised Statutes of Nebraska, is
10 amended to read:
11 70-668 In applying the provisions of law relating to the
12 appropriation of water, priority of appropriation shall give the better
13 right as between those using the water for the same purpose, but when the
14 waters of any natural stream are not sufficient for the use of all those
15 desiring to use the same, those using the water for domestic purposes
16 shall have preference over those claiming it for any other purpose. Those
17 using the water for agricultural purposes shall have the preference over
18 those using the same for manufacturing purposes, and those using the
19 water for agricultural purposes shall have the preference over those
20 using the same for power purposes, where turbine or impulse water wheels
21 are installed, or for instream basin-management purposes.
22 Sec. 3. Section 70-669, Reissue Revised Statutes of Nebraska, is
23 amended to read:
24 70-669 No inferior right to the use of the waters of this state
25 shall be acquired by a superior right without just compensation therefor
26 to the inferior user. The just compensation paid to those using water for
27 power purposes shall not be greater than the cost of replacing the power
28 which would be generated in the plant or plants of the power user by the
29 water so acquired. The just compensation to be paid to a holder of an
30 instream basin-management appropriation shall be the cost per acre-foot
31 of water subordinated for the hydropower appropriation at the time of
1 approval of transfer. The amount of compensation shall be adjusted
2 annually in accordance with the Consumer Price Index or, if publication
3 of the Consumer Price Index is discontinued, a comparable index selected
4 by the Director of Natural Resources.
5 Sec. 4. Original sections 46-290, 70-668, and 70-669, Reissue
6 Revised Statutes of Nebraska, are repealed.

NOTICE OF COMMITTEE HEARING(S)

Education
Room 1525
Tuesday, February 16, 2016 1:30 p.m.
Charles Ward - Board of Educational Lands and Funds
LB868
LB1062

(Signed) Kate Sullivan, Chairperson

Transportation and Telecommunications
Room 1113
Tuesday, February 23, 2016 1:30 p.m.
Mary K. Gerdes - State Highway Commission

(Signed) Jim Smith, Chairperson
Monday, February 22, 2016 1:30 p.m.

Harvey Varenhorst - Nebraska Arts Council
Sherry McClymont - Nebraska Arts Council
Kathryn LeBaron - Nebraska Arts Council
Patrick Drickey - Nebraska Arts Council
Cory L. Mueller - State Electrical Board
Edwin Bergstraesser - State Electrical Board

(Signed) Tyson Larson, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 814A. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 814, One Hundred Fourth Legislature, Second Session, 2016.

MOTION - Print in Journal

Senator Seiler filed the following motion to LB976:

MO176
Withdraw bill.

COMMITTEE REPORT(S)

Executive Board

LEGISLATIVE BILL 686. Placed on General File with amendment.

AM1922
1 1. On page 2, lines 21 and 30; and page 3, line 21, before
2 "Constitution" insert "text of the".

(Signed) Bob Krist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 188. Senator Chambers offered his amendment, FA86, found on page 506, to the committee amendment.

Pending.
UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

McCoy - LR378CA

VISITOR(S)

Visitors to the Chamber were 2 members of the U.S. Department of State and 4 members of the International Visitor Leadership Program from Japan.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Gloor, the Legislature adjourned until 8:30 a.m., Tuesday, February 9, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
TWENTY-THIRD DAY - FEBRUARY 9, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 9, 2016

PRAYER

The prayer was offered by Pastor Rich Carlson, Vice-President of Spiritual Life - Union College, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 8:30 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Bolz, Cook, Craighead, B. Harr, Larson, Lindstrom, McCoy, Morfeld, Murante, Pansing Brooks, Schilz, and Schumacher who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-second day was approved.

NOTICE OF COMMITTEE HEARING(S)
Revenue
Room 1524

Wednesday, February 17, 2016 1:30 p.m.

LB925
LB936
LB995
LB1037

Thursday, February 18, 2016 1:30 p.m.

LB797
LB825
LR390CA
LB1104
AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB188:

1 1. Insert the following new amendment:
2 3. On page 4, line 1; and page 6, line 3, after "personnel" insert
3 "and the law enforcement personnel identified to superior officers prior
4 to commencement of the pursuit the identity of the passenger and the
5 reason the passenger was subject to arrest or sought to be apprehended".
6 2. Renumber the remaining amendment accordingly.

ANNOUNCEMENT(S)

The Executive Board designates LB1016 as its priority bill.

MOTION - Withdraw LB976

Senator Seiler offered his motion, MO176, found on page 534, to withdraw
LB976.

The Seiler motion to withdraw the bill prevailed with 30 ayes, 0 nays, 7
present and not voting, and 12 excused and not voting.

ADJOURNMENT

At 8:38 a.m., on a motion by Senator Groene, the Legislature adjourned
until 9:00 a.m., Wednesday, February 10, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
TWENTY-FOURTH DAY - FEBRUARY 10, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 10, 2016

PRAYER

The prayer was offered by Pastor Roger Graber, Reality Church, La Vista.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Craighead and McCoy who were excused; and Senators Groene, Murante, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-third day was approved.

ANNOUNCEMENT(S)

The Legislative Performance Audit Committee designates LB867 and LB1022 as its priority bills.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 131. Placed on Final Reading.

ST57

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

1. On page 1, the matter beginning with "annexation" in line 1 through line 6 and all amendments thereto have been struck and "political subdivisions; to amend section 33-114, Reissue Revised Statutes of Nebraska; to provide restrictions on and requirements for sanitary and improvement districts subject to municipal annexation; to authorize fees for county treasurers for the collection of certain taxes and assessments of sanitary and improvement districts; and to repeal the original section." inserted.
LEGISLATIVE BILL 270. Placed on Final Reading.  
LEGISLATIVE BILL 275. Placed on Final Reading.  
LEGISLATIVE BILL 474. Placed on Final Reading.  
LEGISLATIVE BILL 474A. Placed on Final Reading.  

LEGISLATIVE BILL 505. Placed on Final Reading.  
ST58  
The following changes, required to be reported for publication in the Journal, have been made:  
1. In the Krist amendment, AM1931, on page 4, line 5, section 2 has been renumbered as section 3.  
2. On page 1, line 4, "to provide an operative date;" has been inserted after the semicolon.  

LEGISLATIVE BILL 505A. Placed on Final Reading.  
LEGISLATIVE BILL 695. Placed on Final Reading.  
LEGISLATIVE BILL 699. Placed on Final Reading.  
LEGISLATIVE BILL 702. Placed on Final Reading.  
LEGISLATIVE BILL 737. Placed on Final Reading.  
LEGISLATIVE BILL 751. Placed on Final Reading.  
LEGISLATIVE BILL 759. Placed on Final Reading.  
LEGISLATIVE BILL 760. Placed on Final Reading.  
LEGISLATIVE BILL 761. Placed on Final Reading.  
LEGISLATIVE BILL 770. Placed on General File.  

LEGISLATIVE BILL 771. Placed on Final Reading.  
LEGISLATIVE BILL 775. Placed on Final Reading.  
LEGISLATIVE BILL 853. Placed on Final Reading.  
LEGISLATIVE BILL 876. Placed on Final Reading.  

(Signed) Matt Hansen, Chairperson  

COMMITTEE REPORT(S)  
Banking, Commerce and Insurance  

LEGISLATIVE BILL 770. Placed on General File.  

The Banking, Commerce and Insurance Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.  

Patrick Booth - Nebraska Exchange Stakeholder Commission  

Aye: 8 Campbell, Craighead, Fox, Gloor, Lindstrom, Scheer, Schumacher, Williams. Nay: 0. Absent: 0. Present and not voting: 0.
The Banking, Commerce and Insurance Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Shari Flowers - Nebraska Exchange Stakeholder Commission

Aye: 8 Campbell, Craighead, Fox, Gloor, Lindstrom, Scheer, Schumacher, Williams. Nay: 0. Absent: 0. Present and not voting: 0.

The Banking, Commerce and Insurance Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Edward (Ed) Rieker - Nebraska Exchange Stakeholder Commission

Aye: 8 Campbell, Craighead, Fox, Gloor, Lindstrom, Scheer, Schumacher, Williams. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Jim Scheer, Chairperson

ANNOUNCEMENT

The Chair announced the birthday of Senator Smith.

GENERAL FILE

LEGISLATIVE BILL 188. Senator Chambers renewed his amendment, FA86, found on page 506 and considered on page 534, to the committee amendment.

Senator Chambers offered the following motion:

MO177
Recommit to the Judiciary Committee.

SPEAKER HADLEY PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Senator Chambers requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 2:

Cook Haar, K.

Voting in the negative, 30:
The Chambers motion to recommit to committee failed with 2 ayes, 30 nays, 11 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT(S) - Print in Journal

Senator Morfeld filed the following amendment to LR26CA:
AM2043
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. At the general election in November 2016 the following
4 proposed amendment to the Constitution of Nebraska shall be submitted to
5 the electors of the State of Nebraska for approval or rejection:
6 To amend Article III, section 8, and Article IV, section 2, and to
7 add a new section 9 to Article IV:
8 III-8 A No person is shall be eligible for to the office of member
9 of the Legislature if, unless on the date of the general election at
10 which such person he is elected, or on the date of his or her
11 appointment, such person he is a registered voter, has attained the
12 federal voting age, of twenty one years and has resided within the
13 district from which he or she is elected for the term of one year next
14 before his or her election unless such person has, unless he shall have
15 been absent on the public business of the United States or of this State.
16 A And no person elected to the office of member of the Legislature as
17 aforesaid shall not hold such his office after he or she has shall have
18 removed from such district.
19 IV-2 A person shall be eligible for the office of Governor if such
A person has attained the federal voting age, subject to qualifications, other than age, established by law. A person shall be eligible for the office of Lieutenant Governor if such person has attained the federal voting age, subject to qualifications, other than age, established by law. A 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 one of the appointive officers mentioned in this article shall not be eligible to any other state office during the period for which he or she was they have been appointed. IV-9 A person shall be eligible for any elected office in the executive branch of state government if such person has attained the federal voting age, subject to qualifications, other than age, established by law.

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 related to age for state elected office.

For

Against.

Senator Coash filed the following amendment to LB894:

AM2053

(Amendments to Standing Committee amendments, AM1962)

1. On page 14, lines 7 through 19, strike the new matter and reinstate the stricken matter.

NOTICE OF COMMITTEE HEARING(S)

Judiciary

Room 1113

Wednesday, February 17, 2016 1:30 p.m.

LB1098
LB975
LB670
LB847
LB1010

Thursday, February 18, 2016 1:30 p.m.

LB1000
LB1097
LB1054
LB920
LB839
(Signed) Les Seiler, Chairperson

Health and Human Services

Room 1510

Wednesday, February 17, 2016 1:30 p.m.

Chad Bell - Commission for the Blind and Visually Impaired
Michael D. Hansen - Commission for the Blind and Visually Impaired
LB816
LB899
LB908

Thursday, February 18, 2016 1:00 p.m.

DHHS Medicaid Division Annual Committee Briefing
LB782
LB869
LB1043

(Signed) Kathy Campbell, Chairperson

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 894. Placed on General File with amendment. AM1962 is available in the Bill Room.

(Signed) Les Seiler, Chairperson

Urban Affairs

LEGISLATIVE BILL 808. Placed on General File.

LEGISLATIVE BILL 860. Placed on General File.

LEGISLATIVE BILL 875. Placed on General File with amendment. AM1919
1 1. On page 4, line 6, strike "commission" and insert "department and public works department".

LEGISLATIVE BILL 948. Placed on General File with amendment. AM2014
1 1. On page 2, line 17, after "may" insert "establish a period of time within which to"; strike beginning with "for" in line 17 through "days" in line 18; and in line 19 strike paragraphing.

(Signed) Sue Crawford, Chairperson
LEGISLATIVE BILL 188. Senator Chambers offered the following motion:
MO178
Reconsider the vote to recommit to committee.

Senator Chambers moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 4:
Chambers Cook Haar, K. Pansing Brooks

Voting in the negative, 36:
Baker Friesen Johnson Mello Stinner
Bloomfield Garrett Kintner Murante Sullivan
Bolz Gloor Kolowski Riepe Watermeier
Campbell Groene Koltermann Scheer Williams
Coash Hadley Krist Schilz
Davis Hansen Kuehn Schnoor
Ebke Hilkemann Lindstrom Seiler
Fox Hughes McCollister Smith

Present and not voting, 5:
Brasch Crawford Harr, B. Howard Schumacher

Excused and not voting, 4:
Craighead Larson McCoy Morfeld

The Chambers motion to reconsider failed with 4 ayes, 36 nays, 5 present and not voting, and 4 excused and not voting.

Senator Watermeier offered the following motion:
MO179
Invoke cloture pursuant to Rule 7, Sec. 10.

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

Voting in the affirmative, 37:
The Watermeier motion to invoke cloture prevailed with 37 ayes, 5 nays, 3 present and not voting, and 4 excused and not voting.

The Chambers amendment, FA86, to the committee amendment, lost with 18 ayes, 23 nays, 4 present and not voting, and 4 excused and not voting.

Senator Watermeier requested a roll call vote, in reverse order, on Committee AM374.

Voting in the affirmative, 42:

Baker Fox Hilkemann McCollister Seiler
Bloomfield Friesen Howard Mello Smith
Bolz Garrett Hughes Murante Stinner
Brasch Gloor Johnson Pansing Brooks Sullivan
Campbell Groene Kintner Riepe Watermeier
Coash Hadley Koltesman Schilz Williams
Crawford Harr, B. Lindstrom Schumacher
Davis Hilkemann McCollister Seiler

Voting in the negative, 2:

Chambers Krist

Present and not voting, 1:

Cook
Excused and not voting, 4:

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The committee amendment was adopted with 42 ayes, 2 nays, 1 present and not voting, and 4 excused and not voting.

Senator Watermeier requested a record vote on the advancement of the bill.

Voting in the affirmative, 34:

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Voting in the negative, 6:

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Present and not voting, 5:

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Excused and not voting, 4:

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Advanced to Enrollment and Review Initial with 34 ayes, 6 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 371A.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2015, LB657, section 175; to appropriate funds to aid in carrying out the provisions of Legislative Bill 371, One Hundred Fourth Legislature, Second Session, 2016; to change an appropriation; and to repeal the original section.
LEGISLATIVE BILL 730. Placed on General File.

(Signed) Jerry Johnson, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 639. Placed on General File with amendment. AM2025 is available in the Bill Room.

(Signed) Jim Smith, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Judiciary

Room 1113

Wednesday, February 24, 2016 1:30 p.m.
LB965
LB793
LB1055
LB1056

Thursday, February 25, 2016 1:30 p.m.
LB1058
LB1072
LB720
LB885

Wednesday, March 2, 2016 1:30 p.m.
LB707
LB848
LR398CA
LB990
LB767

Thursday, March 3, 2016 1:30 p.m.
LB769
LB681
LB1090
LB815
LB971
AMENDMENT(S) - Print in Journal

Senator Watermeier filed the following amendment to LB188:
AM2084
(Amendments to Standing Committee amendments, AM374)
1 1. Strike amendment 1 and insert the following new amendments:
2 "1. On page 3, strike lines 24 through 28 and reletter the remaining
3 subdivisions accordingly.
4 4. On page 5, strike lines 26 through 30 and reletter the remaining
5 subdivisions accordingly."
6 2. On page 1, line 7, after "in" insert "immediate".
7 3. Renumber the remaining amendments accordingly.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So
ordered.

Mello - LB1016, LB1022
Kolterman - LB733, LB896, LR378CA, LR35
Garrett - LR35

VISITOR(S)

Visitors to the Chamber were 25 ninth- through twelfth-grade Leadership
Group students from Ogallala and Sidney; Ryan Volin from Wahoo; Ella
and Ben Murray from Deshler; and 20 members of a Leadership Group from
Merrick County.

The Doctor of the Day was Dr. Michael Keralis from Lincoln.

ADJOURNMENT

At 12:04 p.m., on a motion by Senator Schnoor, the Legislature adjourned
until 9:00 a.m., Thursday, February 11, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
PRAYER

The prayer was offered by Pastor Josh Maxwell, Church of Christ, Falls City.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator McCoy who was excused; and Senators Bolz, Davis, Fox, Friesen, Kuehn, Morfeld, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 188. Placed on Select File.

(Signed) Matt Hansen, Chairperson

ANNOUNCEMENT(S)

Senator Kolterman designates LB975 as his priority bill.
REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 10, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Gilbert, Randall
Gilbert, Randall
Kelley & Jerram, PC, LLO
Advantage Capital
Radcliffe, Walter H. of Radcliffe and Associates
DraftKings Inc.
FanDuel, Inc.

REPORTS

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

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR429 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR429.

ANNOUNCEMENT

The Chair announced the birthday of Senator Hansen.

GENERAL FILE

LEGISLATIVE BILL 954. Title read. Considered.

Senator Krist offered the following amendment:
AM2072
1 1. Insert the following new section:
2 Sec. 8. Since an emergency exists, this act takes effect when passed
3 and approved according to law.

Senator Krist moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.
The Krist amendment was adopted with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 434. Introduced by Ebke, 32.

WHEREAS, Nathaniel Stapaules, a member of Troop 302 from Fairbury, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout his scouting experience, Nathaniel has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his community service project, Nathaniel repaired, painted, and refurbished the trap and skeet houses at the Jefferson County Sportsmen's Club, which are used by the community and for youth and school competitions; and

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

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

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

1. That the Legislature congratulates Nathaniel Stapaules on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Nathaniel Stapaules.

Laid over.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 683. Placed on General File.
LEGISLATIVE BILL 689. Placed on General File.
LEGISLATIVE BILL 888. Placed on General File.

LEGISLATIVE BILL 671. Indefinitely postponed.

(Signed) Mike Gloor, Chairperson
LEGISLATIVE BILL 410. Indefinitely postponed.

(Signed) Kate Sullivan, Chairperson

COMMITTEE REPORT(S)

Agriculture

The Agriculture Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Christopher P. Kircher - Nebraska State Fair Board
Lowell Minert - Nebraska State Fair Board

Nay: 0. Absent: 1 Larson. Present and not voting: 0.

(Signed) Jerry Johnson, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Nebraska Retirement Systems

Room 1525

Monday, February 22, 2016 9:00 a.m.

Keith Olson - Nebraska Investment Council

(Signed) Mark Kolterman, Chairperson

Education

Room 1525

Monday, February 22, 2016 1:30 p.m.

LB1067
LB903
LB904
LB739
LB967

Tuesday, February 23, 2016 1:30 p.m.

Ronald Hunter - Coordinating Commission for Postsecondary Education
Colleen Adam - Coordinating Commission for Postsecondary Education
COMMUNICATION(S)

February 9, 2016

Mr. Patrick O'Donnell
Clerk of the Legislature
Room 2018
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Pursuant to the Provisions of Section 85-408, R.R.S. of Nebraska, 1943 Legislative approval is required for the following University of Nebraska project:

**University of Nebraska at Omaha - University Village Stairwell Repairs.** The University of Nebraska at Omaha proposes to expend $775,000 from the 1986 Replacement Fund. The funds would be used for stairwell repairs.

This expenditure relates to the Bond Resolution dated December 1, 1964, authorizing the issuance of Revenue Bonds by the Board of Regents. The Board has heretofore issued revenue bonds payable from the revenues and fees derived from the ownership and operation of the dormitories and other facilities for the housing and boarding of students, student unions, student health facilities and other facilities for the activities of students located on the campus of the University of Nebraska at Omaha, under which a 1986 Surplus Fund was created.

Section 6.2 of the Resolution requires the Board to operate the facilities in an efficient, sound and economical manner and to keep all facilities and betterments thereto in good repair, working order and condition and to make all necessary and proper repairs, renewals, replacements, additions, extension and betterments thereto, so that at all times the business carried on in connection therewith shall be properly and advantageously conducted.

**Request.** The University requests approval of the University Village Stairwell Repairs in the amount of $775,000 financed from the University of Nebraska at Omaha Student Fees and Facilities Revenue Bond Surplus Funds.

The Board of Regents approved the University Village Stairwell Repair project and authorized the funding and transfer and expenditure of funds on January 29, 2016.
Thank you for your consideration of this project.

Respectfully submitted,
(Signed) Carmen K. Maurer
Corporation Secretary

February 11, 2016

Senator Bob Krist
Chairperson, Executive Board
Room 2108
State Capitol
Lincoln, NE 68509

Dear Senator Krist,

Enclosed is correspondence from Carmen K. Maurer, Corporation Secretary for the Office of the President of the University of Nebraska. The correspondence relates to expenditure of bond funds for the following:

University of Nebraska at Omaha-University Village Stairwell Repairs

I am forwarding this correspondence to you for Executive Board action.

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

REFERENCE COMMITTEE REPORT

The Executive Board referred the University of Nebraska at Omaha-University Village Stairwell Repairs request to issue expenditure bond funds to the Appropriations Committee for further consideration.

(Signed) Bob Krist, Chairperson
Executive Board

COMMITTEE REPORT(S)

General Affairs

LEGISLATIVE BILL 1046. Placed on General File.

LEGISLATIVE BILL 748. Placed on General File with amendment.
AM1935

1 1. Strike original section 1 and insert the following new section:
2 Section 1. Section 53-194.03, Reissue Revised Statutes of Nebraska, 3 is amended to read:
4 53-194.03 (1) Except as provided in subsection (2) of this section,
5 it shall be unlawful for any person to transport, import, bring, ship,
6 or cause to be transported, imported, brought, or shipped into the State
7 of Nebraska for the personal use of the possessor, his or her family, or
8 guests a quantity of alcoholic liquor in excess of nine liters in any one
9 calendar month.
10 (2) Subsection (1) of this section does not apply to a person
11 importing alcoholic liquor from a holder of a retail direct sales
12 shipping license or its equivalent, which alcoholic liquor is for
13 personal use or for use by such person’s family or guests, if the total
14 amount imported by such person in any one calendar year does not exceed
15 one hundred eight liters.
16 (3) Alcoholic liquor transported, imported, brought, or shipped
17 into the State of Nebraska in violation of this section shall be seized
18 by the commission and disposed of in the manner provided for contraband.
19 Any person violating this section shall be guilty of a Class IV
20 misdemeanor.

LEGISLATIVE BILL 1105. Placed on General File with amendment.  
AM2029 is available in the Bill Room.

(Signed) Tyson Larson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1016. Title read. Considered.

Senator Coash offered the following amendment:
FA87
On page 3, line 10 strike "2018" insert "2017"

The Coash amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 970. Senator Chambers offered the following motion:
MO180
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

SPEAKER HADLEY PRESIDING

Pending.
ANNOUNCEMENT(S)

The General Affairs Committee designates LB1105 as its priority bill.

Senator Morfeld designates LB586 as his priority bill.

The Nebraska Retirement Systems Committee designates LB447 and LB467 as its priority bills.

RESOLUTION(S)


WHEREAS, Ryan Kopsa, a member of Troop 174 from York, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout his scouting experience, Ryan has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges and complete a community service project approved by the troop and the scout council. For his project, Ryan designed and built a sculpture depicting a larger-than-life set of rosary beads for Camp Kateri Tekakwitha in McCool Junction. The sculpture is completely free-standing and has a circumference of over 75 feet; and

WHEREAS, Ryan completed the Rayado wilderness program at the Philmont Scout Ranch in Cimarron, New Mexico, and has participated in a variety of service projects, including fully restoring several large antique storage tanks at the Wessels Living History Farm in York and working with his natural resources district to clear trees damaging the soil near a lake; and

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

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

1. That the Legislature congratulates Ryan Kopsa on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Ryan Kopsa.

Laid over.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 725. Placed on General File with amendment.

AM2011

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 76-214, Revised Statutes Cumulative Supplement, 4 2014, is amended to read:
5 76-214 (1) Except as provided in subsection (4) of this section,
6 every grantee who has a deed to real estate recorded and every
7 purchaser of real estate who has a memorandum of contract or land
8 contract recorded shall, at the time such deed, memorandum of contract,
9 or land contract is presented for recording, file with the register of
10 deeds a completed statement as prescribed by the Tax Commissioner. For
11 all deeds and all memoranda of contract and land contracts recorded on
12 and after January 1, 2001, the statement shall not require the social
13 security number of the grantee or purchaser or the federal employer
14 identification number of the grantee or purchaser. This statement may
15 require the recitation of any information contained in the deed,
16 memorandum of contract, or land contract, the total consideration paid,
17 the amount of the total consideration attributable to factors other than
18 the purchase of the real estate itself, and other factors which may
19 influence the transaction. If a death certificate is recorded as provided
20 in subsection (2) of this section, this statement may require a date of
21 death, the name of the decedent, and whether the title is affected as a
22 result of a transfer on death deed, a joint tenancy deed, or the
23 expiration of a life estate or by any other means. This statement shall
24 be signed and filed by the grantee, the purchaser, or his or her
25 authorized agent. The register of deeds shall forward the statement to
26 the county assessor. If the grantee or purchaser fails to furnish the
27 prescribed statement, the register of deeds shall not record the deed,
1 memorandum of contract, or land contract. The register of deeds shall
2 indicate on the statement the book and page or computer system reference
3 where the deed, memorandum of contract, or land contract is recorded and
4 shall immediately forward the statement to the county assessor. The
5 county assessor shall process the statement according to the instructions
6 of the Property Tax Administrator and shall, pursuant to the rules and
7 regulations of the Tax Commissioner, forward the statement to the Tax
8 Commissioner.
9 (2)(a) The statement described in subsection (1) of this section
10 shall be filed at the time that a certified or authenticated copy of the
11 grantor's death certificate is filed if such death certificate is
12 required to be filed under section 76-2,126 and the conveyance of real
13 estate was pursuant to a transfer on death deed.
14 (b) The statement described in subsection (1) of this section shall
15 not be required to be filed at the time that a transfer on death deed is
16 filed or at the time that an instrument of revocation of a transfer on
17 death deed as described in subdivision (a)(1)(B) of section 76-3413 is
18 filed.
19 (3) Any person shall have access to the statements at the office of
20 the Tax Commissioner, county assessor, or register of deeds if the
21 statements are available and have not been disposed of pursuant to the
22 records retention and disposition schedule as approved by the State
23 Records Administrator.
(4) The statement described in subsection (1) of this section shall not be required if the document being recorded is an easement, except that such statement shall be required for conservation easements and preservation easements as such terms are defined in section 76-2,111.

Sec. 2. Original section 76-214, Revised Statutes Cumulative Supplement, 2014, is repealed.

(Signed) Mike Gloor, Chairperson

Health and Human Services

LEGISLATIVE BILL 680. Placed on General File.
LEGISLATIVE BILL 690. Placed on General File.

LEGISLATIVE BILL 516. Placed on General File with amendment.

AM1770
1 1. On page 2, line 11, after "designee" insert "as a nonvoting, ex officio member"; in line 12 strike "seven" and insert "six"; and in line 13 after the second "injury" insert ", one member shall be a veteran, a family member of a veteran, or a representative of a group representing veterans."
2 2. On page 3, line 6, after "to" insert "the Governor," and after "department" insert an underscored comma; in line 16 strike "2015" and insert "2016"; in lines 26 and 28 strike "A resource facilitator" and insert "Resource facilitation"; and in line 26 after "be" insert "given priority and made."
3 3. On page 4, line 4, after "for" insert "providing followup contact and information on brain injury to individuals on"; in line 5 after the semicolon insert "and"; strike beginning with the semicolon in line 7 through "council" in line 9; and in line 17 after the period insert "Any money in the fund unexpended at the close of a fiscal year shall not lapse but carry over to the next fiscal year. Any interest accruing to the fund from invested fund balances shall become part of the fund and not lapse to the General Fund.".

LEGISLATIVE BILL 698. Placed on General File with amendment.

AM1994
1 1. Strike the original sections and insert the following new sections:
2 Section 1. Sections 1 to 6 of this act shall be known and may be cited as the Home Care Consumer Bill of Rights Act.
3 Sec. 2. For purposes of the Home Care Consumer Bill of Rights Act:
4 (1) Home care consumer means any person who receives home care services and who is (a) sixty years of age or older or (b) a person with disabilities and is younger than sixty years of age. Home care consumer shall also include the parent or guardian of the home care consumer when the consumer is a minor child;
5 (2) Home care services means home and community-based services the purposes of which are to promote independence and reduce the necessity
for residence in a long-term care facility, including, but not limited to, personal care services designed to assist an individual in the activities of daily living such as bathing, exercising, personal grooming, and getting in and out of bed, and which are provided under the medicare program under Title XVIII of the federal Social Security Act, as amended, the medicaid program under Title XIX of the federal Social Security Act, as amended, or any other public or private program providing home care services; and

(3) Provider of home care services means a public or private organization that provides home care services or arranges for the provision of home care services by an independent contractor.

Sec. 3. (1) A home care consumer who is a minor child shall be represented by his or her parent or guardian. Such parent or guardian shall act on behalf of the minor child in securing the minor child’s rights under the Home Care Consumer Bill of Rights Act.

(2) A home care consumer who has been found by a court to be an incapacitated person shall be represented by a guardian. Such guardian shall act on behalf of the incapacitated person in securing the incapacitated person’s rights under the Home Care Consumer Bill of Rights Act.

(3) A home care consumer or an incapacitated person who is not a minor child has the right to the assistance of an agent, an attorney, an individual designated pursuant to a power of attorney, or an individual otherwise designated in writing by the home care consumer to act on behalf of the home care consumer in securing his or her rights under the act.

Sec. 4. In addition to any other rights recognized under state or federal law, a home care consumer has the following rights:

(1) The right to confidentiality of all personal, financial, and medical information which is disclosed to a provider of home care services. A home care consumer also has the right of access to his or her own records and all written information from those records;

(2) The right to receive disclosure from the provider of home care services in writing and in plain language (a) whether the provider of home care services is an employer, a joint employer, an employee leasing company, or a contractor, as applicable, and (b) that the home care consumer (i) may be considered an employer under law and, if the home care consumer is so considered, may be held responsible for the payment of federal and state taxes, including, but not limited to, federal and state income taxes, taxes under the Federal Insurance Contributions Act for purposes of social security and medicare, contributions under the Federal Unemployment Tax Act and the Employment Security Law, payment of overtime pay and minimum wage, workers’ compensation insurance, and any other applicable payments required under state or federal law and (ii) should consult a tax professional if the home care consumer is uncertain about his or her responsibility for such payments;

(3) The right to be informed of the home care consumer’s rights under the Home Care Consumer Bill of Rights Act by a provider of home care services prior to receiving home care services. The provider of home care services shall inform the home care consumer of the following information: (a) whether the provider of home care services is an employer, a joint employer, an employee leasing company, or a contractor, as applicable; (b) that the home care consumer (i) may be considered an employer under law and, if the home care consumer is so considered, may be held responsible for the payment of federal and state taxes, including, but not limited to, federal and state income taxes, taxes under the Federal Insurance Contributions Act for purposes of social security and medicare, contributions under the Federal Unemployment Tax Act and the Employment Security Law, payment of overtime pay and minimum wage, workers’ compensation insurance, and any other applicable payments required under state or federal law and (ii) should consult a tax professional if the home care consumer is uncertain about his or her responsibility for such payments; and (c) the home care consumer’s rights under the Home Care Consumer Bill of Rights Act.
care services shall provide a copy of the rights guaranteed by the Home Care Consumer Bill of Rights Act in the format accessible to the consumer, which may include paper, electronic, audio, large print, or braille;

(4) The right to be informed of the contact information for the entities the home care consumer may contact if the home care consumer’s rights are violated, including the Consumer Protection Division of the Office of the Attorney General, in order to have grievances addressed in an appropriate and timely manner and without retaliation;

(5) The right to participate in the planning of his or her home care services, including, but not limited to, the right to make choices about aspects of the home care services that are important to him or her, choosing providers and schedules to the extent practicable, receiving reasonable accommodation of his or her needs and preferences, and involving anyone he or she chooses to participate with him or her in that planning;

(6) The right to receive sufficient information to make informed decisions, to be fully informed in advance about any proposed changes in home care services, and to be involved in the decisionmaking process regarding those changes;

(7) The right to refuse home care services;

(8) The right to be informed of the cost of home care services prior to receiving those services, whether the cost of home care services is covered under health insurance, long-term care insurance, or other private or public programs, and any charges the home care consumer will be expected to pay for such home care services. A home care consumer has the right to thirty days' advance notice of any changes to such costs or services;

(9) The right to receive care and services provided in a way that promotes his or her dignity and individuality; and

(10) The right to (a) express grievances about the quality of the home care services, the number of hours of home care services, and any violations of the home care consumer’s rights under the Home Care Consumer Bill of Rights Act and (b) assert the rights under the act without retaliation.

Sec. 5. (1) When the Attorney General has cause to believe that any provider of home care services is violating the Home Care Consumer Bill of Rights, the Attorney General may enforce the Home Care Consumer Bill of Rights Act.

(2) For purposes of the act, the Attorney General may:

(a) Require a provider of home care services to file a statement or report in writing under oath or otherwise as to all facts and circumstances concerning the provision of home care services to the home care consumer;

(b) Examine under oath any person in connection with the provision of home care services;

(c) Examine any property or sample thereof, record, book, document, account, or paper as the Attorney General deems necessary; and

(d) Issue subpoenas to require the attendance of witnesses or the production of documents.
22 (3) The Attorney General may bring a civil action in the district
court of any county in which a violation occurred, or in Lancaster
County, seeking injunctive relief and a monetary award for civil
penalties, attorney’s fees, and costs. Any person who violates the act
shall be subject to a civil penalty of not more than two thousand dollars
for each violation.
28 (4) The Attorney General may also seek and recover actual damages
for each health care consumer injured by a violation of the act.
Sec. 6. Any home care consumer who suffers a loss or harm as a
result of a violation of the Home Care Consumer Bill of Rights Act may
file a civil action to recover actual damages, attorney’s fees, court
costs, and any other remedies provided by law.

LEGISLATIVE BILL 701. Placed on General File with amendment.
AM1923
1 1. Insert the following new sections:
2 Section 1. Section 68-1708, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:
4 68-1708 Sections 68-1708 to 68-1735.03 68-1735.04 shall be known and
5 may be cited as the Welfare Reform Act.
6 Sec. 4. The following section is outright repealed: Section
8 2. Amend the repealer and renumber the remaining sections
9 accordingly.

LEGISLATIVE BILL 708. Placed on General File with amendment.
AM1845
1 1. On page 2, lines 12, 17 and 18, and 21 and 22; and page 3, lines
2 1 and 2, strike "a health care facility or health care service" and
3 insert "an assisted-living facility".
4 2. On page 2, line 15, strike "A health care facility or a health
care service" and insert "An assisted-living facility"; in line 19 strike
6 "or service"; and in line 27 strike "patients or".
7 3. On page 3, strike beginning with "by" in line 4 through "service"
8 in line 5; strike beginning with the second "or" in line 13 through
9 "services" in line 14 and insert "assisted-living facilities"; strike
10 beginning with "other" in line 14 through "facility" in line 16; and
11 strike beginning with "health" in line 17 through "services" in line 18
12 and insert "assisted-living facilities".
13 4. On page 4, line 9, after the second "and" insert "assisted-living
14 facilities".
15 5. On page 5, line 31, strike the second "a" and insert "an
16 assisted-living".
17 6. On page 6, line 3, after "An" insert "assisted-living facility
18 which is an".

LEGISLATIVE BILL 901. Placed on General File with amendment.
AM2024
1 1. On page 14, line 21, strike "general" and insert "indirect".
NOTICE OF COMMITTEE HEARING(S)
Health and Human Services
Room 1510
Friday, February 19, 2016 1:00 p.m.
Margaret Propp - Commission for the Deaf and Hard of Hearing
Peter Seiler - Commission for the Deaf and Hard of Hearing
Kristin Huber - Foster Care Advisory Committee
LB939
LB1034
LB1081

MESSAGE(S) FROM THE GOVERNOR
February 11, 2016
Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 47, 176, 190, and 285 were received in my office on February 5, 2016. These bills were signed and delivered to the Secretary of State on February 11, 2016.

Sincerely,
(Signed) Pete Ricketts
Governor

COMMITTEE REPORT(S)
Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Shelly K. McQuillan - Nebraska Child Abuse Prevention Fund Board
Courtney L. Miller, Director-Division of Developmental Disabilities - Department of Health and Human Services
Douglas J. Weinberg, Director-Division of Children and Family Services - Department of Health and Human Services


(Signed) Kathy Campbell, Chairperson

AMENDMENT(S) - Print in Journal

Senator Larson filed the following amendment to LB970:

AM2101

(Amendments to Standing Committee amendments AM2020)

1 1. On page 21, strike line 19; in line 25 strike the period and
2 insert "; and"; and after line 25 insert the following new subdivision:
3 "(9) Prohibit the use of unauthorized third-party scripts on the
4 platform.".

Senator B. Harr filed the following amendment to LB221:

AM1996

1 1. Strike original section 3 and insert the following new sections:
2 Section 1. Section 25-21,220, Reissue Revised Statutes of Nebraska,
3 is amended to read:
4 25-21,220 Proceedings under sections 25-21,219 to 25-21,235 may be
5 had:
6 (1) In all cases against tenants holding over their terms, and a
7 tenant shall be deemed to be holding over his or her term whenever the
8 tenant has failed, neglected, or refused to pay the rent or any part
9 thereof when the rent became due;
10 (2) In all cases when a tenant has threatened the health or safety
11 of other tenants, the landlord, or the landlord's employees or agents,
12 without the right of the tenant to cure the default;
13 (3) In all cases of sales of real estate or executions, orders, or
14 other judicial process when the judgment debtor was in possession at the
15 time of the entry of the judgment or decree by virtue of which such sale
16 was made;
17 (4) In all cases of sale by executors or administrators or
18 guardians and on partition if any of the parties to the partition were in
19 possession at the commencement of the suit after such sales so made on
20 execution or otherwise have been examined by the proper court and the
21 sales adjudged legal; and
22 (5) In all cases when the defendant is a settler or occupier of
23 lands or tenements, without color of title, and to which the complainant
24 has the right of possession.
25 This section shall not be construed as limiting the provisions of
26 sections section 25-21,219 to 25-21,235.
27 Sec. 4. Section 76-1431, Reissue Revised Statutes of Nebraska, is
1 amended to read:
2 76-1431 (1) Except as provided in the Uniform Residential Landlord
and Tenant Act, if there is a noncompliance with section 76-1421
materially affecting health and safety or a material noncompliance by the
tenant with the rental agreement or any separate agreement, the landlord
may deliver a written notice to the tenant specifying the acts and
omissions constituting the breach and that the rental agreement will
terminate upon a date not less than thirty days after receipt of the
notice if the breach is not remedied in fourteen days, and the rental
agreement shall terminate as provided in the notice subject to the
following. If the breach is remediable by repairs or the payment of
damages or otherwise and the tenant adequately remedies the breach prior
to the date specified in the notice, the rental agreement will not
terminate. If substantially the same act or omission which constituted a
prior noncompliance of which notice was given recurs within six months,
the landlord may terminate the rental agreement upon at least fourteen
days' written notice specifying the breach and the date of termination of
the rental agreement.
(2) If rent is unpaid when due and the tenant fails to pay rent
within three days after written notice by the landlord of nonpayment and
his or her intention to terminate the rental agreement if the rent is not
paid within that period of time, the landlord may terminate the rental
agreement.
(3) Except as provided in the Uniform Residential Landlord and
Tenant Act, the landlord may recover damages and obtain injunctive relief
for any noncompliance by the tenant with the rental agreement or section
76-1421. If the tenant's noncompliance is willful, the landlord may
recover reasonable attorney's fees.
(4) Notwithstanding subsections (1) and (2) of this section or
section 25-21,221, a landlord may, after three days' written notice of
termination of the rental agreement and without the right of the tenant
to cure the default, file suit and have judgment against any tenant, or
occupant for recovery of possession of the premises if the tenant,
occupant, member of the tenant's household, guest, or other person who is
under the tenant's control or who is present upon the premises with the
tenant's consent, engages in any drug-related or violent criminal
activity on the premises or engages in any activity that threatens the
health or safety of other tenants, the landlord, or the landlord's
employees or agents. Such activity shall include, but not be limited to,
any of the following activities of the tenant, occupant, member of the
tenant's household, guest, or other person who is under the tenant's
control or who is present upon the premises with the tenant's consent:
(a) Physical assault or the threat of physical assault; (b) illegal use
of a firearm or other weapon or the threat of illegal use of a firearm or
other weapon; (c) possession of a controlled substance if the tenant knew
or should have known of the possession, unless such controlled substance
was obtained directly from or pursuant to a medical order issued by a
practitioner legally authorized to prescribe while acting in the course
of his or her professional practice; or (d) any other activity or
threatened activity which would otherwise threaten the health or safety
of any person or involving threatened, imminent, or actual damage to the
property.

(5) Subsection (4) of this section does not apply to a tenant if the drug-related or violent criminal activity threatening the health or safety of other tenants, the landlord, or the landlord's employees or agents, as set forth in subsection (4) of this section, is conducted by a person on the premises other than the tenant and the tenant takes at least one of the following measures against the person engaging in such activity:

(a) The tenant seeks a protective order, restraining order, or other similar relief which would apply to the person conducting the activities threatening the health or safety of other tenants, the landlord, or the landlord's employees or agents; or

(b) The tenant reports the drug-related or violent criminal activity threatening the health or safety of other tenants, the landlord, or the landlord's employees or agents to a law enforcement agency in an effort to initiate a criminal action against the person conducting the activity.

Sec. 5. Section 76-1441, Reissue Revised Statutes of Nebraska, is amended to read:

(1) The person seeking possession shall file a complaint for restitution with the clerk of the district or county court. The complaint shall contain (a) the facts, with particularity, on which he or she seeks to recover; (b) a reasonably accurate description of the premises; and (c) the requisite compliance with the notice provisions of the Uniform Residential Landlord and Tenant Act. The complaint may notify the tenant that personal property remains on the premises and that it may be disposed of pursuant to section 69-2308 or subsection (5) of section 76-1414. The complaint may also contain other causes of action relating to the tenancy, but such causes of action shall be answered and tried separately, if requested by either party in writing.

(2) The person seeking possession pursuant to subsection (4) of section 76-1431 shall include in the complaint the incident or incidents giving rise to the suit for recovery of possession.

2. Renumber the remaining sections and correct the repealer accordingly.

VISITOR(S)

Visitors to the Chamber were 55 members of Hall County Youth Leadership from Grand Island.

The Doctor of the Day was Dr. Jose Mayorquin from Omaha.

MOTION - Adjournment

Senator Schilz moved to adjourn until 10:00 a.m., Tuesday, February 16, 2016.

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 1 nay, and 20 not voting.
Senator Chambers requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 25:

Baker  Friesen  Johnson  Larson  Murante
Campbell  Garrett  Kintner  Lindstrom  Scheer
Crawford  Gloor  Kolowski  McCollister  Schilz
Davis  Haar, K.  Koltermann  Mello  Seiler
Ebke  Hughes  Kuehn  Morfeld  Watermeier

Voting in the negative, 10:

Bloomfield  Chambers  Pansing  Brooks  Schnoor  Smith
Brasch  Krist  Riepe  Schumacher  Williams

Present and not voting, 6:

Hadley  Harr, B.  Howard
Hansen  Hilkemann  Sullivan

Excused and not voting, 8:

Bolz  Cook  Fox  McCoy
Coash  Craighead  Groene  Stinner

The Schilz motion to adjourn prevailed with 25 ayes, 10 nays, 6 present and not voting, and 8 excused and not voting, and at 12:15 p.m., the Legislature adjourned until 10:00 a.m., Tuesday, February 16, 2016.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper
LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 16, 2016

PRAYER

The prayer was offered by Father Justin Fulton, Cathedral of the Risen Christ, Lincoln.

ROLL CALL

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

The roll was called and all members were present except Senators Davis, Lindstrom, and Stinner who were excused; and Senators Ebke and Seiler who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fifth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 954. Placed on Select File with amendment.
ER162
1 1. On page 1, line 6, strike "and" and after "sections" insert ";
2 and to declare an emergency".

LEGISLATIVE BILL 1016. Placed on Select File.

(Signed) Matt Hansen, Chairperson
NOTICE OF COMMITTEE HEARING(S)
Revenue
Room 1524

Wednesday, February 24, 2016 1:30 p.m.

LB913
LB1014
LB1087
LB1013 (rehearing)
    Note: Opponent & Neutral Testimony Only
LB949 (rehearing)
LB950 (rehearing)

Thursday, February 25, 2016 1:30 p.m.

LB1031
LB1051
LB1085
LB1095

(Signed) Mike Gloor, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 436. Introduced by Krist, 10.

WHEREAS, the State of Nebraska recognizes there are families adversely affected by problem gambling; and
WHEREAS, the State of Nebraska allocates funds to provide education, counseling, and support to families affected by problem gambling; and
WHEREAS, the key to recognizing problem gambling is awareness; and
WHEREAS, educating citizens about the dangers of problem gambling is crucial to preventing problem gambling.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature recognizes March 2016 as Problem Gambling Awareness Month in Nebraska.
2. That a copy of this resolution be sent to the National Council on Problem Gambling, the Nebraska Council on Compulsive Gambling, and the Nebraska Commission on Problem Gambling.

Laid over.

ANNOUNCEMENT(S)

Senator Craighead designates LB683 as her priority bill.
Senator McCoy designates LB114 as his priority bill.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 432 and 433 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 432 and 433.

GENERAL FILE

LEGISLATIVE BILL 676. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 798. Title read. Considered.

Senator Johnson offered his amendment, AM1907, found on page 432.

The Johnson amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 778. Title read. Considered.

Committee AM1874, found on page 422, was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 864. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 700. Title read. Considered.

Committee AM1889, found on page 427, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.
LEGISLATIVE BILL 703. Title read. Considered.

Committee AM1877, found on page 427, was adopted with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 729. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 758. Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 840. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 921. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 735. Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 811. Title read. Considered.

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

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 929. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.
LEGISLATIVE BILL 776. Title read. Considered.
Committee AM1932, found on page 466, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.
Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 807. Title read. Considered.
Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1035. Title read. Considered.
Committee AM1964, found on page 484, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.
Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 734. Title read. Considered.
Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 718. Title read. Considered.
Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 753. Title read. Considered.
Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 786. Title read. Considered.
Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 859. Title read. Considered.
Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 898. Title read. Considered.
Committee AM1859, found on page 518, was adopted with 35 ayes, 0 nays,
7 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE RESOLUTION 26CA. ER156, found on page 484, was adopted.

Senator Morfeld offered his amendment, AM2043, found on page 542.

Pending.

AMENDMENT(S) - Print in Journal

Senator Kintner filed the following amendment to LB53: AM1991 is available in the Bill Room.

Senator B. Harr filed the following amendment to LB221:

AM2133

(Amendments to AM1996)
1 1. On page 2, line 30, strike "three" and insert "five".
2 2. On page 3, line 5, strike "drug-related or"; in line 6 strike "or engages in any" and insert ", the illegal sale of any controlled substance on the premises, or any other"; in line 23 strike "drug-related or" and strike "threatening" and insert ", illegal sale or any controlled substance, or other activity that threatens"; and strike beginning with the second "the" in line 30 through line 31 and insert "such activity".
3 3. On page 4, line 1, strike "landlord's employees or agents"; and strike beginning with "the" in line 2 through "agents" in line 4 and insert "such activity".

ANNOUNCEMENT(S)

Senator B. Harr announced the Business and Labor Committee will hold an executive session Thursday, February 18, 2016, at 10:00 a.m., in Room 2022.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Watermeier - LB1109
Davis - LB1073
Ebke, Groene, Haar, K., Kintner, Krist, McCollister - LB689
Bloomfield - LB754
VISITOR(S)

Visitors to the Chamber were Ja Quala Yarbro from Omaha; P. J. Austin from Washington, D.C.; members from the League of Women Voters of Nebraska from across the state; members from the Nebraska Chapter of Delta Sigma Theta Sorority Inc. from Omaha and Lincoln; and 3 ninth-grade students and sponsors from Elm Creek.

The Doctor of the Day was Dr. Jason Bespalec from Geneva.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Johnson, the Legislature adjourned until 9:00 a.m., Wednesday, February 17, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
TWENTY-SEVENTH DAY - FEBRUARY 17, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 17, 2016

PRAYER

The prayer was offered by Reverend Michael Thompson, New Life Baptist Church, Bellevue.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators McCoy and Schilz who were excused; and Senators Davis, Groene, K. Haar, Schumacher, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-sixth day was approved.

ANNOUNCEMENT(S)

Senator Chambers designates LB1056 as his priority bill.

Senator Hadley designates LB857 as his priority bill.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 437. Introduced by Hadley, 37.

WHEREAS, the NEBRASKAland Foundation on Saturday, February 27, 2016, will present the Distinguished NEBRASKAlander Award to the honorees at the annual Statehood Day Dinner held in the Nebraska State Capitol; and

WHEREAS, a Distinguished NEBRASKAlander Award will be presented to Keith and Norma Heuermann from Phillips who have been leaders in the agricultural community for decades. As a college student, Keith convinced his father to send him $12 to plant two acres of seed corn production, then built a multimillion dollar business which pioneered hybrid seed corn
development, as well as sorghum, wheat, and soybean hybrids. After selling his original business to Stauffer Chemical (now Syngenta) in 1978, Keith developed hybrid popping corn. BKH popcorn was marketed locally and nationally for 11 years and some new hybrids were marketed internationally. Keith and Norma created a family foundation to return benefits to farmers and rural communities and have established the Heuermann Lecture series at the University of Nebraska; and

WHEREAS, a Distinguished NEBRASKAlander Award will be presented to Jim and Rhonda Seacrest who have been community and philanthropic leaders in Lincoln, North Platte, and elsewhere across Nebraska. Jim served as president and chairperson of the board of Western Publishing Company in North Platte from 1968 to 2000. In addition to holding leadership positions on dozens of nonprofit boards, Jim and Rhonda have chaired several major fundraising campaigns, raising millions of dollars for the University of Nebraska, Nebraska Educational Telecommunications (NET), the Great Plains Medical Center, and other organizations. Their love of the arts, humanities, and education has benefited many of the state's cultural institutions and created a lasting impact for future generations; and

WHEREAS, a Distinguished NEBRASKAlander Award will be presented to Bill and Evonne Williams from Omaha who are founders of Patriotic Productions which honors United States military veterans and their families. Bill and Evonne have organized honor flights taking more than 2,000 World War II and Korean War veterans from Nebraska and western Iowa to the monuments and memorials in Washington, D.C. In 2010, Bill and Evonne created "Remembering Our Fallen," a traveling exhibit with photos of Nebraska's military personnel who have died in the War on Terror since September 11, 2001. The exhibit is still traveling the state and Bill and Evonne are working with other states on similar projects. In November of 2015, they organized the Nebraska Gold Star Kids Honor Flight for the children and spouses of Nebraska's fallen in Iraq and Afghanistan.

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

1. That the Legislature congratulates the recipients of the Distinguished NEBRASKAlander Award and extends its appreciation for their service to the State of Nebraska.

2. That a copy of this resolution be given to Keith and Norma Heuermann, Jim and Rhonda Seacrest, and Bill and Evonne Williams.

Laid over.
ATTORNEY GENERAL'S OPINION

Opinion 16-003

SUBJECT: Whether Certain Nebraska State Fair Contracts Are Exempt from the Disclosure Requirements Under the Taxpayer Transparency Act, as Amended by LB 851?

REQUESTED BY: Senator John McCollister
Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
Leslie S. Donley, Assistant Attorney General

In your opinion request letter, you indicate that you have introduced LB 851, which would amend the Taxpayer Transparency Act, Neb. Rev. Stat. §§ 84-602, 84-602.01-602.02 (2014, Supp. 2015) ("Act"). Specifically, LB 851 would require any "quasi government agency," defined as a "state entity" in section 2 of the bill, to provide financial information to the State Treasurer for inclusion on the state's transparency website.¹ Your bill also requires quasi government agencies to provide copies of their contracts to the Department of Administrative Services ("DAS") for posting on its website.²

You state that the Nebraska State Fair, as "a quasi-public agency," is covered under the provisions of LB 851. The State Fair Board has conveyed to you its general support of your proposed legislation, but has concerns that disclosing its midway contract and contracts for "national acts," "would reveal proprietary and commercial information that would be damaging to the operations of the State Fair and hence detrimental to the public purpose of having a top quality State Fair."³ You indicate in your letter that some members of the Legislature may seek to exclude the State Fair contracts from the disclosure requirements of the Act. However, you question whether express exemption is necessary in light of current statutory language, retained by LB 851, which states:

Nothing in this section requires the disclosure of information which is considered confidential under state or federal law or is not a public record under section 84-712.05.


Your specific question to us is as follows:

Considering these provisions of existing law, would the State Fair
contracts described in the email be records which may be withheld from
the public as proprietary and commercial information which would give
advantage to business competitors and hence be exempt from the
requirements of LB 851?

DISCUSSION

The NPRS generally allow Nebraska citizens and other interested persons
the right to examine public records in the possession of public agencies
during normal agency business hours, to make memoranda and abstracts
from those records, and to obtain copies of records in certain circumstances.
Although the NPRS provide for access to public documents, they are not
absolute. The NPRS also provide for exceptions to disclosure by express
(1983). Section § 84-712.05 of the NPRS is comprised of eighteen
categories of records which may be kept confidential from the public at the
discretion of the custodian of the public records. The burden of showing
that a statutory exception applies to disclosure of particular records rests
upon the custodian of those records. *State ex rel. Nebraska Health Care
Association v. Dept. of Health and Human Services Finance and Support*,
255 Neb. 784, 587 N.W.2d 100 (1998).

You have specifically inquired as to the exception set out in subsection
(3), which provides, in pertinent part:

The following records, unless publicly disclosed in an open court, open
administrative proceeding, or open meeting or disclosed by a public
entity pursuant to its duties, may be withheld from the public by the
lawful custodian of the records:

* * *

(3) Trade secrets, academic and scientific research work which is in
progress and unpublished, and other proprietary or commercial
information which if released would give advantage to business
competitors and serve no public purpose;


We are aware of no Nebraska cases which discuss the proprietary or
commercial information exception provided in § 84-712.05(3). However, in
Op. Att'y Gen. No. 92068 (May 7, 1992), we addressed whether certain
information provided to the State Tax Commissioner by public service
entities for property tax valuation purposes was a public record which must
be disclosed under the NPRS. The opinion request was precipitated by a
taxpayer's request for a declaratory ruling from the Nebraska Department of
Revenue, in which it asserted "that financial and operational information
required to be submitted by [the taxpayer] is proprietary commercial
information which if released would give advantage to business competitors
and would serve no public purpose." *Id.* at 1. The taxpayer sought a
declaration that the information was not otherwise a matter of public record, and would be kept confidential and not disclosed to the public by department employees. *Id.*

We indicated that the exceptions set out in § 84-712.05 merely allow the custodian of public records to withhold records, but do not require it, and that the Department of Revenue must determine, as a matter of policy, whether to elect to withhold records that fall within any of the exceptions. We concluded that even if the department determined that the submitted information fell within the exception in § 84-712.05(3), it was under no obligation to decline any request to produce those records. We further distinguished records which could be withheld under the exceptions in § 84-712.05 from those records "which fall within specific statutory exceptions to public disclosure which mandate confidentiality." *Id.* at 2.

We concluded that the department, and not this office, must make the decision whether to disclose records which fell within the exception. However, we fashioned the following standards to assist the department in assessing whether the exception applied to the information supplied by the taxpayer:

(a) Section 84-712.05(3) does not impose any requirement of "substantial" competitive injury or advantage to make the exception from disclosure available;

(b) A bare assertion by the provider of commercial information that such information is confidential is insufficient to justify nondisclosure; and

(c) Nondisclosure must be based upon a showing that a specified competitor may gain a demonstrated advantage by disclosure rather than a mere assertion that some unknown business competitor may gain some unspecified advantage.

*Id.* at 4.

In Op. Att'y Gen. No. 97033 (June 9, 1997), we addressed, *inter alia*, whether certain data generated by an HMO under contract with the Department of Health and Human Services ("DHHS"), and contained in records belonging to DHHS, fell within the proprietary or commercial information exception. We reaffirmed the standards set out in Op. Att'y Gen. No. 92068, and indicated that in our enforcement capacity under Neb. Rev. Stat. § 84-712.03, we have required governmental bodies which rely on § 84-712.05(3) to withhold records to name specific competitors who might gain advantage and the nature of the advantage which would result from disclosure of the withheld records. We have also required governmental bodies under these circumstances to provide to the public "[a]ny reasonably segregable public portion of a record . . . upon request after deletion of the portions which may be withheld." Neb. Rev. Stat. § 84-712.06 (2014).
However, in response to the question as to whether the records at issue fell within the proprietary and commercial information exception, we stated:

[I]t is apparent that we have insufficient information from you at this juncture to determine if any records belonging to the Department as a result of the [HMO] contract are subject to the proprietary or commercial information exemption from disclosure set out in § 84-712.05(3). To make that determination with respect to particular records, we would need the names of specific competitors of [the HMO] which could gain competitive advantage from access to the records at issue, and we would need some description of the nature of the commercial advantage which could [sic] be gained from that access. Should you wish to provide us with such information regarding particular records from the [HMO] contract, we will provide you with our views as to whether and to what extent § 84-712.05(3) allows those records to be kept confidential.

Id. at 5.

In the present instance, we believe that it is more likely than not that the contracts referenced by Mr. McDermott contain proprietary or commercial information which may be lawfully withheld or redacted under the exception in § 84-712.05(3). However, we have insufficient information to make a determination as to whether particular information within such contracts fall within the exception. Any decision to withhold and/or redact any contract based on the proprietary or commercial information exception must be made by the entity required under the Act to provide a copy of the contract to the DAS database. In making this determination, our prior opinions provide guidance and the standards to be met to justify reliance on the exception.

Finally, we would make the following observations about two current provisions of § 84-602.02. First, we note that § 84-602.02(5) states, in part, that "[n]othing in this section requires the disclosure of information which is . . . not a public record under section 84-712.05." As already noted above, § 84-712.05 describes records which may be withheld from the public by their governmental custodian unless disclosed in open court, in an open administrative proceeding, an open meeting, or pursuant to the duties of the public body. However, the records that may be withheld are still public records. Burlington Northern Railroad Company v. Omaha Public Power District, 703 F. Supp. 826 (D. Neb. 1988); aff’d, 888 F.2d 1228 (8th Cir. 1989).

Second, § 84-602.02(3)(b) provides, in pertinent part, that

(b) The following shall be redacted or withheld from any contract before such contract is included in a data base pursuant to subdivision (3)(a) of this section:

***
(iii) Any information which may be withheld from the public under section 84-712.05; . . . .

We question the incongruity of requiring the redaction or withholding of any contract premised on a statute which is permissive in nature. As stated by the court in *Burlington Northern*:

Nothing suggests that these statutory provisions are intended to set any standard for prohibiting disclosure. Section 49-802, Nebraska Revised Statutes, passed in 1947, declares:

"Unless such construction would be inconsistent with a manifest intent of the Legislature, rules for construction of the statutes of Nebraska hereafter shall be as follows:

(1) When the word may appears, permissive or discretionary action is presumed. When the word shall appears, mandatory or ministerial action is presumed."

The manifest intent of the Legislature would not be violated if the word "may" in § 84-712.05 were interpreted to give the public entity, here OPPD, discretion to withhold from the public specific records. There is no indication that "may" means "shall" in this statute.

703 F. Supp. at 829-830.

**CONCLUSION**

In conclusion, LB 851 keeps in place current provisions in the Act that would allow the Nebraska State Fair to withhold or redact any contract which contains proprietary or commercial information, the disclosure of which would give advantage to business competitors and serve no public purpose. The determination as to whether withholding and/or redaction is appropriate is left to the discretion of the State Fair staff. However, it is incumbent on the part of the Nebraska State Fair, as well as any other "state entity" that wishes to withhold information pursuant to Neb. Rev. Stat. § 84-712.05(3), to engage in an analysis consistent with the standards set out in the Attorney General opinions referenced above.

2 See [https://statecontracts.nebraska.gov/](https://statecontracts.nebraska.gov/), referred to as the "Nebraska State Contracts Database."
3 Your opinion request includes an email from Joseph McDermott, Executive Director of the Nebraska State Fair, addressed to you and State Treasurer Stenberg, dated January 4, 2016, in which Mr. McDermott sets out his specific concerns with respect to the disclosure of the above referenced contracts.

Sincerely,
COMMUNICATION(S)

Received a copy of House Joint Resolution 92 from the state of Tennessee relating to the federal transfer of public lands to certain western states and urging Congress to engage in good faith communication and cooperation concerning the coordination of the transfer title to those western states.

MOTION(S) - Confirmation Report(s)

Senator Scheer moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment(s) found on page 540:
- Nebraska Exchange Stakeholder Commission
  - Patrick Booth

Voting in the affirmative, 31:

Baker  Crawford  Kintner  Mello  Stinner
Bloomfield  Fox  Kolowski  Morfeld  Watermeier
Bolz  Friesen  Kolterman  Pansing  Brooks  Williams
Brasch  Gloor  Kuehn  Scheer
Campbell  Hilkemann  Larson  Schimmer
Chambers  Hughes  Lindstrom  Seiler
Craighead  Johnson  McCollister  Smith

Voting in the negative, 0.

Present and not voting, 10:

Coash  Ebke  Hadley  Harr, B.  Murante
Cook  Garrett  Hansen  Howard  Riepe

Excused and not voting, 8:

Davis  Haar, K.  McCoy  Schumacher
Groene  Krist  Schilz  Sullivan

The appointment was confirmed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.
Senator Scheer moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment(s) found on page 541:

Nebraska Exchange Stakeholder Commission
Shari Flowers

Voting in the affirmative, 33:

Baker       Crawford       Hilkemann       McCollister       Schumacher
Bloomfield  Davis          Howard          Mello            Smith
Bolz        Fox             Kolowski        Morfeld         Stinner
Brasch      Friesen        Koltermann      Pansing          Watermeier
Campbell    Garrett         Kuehn           Riepe            Williams
Chambers    Gloor           Larson          Scheer
Craighead   Hadley          Lindstrom       Schnoor

Voting in the negative, 0.

Present and not voting, 10:

Coash       Ebke            Harr, B.        Johnson         Murante
Cook        Hansen          Hughes          Kintner          Seiler

Excused and not voting, 6:

Groene      Krist           Schilz
Haar, K.    McCoy           Sullivan

The appointment was confirmed with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Senator Scheer moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment(s) found on page 541:

Nebraska Exchange Stakeholder Commission
Edward (Ed) Rieker

Voting in the affirmative, 35:

Baker       Crawford       Hilkemann       Kuehn            Scheer
Bloomfield  Davis          Howard          Larson           Schnoor
Bolz        Fox             Hughes          Lindstrom       Schumacher
Brasch      Friesen        Johnson         McCollister      Seiler
Campbell    Garrett         Kintner         Mello            Stinner
Chambers    Gloor           Kolowski        Pansing          Watermeier
Craighead   Hadley          Koltermann      Riepe            Williams

Voting in the negative, 0.
Present and not voting, 8:

Coash        Ebke          Harr, B.        Murante
Cook          Hansen        Morfeld         Smith

Excused and not voting, 6:

Groene       Krist         Schilz
Haar, K.      McCoy         Sullivan

The appointment was confirmed with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Senator Johnson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 554:
   Nebraska State Fair Board
   Christopher P. Kircher
   Lowell Minert

Voting in the affirmative, 30:

Baker        Davis         Hilkemann         Kuehn         Schnoor
Bloomfield   Ebke          Howard           Lindstrom      Schumacher
Bolz         Friesen       Hughes           Mello          Seiler
Campbell     Garrett       Johnson          Morfeld        Stinner
Chambers     Gloor         Kolowski         Pansing         Brooks       Watermeier
Crawford     Hadley        Kolterman        Riepe          Williams

Voting in the negative, 0.

Present and not voting, 13:

Brasch       Craighead     Harr, B.        McCollister     Smith
Coash        Fox           Kintner         Murante
Cook          Hansen        Larson          Scheer

Excused and not voting, 6:

Groene       Krist         Schilz
Haar, K.      McCoy         Sullivan

The appointments were confirmed with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 564:
   Nebraska Child Abuse Prevention Fund Board
   Shelly K. McQuillan
Voting in the affirmative, 31:

Baker    Crawford    Hilkemann    Murante    Stinner
Bloomfield Ebke    Howard    Pansing Brooks Watermeier
Bolz      Friesen    Johnson    Riepe    Williams
Brasch    Garrett    Kolowski    Scheer
Campbell  Haar, K.  Koltermann Schnoor
Chambers  Hadley    Lindstrom    Schumacher
Craighed  Hansen    McCollister    Seiler

Voting in the negative, 0.

Present and not voting, 14:

Coash Fox Hughes Larson Smith
Cook  Gloor Kintner Mello Sullivan
Davis Harr, B. Kuehn Morfeld

Excused and not voting, 4:

Groene  Krist McCoy Schilz

The appointments were confirmed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE RESOLUTION 26CA. Senator Chambers offered the following motion:

MO181
Bracket until April 20, 2016.

Pending.

ANNOUNCEMENT(S)

The Health and Human Services Committee designates LB698 and LB1032 as its priority bills.

Senator Williams designates LB919 as his priority bill.

Senator Fox designates LB1009 as her priority bill.
NOTICE OF COMMITTEE HEARING(S)
Appropriations
Room 1003
Wednesday, February 24, 2016 1:30 p.m.
UNO Request to use Revenue Bond Surplus Funds

(Signed) Heath Mello, Chairperson

RESOLUTION(S)


WHEREAS, Abby Gilreath, a sixth grade student at George Russell Middle School in Millard, was named Nebraska's winner of "Doodle 4 Google," a nationwide competition where K-12 students design artwork to appear on Google's search engine page; and
WHEREAS, the theme for this year's competition was "What makes me . . . me." Abby's doodle reflects her interests and hobbies, including playing the violin, softball, biking, dancing, and drawing; and
WHEREAS, Abby was selected as one of forty-eight State and Territory Winners from over 100,000 entries, and is now competing to be one of five national finalists; and
WHEREAS, in honor of Abby, Google donated microphones, sound mixers, and other equipment to Russell Middle School's music department; and
WHEREAS, the Legislature recognizes the academic and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates Abby Gilreath on being named Nebraska's winner of the Doodle 4 Google contest and wishes her luck in the national finals.
2. That a copy of this resolution be sent to Abby Gilreath.

Laid over.

COMMITTEE REPORT(S)
Nebraska Retirement Systems

LEGISLATIVE BILL 1069. Indefinitely postponed.

(Signed) Mark Kolterman, Chairperson
LEGISLATIVE BILL 983. Placed on General File.

LEGISLATIVE BILL 830. Placed on General File with amendment. AM2082 is available in the Bill Room.

LEGISLATIVE BILL 855. Placed on General File with amendment. AM2063
1 1. On page 4, line 10, strike "down" and before the period insert ",
  2 with amounts ending in fifty cents or more rounded to the next highest
  3 whole dollar amount".

(Signed) Burke Harr, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 676. Placed on Select File.

LEGISLATIVE BILL 798. Placed on Select File with amendment. ER165
1 1. On page 1, line 9, strike "packing" and insert "packaging".

LEGISLATIVE BILL 778. Placed on Select File with amendment. ER163
1 1. In the Standing Committee amendment, AM1874, on page 1, line 6,
  2 strike the semicolon and insert an underscored comma.
  3 2. On page 1, line 8, strike "Statues" and insert "Statutes".

LEGISLATIVE BILL 864. Placed on Select File with amendment. ER164
1 1. On page 4, line 28, strike "19-2402," and insert "section
  2 19-2402".
  3 2. On page 6, line 13, strike the comma.

(Signed) Matt Hansen, Chairperson

SELECT FILE

LEGISLATIVE RESOLUTION 26CA. The Chambers motion, MO181, found in this day's Journal, to bracket until April 20, 2016, was renewed.

SPEAKER HADLEY PRESIDING

Senator Hansen moved the previous question. The question is, "Shall the debate now close?"
Senator McCollister moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The motion to cease debate prevailed with 25 ayes, 3 nays, 15 present and not voting, and 6 excused and not voting.

Senator Chambers requested a record vote on the motion to bracket.

Voting in the affirmative, 14:

<table>
<thead>
<tr>
<th>Bloomfield</th>
<th>Gloor</th>
<th>Krist</th>
<th>Schnoor</th>
<th>Sullivan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brasch</td>
<td>Haar, K.</td>
<td>McCollister</td>
<td>Schumacher</td>
<td>Williams</td>
</tr>
<tr>
<td>Friesen</td>
<td>Kolowski</td>
<td>Pansing</td>
<td>Brooks</td>
<td>Seiler</td>
</tr>
</tbody>
</table>

Voting in the negative, 17:

<table>
<thead>
<tr>
<th>Campbell</th>
<th>Groene</th>
<th>Johnson</th>
<th>Lindstrom</th>
<th>Stinner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ebke</td>
<td>Hadley</td>
<td>Kintner</td>
<td>Mello</td>
<td></td>
</tr>
<tr>
<td>Fox</td>
<td>Hansen</td>
<td>Kuehn</td>
<td>Morfeld</td>
<td></td>
</tr>
<tr>
<td>Garrett</td>
<td>Hughes</td>
<td>Larson</td>
<td>Murante</td>
<td></td>
</tr>
</tbody>
</table>

Present and not voting, 13:

<table>
<thead>
<tr>
<th>Baker</th>
<th>Coash</th>
<th>Davis</th>
<th>Riepe</th>
<th>Watermeier</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bolz</td>
<td>Cook</td>
<td>Howard</td>
<td>Scheer</td>
<td></td>
</tr>
<tr>
<td>Chambers</td>
<td>Crawford</td>
<td>Kolterman</td>
<td>Smith</td>
<td></td>
</tr>
</tbody>
</table>

Absent and not voting, 1:

Harr, B.

Excused and not voting, 4:

<table>
<thead>
<tr>
<th>Craighead</th>
<th>Hilkemann</th>
<th>McCoy</th>
<th>Schilz</th>
</tr>
</thead>
</table>

The Chambers motion to bracket failed with 14 ayes, 17 nays, 13 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

**AMENDMENT(S) - Print in Journal**

Senator McCoy filed the following amendment to **LB1032**:

**AM2163**

1 1. On page 9, line 25, strike "opt to" and insert "shall".
Senator McCoy filed the following amendment to LB1032:
AM2164
1 1. On page 7, line 14, strike "may" and insert "shall".

Senator McCoy filed the following amendment to LB1032:
AM2166
1 1. Strike original section 2.
2 2. Renumber the remaining sections and correct internal references accordingly.

Senator McCoy filed the following amendment to LB1032:
AM2168
1 1. Strike original section 3.
2 2. Renumber the remaining sections and correct internal references accordingly.

Senator McCoy filed the following amendment to LB1032:
AM2169
1 1. Strike original section 5.
2 2. Renumber the remaining sections and correct internal references accordingly.

Senator McCoy filed the following amendment to LB472:
AM2153
1 1. Strike section 3.
2 2. Renumber the remaining sections and correct internal references accordingly.

Senator McCoy filed the following amendment to LB472:
AM2154
1 1. Strike original sections 7 and 8.
2 2. On page 10, lines 7 and 20; page 11, line 7; and page 12, lines 15 and 16, strike "sections 7 and" and insert "section".
4 3. Renumber the remaining sections and correct internal references accordingly.

Senator McCoy filed the following amendment to LB472:
AM2155
1 1. Strike original section 12.
2 2. Renumber the remaining sections and correct internal references accordingly.

Senator McCoy filed the following amendment to LB472:
AM2156
1 1. Strike original section 14.
2 2. Renumber the remaining sections and correct internal references accordingly.
Senator McCoy filed the following amendment to LB472:
AM2158
1 1. Strike original section 15.
2 2. Renumber the remaining sections and correct internal references
3 accordingly.

Senator Schumacher filed the following amendment to LB188:
AM2140
1 1. On page 3, strike lines 22 through 31 and all amendments thereto
2 and insert the following new subsection:
3 "(5) For purposes of this section, a passenger in or on the fleeing
4 vehicle shall not be considered an innocent third party if the political
5 subdivision sustains the burden of proof that such passenger:
6 (a) Promoted, provoked, or persuaded the driver to engage in flight
7 from law enforcement personnel; or
8 (b) Is subject to arrest pursuant to an arrest warrant or for a
9 felony which is the proximate cause of the pursuit and, prior to the
10 termination of the pursuit, the pursuing law enforcement officer
11 generally identifies the passenger and the existence of the warrant or
12 such underlying felony to a supervising law enforcement officer or the
13 Nebraska State Patrol dispatch system.".
14 2. On page 4, strike lines 1 through 3 and all amendments thereto.
15 3. On page 5, strike lines 24 through 31 and all amendments thereto
16 and insert the following new subsection:
17 "(5) For purposes of this section, a passenger in or on the fleeing
18 vehicle shall not be considered an innocent third party if the state
19 sustains the burden of proof that such passenger:
20 (a) Promoted, provoked, or persuaded the driver to engage in flight
21 from law enforcement personnel; or
22 (b) Is subject to arrest pursuant to an arrest warrant or for a
23 felony which is the proximate cause of the pursuit and, prior to the
24 termination of the pursuit, the pursuing law enforcement officer
25 generally identifies the passenger and the existence of the warrant or
26 such underlying felony to a supervising law enforcement officer or the
27 Nebraska State Patrol dispatch system.".
1 4. On page 6, strike lines 1 through 5 and all amendments thereto.

NOTICE OF COMMITTEE HEARING(S)
Government, Military and Veterans Affairs
Room 1507

Wednesday, February 24, 2016 1:30 p.m.

LB788
LB1040
LB1107
COMMITTEE REPORT(S)
Government, Military and Veterans Affairs

LEGISLATIVE BILL 823. Placed on General File.
LEGISLATIVE BILL 1109. Placed on General File.

(Signed) John Murante, Chairperson

Urban Affairs

LEGISLATIVE BILL 865. Placed on General File.

LEGISLATIVE BILL 1059. Placed on General File with amendment. AM2067
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 18-2119, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 18-2119 (1) An authority shall, by public notice by publication once
6 each week for two consecutive weeks in a legal newspaper having a general
7 circulation in the city, prior to the consideration of any redevelopment
8 contract proposal relating to real estate owned or to be owned by the
9 authority, invite proposals from, and make available all pertinent
10 information to, private redevelopers or any persons interested in
11 undertaking the redevelopment of an area, or any part thereof, which the
12 governing body has declared to be in need of redevelopment. Such notice
13 shall identify the area, and shall state that such further information as
14 is available may be obtained at the office of the authority. The
15 authority shall consider all redevelopment proposals and the financial
16 and legal ability of the prospective redevelopers to carry out their
17 proposals and may negotiate with any redevelopers for proposals for the
18 purchase or lease of any real property in the redevelopment project area.
19 The authority may accept such redevelopment contract proposal as it deems
20 to be in the public interest and in furtherance of the purposes of the
21 Community Development Law if the authority has, not less than thirty days
prior thereto, notified the governing body in writing of its intention to
accept such redevelopment contract proposal. Thereafter, the authority
may execute such redevelopment contract in accordance with the provisions
of section 18-2118 and deliver deeds, leases, and other instruments and
take all steps necessary to effectuate such redevelopment contract. In
its discretion, the authority may, without regard to the foregoing
provisions of this section, dispose of real property in a redevelopment
project area to private redevelopers for redevelopment under such
reasonable competitive bidding procedures as it shall prescribe, subject
to the provisions of section 18-2118.

(2) In the case of any real estate owned by a redeveloper, the
authority may enter into a redevelopment contract providing for such
undertakings as the authority shall determine appropriate. Any such
redevelopment contract relating to real estate within an enhanced
employment area shall include a statement of the redeveloper's consent
with respect to the designation of the area as an enhanced employment
area, shall be recorded with respect to the real estate owned by the
redeveloper, and shall be binding upon all future owners of such real
estate.

(3)(a) Prior to entering into a redevelopment contract pursuant to
this section for a redevelopment plan that includes the use of tax-
increment financing as provided in section 18-2147, the authority shall
require the redeveloper to certify the following to the authority:
(i) Whether the redeveloper has filed or intends to file an
application with the Department of Revenue to receive tax incentives
under the Nebraska Advantage Act for a project located or to be located
within the redevelopment project area;
(ii) Whether such application includes or will include, as one of
the tax incentives, a refund of the city's local option sales tax
revenue;
(iii) A good faith estimate of the total amount of tax incentives
the redeveloper expects to receive under the Nebraska Advantage Act for
any such application; and
(iv) Whether such application has been approved under the Nebraska
Advantage Act.

(b) The authority may consider the information provided under
subdivision (3)(a) of this section in determining whether to enter into
the redevelopment contract.

Sec. 2. Section 18-2701, Reissue Revised Statutes of Nebraska, is
amended to read:

Sec. 2. Section 18-2701, Reissue Revised Statutes of Nebraska, is
amended to read:

Sec. 3. Section 18-2703, Reissue Revised Statutes of Nebraska, is
amended to read:

Sec. 4. Section 18-2705, Revised Statutes Supplement, 2015, is
amended to read:

18-2705 (1) Economic development program means any 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 or the payment of related costs and expenses or both,
without regard to whether that business is identified at the time the
project or program is initiated or is to be determined by specified means
at some time in the future.

(2) An economic development program may include, but shall not be
limited to, the following activities: Direct loans or grants to
qualifying businesses for fixed assets or working capital or both; loan
 guarantees for qualifying businesses; grants for public works
 improvements which are essential to the location or expansion of, or the
 provision of new services by, a qualifying business; grants or loans to
 qualifying businesses for job training; the purchase of real estate,
 options for such purchases, and the renewal or extension of such options;
grants or loans to qualifying businesses to provide relocation incentives
for new residents; the issuance of bonds as provided for in the Local
Option Municipal Economic Development Act; and payments for salaries and
support of city staff to implement the economic development program or
the contracting of such to an outside entity.

(3) For cities of the first and second class and villages, an
economic development program may also include grants or loans for the
construction or rehabilitation for sale or lease of housing for persons
of low or moderate income.

(4) For cities of the first and second class and villages, an
economic development program may also include grants, loans, or funds for
rural infrastructure development as defined in section 66-2102.

(5) For cities of the first and second class and villages, an
economic development program may also include grants or loans for the
construction or rehabilitation for sale or lease of housing as part of a
workforce housing plan.

(6) An economic development program may be conducted jointly by
two or more cities after the approval of the program by the voters of
each participating city.

Sec. 5. Workforce housing plan means a program to construct or
rehabilitate single-family housing or market rate multi-family housing
which is designed to address a housing shortage that impairs the ability
of the city to attract new businesses or impairs the ability of existing
businesses to recruit new employees.

Sec. 6. If the proposed economic development program involves the
making of grants or loans for the construction or rehabilitation for sale
or lease of housing as part of a workforce housing plan, the proposed
plan shall include:

(1) An assessment of current housing stock in the city, including
both single-family and market rate multi-family housing;
(2) Whether the plan will also include housing for persons of low or
moderate income under section 18-2710.01;
(3) Such other factors, as determined by the city, which are
particularly relevant in assessing the conditions faced by existing
businesses in recruiting new employees; and
(4) Such other factors, as determined by the city, which are
particularly relevant in assessing the conditions faced by persons
seeking new or rehabilitated housing in the city.
Sec. 7. Section 18-2714, Reissue Revised Statutes of Nebraska, is
amended to read:
18-2714 (1) After approval by the voters of an economic development
program, the governing body of the city shall, within forty-five days
after such approval, establish the economic development program by
ordinance in conformity with the terms of such program as set out in the
original enabling resolution.
(2) After the adoption of the ordinance establishing the economic
development program, such ordinance shall only be amended (a) to conform
to the provisions of any existing or future state or federal law or (b)
after the governing body of the city (a) gives notice of and holds, at
least one public hearing on the proposed changes, (b) approves the
proposed changes by and a two-thirds vote of the members of such the
governing body, and (c) except as provided in subsection (3) of this
section, submits the proposed changes to a new vote of the registered
voters of the city in the manner provided in section 18-2713 of the city,
when necessary to accomplish the purposes of the original enabling
resolution.
(3) 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 if is not required for the
following types of amendments to an economic development program: in the
manner provided for in section 18-2713.
(a) An amendment adding a type of qualifying business to those that
are eligible to participate in the economic development program or
removing a type of qualifying business from those that are eligible to
participate in such program if such addition or removal is recommended by
the citizen advisory review committee established under section 18-2715;
(b) An amendment making corrective changes to comply with the Local
Option Municipal Economic Development Act; or
(c) An amendment making corrective changes to comply with any other
existing or future state or federal law.
(4) The governing body of a city may, at any time after the adoption
of the ordinance establishing the economic development program, by a two-
thirds vote of the members of the governing body, repeal the ordinance in
its entirety and end the economic development program, subject only to
the provisions of any existing contracts relating to such program and the
rights of any third parties arising from those contracts. Prior to such
vote by the governing body, it shall publish notice of its intent to
consider the repeal and hold a public hearing on the issue. Any funds in
18 the custody of the city for such economic development program which are
19 not spent or committed at the time of the repeal and any funds to be
20 received in the future from the prior operation of the economic
21 development program shall be placed into the general fund of the city.
22 Sec. 8. (1) At the time that a qualifying business applies to a
23 city to participate in an economic development program, the qualifying
24 business shall certify the following to the city:
25 (a) Whether the qualifying business has filed or intends to file an
26 application with the Department of Revenue to receive tax incentives
27 under the Nebraska Advantage Act for the same project for which the
28 qualifying business is seeking financial assistance under the Local
29 Option Municipal Economic Development Act;
30 (b) Whether such application includes or will include, as one of the
31 tax incentives, a refund of the city's local option sales tax revenue;
32 (c) A good faith estimate of the total amount of tax incentives the
33 qualifying business expects to receive under the Nebraska Advantage Act
34 for any such application; and
35 (d) Whether such application has been approved under the Nebraska
36 Advantage Act.
37 (2) The city may consider the information provided under this
38 section in determining whether to provide financial assistance to the
39 qualifying business under the Local Option Municipal Economic Development
40 Act.
41 Sec. 9. If any section in this act or any part of any section is
42 declared invalid or unconstitutional, the declaration shall not affect
43 the validity or constitutionality of the remaining portions.
44 Sec. 10. Original sections 18-2119, 18-2701, 18-2703, and 18-2714,
45 Reissue Revised Statutes of Nebraska, and section 18-2705, Revised
46 Statutes Supplement, 2015, are repealed.

LEGISLATIVE BILL 1042. Indefinitely postponed.

LEGISLATIVE RESOLUTION 394CA. Indefinitely postponed.

LEGISLATIVE RESOLUTION 399CA. Indefinitely postponed.

(Signed) Sue Crawford, Chairperson

Education

LEGISLATIVE BILL 1002. Placed on General File.
LEGISLATIVE BILL 1086. Placed on General File.

LEGISLATIVE BILL 906. Placed on General File with amendment.
AM2118

1 1. On page 3, line 13, after "degree" insert "that relates to a
2 career in law enforcement".

(Signed) Kate Sullivan, Chairperson
ANNOUNCEMENT(S)

Senator Kolowski designates LB344 as his priority bill.

The Appropriations Committee designates LB1092 and LB1093 as its priority bills.

Senator Cook designates LB83 as her priority bill.

The Judiciary Committee designates LB894 and LB910 as its priority bills.

SELECT FILE

LEGISLATIVE RESOLUTION 26CA. Senator Chambers offered the following motion:

MO182
Reconsider the vote taken to bracket.

Pending.

LEGISLATIVE BILL 295. ER158, found on page 501, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 53. ER159, found on page 504, was adopted.

Senator Kintner withdrew his amendment, AM1991, found on page 574.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 311. ER161, found on page 509, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 400. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 400A. ER160, found on page 509, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 378. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 328. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 19. Advanced to Enrollment and Review for Engrossment.
NOTICE OF COMMITTEE HEARING(S)
Health and Human Services
Room 1510

Wednesday, February 24, 2016 1:30 p.m.

Mark M. Bulger - Commission for the Blind and Visually Impaired
LB750
LB952
LB998

Thursday, February 25, 2016 1:30 p.m.

Laeth Nasir - Nebraska Rural Health Advisory Commission
LB1011
LB1061

(Signed) Kathy Campbell, Chairperson

COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 818. Placed on General File.
LEGISLATIVE BILL 962. Placed on General File.
LEGISLATIVE BILL 963. Placed on General File.

LEGISLATIVE BILL 567. Placed on General File with amendment.
AM1899

1. Strike the original sections and insert the following new sections:
38-2871 (1) Original prescription information for any controlled substances listed in Schedule III, IV, or V of section 28-405 and other prescription drugs or devices not listed in section 28-405 may be transferred between pharmacies for the purpose of refill dispensing on a one-time basis, except that pharmacies electronically sharing a real-time, online data base may transfer up to the maximum refills permitted by law and as authorized by the prescribing practitioner on the prescription. Transfers are subject to the following:
(a) The transfer is communicated directly between two pharmacists or pharmacist interns except when the pharmacies can use a real-time, online data base;
(b) The transferring pharmacist or pharmacist intern indicates void on the record of the prescription;
(c) The transferring pharmacist or pharmacist intern indicates on the record of the prescription the name, the address, and, if a controlled substance, the Drug Enforcement Administration number of the
(a) The transferred prescription includes the following information:
(i) The date of issuance of the original prescription;
(ii) The original number of refills authorized;
(iii) The date of original dispensing;
(iv) The number of valid refills remaining;
(v) The date and location of last refill; and
(vi) The name, the address, and, if a controlled substance, the Drug Enforcement Administration number of the pharmacy from which the transfer was made, the name of the pharmacist or pharmacist intern transferring the information, the original prescription number, and the date of transfer; and
(f) Both the original and transferred prescriptions must be maintained by the transferring and receiving pharmacy for a period of five years from the date of transfer.
(2) Nothing in this section shall prevent a pharmacist from forwarding an original prescription for a noncontrolled substance to another pharmacy at the request of the patient or the patient’s caregiver. An original prescription for a controlled substance shall not be forwarded to another pharmacy unless permitted under 21 C.F.R. 1306.25.

Sec. 2. Original section 38-2871, Revised Statutes Cumulative Supplement, 2014, is repealed.

LEGISLATIVE BILL 684. Placed on General File with amendment.
AM1985
1 1. On page 2, lines 27 through 29, strike the new language; and in line 30 strike ", except that for", show as stricken, and insert ", An adoptive home study may be waived by the court upon a showing of good cause by the petitioner when the petitioner is a biological grandparent or a step-grandparent who is married to the biological grandparent at the time of the adoption if both are adopting the child. For all"

LEGISLATIVE BILL 721. Placed on General File with amendment.
AM2057
1 1. Strike sections 12 and 17 and insert the following new sections:
Sec. 12. (1) An applicant for licensure under the Surgical First Assistant Practice Act shall:
(a) Be certified as a surgical first assistant by an approved certifying body;
(b) Have successfully completed an approved surgical first assistant education program approved by the board or other experiential or training
8 program as approved by the board;
9 (c) Have passed a nationally recognized surgical first assistant
10 examination adopted by the board; and
11 (d) Have a high school diploma or the equivalent as determined by
12 the board.
13 (2) The department may waive the education and examination
14 requirements under the Surgical First Assistant Practice Act for an
15 applicant who:
16 (a) By January 1, 2017, submits demonstrated evidence satisfactory
17 to the board that he or she has been functioning as a surgical first
18 assistant as his or her primary function in a licensed health care
19 facility within the last five years prior to September 1, 2016;
20 (b) By January 1, 2017, submits evidence of holding a current
21 certification as a surgical first assistant issued by an approved
22 certifying body; or
23 (c) Submits evidence of holding a credential as a surgical first
24 assistant issued by another state or territory of the United States or
25 the District of Columbia which has standards substantially equivalent to
26 those of this state.
27 Sec. 17. (1) The board shall, pursuant to section 38-126: (a)
1 Recommend to the department the issuance of licenses to practice surgical
2 assisting under the Surgical First Assistant Practice Act; (b)
3 investigate and adopt standards based on national standards for surgical
4 assisting and implement changes as needed to carry out the act; and (c)
5 provide for distribution of information regarding practice of licensed
6 surgical first assistants.
7 (2) The department shall: (a) Receive and investigate complaints,
8 conduct hearings, and impose disciplinary actions in relation to
9 complaints against licensed surgical assistants under the Uniform
10 Credentialing Act; and (b) perform other duties as required under the
11 Surgical First Assistant Practice Act and Uniform Credentialing Act.
12 Sec. 21. This act becomes operative on January 1, 2017.
13 2. On page 3, line 12, strike “the surgical team”; in lines 17 and
14 18 strike “Utilizing” through “assist” and insert “Assisting”; in line 20
15 strike “Utilizing” and insert “Inserting”; in line 23 after the semicolon
16 insert “and”; in line 25 strike “and”; and strike lines 26 and 27.
17 3. On page 4, line 24, strike “licensed” and insert “holding an
18 active license”.
19 4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 1033. Placed on General File with amendment.
AM2048
1 1. On page 2, lines 24 and 30, strike “placing” and insert
2 "providing services to"; and in lines 25 and 31 strike "service".
3 2. On page 3, line 11, after the second comma insert "the Division
4 of Rehabilitation Services in the State Department of Education,"; and in
5 line 20 after the first comma insert "and including two persons with
6 disabilities representing self-advocacy organizations.".
COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 700. Placed on Select File with amendment.
ER167
1 1. On page 3, line 9, strike the comma.

LEGISLATIVE BILL 703. Placed on Select File.
LEGISLATIVE BILL 729. Placed on Select File.
LEGISLATIVE BILL 758. Placed on Select File.
LEGISLATIVE BILL 840. Placed on Select File.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Morfeld filed the following amendment to LR26CA:
AM2179
(Amendments to Morfeld amendments, AM2043)
1 1. On page 1, strike beginning with the first comma in line 20
2 through "law" in line 21; and strike beginning with the first comma in
3 line 23 through "law" in line 24.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So
ordered.

Johnson - LR35

VISITOR(S)

Visitors to the Chamber were 22 members of Leadership York; 9 members
of Beatrice Leadership Group; Nathan Johnson from Northeast High School;
45 twelfth-grade students and teachers from Syracuse; Jayann Sepich from
Carlsbad, NM; 25 members of Leadership Fremont; and Senator
Bloomfield's wife, Dee, from Hoskins, and daughter-in-law, Becky
Bloomfield, from Wayne.

The Doctor of the Day was Dr. Michelle Sell from Central City.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator McCollister, the Legislature
adjourned until 9:00 a.m., Thursday, February 18, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
TWENTY-EIGHTH DAY - FEBRUARY 18, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 18, 2016

PRAYER

The prayer was offered by Pastor Nora Mendyk, Grant United Methodist Church, Grant.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators McCoy and Stinner who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-seventh day was approved.

ANNOUNCEMENT(S)

The Business and Labor Committee designates LB830 as its priority bill.

The Education Committee designates LB959 and LB1066 as its priority bills.

Senator Sullivan designates LB1067 as her priority bill.

Senator Kuehn designates LR378CA as his priority resolution.

Senator Groene designates LB717 as his priority bill.

Senator Smith designates LB884 as his priority bill.

The Business and Labor Committee designates LB1110 as its priority bill.

Senator Scheer designates LB883 as his priority bill.

Senator Coash designates LB934 as his priority bill.
COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 921. Placed on Select File.
LEGISLATIVE BILL 735. Placed on Select File.

LEGISLATIVE BILL 811. Placed on Select File with amendment.
ER166
1 1. On page 2, line 7, strike the period and insert "; and".

LEGISLATIVE BILL 929. Placed on Select File.

(Signed) Matt Hansen, Chairperson

MESSAGE(S) FROM THE GOVERNOR

February 11, 2016

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

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

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

Pete Goldschmidt, 521 Grand Boulevard, Venice, CA 90291

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

NOTICE OF COMMITTEE HEARING(S)

Judiciary

Room 1113

Thursday, February 25, 2016 1:30 p.m.

Joint Judiciary and Appropriations Hearing on Department of Corrections' budget, 2014 Master Plan Report and 2015 Strategic Plan
The following bills were read and put upon final passage:

**LEGISLATIVE BILL 695.**

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-735, Revised Statutes Supplement, 2015; to provide for the counting of ballots; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' 

Voting in the affirmative, 45:

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Voting in the negative, 0.
Present and not voting, 2:

Coash Seiler

Excused and not voting, 2:

McCoy Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 699.**

A BILL FOR AN ACT relating to the Nebraska Municipal Land Bank Act; to amend sections 19-5205, 19-5210, and 19-5213, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to board members, priorities for use of land, and reporting; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Baker Davis Hilkemann Lindstrom Schumacher
Bloomfield Ebke Howard McCollister Seiler
Bolz Fox Hughes Mello Smith
Brasch Friesen Johnson Morfeld Sullivan
Campbell Garrett Kintner Murante Watermeier
Chambers Gloor Kolowski Pansing Brooks Williams
Coash Haar, K. Kolterman Riepe
Cook Hadley Krist Scheer
Craighed Hansen Kuehn Schilz
Crawford Harr, B. Larson Schnoor

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 2:

McCoy Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
LEGISLATIVE BILL 702.

A BILL FOR AN ACT relating to cities of the second class; to amend sections 17-102 and 17-104, Reissue Revised Statutes of Nebraska; to harmonize provisions relating to the election of city council members; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Baker    Davis    Harr, B.    Larson    Schnoor
Bloomfield  Ebke   Hilkemann    Lindstrom    Schumacher
Bolz      Fox     Howard    McCollister    Seiler
Brasch    Friesen Hughes    Mello      Smith
Campbell  Garrett Johnson    Morfeld    Sullivan
Chambers  Gloor    Kintner Murante    Watermeier
Coash     Groene Kolowski Pansing Brooks Williams
Cook      Haar, K. Kolterman    Riepe
Craighead Hadley Krist     Scheer
Crawford  Hansen Kuehn    Schilz

Voting in the negative, 0.

Excused and not voting, 2:

McCoy    Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 737.

A BILL FOR AN ACT relating to the Wastewater Treatment Facilities Construction Assistance Act; to amend sections 81-15,149, 81-15,150, 81-15,151, 81-15,154, 81-15,155, and 81-15,156, Reissue Revised Statutes of Nebraska; to redefine a term; to change powers of the Director of Environmental Quality; to change provisions relating to the Wastewater Treatment Facilities Construction Loan Fund, categories of loan eligibility, eligible items, loan conditions, and loan terms; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:
Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB751 with 40 ayes, 1 nay, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 751, With Emergency Clause.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-115.01, 8-117, 8-157, 8-234, 8-374, 8-1510, and 21-1725.01, Reissue Revised Statutes of Nebraska; to provide that payment of certain expenses is not a condition precedent to certain approvals by the Director of Banking and Finance; to change certain notice provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:
Voting in the negative, 0.

Present and not voting, 1:

Morfeld

Excused and not voting, 2:

McCoy  Stinner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 759. With Emergency Clause.**

A BILL FOR AN ACT relating to bank deposits and collections; to amend section 4-403, Uniform Commercial Code, Reissue Revised Statutes of Nebraska; to change provisions relating to stop-payment orders; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Baker  Crawford  Hadley  Krist  Scheer
Bloomfield  Davis  Hansen  Kuehn  Schilz
Bolz  Ebke  Harr, B.  Larson  Schmacher
Brasch  Fox  Hilkemann  Lindstrom  Seiler
Campbell  Friesen  Hughes  Mello  Smith
Chambers  Gloor  Kintner  Pansing  Brooks  Watermeier
Coash  Groene  Kolowski  Riepe
Cook  Haar, K.  Kolterman  Scheer
Craighed  Hadley  Krist  Schilz
Crawford  Hansen  Kuehn  Schnoor
Voting in the negative, 0.

Present and not voting, 2:

- Johnson Morfeld
- McCoy Stinner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB760 with 43 ayes, 1 nay, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 760.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-318 and 8-345.01, Reissue Revised Statutes of Nebraska, section 8-135, Revised Statutes Cumulative Supplement, 2014, and section 8-157.01, Revised Statutes Supplement, 2015; to update certain references to the federal Electronic Fund Transfer Act; to change an internal reference; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

- Baker Davis
- Bloomfield Ebke
- Bolz Fox
- Brasch Friesen
- Campbell Garrett
- Chambers Gloor
- Coash Groene
- Cook Haar, K.
- Crawford Hadley

Voting in the negative, 0.

Present and not voting, 2:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 761.**

A BILL FOR AN ACT relating to the Consumer Rental Purchase Agreement Act; to amend sections 69-2103, 69-2104, and 69-2112, Revised Statutes Cumulative Supplement, 2014; to change and update certain federal references; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Baker  Davis  Harr, B.  Larson  Schnoor
Bloomfield  Ebke  Hilkemann  Lindstrom  Schumacher
Bolz  Fox  Howard  McCollister  Seiler
Brasch  Friesen  Hughes  Mello  Smith
Campbell  Garrett  Johnson  Morfeld  Sullivan
Chambers  Gloor  Kintner  Murante  Watermeier
Coash  Groene  Kolowski  Pansing  Brooks  Williams
Cook  Haar, K.  Kolterman  Riepe
Craighead  Hadley  Krist  Scheer
Crawford  Hansen  Kuehn  Schilz

Voting in the negative, 0.

Excused and not voting, 2:

McCoy  Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
LEGISLATIVE BILL 771.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend sections 8-1106 and 8-1108.02, Revised Statutes Supplement, 2015; to change provisions relating to registration by coordination and federal covered securities; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Baker  Crawford  Hadley  Krist  Scheer  
Bloomfield  Davis  Hansen  Kuehn  Schilz  
Bolz  Ebke  Harr, B.  Lindstrom  Schnoor  
Brasch  Fox  Howard  McCollister  Schumacher  
Campbell  Friesen  Hughes  Mello  Seiler  
Chambers  Garrett  Johnson  Morfeld  Smith  
Coash  Gloor  Kintner  Murante  Sullivan  
Cook  Groene  Kolowski  Pansing Brooks Watermeier  
Craighead  Haar, K.  Koltermann  Riepe  Williams

Voting in the negative, 0.

Present and not voting, 2:

Hilkemann  Larson

Excused and not voting, 2:

McCoy  Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB775 with 34 ayes, 1 nay, 12 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 775, With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-120 and 77-201, Reissue Revised Statutes of Nebraska, and section 77-202, Revised Statutes Supplement, 2015; to redefine a term; to change property tax provisions relating to motor vehicles; to provide an operative
date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Baker  Davis  Harr, B.  Larson  Schnoor  
Bloomfield  Ebke  Hilkemann  Lindstrom  Schumacher  
Bolz  Fox  Howard  McCollister  Seiler  
Brasch  Friesen  Hughes  Mello  Smith  
Campbell  Garrett  Johnson  Morfeld  Sullivan  
Chambers  Gloor  Kintner  Murante  Watermeier  
Coash  Groene  Kolowski  Pansing  Brooks  Williams  
Cook  Haar, K.  Kolterman  Riepe  
Craghead  Hadley  Krist  Scheer  
Crawford  Hansen  Kuehn  Schilz

Voting in the negative, 0.

Excused and not voting, 2:

McCoy  Stinner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 853.**

A BILL FOR AN ACT relating to the Public Accountancy Act; to amend sections 1-113, 1-118, 1-119, 1-121, and 1-136.04, Reissue Revised Statutes of Nebraska, and section 1-136.02, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to an advisory committee, certified public accountant reexamination provisions, the examination fee, and accounting experience; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:
Voting in the negative, 0.

Excused and not voting, 2:

McCoy  Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 876.**

A BILL FOR AN ACT relating to public meetings; to amend section 84-1413, Revised Statutes Supplement, 2015; to authorize electronic voting devices for public bodies; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Baker  Davis  Harr, B.  Larson  Schnoor
Bloomfield  Ebke  Hilkemann  Lindstrom  Schumacher
Bolz  Fox  Howard  McCollister  Seiler
Bрасch  Friesen  Hughes  Mello  Smith
Campbell  Garrett  Johnson  Morfeld  Sullivan
Chambers  Gloor  Kintner  Murante  Watermeier
Coash  Groene  Kolowski  Pansing  Brooks  Williams
Cook  Haar, K.  Kolterman  Riepe
Craighead  Hadley  Krist  Scheer
Crawford  Hansen  Kuehn  Schilz

Voting in the negative, 0.

Present and not voting, 1:

Seiler

Excused and not voting, 2:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 131.

A BILL FOR AN ACT relating to political subdivisions; to amend section 33-114, Reissue Revised Statutes of Nebraska; to provide restrictions on and requirements for sanitary and improvement districts subject to municipal annexation; to authorize fees for county treasurers for the collection of certain taxes and assessments of sanitary and improvement districts; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Baker Ebke Hilkemann Lindstrom Schumacher
Bloomfield Fox Howard McCollister Seiler
Bolz Friesen Hughes Mello Smith
Brasch Garrett Johnson Morfeld Sullivan
Campbell Gloor Kintner Murante Watermeier
Chambers Groene Kolowski Pansing Brooks Williams
Coash Haar, K. Koltermann Riepe
Cook Hadley Krist Scheer
Craighead Hansen Kuehn Schilz
Crawford Harr, B. Larson Schnoor

Voting in the negative, 0.

Present and not voting, 1:

Davis

Excused and not voting, 2:

McCoy Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
LEGISLATIVE BILL 136. With Emergency Clause.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2015; to prohibit flying lanterns; to harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?""

Voting in the affirmative, 44:

Baker    Crawford    Hadley    Krist    Schilz
Bloomfield    Davis    Hansen    Kuehn    Schnoor
Bolz    Ebke    Harr, B.    Lindstrom    Schumacher
Brasch    Fox    Hilkemann    McCollister    Seiler
Campbell    Friesen    Howard    Mello    Smith
Chambers    Garrett    Hughes    Morfeld    Sullivan
Coash    Gloor    Johnson    Pansing    Brooks    Watermeier
Cook    Groene    Kintner    Riepe    Williams
Craighead    Haar, K.    Kolterman    Scheer

Voting in the negative, 0.

Present and not voting, 3:

Kolowski    Larson    Murante

Excused and not voting, 2:

McCoy    Stinner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 270. With Emergency Clause.

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

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?""

Voting in the affirmative, 44:
A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 275.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,197.06, Revised Statutes Supplement, 2015; to change penalties for operating a motor vehicle during a revocation period; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Baker  Davis  Harr, B.  Larson  Schnoor
Bloomfield  Ebke  Hilkemann  Lindstrom  Schumacher
Bolz  Fox  Hilkemann  Larson  Schnoor
Brasch  Friesen  Howard  Lindstrom  Schumacher
Campbell  Garrett  Hughes  McCollister  Seiler
Chambers  Gloor  Johnson  Mello  Smith
Coash  Groene  Kintner  Morfeld  Sullivan
Cook  Haar, K.  Kolowski  Murante  Watermeier
Craighead  Hadley  Koltermann  Pansing  Brooks  Williams
Crawford  Hansen  Krist  Scheer  Riepe

Voting in the negative, 0.
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 471. With Emergency Clause.

A BILL FOR AN ACT relating to health and human services; to amend section 84-712.05, Reissue Revised Statutes of Nebraska, and section 71-2454, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to prescription drug monitoring; to create a task force; to provide powers and duties; to provide that certain prescription information, data, and reports are not a public record; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Baker Ebke Hilkemann Lindstrom Schumacher
Bolz Fox Howard McCollister Seiler
Brasch Friesen Hughes Mello Smith
Campbell Garrett Johnson Morfeld Sullivan
Chambers Gloor Kintner Murante Watermeier
Coash Groene Kolowski Pansing Brooks Williams
Cook Haar, K. Koltman Riepe
Craighead Hadley Krist Scheer
Crawford Hansen Kuehn Shilz
Davis Harr, B. Larson Schnoor

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 2:

McCoy Stinner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.
Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB474 with 41 ayes, 3 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 474.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 37-201, 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Supplement, 2015; to provide for Mountain Lion Conservation Plates; to create the Game and Parks Commission Educational Fund and provide for its use; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Baker    Davis    Harr, B.    Larson    Schnoor
Bloomfield    Ebke    Hilkemann    Lindstrom    Schumacher
Bolz    Fox    Howard    McCollister    Seiler
Brasch    Friesen    Hughes    Mello    Smith
Campbell    Garrett    Johnson    Morfeld    Sullivan
Chambers    Gloor    Kintner    Murante    Watermeier
Coash    Groene    Kolowski    Pansing    Brooks Williams
Cook    Haar, K.    Koltermann    Riepe
Craighead    Hadley    Krist    Scheer
Crawford    Hansen    Kuehn    Schilz

Voting in the negative, 0.

Excused and not voting, 2:

McCoy    Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 474A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 474, One Hundred Fourth Legislature, Second Session, 2016.
Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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Voting in the negative, 0.

Excused and not voting, 2:

| McCoy | Stinner |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 665.**

A BILL FOR AN ACT relating to the Water Resources Cash Fund; to eliminate obsolete transfer provisions; and to outright repeal sections 61-220 and 61-221, Revised Statutes Cumulative Supplement, 2014.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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Voting in the negative, 0.
Excused and not voting, 2:

McCo    Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB666 with 46 ayes, 1 nay, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 666.**

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend sections 60-3,136 and 60-4,147.03, Reissue Revised Statutes of Nebraska, and sections 60-3,198, 60-487, 60-4,131, 60-4,144.01, 60-4,144.02, 60-4,168, and 60-4,181, Revised Statutes Cumulative Supplement, 2014; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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Voting in the negative, 0.

Present and not voting, 1:

Davis

Excused and not voting, 2:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 667.**

A BILL FOR AN ACT relating to the International Fuel Tax Agreement Act; to amend section 66-1418, Revised Statutes Cumulative Supplement, 2014; to eliminate obsolete provisions relating to trip permits; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Baker    Davis    Harr, B.    Lindstrom    Schumacher
Bloomfield    Ebke    Hilkemann    McCollister    Seiler
Bolz    Fox    Howard    Mello    Smith
Brasch    Friesen    Hughes    Morfeld    Sullivan
Campbell    Garrett    Johnson    Murante    Watermeier
Chambers    Gloor    Kintner    Pansing Brooks    Williams
Coash    Groene    Koltermann    Riepe
Cook    Haar, K.    Krist    Scheer
Craighed    Hadley    Kuehn    Schilz
Crawford    Hansen    Larson    Schnoor

Voting in the negative, 0.

Present and not voting, 1:

Kolowski

Excused and not voting, 2:

McCoy    Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 695, 699, 702, 737, 751, 759, 760, 761, 771, 775, 853, 876, 131, 136, 270, 275, 471, 474, 474A, 665, 666, and 667.
ER168
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 52-1308, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 52-1308 Farm product shall mean an agricultural commodity, a species
6 of livestock used or produced in farming operations, or a product of such
7 crop or livestock in its unmanufactured state, that is in the possession
8 of a person engaged in farming operations. Farm products shall include,
9 but are not limited to, apples, artichokes, asparagus, barley, bees,
10 buffalo, bull semen, cantaloupe, carrots, cattle and calves, chickens,
11 corn, cucumbers, dry beans, eggs, embryos or genetic products, emu, fish,
12 flax seed, grapes, hay, hogs, honey, honeydew melon, horses, llamas
13 legumes, milk, millet, muskmelon, oats, onions, ostrich, popcorn,
14 potatoes, pumpkins, raspberries, rye, safflower, seed crops, sheep and
15 lambs, silage, sorghum grain, soybeans, squash, strawberries, sugar
16 beets, sunflower seeds, sweet corn, tomatoes, trees, triticale, turkeys,
17 vetch, walnuts, watermelon, wheat, and wool. The Secretary of State may,
18 by rule and regulation, add other farm products to the list specified in
19 this section if such products are covered by the general definition
20 provided by this section.
21 Sec. 2. Section 52-1312, Revised Statutes Supplement, 2015, is
22 amended to read:
23 52-1312 The Secretary of State shall design and implement a central
24 filing system for effective financing statements. The Secretary of State
25 shall be the system operator. The system shall provide a means for filing
26 effective financing statements or notices of such financing statements on
27 a statewide basis. The system shall include requirements:
1 (1) That an effective financing statement or notice of such
2 financing statement shall be filed in the office of the Secretary of
3 State. A debtor's residence shall be presumed to be the residence shown
4 on the filing. The showing of an improper residence shall not affect the
5 validity of the filing. The filing officer shall mark the statement or
6 notice with a consecutive file number and with the date and hour of
7 filing and shall hold the statement or notice or a microfilm or other
8 digital photographic copy thereof for public inspection. In addition, the
9 filing officer shall index the statements and notices according to the
10 name of the debtor and shall note in the index the file number and the
11 address of the debtor given in the statement;
12 (2) That the Secretary of State compile information from all
13 effective financing statements or notices filed with the Secretary of
14 State into a master list (a) organized according to farm product,
arranged within each such product (i) in alphabetical order according to
the last name of the individual debtors or, in the case of debtors doing
business other than as individuals, the first word in the name of such
debtors, (ii) in numerical order according to the approved unique
identifier of the individual debtors, (iii) geographically by county, and
(iv) by crop year, and (c) containing the information referred to in
subdivision (4) of section 52-1307;
(3) That the Secretary of State cause the information on the master
list to be published in lists (a) by farm product arranged alphabetically
by debtor and (b) by farm product arranged numerically by the debtor's
approved unique identifier. If a registered buyer so requests, the list
or lists for such buyer may be limited to any county or group of counties
where the farm product is produced or located or to any crop year or
years or a combination of such identifiers;
(4) That all buyers of farm products, commission merchants, selling
agents, and other persons may register with the Secretary of State to
receive or obtain lists described in subdivision (3) of this section. Any
buyer of farm products, commission merchant, selling agent, or other
person conducting business from multiple locations shall be considered as
one entity. Such registration shall be on an annual basis. The Secretary
of State shall provide the form for registration which shall include the
name and address of the registrant and the list or lists described in
subdivision (3) of this section which such registrant desires to receive
or obtain. A registration shall not be completed until the form provided
is properly completed and received by the Secretary of State accompanied
by the proper registration fee. The fee for annual registration shall be
thirty dollars.
A registrant shall pay an additional annual fee to receive or obtain
quarterly lists described in subdivision (3) of this section. For each
farm product list, the fee shall be an amount determined by the Secretary
of State not to exceed two hundred dollars per year. For each farm product
list provided on microfiche, the annual fee shall be twenty-five dollars.
For each farm product list provided on paper, the annual fee shall be two
hundred dollars. The annual fee for a special list which is a list
limited to fewer than all counties or less than all crop years shall be
one hundred fifty dollars for each farm product.
The Secretary of State shall maintain a record of the registrants
and the lists and contents of the lists received or obtained by the
registrants for a period of five years;
(5) That the lists as identified pursuant to subdivision (4) of this
section be distributed or published by the Secretary of State not more
often than once every month and not less often than once every three
months as determined by the Secretary of State on a quarterly basis and
be in written or printed form. A registrant may choose in lieu of
receiving a written or printed form to receive statewide lists on
microfiche. The Secretary of State may provide for the distribution or
publication of the lists on any other medium and establish reasonable
charges for such lists, not to exceed the charges provided for in
subdivision (4) of this section therefor. The distribution shall be made
by either certified or registered mail, return receipt requested.

The Secretary of State shall, by rule and regulation, establish the dates upon which the quarterly distributions or publications will be made, the dates after which a filing of an effective financing statement will not be reflected on the next quarterly distribution or publication of lists, and the dates by which a registrant must complete a registration to receive or obtain the next quarterly list; and

(6) That the Secretary of State remove lapsed and terminated effective financing statements or notices of such financing statements from the master list prior to preparation of the lists required to be distributed or published by subdivision (5) of this section.

Effective financing statements or any amendments or continuations of effective financing statements originally filed in the office of the county clerk that have been indexed and entered on the Secretary of State's central filing system need not be retained by the county filing office and may be disposed of or destroyed.

The Secretary of State shall apply to the Secretary of the United States Department of Agriculture for (a) certification of the central filing system and (b) approval of the system or method of selecting an approved unique identifier.

The Secretary of State shall deposit any funds received pursuant to subdivision (4) of this section in the Uniform Commercial Code Cash Fund.

Sec. 3. Section 52-1318, Reissue Revised Statutes of Nebraska, is amended to read:

(1) The State of Nebraska hereby adopts the federal rules and regulations in effect on September 1, 2007, adopted and promulgated to implement section 1324 of the Food Security Act of 1985, Public Law 99-198. If there is a conflict between such rules and regulations and sections 52-1301 to 52-1322, the federal rules and regulations shall apply.

(2) The Secretary of State shall adopt and promulgate rules and regulations necessary to implement sections 52-1301 to 52-1322 pursuant to the Administrative Procedure Act. If necessary to obtain federal certification of the central filing system, additional or alternative requirements made in conformity with section 1324 of the Food Security Act of 1985, Public Law 99-198, may be imposed by the Secretary of State by rule and regulation.

(3) The Secretary of State shall prescribe all forms to be used for filing effective financing statements and subsequent actions.

Sec. 4. Section 52-1601, Reissue Revised Statutes of Nebraska, is amended to read:

1 Prior to July 1, 2001, the Secretary of State shall compile lien information received by his or her office pursuant to subsection (2) of section 9-414, Uniform Commercial Code, into a master lien list in alphabetical order according to the last name of the individual against whom such lien is filed or, in the case of an entity doing business other than as an individual, the first word in the name of the debtor. Such master lien list shall contain the name and address of the debtor, the name and address of the lienholder, and the type of such lien.
The (2) On and after July 1, 2001, the Secretary of State shall compile lien information relative to liens created under Chapter 52, articles 2, 5, 7, 9, 11, 12, and 14, and Chapter 54, article 2, received by his or her office pursuant to subsection (a) of section 9-530, Uniform Commercial Code, into a master lien list in alphabetical order according to the last name of the individual against whom such lien is filed or, in the case of an entity doing business other than as an individual, the first word in the name of the debtor. Such master lien list shall contain the name and address of the debtor, the name and address of the lienholder, and the type of such lien.

Sec. 5. Section 52-1602, Reissue Revised Statutes of Nebraska, is amended to read:

52-1602 (1) The master lien list prescribed in section 52-1601 shall be distributed or published by the Secretary of State not more often than once every month and not less often than once every three months on the date on a quarterly basis corresponding to the date on which the lists provided pursuant to sections 52-1301 to 52-1322 are distributed or published. Such master lien list may be mailed with the list provided pursuant to sections 52-1301 to 52-1322. If mailed separately, the master lien list shall be mailed by either certified or registered mail, return receipt requested.

(2) Any person may register with the Secretary of State to receive the master lien list prescribed in section 52-1601. Such registration shall be on an annual basis. The Secretary of State shall provide the form for registration. A registration shall not be completed until the form provided is properly completed and received by the Secretary of State accompanied by the proper registration fee. The fee for annual registration shall be thirty dollars, except that a registrant under sections 52-1301 to 52-1322 shall not be required to pay the registration fee provided by this section in addition to the registration fee paid pursuant to sections 52-1301 to 52-1322 for the same annual registration period. A Beginning for calendar year 1989, a registrant under sections 52-1601 to 52-1605 shall pay an additional annual fee to receive or obtain the quarterly master lien lists prescribed in section 52-1601. For each master lien list, the fee shall be an amount determined by the Secretary of State not to exceed two hundred dollars per year. For each master lien list provided on microfiche, the annual fee shall be twenty-five dollars. For each master lien list provided on paper, the annual fee shall be two hundred dollars. The Secretary of State may provide for the distribution or publication of master lien lists on any other medium and may establish reasonable charges for such lists, not to exceed the charges provided for in this subsection therefor.

(3) The Secretary of State, by rule and regulation, shall establish the dates after which a filing of liens will not be reflected on the next quarterly distribution or publication of the master lien list and the date by which a registrant shall complete a registration in order to receive or obtain the next quarterly master lien list.

(4) The Secretary of State shall deposit any funds received pursuant
7 to subsection (2) of this section in the Uniform Commercial Code Cash 
8 Fund.
9 Sec. 6. Section 52-1603, Reissue Revised Statutes of Nebraska, is 
10 amended to read:
11 52-1603 (1) A buyer of farm products who is registered to receive or 
12 obtain the master lien list as provided in section 52-1602 and who, in 
13 the ordinary course of business, buys farm products from a seller engaged 
14 in farming operations shall take free of any lien created under the 
15 provisions of Chapter 52, article 2, 5, 9, 11, 12, or 14, if such lien is 
16 not on the most recent master lien list received or obtained by the buyer 
17 pursuant to sections 52-1601 to 52-1605, except that such buyer shall 
18 take subject to any such lien if the lien was filed after the last date 
19 for inclusion in the most recent quarterly distribution or publication of 
20 the master lien list and if the buyer has received from the lienholder or 
21 seller written notice of the lien. For purposes of this subsection, the 
22 form of such written notice of the lien may be a copy of the lien filing. 
23 For purposes of this subsection, received or obtained by the buyer shall 
24 mean the first date upon which delivery or publication of the master lien 
25 list is attempted by a carrier or, in the case of electronic publication, 
26 the first date upon which the Secretary of State made the most current 
27 master lien list available electronically, and in all cases a buyer shall 
28 be presumed to have received or obtained the master lien list ten days 
29 after it was mailed or published by the Secretary of State.
30 (2) If a buyer buying property subject to a lien created under the 
31 provisions of Chapter 52, article 2, 5, 9, 11, 12, or 14, tenders to the 
1 seller the total purchase price by means of a check or other instrument 
2 payable to such seller and the lienholder of any such lien for such 
3 property and if such lienholder authorizes the negotiation of such check 
4 or other instrument, such authorization or endorsement and payment 
5 thereof shall constitute a waiver or release of the lien specified to the 
6 extent of the amount of the check or instrument. Such waiver or release 
7 of the lien shall not serve to establish or alter in any way security 
8 interest or lien priorities under Nebraska law.
9 (3) Except as otherwise provided in the provisions of subsections 
10 (1) and (2) of this section, sections 52-1601 to 52-1605 shall not be 
11 interpreted or construed to alter liability of buyers of property subject 
12 to liens created under the provisions of Chapter 52, article 2, 5, 9, 11, 
13 12, or 14.
14 Sec. 7. Original sections 52-1308, 52-1318, 52-1601, 52-1602, and 
15 52-1603, Reissue Revised Statutes of Nebraska, and section 52-1312, 
16 Revised Statutes Supplement, 2015, are repealed.

LEGISLATIVE BILL 734. Placed on Select File.

(Signed) Matt Hansen, Chairperson
LEGISLATIVE BILL 1083. Placed on General File.

LEGISLATIVE RESOLUTION 413. Reported to the Legislature for further consideration.

LEGISLATIVE RESOLUTION 418. Reported to the Legislature for further consideration.

(Signed) Bob Krist, Chairperson
Natural Resources

LEGISLATIVE BILL 745. Placed on General File.
LEGISLATIVE BILL 887. Placed on General File.

LEGISLATIVE BILL 344. Placed on General File with amendment.

AM2112
1 1. Strike the original sections and insert the following new sections:
2 Section 1. Section 2-3226, Reissue Revised Statutes of Nebraska, is amended to read:
3 2-3226  (1) Each district shall have the power and authority to
4 issue revenue bonds for the purpose of financing construction of
5 facilities authorized by law. Issuance of revenue bonds must be approved
6 by two-thirds of the members of the board of directors of the district.
7 The district shall pledge sufficient revenue from any revenue-producing
8 facility constructed with the aid of revenue bonds for the payment of
9 principal and interest on such bonds and shall establish rates for such
10 facilities at a sufficient level to provide for the operation of such
11 facilities and for the bond payments.
12 (2)(a) As provided in subdivision (b) of this subsection, each
13 district shall have the power and authority to issue general obligation
14 bonds for the purpose of financing part of the cost of non-revenue-
15 producing water projects authorized by law. Issuance of such bonds shall
16 be approved by two-thirds of the members of the board of directors of the
17 district, and such bonds shall be retired using the district's ad valorem
18 tax revenue and other funds available to the district not pledged for
19 another purpose.
20 (b) If an application described in subsection (3) of this section is
21 not selected for funding from the Water Sustainability Fund, or is not
22 approved for the full amount requested in the application, the district
23 may issue bonds as authorized by subdivision (a) of this subsection in an
24 aggregate amount not to exceed sixty percent of the project cost. If such
25 application is selected for funding from the Water Sustainability Fund,
26 the district may issue bonds in an aggregate amount not to exceed forty
27 percent of the project cost. Any bonds issued under this subsection must
be issued within four years from the date an application is either selected for full or partial funding or not selected for funding through the Water Sustainability Fund.

(3) A district shall be eligible to utilize the bonds for a project authorized under subsection (2) of this section if:

(a) The district has submitted an application for funding from the Water Sustainability Fund pursuant to section 2-1507;
(b) Such application is determined to be eligible for funding from the Water Sustainability Fund as determined by the Director of Natural Resources pursuant to subsection (3) of section 2-1509; and
(c) The district receives a commitment for or approval of matching or cost share funds from other state, local, or federal agencies, including the Nebraska Environmental Trust, or other sources for the project prior to issuance of any bonds pursuant to subsection (2) of this section.

(4) A district may issue bonds pursuant to section 2-3226.10 or as authorized by subsection (2) of this section but in no case shall the annual tax levied to pay debt service on such bonds exceed the district's tax levy limitation.

Sec. 2. Section 2-3226.14, Reissue Revised Statutes of Nebraska, is amended to read:

2-3226.14 The authority to issue bonds for qualified projects granted in section 2-3226.10 terminates on December 31, 2025, except that (1) any bonds already issued and outstanding for qualified projects as of such date are permitted to remain outstanding and the district shall retain all powers of taxation provided for in section 2-3226.10 to provide for the payment of principal and interest on such bonds and (2) refunding bonds may continue to be issued and outstanding as of December 31, 2025, including extension of principal maturities if determined appropriate.

Sec. 3. Original sections 2-3226 and 2-3226.14, Reissue Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 736. Placed on General File with amendment.

AM2074

1. On page 2, line 25, strike beginning with "has" through "70-1014.02" and insert "means a public power district, a public power and irrigation district, an individual municipality, a registered group of municipalities, an electric membership association, or a cooperative."

(Signed) Ken Schilz, Chairperson

Judiciary

LEGISLATIVE BILL 679. Placed on General File.

(Signed) Les Seiler, Chairperson
COMMITTEE REPORT(S)
Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

John Arley Rundel - Nebraska Oil and Gas Conservation Commission

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Hilary K. Maricle - Environmental Quality Council

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Ken Schilz, Chairperson

AMENDMENT(S) - Print in Journal

Senator Davis filed the following amendment to LB655:
AM2178 is available in the Bill Room.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Goldschmidt, Pete - Technical Advisory Committee for Statewide Assessment - Education

(Signed) Bob Krist, Chairperson
Executive Board

ANNOUNCEMENT(S)

Senator Crawford designates LB754 as her priority bill.

The Urban Affairs Committee designates LB704 and LB1059 as its priority bills.

The Banking, Commerce and Insurance Committee designates LB794 and LB772 as its priority bills.
SELECT FILE

LEGISLATIVE RESOLUTION 26CA. Senator Chambers renewed his motion, MO182, found on page 598, to reconsider the vote taken to bracket.

SENATOR COASH PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 18:
Bloomfield  Cook  Kolowski  Pansing Brooks  Sullivan
B拉斯  Friesen  Kolterman  Riepe  Williams
Campbell  Gloor  Krist  Schnoor
Chambers  Harr, B.  McCollister  Seiler

Voting in the negative, 19:
Bolz  Hadley  Kintner  Mello  Schilz
Coash  Hansen  Kuehn  Morfeld  Schumacher
Ebke  Hughes  Larson  Murante  Watermeier
Garrett  Johnson  Lindstrom  Scheer

Present and not voting, 9:
Baker  Crawford  Fox  Hilkemann  Smith
Craighead  Davis  Haar, K.  Howard

Excused and not voting, 3:
Groene  McCoy  Stinner

The Chambers motion to reconsider failed with 18 ayes, 19 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
MO183
Recommit to the Government, Military and Veterans Affairs Committee.

SENATOR SCHEER PRESIDING
Senator Murante offered the following motion:

MO184

Unanimous consent to recommit to the Government, Military and Veterans Affairs Committee.

Senator Chambers objected.

The Chambers motion, MO183, found in this day's Journal, to recommit to the Government, Military and Veterans Affairs Committee, was renewed.

**SENATOR COASH PRESIDING**

Senator Murante moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Senator Murante moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Murante requested a roll call vote, in reverse order, on the motion to recommit to committee.

Voting in the affirmative, 15:

<table>
<thead>
<tr>
<th>Coash</th>
<th>Garrett</th>
<th>Hughes</th>
<th>Lindstrom</th>
<th>Scheer</th>
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<tbody>
<tr>
<td>Ebke</td>
<td>Groene</td>
<td>Kintner</td>
<td>Morfeld</td>
<td>Schilz</td>
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<tr>
<td>Fox</td>
<td>Hansen</td>
<td>Larson</td>
<td>Murante</td>
<td>Watermeier</td>
</tr>
</tbody>
</table>

Voting in the negative, 23:

<table>
<thead>
<tr>
<th>Baker</th>
<th>Chambers</th>
<th>Hilkemann</th>
<th>McCollister</th>
<th>Seiler</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bloomfield</td>
<td>Cook</td>
<td>Kolowski</td>
<td>Pansing</td>
<td>Brooks</td>
</tr>
<tr>
<td>Bolz</td>
<td>Davis</td>
<td>Kolterman</td>
<td>Riepe</td>
<td>Williams</td>
</tr>
<tr>
<td>Brach</td>
<td>Gloor</td>
<td>Krist</td>
<td>Schnoor</td>
<td></td>
</tr>
<tr>
<td>Campbell</td>
<td>Harr, B.</td>
<td>Kuehn</td>
<td>Schumacher</td>
<td></td>
</tr>
</tbody>
</table>

Present and not voting, 7:

<table>
<thead>
<tr>
<th>Craighead</th>
<th>Haar, K.</th>
<th>Howard</th>
<th>Smith</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crawford</td>
<td>Hadley</td>
<td>Mello</td>
<td></td>
</tr>
</tbody>
</table>

Excused and not voting, 4:

<table>
<thead>
<tr>
<th>Friesen</th>
<th>Johnson</th>
<th>McCoy</th>
<th>Stinner</th>
</tr>
</thead>
</table>

The Chambers motion to recommit to committee failed with 15 ayes, 23 nays, 7 present and not voting, and 4 excused and not voting.
Senator Larson offered the following motion:
MO185
Invoke cloture pursuant to Rule 7, Sec. 10.

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

Voting in the affirmative, 26:

Baker       Ebke       Hansen    Lindstrom    Smith
Bolz        Fox        Howard    Mello        Watermeier
Coash       Garrett    Hughes    Morfeld
Craighead   Groene    Kintner   Murante
Crawford    Haar, K.  Kuehn     Scheer
Davis       Hadley     Larson    Schilz

Voting in the negative, 18:

Brasch       Gloor      Kolowski  Pansing Brooks Sullivan
Campbell     Harr, B.   Kolterman  Riepe       Williams
Chambers     Hilkemann  Krist     Schnoor
Cook         Johnson    McCollister Seiler

Present and not voting, 2:

Bloomfield   Schumacher

Excused and not voting, 3:

Friesen      McCoy      Stinner

The Larson motion to invoke cloture failed with 26 ayes, 18 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 718. Placed on Select File.
LEGISLATIVE BILL 753. Placed on Select File.
LEGISLATIVE BILL 786. Placed on Select File.
LEGISLATIVE BILL 859. Placed on Select File.
LEGISLATIVE BILL 898. Placed on Select File.

(Signed) Matt Hansen, Chairperson
PRESENTED TO THE GOVERNOR

Presented to the Governor on February 18, 2016, at 10:28 a.m. were the following: LBs 695, 699, 702, 737, 751, 759, 760, 761, 771, 775, 853, 876, 131, 136, 270, 275, 471, 474, 474A, 665, 666, and 667.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

NOTICE OF COMMITTEE HEARING(S)
Nebraska Retirement Systems

Room 1525

Thursday, February 25, 2016 12:00 p.m.

AM2178 to LB655

(Signed) Mark Koltermann, Chairperson

AMENDMENT(S) - Print in Journal

Senator Morfeld filed the following amendment to LR26CA:
AM2204
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. At the general election in November 2016 the following
4 proposed amendment to the Constitution of Nebraska shall be submitted to
5 the electors of the State of Nebraska for approval or rejection:
6 To amend Article III, section 8:
7 III-8 A No person is shall be eligible for to the office of member
8 of the Legislature if, unless on the date of the general election at
9 which such person he is elected, or on the date of his or her
10 appointment, such person he is a registered voter, has attained the
11 federal voting age, of twenty-one years and has resided within the
12 district from which he or she is elected for the term of one year next
13 before his or her election unless such person has, unless he shall have
14 been absent on the public business of the United States or of this State.
15 A And no person elected to the office of member of the Legislature as
16 aforesaid shall not hold such his office after he or she has shall have
17 removed from such district.
18 Sec. 2. The proposed amendment shall be submitted to the electors
19 in the manner prescribed by the Constitution of Nebraska, Article XVI,
20 section 1, with the following ballot language:
21 A constitutional amendment to permit persons who have attained the
22 federal voting age to be eligible for the office of member of the
23 Legislature.
24 For
25 Against.
Senator Murante filed the following amendment to LR26CA:
FA88
Strike the enacting clause.

Senator Morfeld filed the following amendment to LR26CA:
AM2207
(Amendments to Final Reading copy)

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

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:

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 for the term of one year next before his or her election unless such person has been absent on the public business of the United States or of this State.

A And no person elected to the office of member of the Legislature as aforesaid shall not hold such his office after he or she has removed from such district.

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 persons who have attained the federal voting age to be eligible for the office of member of the Legislature.

For Against.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 439. Introduced by Crawford, 45; Davis, 43; Friesen, 34; Hughes, 44; McCollister, 20.

PURPOSE: The purpose of this interim study is to examine the use of tax-increment financing (TIF) by municipalities for residential development. The issues addressed by this interim study shall include, but not be limited to:

1. A review of housing needs in Nebraska municipalities, with particular emphasis on municipalities in rural Nebraska;
2. A review of the current economic development tools available to Nebraska municipalities, including TIF, that can be utilized to address housing needs;
3. An examination of the impacts of residential TIF projects on school districts and other political subdivisions;
(4) A review of notice requirements for residential TIF projects under the Community Development Law, including notices to school districts and other political subdivisions; and
(5) An examination of ways to improve cooperation between municipalities and school districts regarding residential TIF projects to address the concerns raised in items (3) and (4).

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

COMMITTEE REPORT(S)
Natural Resources

LEGISLATIVE BILL 897. Placed on General File with amendment. AM1968
1 1. Strike the original sections and insert the following new 2 sections:
3 Section 1. Section 10-1103, Reissue Revised Statutes of Nebraska, is 4 amended to read:
5 10-1103 For purposes of the Nebraska Governmental Unit Security 6 Interest Act:
7 (1) Authorizing statute means any statute which authorizes the 8 issuance of bonds;
9 (2) Bond means any bond, note, warrant, loan agreement, lease, 10 lease-purchase agreement, pledge agreement, agreement authorized by the 11 governing body of a generating power agency pursuant to section 2 of this 12 act, or other evidence of indebtedness for which a security interest is 13 granted or a pledge made upon revenue or other property, including any 14 limited tax revenue, to provide for payment or security;
15 (3) Governmental unit means the State of Nebraska, any county, 16 school district, city, village, public power district, sanitary and 17 improvement district, educational service unit, community college area, 18 natural resources district, airport authority, fire protection district, 19 hospital authority, joint entity created under the Interlocal Cooperation 20 Act, joint public agency, instrumentality, or any other district, 21 authority, or political subdivision of the State of Nebraska and 22 governmental units as defined in subdivision (a)(45) of section 9-102, 23 Uniform Commercial Code;
24 (4) Measure means any ordinance, resolution, or other enactment 25 authorizing the issuance of bonds or authorizing an indenture with 26 respect to bonds pursuant to an authorizing statute; and
(5) Owner means any holder, registered owner, or beneficial owner of a bond.

Sec. 2. (1) For purposes of this section:
(a) Generating power agency has the same meaning as in Chapter 70, article 6; and
(b) Regional transmission organization has the same meaning as in section 70-1001.01.

(2) Any generating power agency buying or selling fuel, power, or energy which operates in a regional transmission organization shall be authorized to engage in commodity futures financial hedging transactions with products regulated under the federal Commodity Futures Trading Commission for fuel, power, or energy as part of its sound business practices. Any generating power agency engaged in such transactions is authorized to grant a foreclosable security interest in and a lien on such agency’s commodity futures account contracts or funds used for such transactions in an amount not exceeding five percent of such agency’s annual gross revenue averaged over the preceding three calendar years.

(3) The authority to enter into agreements for the use of commodity futures financial hedging transactions shall be authorized by a resolution adopted or an agreement approved by the governing body of the generating power agency.

(4) The authority granted in this section is limited to granting a security interest in and a lien on future account contracts or funds specifically designated and used for such commodity futures financial hedging transactions. Except as otherwise authorized under Chapter 70, this section does not authorize granting a foreclosable security interest in or a lien on any other funds, assets, facilities, or property of a generating power agency.

(5) An agreement authorized by this section shall be considered a bond as defined in section 10-1103.

Sec. 3. The Revisor of Statutes shall assign section 2 of this act to Chapter 70, article 6.

Sec. 4. Original section 10-1103, Reissue Revised Statutes of Nebraska, is repealed.

(Signed) Ken Schilz, Chairperson
Executive Board

LEGISLATIVE BILL 580. Placed on General File with amendment.
AM1961 is available in the Bill Room.

LEGISLATIVE BILL 1022. Placed on General File with amendment.
AM2170
1. On page 4, line 16, strike "(10)(c)"; show as stricken, and insert "(10)(d)".
2. On page 5, line 13; page 25, line 29; page 27, line 31; page 28, line 17; page 38, lines 7 and 27; and page 39, line 18, strike "2020" and insert "2022".
6 3. On page 22, lines 24 and 30, reinstate the stricken matter.
7 4. On page 23, after line 3, insert the following new subdivision:
8 "(b) When selecting tax returns or tax return information for a
9 performance audit of a tax incentive program, the office of Legislative
10 Audit shall select the tax returns or tax return information for either
11 all or a statistically and randomly selected sample of taxpayers who have
12 applied for or who have qualified for benefits under the tax incentive
13 program that is the subject of the audit. When the office of Legislative
14 Audit reports on its review of tax returns and tax return information, it
15 shall comply with subdivision (10)(c) of this section."; in line 4 strike
16 "(b)", show as stricken, and insert "(c)"; and in line 12 strike "(c)",
17 show as stricken, and insert "(d)".
18 5. On page 28, line 4, strike "2025" and insert "2027".
19 6. On page 28, lines 28 and 29; page 29, lines 1, 10, 11, 14, 18,
20 19, 22, 28, and 29; and page 30, lines 1, 13, 14, 17, 25, 26, and 29,
21 strike "2018" and insert "2020".

LEGISLATIVE RESOLUTION 403. Reported to the Legislature for
further consideration with the following amendment:
AM2162
1 1. In the first Resolved clause, strike the last occurrence of "or
2 his or her designee".

(Signed) Bob Krist, Chairperson
Judiciary

LEGISLATIVE BILL 710. Placed on General File with amendment.
AM1846
1 1. Insert the following new section:
2 Sec. 2. If any section in this act or any part of any section is
3 declared invalid or unconstitutional, the declaration shall not affect
4 the validity or constitutionality of the remaining portions.
5 2. On page 2, line 18, after "person" insert "or the coercing of any
6 such activity"; in line 23, strike "(a)"; and in line 26 strike "b" and
7 reinstate the stricken "3".
8 3. Renumber the remaining section accordingly.

LEGISLATIVE BILL 831. Placed on General File with amendment.
AM2119
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Sections 1 to 9 of this act shall be known and may be
4 cited as the Automatic License Plate Reader Privacy Act.
5 Sec. 2. For purposes of the Automatic License Plate Reader Privacy
6 Act:
7 (1) Alert means data held by the Department of Motor Vehicles, each
8 criminal justice information system maintained in this state, the Federal
9 Bureau of Investigation National Crime Information Center, the Federal
10 Bureau of Investigation Kidnappings and Missing Persons list, the Missing
11 Persons Information Clearinghouse established under section 29-214.01,
12 and license plate numbers that have been manually entered into the
13 automatic license plate reader system upon a law enforcement officer's
14 determination that the vehicles or individuals associated with the
15 license plate numbers are relevant and material to an ongoing criminal or
16 missing persons investigation;
17 (2) Automatic license plate reader system means one or more mobile
18 or fixed automated high-speed cameras used in combination with computer
19 algorithms to convert images of license plates into computer readable
20 data;
21 (3) Captured plate data means global positioning system coordinates,
22 date and time information, photographs, license plate numbers, and any
23 other data captured by or derived from any automatic license plate reader
24 system;
25 (4) Governmental entity means a department or agency of the state or
26 a political subdivision thereof, or an individual acting for or on behalf
27 of the state or a political subdivision thereof; and
28 (5) Secured area means a place, enclosed by clear boundaries, to
29 which access is limited and not open to the public and entry is only
30 obtainable through specific access-control points.
4 Sec. 3. (1) Except as otherwise provided in this section or in
5 section 4 of this act, the use of an automatic license plate reader
6 system by any person acting under color of state law is prohibited.
7 (2) An automatic license plate reader system may be used by a person
8 acting under color of state law when such use is:
9 (a) By a state, county, city, or village law enforcement agency as
10 an alert for the purpose of identifying:
11 (i) Outstanding parking or traffic violations;
12 (ii) An unregistered or uninsured vehicle;
13 (iii) A vehicle in violation of the vehicle equipment requirements
14 set forth under the Nebraska Rules of the Road;
15 (iv) A vehicle in violation of any other vehicle registration
16 requirement;
17 (v) A vehicle registered to an individual for whom there is an
18 outstanding warrant;
19 (vi) A vehicle associated with a missing person;
20 (vii) A vehicle that has been reported as stolen; or
21 (viii) A vehicle that is relevant and material to an ongoing
22 criminal investigation;
23 (b) By a parking enforcement entity for regulating the use of a
24 parking facility;
25 (c) For the purpose of controlling access to a secured area;
26 (d) For the purpose of electronic toll collection; or
27 (e) To assist weighing stations in performing their duties under
28 section 60-1301.
29 Sec. 4. (1) Except as otherwise provided in this section, the use
30 or sharing of captured plate data obtained for the purposes described in
31 subsection (2) of section 3 of this act is prohibited. Captured plate
data obtained for the purposes described in subsection (2) of section 3 of this act may be retained:

(a) As evidence under subsection (2) of section 3 of this act;
(b) Pursuant to a preservation request under subsection (1) of section 5 of this act;
(c) Pursuant to a disclosure order under subsection (2) of section 5 of this act;
(d) Pursuant to a warrant issued under the Federal Rules of Criminal Procedure or sections 29-401 to 29-411; or
(e) As part of an ongoing investigation if the captured plate data is confirmed as matching an alert and is destroyed at the conclusion of either:
(i) An investigation that does not result in any criminal charges being filed; or
(ii) Any criminal action undertaken in the matter involving the captured plate data.

(2) Any governmental entity that uses automatic license plate reader systems pursuant to subsection (2) of section 3 of this act must update those systems from the databases enumerated in such subsection at the beginning of each law enforcement agency shift if such updates are available.

(3) Any governmental entity that uses automatic license plate reader systems pursuant to subsection (2) of section 3 of this act may manually enter license plate numbers into the automatic license plate reader system only where a law enforcement officer determines that the vehicle or individuals associated with the license plate number are relevant and material to an ongoing criminal or missing persons investigation subject to the following limitations:

(a) Any manual entry must document the reason for the entry; and
(b) Manual entries must be automatically purged at the end of each law enforcement agency shift.

Sec. 5. (1)(a) An operator of an automatic license plate reader system, upon the request of a governmental entity or a defendant in a criminal case, shall take all necessary steps to preserve captured plate data in its possession for fourteen days pending the issuance of a court order under subsection (2) of this section.
(b) A requesting governmental entity or defendant in a criminal case must specify in a written sworn statement:
(i) The particular camera or cameras for which captured plate data must be preserved or the particular license plate for which captured plate data must be preserved or the particular license plate for which captured plate data must be preserved; and
(ii) The date or dates and timeframes for which captured plate data must be preserved.

(2) A governmental entity or defendant in a criminal case may apply for a court order for disclosure of captured plate data, which shall be issued by the court if the governmental entity or defendant in a criminal case offers specific and articulable facts showing there are reasonable grounds to believe the captured plate data is relevant and material to an ongoing criminal or missing persons investigation or criminal prosecution.
(3) Captured plate data held by a governmental entity shall be
destroyed if the application for an order under subsection (2) of this
section is denied or at the end of six months, whichever is later.

(4) A governmental entity may obtain, receive, or use privately held
captured plate data only pursuant to a warrant issued under the Federal
Rules of Criminal Procedure or sections 29-401 to 29-411 or the procedure
described in subsection (2) of this section, and only if the private
automatic license plate reader system retains captured plate data for
fourteen days or fewer.

Sec. 6. Except as otherwise provided in subdivision (3)(b) of this
section, any governmental entity that uses an automatic license plate
reader system shall:

1(1) Adopt a policy governing use of the system and conspicuously
post the policy on the governmental entity's Internet web site;
2(2) Adopt a privacy policy to ensure that captured plate data is not
shared in violation of the Automatic License Plate Reader Privacy Act or
any other law, and conspicuously post the privacy policy on the
6governmental entity's Internet web site; and
7(3)(a) Report annually to the Nebraska Commission on Law Enforcement
and Criminal Justice on its automatic license plate reader practices and
usage. The report shall also be conspicuously posted on the governmental
10entity's Internet web site. The report shall include:
11(i) The number of license plates scanned;
12(ii) The names of the lists against which captured plate data was
checked, the number of confirmed matches, and the number of matches that
upon further investigation did not correlate to an alert;
15(iii) The number of matches that resulted in arrest and prosecution;
16(iv) The number of preservation requests received under subsection
17(1) of section 5 of this act;
18(v) The number of preservation requests issued under subsection (1)
19of section 5 of this act, broken down by the number of preservation
20requests issued to other governmental entities and the number of
21preservation requests issued to private automatic license plate reader
22systems;
23(vi) The number of disclosure orders received under subsection (2)
24of section 5 of this act;
25(vii) The number of disclosure orders applied for under subsection
26(2) of section 5 of this act, broken down by:
27(A) The number of applications for disclosure orders to governmental
28entities under subsection (2) of section 5 of this act that were denied;
29(B) The number of orders for disclosure to governmental entities
30under subsection (2) of section 5 of this act resulting in arrest and
31prosecution;
1(C) The number of applications for disclosure orders to private
2automatic license plate reader systems under subsection (2) of section 5
3of this act that were denied; and
4(D) The number of orders for disclosure to private automatic license
5plate reader systems under subsection (2) of section 5 of this act
resulting in arrest and prosecution;

(viii) The number of manually-entered license plate numbers under subsection (3) of section 4 of this act, broken down by reason justifying the entry, the number of confirmed matches, and the number of matches that upon further investigation did not correlate to an alert; and

(ix) Any changes in policy that affect privacy concerns.

(b) The reporting requirements of this subsection shall not apply to weighing stations using an automatic license plate reader system pursuant to subdivision (2)(e) of section 3 of this act.

Sec. 7. No captured plate data and no evidence derived therefrom may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of this state, or a political subdivision thereof, if the disclosure of that information would be in violation of the Automatic License Plate Reader Privacy Act.

Sec. 8. Any person who violates the Automatic License Plate Reader Privacy Act shall be subject to legal action for damages. Such action may be brought by any other person claiming that a violation of the act has injured his or her business, his or her person, or his or her reputation.

A person so injured shall be entitled to actual damages, including mental pain and suffering endured by him or her on account of violation of the provisions of the act, and reasonable attorney's fees and costs of litigation.

Sec. 9. (1) Captured plate data is not considered a public record disclosed to the person to whom the vehicle is registered or with the prior written consent of the person to whom the vehicle is registered.

(2) Upon the presentation to an appropriate governmental entity of a valid, outstanding protection order pursuant to the Protection from Domestic Abuse Act, the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act, or section 28-311.09 or 28-311.10 protecting the driver of a vehicle jointly registered with or registered solely in the name of the individual against whom the order was issued, captured plate data may not be disclosed except pursuant to a disclosure order under subsection (2) of section 5 of this act or as the result of a match pursuant to subsection (2) of section 3 of this act.

Sec. 10. (1) The purchase or use of cell-site simulator technology or devices by a law enforcement agency is prohibited. Any law enforcement agency that currently possesses or uses cell-site simulator technology or devices shall discontinue such use and discard the technology or devices.

(2) For purposes of this section, cell-site simulator means a device that transmits or receives radio waves to or from a communications device and that can be used to intercept, collect, access, transfer, or forward the data transmitted or received by the communications device or stored on the communications device. Cell-site simulator includes an international mobile subscriber identity catcher or other surveillance or eavesdropping device that mimics a cellular base station and transmits radio waves that cause cell phones or other communications devices in the area to transmit or receive radio waves, electronic data, location data,
information used to calculate location, identifying information, communications content, or metadata, or otherwise obtains this information through passive means, such as through the use of a digital analyzer or other passive interception device.

LEGISLATIVE BILL 919. Placed on General File with amendment. AM2171
1 1. Strike the original sections and insert the following new sections:
3 Section 1. Section 24-1301, Reissue Revised Statutes of Nebraska, is amended to read:
5 24-1301 The Legislature finds and declares that when left untreated, substance use disorders and mental illness drug use and other offenses contribute to increased crime in Nebraska, cost millions of dollars in lost productivity, and contribute to the burden placed upon law enforcement, court, and correctional systems in Nebraska.
10 The Legislature also finds and declares that drug court programs and problem solving courts, including drug, veterans, mental health, driving under the influence, reentry, and other problem solving courts, court programs are effective in reducing recidivism of persons who participate in and complete such courts programs. The Legislature recognizes that a drug court program or a problem solving courts offer court program offers alternatives an alternative to traditional criminal justice proceedings or juvenile justice dispositions proceedings.
19 Sec. 2. Section 24-1302, Reissue Revised Statutes of Nebraska, is amended to read:
21 24-1302 (1) Drug, veterans, mental health, driving under the influence, reentry, and other court programs and problem solving courts court programs shall be subject to rules which shall be promulgated by the Supreme Court for procedures to be implemented in the administration of such courts programs.
26 (2) It is the intent of the Legislature that funds be appropriated separately to the Supreme Court for each of the programs, the drug court programs and the problem solving courts court programs, to carry out this section and section 24-1301.
3 Sec. 3. Section 29-2246, Revised Statutes Supplement, 2015, is amended to read:
5 29-2246 For purposes of the Nebraska Probation Administration Act and sections 43-2,123.01 and 83-1,102 to 83-1,104, unless the context otherwise requires:
8 (1) Association means the Nebraska District Court Judges Association;
9 (2) Court means a district court, county court, or juvenile court as defined in section 43-245;
12 (3) Office means the Office of Probation Administration;
13 (4) Probation means a sentence under which a person found guilty of a crime upon verdict or plea or adjudicated delinquent or in need of special supervision is released by a court subject to conditions imposed
16 by the court and subject to supervision. Probation includes post-release
17 supervision;
18 (5) Probationer means a person sentenced to probation or post-
19 release supervision;
20 (6) Probation officer means an employee of the system who supervises
21 probationers and conducts presentence, predisposition, or other
22 investigations as may be required by law or directed by a court in which
23 he or she is serving or performs such other duties as authorized pursuant
24 to section 29-2258, except unpaid volunteers from the community;
25 (7) Juvenile probation officer means any probation officer who
26 supervises probationers of a separate juvenile court;
27 (8) Juvenile intake probation officer means an employee of the
28 system who is called upon by a law enforcement officer in accordance with
29 section 43-250 to make a decision regarding the furtherance of a
30 juvenile's detention;
31 (9) Chief probation officer means the probation officer in charge of
1 a probation district;
2 (10) System means the Nebraska Probation System;
3 (11) Administrator means the probation administrator;
4 (12) Non-probation-based program or service means a program or
5 service established within the district, county, or juvenile courts and
6 provided to individuals not sentenced to probation who have been charged
7 with or convicted of a crime for the purpose of diverting the individual
8 from incarceration or to provide treatment for issues related to the
9 individual's criminogenic needs. Non-probation-based programs or services
10 include, but are not limited to, drug court programs and problem solving
11 courts, court programs established pursuant to section 24-1302 and the
12 treatment of problems relating to substance abuse, mental health, sex
13 offenses, or domestic violence;
14 (13) Post-release supervision means the portion of a split sentence
15 following a period of incarceration under which a person found guilty of
16 a crime upon verdict or plea is released by a court subject to conditions
17 imposed by the court and subject to supervision by the office; and
18 (14) Rules and regulations means policies and procedures written by
19 the office and approved by the Supreme Court.
20 Sec. 4. Original sections 24-1301 and 24-1302, Reissue Revised
21 Statutes of Nebraska, and section 29-2246, Revised Statutes Supplement,
22 2015, are repealed.

LEGISLATIVE BILL 934. Placed on General File with amendment.
AM2190 is available in the Bill Room.

(Signed) Les Seiler, Chairperson
Nebraska Retirement Systems

LEGISLATIVE BILL 447. Placed on General File with amendment.
AM1979 is available in the Bill Room.
LEGISLATIVE BILL 947. Placed on General File with amendment.

AM2148

1 1. Strike the original sections and insert the following new
sections:
Section 1. Section 4-111, Reissue Revised Statutes of Nebraska, is
amended to read:
4-111  (1) Verification of lawful presence in the United States
pursuant to section 4-108 requires that the applicant for public benefits
attest in a format prescribed by the Department of Administrative
Services that:
(a 1) He or she is a United States citizen; or
(b 2) He or she is a qualified alien under the federal Immigration
and Nationality Act, 8 U.S.C. 1101 et seq., as such act existed on
January 1, 2009, and is lawfully present in the United States.
(2) A state agency or political subdivision of the State of Nebraska
may adopt and promulgate rules and regulations or procedures for the
electronic filing of the attestation required under subsection (1) of
this section if such attestation is substantially similar to the format
prescribed by the Department of Administrative Services.
(a) The Legislature finds that it is in the best interest of the
State of Nebraska to make full use of the skills and talents in the state
by ensuring that a person who is work-authorized is able to obtain a
professional or commercial license and practice his or her profession.
(b) For purposes of a professional or commercial license, the
Legislature finds that a person not described in subdivision (1)(a) or
(1)(b) of this section who submits (i) an unexpired employment
authorization document issued by the United States Department of Homeland
Security, Form I-766 or Form I-688B, and (ii) documentation issued by the
United States Department of Homeland Security, the United States
Citizenship and Immigration Services, or any other federal agency, such
as one of the types of Form I-797 used by the United States Citizenship
and Immigration Services, demonstrating that such person is described in
section 202(c)(2)(B)(i) through (ix) of the federal REAL ID Act of 2005,
Public Law 109-13, has demonstrated lawful presence pursuant to section
4-108 and is eligible to obtain such license. Nothing in this subsection
shall affect the requirements to obtain a professional or commercial
license that are unrelated to the lawful presence requirements
demonstrated pursuant to this subsection.
(c) The Legislature enacts this subsection pursuant to the authority
provided in 8 U.S.C. 1621(d), as such section existed on January 1, 2016.

Sec. 2. Section 4-112, Reissue Revised Statutes of Nebraska, is
amended to read:

For any applicant who has executed a document described in
subdivision (1)(b) (2) of section 4-111 or who has otherwise complied
with the requirements of subsection (3) of section 4-111, eligibility for
17 public benefits shall be verified through the Systematic Alien
18 Verification for Entitlements Program operated by the United States
19 Department of Homeland Security or an equivalent program designated by
20 the United States Department of Homeland Security. Until such
21 verification of eligibility is made, such attestation under subdivision
22 (1)(b) of section 4-111 may be presumed to be proof of lawful presence
23 for purposes of sections 4-108 to 4-113 unless such verification is
24 required before providing the public benefit under another provision of
25 state or federal law.
26 Sec. 3. Section 38-129, Revised Statutes Cumulative Supplement,
27 2014, is amended to read:
28 38-129  (1) No individual shall be issued a credential under the
29 Uniform Credentialing Act until he or she has furnished satisfactory
30 evidence to the department that he or she is of good character and has
31 attained the age of nineteen years except as otherwise specifically
1 provided by statute, rule, or regulation.
2  (2) A credential may only be issued to (a) a citizen of the United
3 States, (b) an alien lawfully admitted into the United States who is
4 eligible for a credential under the Uniform Credentialing Act, (c) or a
5 nonimmigrant lawfully present in the United States who is eligible for a
6 credential under the Uniform Credentialing Act, or (d) a person who
7 submits (i) an unexpired employment authorization document issued by the
8 United States Department of Homeland Security, Form I-766 or Form I-688B,
9 and (ii) documentation issued by the United States Department of Homeland
10 Security, the United States Citizenship and Immigration Services, or any
11 other federal agency, such as one of the types of Form I-797 used by the
12 United States Citizenship and Immigration Services, demonstrating that
13 such person is described in section 202(c)(2)(B)(i) through (ix) of the
15 Sec. 4. Original sections 4-111 and 4-112, Reissue Revised Statutes
16 of Nebraska, and section 38-129, Revised Statutes Cumulative Supplement,
17 2014, are repealed.
18 Sec. 5. Since an emergency exists, this act takes effect when passed
19 and approved according to law.

(Signed) Les Seiler, Chairperson

ANNOUNCEMENT(S)

Senator Pansing Brooks designates LB843 as her priority bill.

Senator B. Harr designates LB1109 as his priority bill.

Senator Schumacher designates LB1103 as his priority bill.

The Agriculture Committee designates LB730 and LB968 as its priority
bills.

Senator Seiler designates LB1094 as his priority bill.
UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Watermeier - LB668

VISITOR(S)

Visitors to the Chamber were 13 members of Nebraska Home Care Association; and former Nebraska Lt. Governor and Senator from District 30, David Maurstad.

ADJOURNMENT

At 11:51 a.m., on a motion by Speaker Hadley, the Legislature adjourned until 9:00 a.m., Friday, February 19, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
TWENTY-NINTH DAY - FEBRUARY 19, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 19, 2016

PRAYER

The prayer was offered by Pastor Arin Hess, Community Bible Church, Norfolk.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators McCoy and Sullivan who were excused; and Senators Campbell, Kintner, Larson, Lindstrom, McCollister, Mello, Morfeld, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-eighth day was approved.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 440. Introduced by Garrett, 3.

WHEREAS, Justice Antonin Gregory Scalia, as the son of a first-generation American, Salvatore Eugene Scalia, is a testament to the American dream and American ideas; and

WHEREAS, in high school, Justice Scalia handled rifles as part of his training in his school's junior military training program and used to ride the subway from Queens to Manhattan with his rifle. As a child, he learned a proper appreciation for the Second Amendment and the Bill of Rights from his grandfather, who took him rabbit hunting on Long Island; and

WHEREAS, Justice Scalia promoted the proper interpretation of the Second Amendment through his lifetime. He was an avid hunter and took fellow Justice Elena Kagan bird and deer hunting; and

WHEREAS, Justice Scalia was a tireless advocate for an originalist interpretation of the United States Constitution, previously championed by liberal Justice Hugo Black.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends Justice Antonin Gregory Scalia for his life of service.

Laid over.

LEGISLATIVE RESOLUTION 441. Introduced by Seiler, 33.

WHEREAS, Morton Elementary School in Hastings was selected as a National Model Professional Learning Community School by All Things PLC; and

WHEREAS, Morton Elementary School joins Alcott Elementary, Lincoln Elementary, and Hastings Middle School, all located in Hastings, in receiving this national distinction; and

WHEREAS, Morton Elementary School is one of only five schools located in Nebraska to receive this notable award; and

WHEREAS, the students of Morton Elementary School have been recognized for their exceptional academic performance; and

WHEREAS, the staff of Morton Elementary School have been acknowledged for their extraordinary effectiveness; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the students and teachers at Morton Elementary School for gaining prestigious recognition as a National Model Professional Learning Community School.

2. That a copy of this resolution be sent to Principal Jason Cafferty at Morton Elementary School.

Laid over.

MESSAGE(S) FROM THE GOVERNOR

February 11, 2016

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Educational Telecommunications Commission:

Randy Schmailzl, Metropolitan Community College, P.O. Box 3777, Omaha, NE 68103
The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosures

February 12, 2016

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Public Employees Retirement Board:

Pamela E. Lancaster, 2809 Apache Road, Grand Island, NE 68801

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosures

ANNOUNCEMENT(S)

Senator K. Haar designates LB1012 as his priority bill.

The Government, Military and Veterans Affairs Committee designates LB874 as its priority bill.

Senator Bolz designates LB371 as her priority bill.

Senator Baker designates LB722 as his priority bill.
REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 18, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Bruning Law Group  
Johnson Controls, Inc.  
Vigilant Solutions  
Propes, Margaret  
Sunovion Pharmaceuticals Inc. (Withdrawn 02/17/2016)  
Zulkoski Weber LLC  
Nebraska State Irrigation Association

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
http://www.nebraskalegislature.gov/agencies/view.php

SELECT FILE

LEGISLATIVE BILL 221. Senator B. Harr offered his amendment, AM1996, found on page 565.

Senator B. Harr offered his amendment, AM2133, found on page 574, to his amendment.

The B. Harr amendment was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

The B. Harr amendment, AM1996, as amended, was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 970. Senator Chambers renewed his motion, MO180, found on page 557, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Pending.
LEGISLATIVE BILL 806. Placed on General File with amendment. AM2137 is available in the Bill Room.

(Signed)  Sue Crawford, Chairperson

Health and Human Services

LEGISLATIVE BILL 891. Placed on General File with amendment. AM2095

1 1. Strike the original sections and insert the following new sections:
2 Section 1. Sections 1 to 4 of this act shall be known and may be cited as the Down Syndrome Diagnosis Information and Support Act. Sec. 2. For purposes of the Down Syndrome Diagnosis Information and Support Act:
3 (1) Department means the Division of Public Health of the Department of Health and Human Services;
4 (2) Down syndrome means a chromosomal condition caused by cell division that results in the presence of an extra whole or partial copy of chromosome 21;
5 (3) Down syndrome organization means any national, state, or local nonprofit organization primarily involved in providing advocacy, support, and education to individuals with Down syndrome and their parents;
6 (4) Health care practitioner means any person who is credentialed under the Uniform Credentialing Act to provide health or medical care in the ordinary course of business or practice of a profession, including a genetic counselor; and
7 (5) Parents means (a) expectant parents of a child who receive a test result from a prenatal screening or diagnostic test that indicates a high likelihood or the definite presence of Down syndrome, (b) parents of a child postnatally diagnosed with Down syndrome, and (c) a legal guardian of a child diagnosed with Down syndrome.
8 Sec. 3. A health care practitioner who provides prenatal or postnatal care, who administers or requests administration of a prenatal or postnatal screening or diagnostic test that detects Down syndrome, and who receives a test result from such test that indicates a high likelihood or the definite presence of Down syndrome shall deliver to the parents the information support sheet provided by the department under section 4 of this act.
9 Sec. 4. (1) The department shall make the following information available:
10 (a) Up-to-date information about Down syndrome that has been reviewed by medical experts and Down syndrome organizations. The information shall be provided in a written format and shall include the following:
11 (i) A clinical course description, including possible physical,
(ii) Treatment and therapy options; and
(iii) Life expectancy; and
(b) Contact information for Down syndrome organizations that are nonprofit and that provide information and support services for parents, including first-call programs and information hotlines specific to Down syndrome, resource centers or clearinghouses, and other education and support programs for Down syndrome.

(2) The department shall post the information required in subsection (1) of this section on its web site and shall include an informational support sheet to be delivered by health care practitioners to parents as prescribed in section 3 of this act.

(3) The department shall ensure that the information required in subsection (1) of this section is culturally and linguistically appropriate for parents.

(4) A Down syndrome organization may request that the department include the organization's informational material and contact information on the web site. The department may add the information to the web site upon request.

LEGISLATIVE BILL 979. Placed on General File with amendment. AM2139
1 1. Strike the original sections and insert the following new sections:
Section 1. Section 38-28,109, Revised Statutes Supplement, 2015, is amended to read:
38-28,109 The purposes of the Nebraska Drug Product Selection Act are to provide for the drug product selection of equivalent drug products or interchangeable biological products and to promote the greatest possible use of such products.

Sec. 2. Section 38-28,110, Revised Statutes Supplement, 2015, is amended to read:
38-28,110 For purposes of the Nebraska Drug Product Selection Act, unless the context otherwise requires:
(1) Bioequivalent means drug products: (a) That are legally marketed under regulations promulgated by the federal Food and Drug Administration; (b) that are the same dosage form of the identical active ingredients in the identical amounts as the drug product prescribed; (c) that comply with compendial standards and are consistent from lot to lot with respect to (i) purity of ingredients, (ii) weight variation, (iii) uniformity of content, and (iv) stability; and (d) for which the federal Food and Drug Administration has established bioequivalent standards or has determined that no bioequivalence problems exist;
(2) Biological product means a virus, a therapeutic serum, a toxin, an antitoxin, a vaccine, blood, a blood component or derivative, an allergenic product, a protein except any chemically synthesized polypeptide, or an analogous product, arsphenamine or derivative of arsphenamine, or any other trivalent organic arsenic compound which is applicable to the prevention, treatment, or cure of a disease or
condition of human beings;

(2) Brand name means the proprietary or trade name selected by the manufacturer, distributor, or packager for a drug product and placed upon the labeling of such product at the time of packaging;

(4) Chemically equivalent means drug products that contain amounts of the identical therapeutically active ingredients in the identical strength, quantity, and dosage form and that meet present compendial standards;

(4) Drug product means any drug or device as defined in section 38-2841;

(5) Drug product select means to dispense, without the practitioner's express authorization, an equivalent drug product or an interchangeable biological product in place of the brand-name drug or biological product contained in a medical order of such practitioner;

(6) Equivalent means drug products that are both chemically equivalent and bioequivalent;

(7) Generic name means the official title of a drug or drug combination as determined by the United States Adopted Names Council and accepted by the federal Food and Drug Administration of those drug products having the same active chemical ingredients in the same strength and quantity; and -

(9) Interchangeable biological product means:

(a) A biological product licensed by the federal Food and Drug Administration and determined to be interchangeable to the prescribed biological product pursuant to 42 U.S.C. 262(k)(4); or

(b) A biological product determined by the federal Food and Drug Administration to be therapeutically equivalent to the prescribed product as set forth in the Approved Drug Products with Therapeutic Equivalence Evaluations published by the federal Food and Drug Administration.

Sec. 3. Section 38-28,111, Revised Statutes Supplement, 2015, is amended to read:

1 38-28,111 (1) A pharmacist may drug product select except when:

2 (a) A practitioner designates that drug product selection is not permitted by specifying in the written, oral, or electronic prescription that there shall be no drug product selection. For written or electronic prescriptions, the practitioner shall specify "no drug product selection", "dispense as written", "brand medically necessary", or "no generic substitution" or the notation "N.D.P.S.", "D.A.W.", or "B.M.N." or words or notations of similar import to indicate that drug product selection is not permitted. The pharmacist shall note "N.D.P.S.", "D.A.W.", "B.M.N.", "no drug product selection", "dispense as written", "brand medically necessary", "no generic substitution", or words or notations of similar import on the prescription to indicate that drug product selection is not permitted if such is communicated orally by the prescribing practitioner; or

3 (b) A patient or designated representative or caregiver of such patient instructs otherwise.

4 (2) A pharmacist shall not drug product select unless:
(a) The drug product, if it is in solid dosage form, has been marked
with an identification code or monogram directly on the dosage unit;
(b) The drug product has been labeled with an expiration date;
(c) The manufacturer, distributor, or packager of the drug product
provides reasonable services, as determined by the board, to accept the
return of drug products that have reached their expiration date; and
(d) The manufacturer, distributor, or packager maintains procedures
for the recall of unsafe or defective drug products.
(3) If a pharmacist receives a prescription for a biological product
and chooses to dispense an interchangeable biological product for the
prescribed product, the pharmacist must advise the patient or the
patient's caregiver that drug product selection has occurred.
(4) Within three business days after the dispensing of a biological
product, the dispensing pharmacist or his or her designee shall make an
entry of the specific product which was provided to the patient,
including the name of the product and the manufacturer. The communication
shall be conveyed by making an entry that is electronically accessible to
the prescriber through an interoperable electronic medical records
system, electronic prescribing technology, a pharmacy benefit management
system, or a pharmacy record. Entry into an electronic records system
described in this subsection that is electronically accessible to the
prescriber is presumed to provide notice to the prescriber. Otherwise,
the pharmacist shall communicate the biological product dispensed to the
prescriber using facsimile, telephone, electronic transmission, or other
prevailing means. The communication shall not be required if (a) there is
no interchangeable biological product for the biological product
prescribed or (b) the biological product dispensed is based on a refilled
prescription and the biological product is not changed from the prior
filling of the prescription.
Sec. 4. Section 38-28,112, Revised Statutes Supplement, 2015, is
amended to read:
(1) Whenever a drug product has been prescribed with the
notation that no drug product selection is permitted for a patient who
has a contract whereunder he or she is reimbursed for the cost of health
care, directly or indirectly, the party that has contracted to reimburse
the patient, directly or indirectly, shall make reimbursements on the
basis of the price of the brand-name drug product and not on the basis of
the equivalent drug product or interchangeable biological product, unless
the contract specifically requires generic reimbursement under the Code
of Federal Regulations.
(2) A prescription drug or device when dispensed shall bear upon the
label the name of the drug or device in the container unless the
practitioner writes do not label or words of similar import in the
prescription or so designates orally.
(3) Nothing in this section shall (a) require a pharmacy to charge
less than its established minimum price for the filling of any
prescription or (b) prohibit any hospital from developing, using, and
enforcing a formulary.
Sec. 5. Section 38-28,113, Revised Statutes Supplement, 2015, is
6 amended to read:
7 38-28,113 (1) The drug product selection of any drug product by a
8 pharmacist pursuant to the Nebraska Drug Product Selection Act shall not
9 constitute the practice of medicine.
10 (2) Drug product selection of drug products by a pharmacist pursuant
11 to the act or any rules and regulations adopted and promulgated under the
12 act shall not constitute evidence of negligence if the drug product
13 selection was made within the reasonable and prudent practice of
14 pharmacy.
15 (3) When drug product selection by a pharmacist is permissible under
16 the act, such drug product selection shall not constitute evidence of
17 negligence on the part of the prescribing practitioner. The failure of a
18 prescribing practitioner to provide that there shall be no drug product
19 selection in any case shall not constitute evidence of negligence or
20 malpractice on the part of such prescribing practitioner.
21 Sec. 6. Section 38-28,116, Revised Statutes Supplement, 2015, is
22 amended to read:
23 38-28,116  (1) The department may adopt and promulgate rules and
24 regulations necessary to implement the Nebraska Drug Product Selection
25 Act upon the joint recommendation of the Board of Medicine and Surgery
26 and the Board of Pharmacy.
27 (2) The department shall maintain a link on its web site to the
28 current list of all biological products that the federal Food and Drug
29 Administration has determined to be interchangeable biological products.
30 Sec. 7. Original sections 38-28,109, 38-28,110, 38-28,111,
1 are repealed.

(Signed) Kathy Campbell, Chairperson

AMENDMENT(S) - Print in Journal

Senator Kolterman filed the following amendment to LB901:
AM2213
(Amendments to Standing Committee amendments, AM2024)
1 1. Strike amendment 1 and insert the following new amendments:
2 1. On page 14, strike lines 21 through 23 and insert the following
3 new subsection:
4 "(5) Upon completion of education and testing approved by the board,
5 a dental assistant may:
6 (a) Take X-rays under the general supervision of a licensed dentist;
7 and
8 (b) Perform coronal polishing under the indirect supervision of a
9 licensed dentist.”.
10 2. On page 15, strike lines 2 through 7 and insert the following new
11 subsection:
12 "(7) Upon completion of education and testing approved by the board
13 and with a permit from the department for the respective competency, an
14 expanded function dental assistant may, under the indirect supervision of
15 a licensed dentist, perform (a) restorative level one simple restorations
16 and (b) restorative level two complex restorations."
17 3. On page 16, line 25, after "a" insert "licensed".

REFERENCE COMMITTEE REPORT
The Legislative Council Executive Board submits the following report:

Lancaster, Pamela E. - Public Employees Retirement Board - Nebraska Retirement Systems
Schmailzl, Randy - Nebraska Educational Telecommunications Commission - Education
(Signed) Bob Krist, Chairperson
Executive Board

ANNOUNCEMENT(S)
Senator Watermeier designates LB744 as his priority bill.
Senator Hansen designates LB947 as his priority bill.
Senator Gloor designates LB1013 as his priority bill.
Senator Larson designates LB821 as his priority bill.
The Government, Military and Veterans Affairs Committee designates LB935 as its priority bill.
Senator Davis designates LB886 as his priority bill.

CONFLICT OF INTEREST STATEMENT
Pursuant to Rule 1, Sec. 19, Senator Bolz has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

GENERAL FILE
LEGISLATIVE BILL 970. The Chambers motion, MO180, found on page 557 and considered in this day's Journal, to indefinitely postpone pursuant to Rule 6, Sec. 3(f), was renewed.

Senator McCollister moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.
Senator Chambers moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Chambers requested a roll call vote, in reverse order, on the motion to indefinitely postpone.

Voting in the affirmative, 14:

- Baker
- Brasch
- Campbell
- Fox
- Hilkemann
- Kolowski
- Kolterman
- McCollister
- Pansing
- Brooks
- Krist
- Riepe
- Schnoor
- Smith
- Williams

Voting in the negative, 11:

- Coash
- Ebke
- Hadley
- Hughes
- Kintner
- Larson
- Morfeld
- Murante
- Scheer
- Schilz
- Stinner

Present and not voting, 20:

- Bloomfield
- Bolz
- Chambers
- Crawford
- Davis
- Friesen
- Garrett
- Gloor
- Groene
- Haar, K.
- Hansen
- Harr, B.
- Howard
- Johnson
- Lindstrom
- Mello
- Schumacher
- Schilz
- Stinner
- Watermeier

Excused and not voting, 4:

- Kuehn
- McCoy
- Seiler
- Sullivan

The Chambers motion to indefinitely postpone failed with 14 ayes, 11 nays, 20 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO186
Reconsider the vote to indefinitely postpone.

**SENIOR KRIST PRESIDING**

Senator Schilz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.
Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 18:

Baker   Campbell   Hansen   McCollister   Smith
Bloomfield Chambers Kolowski Pansing Brooks Williams
Bolz    Cook       Kolterman Riepe
Brasch  Craighead Krist    Schnoor

Voting in the negative, 10:

Coash   Hughes     Kuehn    Murante    Schilz
Ebke    Kintner    Larson   Scheer    Stinner

Present and not voting, 16:

Crawford Groene   Hilkemann Mello
Davis    Haar, K. Howard      Morfeld
Friesen  Hadley    Johnson   Schumacher
Garrett  Harr, B. Lindstrom Watermeier

Excused and not voting, 5:

Fox     Gloor    McCoy    Seiler    Sullivan

The Chambers motion to reconsider failed with 18 ayes, 10 nays, 16 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Title read. Considered.

Committee AM2020, found on page 522, was offered.

Senator Chambers offered the following motion:

MO187
Bracket until April 20, 2016.

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 19. Placed on Final Reading.
LEGISLATIVE BILL 53. Placed on Final Reading.
LEGISLATIVE BILL 295. Placed on Final Reading.
LEGISLATIVE BILL 311. Placed on Final Reading.

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E and R amendments, ER161, on page 48, line 16, "; to provide procedures for defective payments under the act" has been inserted after "Act".

2. On page 1, the matter beginning with "learner's" in line 5 through "licenses" in line 6 has been struck and "learners' permits, commercial drivers' licenses, and commercial motor vehicles" inserted.

LEGISLATIVE BILL 328. Placed on Final Reading.

LEGISLATIVE BILL 378. Placed on Final Reading.

LEGISLATIVE BILL 400. Placed on Final Reading.

LEGISLATIVE BILL 400A. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 442. Introduced by McCollister, 20; Haar, K., 21; Hughes, 44; Williams, 36.

WHEREAS, engineers plan, design, and implement engineering works that propel the nation’s economy, enhance our quality of life, and safeguard America’s infrastructure; and

WHEREAS, engineers face the major technological challenges of our time - from rebuilding towns devastated by natural disasters to improving the Internet infrastructure that supports so much of our economy. Engineers have used their scientific and technical knowledge and skills in creative and innovative ways to fulfill society’s needs; and

WHEREAS, engineers are encouraging our young math and science students to realize the practical power of their knowledge; and

WHEREAS, to meet the challenges of the future, we will look more than ever to engineers and their knowledge and skill to bridge the gap between science, theory, and practical application; and

WHEREAS, National Engineers Week was founded in 1951 and is celebrated at the time of George Washington's birthday who was, himself, a military engineer and surveyor.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes the contributions and achievements of Nebraska's engineers, and recognizes February 21-27, 2016, as Engineers Week in Nebraska.

2. That a copy of this resolution be delivered to the American Council of Engineering Companies of Nebraska.

Laid over.
ANNOUNCEMENT(S)

The Natural Resources Committee designates LB1038 and LB824 as its priority bills.

Senator Kintner designates LB1037 as his priority bill.

Senator Murante designates LB906 as his priority bill.

Senator Howard designates LB1081 as her priority bill.

Senator Stinner designates LB1082 as his priority bill.

Senator Garrett designates LB643 as his priority bill.

The Revenue Committee designates LB774 and LB958 as its priority bills.

The Transportation and Telecommunications Committee designates LB977 and LB938 as its priority bills.

Senator Hilkemann designates LB10 as his priority bill.

Senator Friesen designates LB897 as his priority bill.

Senator Hughes designates LB710 as his priority bill.

Senator Mello designates LB889 as his priority bill.

Senator McCollister designates LB745 as his priority bill.

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE BILL 881. Placed on General File.
LEGISLATIVE BILL 914. Placed on General File.
LEGISLATIVE BILL 1101. Placed on General File.

(Signed) Ken Schilz, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 492. Placed on General File.
LEGISLATIVE BILL 742. Placed on General File.
LEGISLATIVE BILL 1080. Placed on General File.

LEGISLATIVE BILL 754. Placed on General File with amendment.
AM2103
1 1. Strike the original sections and insert the following new
2 sections:
Section 1. (1) The Commission on Military and Veteran Affairs is created. The commission shall consist of the following voting members:
(a) The Director of Economic Development;
(b) The Adjutant General or his or her designee;
(c) The Director of Veterans' Affairs; and
(d) Three residents of the State of Nebraska, one from each congressional district. At least one of the three residents shall have current or prior military experience and at least one shall have a background in business.
(2) The commission shall have the following nonvoting, ex officio members:
(a) The chair of the State Committee of Employer Support of the Guard and Reserve;
(b) The commander of the 55th Wing of the Air Combat Command or his or her designee;
(c) The commander of the United States Strategic Command or his or her designee; and
(d) The commander of the 557th Weather Wing of the United States Air Force or his or her designee.
(3) The members of the commission described in subdivision (1)(d) of this section shall be appointed by the Governor. The Governor shall designate the initial terms of the members described in subdivision (1) of this section so that one member serves for a term of two years, one member serves for a term of three years, and one member serves for a term of four years. Succeeding appointments shall be for terms of four years and shall be made in the same manner as the original appointments. The terms of the members shall begin on October 1 of the year in which they are appointed unless appointed to fill a vacancy. Appointments to fill a vacancy, occurring other than by the expiration of a term of office, shall be made for the unexpired term of the member whose office is vacated.
Sec. 2. The Commission on Military and Veteran Affairs shall have the authority to receive and administer funds from state, federal, and other sources. Additionally, the commission shall:
(1) Address matters of military significance to Nebraska;
(2) Maintain a cooperative and constructive relationship between state agencies and the military and veteran entities in Nebraska as necessary to ensure coordination and implementation of unified and comprehensive statewide strategies involved with, or affected by, the military;
(3) Focus on and, when designated, serve as lead agency on:
(a) Defense economic adjustment and transition information and activities;
(b) Exploring operating costs, missions, and strategic value of federal military installations located in the state;
(c) Employment issues for communities that depend on defense bases and defense-related businesses; and
(d) Assistance provided to communities that have experienced a defense-related closure or realignment;
Advise the Governor, the Legislature, and other appropriate governmental officials on all matters in which the military services and the state have mutual interests, needs, and concerns;

(5) Promote and optimize state and United States Department of Defense initiatives that will improve the military value of the Nebraska National Guard, active and reserve military force structure and installations, and the quality of life for military personnel residing in Nebraska;

(6) Partner with local communities to conduct ongoing analyses of current and proposed changes to the mission, military force structure, and alignment of the United States Department of Defense;

(7) Recommend state, federal, and local economic development projects to promote, foster, and support economic progress through a military presence in Nebraska;

(8) Assist the private sector in developing derivative investments, employment, and educational opportunities associated with high technology programs and activities at Nebraska’s military installations;

(9) Partner with local communities to develop methods to improve private and public employment opportunities for former members of the military and their families residing in this state; and

(10) Identify and support ways to provide sound infrastructure, adequate housing, education, and transition support into Nebraska’s workforce for military members and their families, retired military personnel, and veterans.

Sec. 3. The Commission on Military and Veteran Affairs shall elect a chairperson, vice-chairperson, and secretary from among its members. The commission shall meet two times each year at such times and places as shall be determined by the chairperson and shall keep a record of its proceedings. The chairperson may call special meetings at any time he or she deems necessary. The secretary shall mail written notice of the time and place of all meetings in advance to each voting and nonvoting, ex officio member of the commission. The secretary shall also provide notice of all meetings as provided under section 84-1411.

Sec. 4. (1) Members of the Commission on Military and Veteran Affairs shall receive no compensation for their services as members of the commission other than their salary, but shall be reimbursed for actual and necessary expenses.

(2) Reimbursement for expenses shall be as provided in sections 81-1174 to 81-1177.

Sec. 5. (1) The Department of Veterans’ Affairs shall hire a military affairs liaison for the Commission on Military and Veteran Affairs and fix his or her salary. The department shall provide administrative support to the commission as needed. The liaison shall have military experience and serve at the pleasure of the commission. The liaison shall not be subject to Chapter 81, article 13.

(2) The liaison shall be responsible for the administrative operations of the commission and shall perform such other duties as may be delegated or assigned by the commission.

(3) The commission may obtain the services of experts and
consultants as necessary to carry out its duties.
Sec. 6. The Commission on Military and Veteran Affairs shall
prepare an annual report summarizing the military assets of Nebraska,
including installations and missions, and the economic impact of the
military assets in Nebraska. The report shall also include
recommendations for preserving and sustaining military assets and
missions existing in Nebraska and recommendations for actions which the
state can take to encourage expanding such assets and missions. The
commission shall submit the report electronically to the Legislature, the
Governor, and the commanding officer of every military base in Nebraska
on or before November 15 of each year.

LEGISLATIVE BILL 764. Placed on General File with amendment.
AM2186 is available in the Bill Room.

LEGISLATIVE BILL 867. Placed on General File with amendment.
AM1976
1 1. Insert the following new section:
2 Sec. 18. This act becomes operative on January 1, 2017.
3 2. On page 6, line 16, after the semicolon insert "or"; strike lines
4 17 through 21 and insert the following new subdivision:
5 "(b) The unforeseen loss of federal funding for an agency program.",
6 and after line 31 insert the following new subsection:
7 "(4) Any agency which adopts, amends, or repeals a rule or
8 regulation under this section shall file such rule or regulation with the
9 Secretary of State. The agency shall also publish such rule or regulation
10 on the agency's web site."
11 3. On page 11, line 29, after the period insert "Such change shall
12 not alter the rights or obligations of the public."
13 4. On page 16, line 1, after "department" insert "or a contract
14 facility as defined in section 83-1,119".
15 5. Renumber the remaining sections accordingly.

(Signed) John Murante, Chairperson
Judiciary

LEGISLATIVE BILL 1007. Placed on General File with amendment.
AM2116
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 28-101, Revised Statutes Supplement, 2015, is
4 amended to read:
5 28-101 Sections 28-101 to 28-468, 28-470 to 28-1357, 28-1418.01, and
6 28-1429.03 and sections 5 and 6 of this act shall be known and may be
7 cited as the Nebraska Criminal Code.
8 Sec. 2. Section 28-348, Revised Statutes Cumulative Supplement,
9 2014, is amended to read:
10 28-348 Sections 28-348 to 28-387 and sections 5 and 6 of this act
11 shall be known and may be cited as the Adult Protective Services Act.

12 Sec. 3. Section 28-350, Revised Statutes Cumulative Supplement, 2014, is amended to read:

14 Sec. 3. Section 28-350, Revised Statutes Cumulative Supplement, 2014, is amended to read:

16 For purposes of the Adult Protective Services Act, unless the context otherwise requires, the definitions found in sections 28-351 to 28-371 and sections 5 and 6 of this act shall be used.

17 Sec. 4. Section 28-358, Revised Statutes Cumulative Supplement, 2014, is amended to read:

19 28-358 Exploitation means the wrongful or unauthorized taking, withholding, appropriation, conversion, control, or use of money, funds, securities, assets, or any other of property of a vulnerable adult or senior adult by any person by means of undue influence, breach of a fiduciary relationship, deception, or extortion, intimidation, force or threat of force, isolation, or by any unlawful means or by the breach of a fiduciary duty by the guardian, conservator, agent under a power of attorney, trustee, or any other fiduciary of a vulnerable adult or senior adult.

21 Sec. 5. Isolation means intentional acts (1) committed for the purpose of preventing, and which do prevent, a vulnerable adult or senior adult from having contact with family, friends, or concerned persons; (2) committed to prevent a vulnerable adult or senior adult from receiving his or her mail or telephone calls; (3) of physical or chemical restraint of a vulnerable adult or senior adult committed for the purpose of preventing contact with visitors, family, friends, or other concerned persons; or (4) which restrict, place, or confine a vulnerable adult or senior adult in a restricted area for the purposes of social deprivation or preventing contact with family, friends, or other concerned persons, but not including medical isolation prescribed by a licensed physician caring for the vulnerable adult or senior adult. Isolation does not include (1) medical isolation prescribed by a licensed physician caring for the vulnerable adult or senior adult; (2) action taken in compliance with a harassment protection order issued pursuant to section 28-311.09, a valid foreign harassment protection order recognized under section 28-311.10, an order issued pursuant to section 42-924, an ex parte order issued pursuant to section 42-925, an order excluding a person from certain premises issued pursuant to section 42-357, a valid foreign protection order recognized pursuant to section 42-931; or (3) action authorized by an administrator of a nursing home pursuant to section 71-6021.

23 Sec. 6. Senior adult means any person sixty-five years of age or older.

25 Sec. 7. Section 28-371, Reissue Revised Statutes of Nebraska, is amended to read:

27 Vulnerable adult means any person eighteen years of age or older who has a substantial mental or functional impairment or for whom a guardian or conservator has been appointed under the Nebraska Probate Code.

31 Sec. 8. Section 28-374, Revised Statutes Cumulative Supplement, 2014, is amended to read:
The department shall investigate each case of alleged abuse, neglect, or exploitation of a vulnerable adult and shall provide such adult protective services as are necessary and appropriate under the circumstances. In each case of alleged abuse, neglect, or exploitation, the department may make a request for further assistance from the appropriate law enforcement agency or initiate such action as may be appropriate under the circumstances. The department shall make a written report or case summary to the appropriate law enforcement agency and to the registry of all reported cases of abuse, neglect, or exploitation and action taken. The department shall deliver a written report or case summary to the appropriate county attorney if the investigation indicates a reasonable cause to believe that a violation of section 28-386 has occurred.

Sec. 9. Section 28-386, Revised Statutes Cumulative Supplement, 2014, is amended to read:

28-386 (1) A person commits knowing and intentional abuse, neglect, or exploitation of a vulnerable adult or senior adult if he or she through a knowing and intentional act causes or permits a vulnerable adult or senior adult to be:

(a) Physically injured;
(b) Unreasonably confined;
(c) Sexually abused;
(d) Exploited;
(e) Cruelly punished;
(f) Neglected; or
(g) Sexually exploited.

(2) Knowing and intentional abuse, neglect, or exploitation of a vulnerable adult or senior adult is a Class IIIA felony.

Sec. 10. Section 29-110, Revised Statutes Cumulative Supplement, 2014, is amended to read:

29-110 (1) Except as otherwise provided by law, no person shall be prosecuted for any felony unless the indictment is found by a grand jury within three years next after the offense has been done or committed or unless a complaint for the same is filed before the magistrate within three years next after the offense has been done or committed and a warrant for the arrest of the defendant has been issued.

(2) Except as otherwise provided by law, no person shall be prosecuted, tried, or punished for any misdemeanor or other indictable offense below the grade of felony or for any fine or forfeiture under any penal statute unless the suit, information, or indictment for such offense is instituted or found within one year and six months from the time of committing the offense or incurring the fine or forfeiture or within one year for any offense the punishment of which is restricted by a fine not exceeding one hundred dollars and to imprisonment not exceeding three months.

(3) Except as otherwise provided by law, no person shall be prosecuted for kidnapping under section 28-313, false imprisonment under
section 28-314 or 28-315, child abuse under section 28-707, pandering
under section 28-802, debauching a minor under section 28-805, or an
offense under section 28-813, 28-813.01, or 28-1463.03 when the victim is
under sixteen years of age at the time of the offense (a) unless the
indictment for such offense is found by a grand jury within seven years
next after the offense has been committed or within seven years next
after the victim's sixteenth birthday, whichever is later, or (b) unless
a complaint for such offense is filed before the magistrate within seven
years next after the offense has been committed or within seven years
next after the victim's sixteenth birthday, whichever is later, and a
warrant for the arrest of the defendant has been issued.

(4) No person shall be prosecuted for a violation of the Securities
Act of Nebraska under section 8-1117 unless the indictment for such
offense is found by a grand jury within five years next after the offense
has been done or committed or unless a complaint for such offense is
filed before the magistrate within five years next after the offense has
been done or committed and a warrant for the arrest of the defendant has
been issued.

(5) No person shall be prosecuted for criminal impersonation under
section 28-638, identity theft under section 28-639, or identity fraud
under section 28-640 unless the indictment for such offense is found by a
grand jury within five years next after the offense has been done or
committed or unless a complaint for such offense is filed before the
magistrate within five years next after the offense has been done or
committed and a warrant for the arrest of the defendant has been issued.

(6) No person shall be prosecuted for a violation of section 68-1017
if the aggregate value of all funds and other benefits obtained or
attempted to be obtained is five hundred dollars or more unless the
indictment for such offense is found by a grand jury within five years
next after the offense has been done or committed or unless a complaint
for such offense is filed before the magistrate within five years next
after the offense has been done or committed and a warrant for the arrest
of the defendant has been issued.

(7) No person shall be prosecuted for knowing and intentional abuse,
neglect, or exploitation of a vulnerable adult or senior adult under
section 28-386 unless the indictment for such offense is found by a grand
jury within six years next after the offense has been done or committed
or unless a complaint for such offense is filed before the magistrate
within six years next after the offense has been done or committed and a
warrant for the arrest of the defendant has been issued.

(8) There shall not be any time limitations for prosecution or
punishment for treason, murder, arson, forgery, sexual assault in the
first or second degree under section 28-319 or 28-320, sexual assault of
a child in the second or third degree under section 28-320.01, incest
under section 28-703, or sexual assault of a child in the first degree
under section 28-319.01; nor shall there be any time limitations for
prosecution or punishment for sexual assault in the third degree under
section 28-320 when the victim is under sixteen years of age at the time
of the offense.
The time limitations prescribed in this section shall include all inchoate offenses pursuant to the Nebraska Criminal Code and compounding a felony pursuant to section 28-301. The time limitations prescribed in this section shall not extend to any person fleeing from justice. When any suit, information, or indictment for any crime or misdemeanor is limited by any statute to be brought or exhibited within any other time than is limited by this section, then the suit, information, or indictment shall be brought or exhibited within the time limited by such statute. If any suit, information, or indictment is quashed or the proceedings set aside or reversed on writ of error, the time during the pendency of such suit, information, or indictment so quashed, set aside, or reversed shall not be reckoned within this statute so as to bar any new suit, information, or indictment for the same offense. The changes made to this section by Laws 2004, LB 943, shall apply to offenses committed prior to April 16, 2004, for which the statute of limitations has not expired as of such date and to offenses committed on or after such date. The changes made to this section by Laws 2005, LB 713, shall apply to offenses committed prior to September 4, 2005, for which the statute of limitations has not expired as of such date and to offenses committed on or after such date. The changes made to this section by Laws 2009, LB 97, and Laws 2006, LB 1199, shall apply to offenses committed prior to May 21, 2009, for which the statute of limitations has not expired as of such date and to offenses committed on or after such date. The changes made to this section by Laws 2010, LB 809, shall apply to offenses committed prior to July 15, 2010, for which the statute of limitations has not expired as of such date and to offenses committed on or after such date. The changes made to this section by this legislative bill shall apply to offenses committed prior to the effective date of this act for which the statute of limitations has not expired as of such date and to offenses committed on or after such date.


(Signed) Les Seiler, Chairperson

Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Chad Bell - Commission for the Blind and Visually Impaired
Sheri Dawson - Director, Division of Behavioral Health - Department of Health and Human Services
Michael D. Hansen - Commission for the Blind and Visually Impaired


(Signed) Kathy Campbell, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Health and Human Services
Room 1510

Thursday, February 25, 2016 1:00 p.m.
Annual DHHS Division of Public Health Committee Briefing

(Signed) Kathy Campbell, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Ebke - LB744 and LB975
McCollister - LB1054

VISITOR(S)

Visitors to the Chamber were Laura Olson from Greenville, SC; 20 senior dental hygiene students and teachers from UNMC College of Dentistry; Maxine McElligott from Omaha; 15 elementary students from home schools in Lincoln; and 25 members of the Nebraska State Bar Association Leadership Academy from across the state.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Riepe, the Legislature adjourned until 10:00 a.m., Monday, February 22, 2016.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper
THIRTIETH DAY - FEBRUARY 22, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 22, 2016

PRAYER

The prayer was offered by Chaplain Muhamed Sackor, Imam of the Islamic Foundation of Lincoln, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Krist presiding.

The roll was called and all members were present except Senator Schilz who was excused; and Senators Howard, Larson, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

AMENDMENT(S) - Print in Journal

Senator Mello filed the following amendment to LB537:
AM2236
1 1. Strike the original sections and insert the following new
2 section:
3 Section 1. There is hereby created the Military Installation
4 Infrastructure Program to be administered by the Department of Natural
5 Resources. The program shall be used to provide grants to a political
6 subdivision where a military installation is located within or contiguous
7 to its boundaries. The grants shall be provided to political subdivisions
8 to assist in the development and improvement of infrastructure related to
9 the management of soil and water resources. It is the intent of the
10 Legislature that $13,700,000 General Funds be appropriated to this
11 program for FY2016-17.
ATTORNEY GENERAL'S OPINION

Opinion 16-004

SUBJECT: Whether L.B. 60 (2015) changes current law as it pertains to possession of firearms at a school.

REQUESTED BY: Senator Bill Kintner, Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
John L. Jelkin, Assistant Attorney General

You have requested an opinion of the Attorney General regarding L.B. 60. This legislation, introduced by you in the 2015 legislative session, seeks "to clarify and delineate when and where personal firearms of employees may be possessed and stored in their personal vehicles when at work."

Our analysis follows each of the specific questions which have been posed.

1. "Is the current Policy on Possession of Concealed Weapons and Firearms, found on page 220 and 221 of the University of Nebraska Board of Regents Policies as expressed in RP-6, 4.8 (enclosed) and summarized by their representative in the enclosed letter to the Legislative Judiciary Committee on January 21, 2015, and expressed by University Police on their website (enclosed) in compliance with all exemptions in Neb. Rev. Stat. Sec. 28-1204.04 and Sec. 69-2441(3)?"

It has been the longstanding policy of the Attorney General to decline opinion requests from state senators seeking an interpretation of existing statutes. See Op. Att'y Gen. No. 157 (December 20, 1985). Accordingly, we respectfully decline to provide an opinion with respect to your first question concerning state law as it relates to the policies of the University of Nebraska.


Stated alternatively, you have asked whether subsection (6) of L.B. 60 (2015) maintains the current law as it pertains to possession of firearms at a school. Simply stated, the answer appears to be "Yes."

L.B. 60 (2015) seeks to prevent any business entity, owner, manager, or legal possessor of real property, or public or private employer from establishing, maintaining or enforcing a policy or rule that prohibits a person's transportation or storage of a firearm or ammunition if the firearm or ammunition is: (1) kept from ordinary observation, locked within the trunk or glove box, in the interior of a privately owned car or a container
securely affixed to such vehicle; and (2) the privately owned vehicle is operated or parked in a location which is open to the public.

Subsection (6) of L.B. 60 (2015) provides that this section does not apply if:

(a) The person operating the motor vehicle is:

(i) Prohibited from possessing, receiving, or transporting firearms under Neb. Rev. Stat. § 28-1206, or 18 U.S.C. 922. [Possession of a deadly weapon by a convicted felon, or by court order, or other prohibited person];

(ii) In violation of Neb. Rev. Stat. § 28-1202. [Carrying a concealed weapon];

(iii) In violation of Neb. Rev. Stat. § 28-1203. [Transportation or possession of machine guns, short rifles or short shotguns];

(iv) In violation of Neb. Rev. Stat. § 28-1204. [Unlawful possession of a handgun];

(v) In violation of Neb. Rev. Stat. § 28-1204.04. [Unlawful possession of a firearm at a school, with exceptions];

(vi) In violation of Neb. Rev. Stat. § 28-1207. [Possession of a defaced firearm];

(vii) In violation of Neb. Rev. Stat. § 28-1212.03. [Possession, receipt or disposal of a stolen firearm]; or,

(viii) In violation of Neb. Rev. Stat. § 37-522. [Loaded shotgun on highway];


The Second Amendment to the United States Constitution provides:

A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

Additionally, the Nebraska Constitution guarantees the right to bear arms. Neb. Const. Art. 1, § 1. However, the federal courts have recognized that the right to keep and bear arms is not absolute. See District of Columbia v. Heller, 554 U.S. 570 (2008), United States v. Cody, 460 F.2d 34 (8th Cir. 1972). Rather, the right to bear arms is subject to reasonable regulation. State v. Comeau, 233 Neb. 907, 448 N.W.2d 595 (1989); State v. LaChapelle, 234 Neb. 458, 451 N.W.2d 458 (1990).

Neb. Rev. Stat. § 28-1204.04 (2014) is the statute that prohibits possession of a firearm in a school, on school grounds, in a school owned vehicle, or at a school-sponsored activity or athletic event. The statute also contains a number of exceptions, including possession of a concealed handgun by a valid permit holder under the Concealed Handgun Permit Act. In this regard, Neb. Rev. Stat. § 28-1204.04(i)(h) allows the permit holder to carry the firearm in a vehicle or on his or her person while riding in or on a
vehicle into or onto any parking area open to the public and used by the school, if prior to exiting the vehicle, the handgun is locked inside the glove box, trunk or other compartment of the vehicle, a storage box securely attached to the vehicle, or, if the vehicle is a motorcycle, a hardened compartment securely attached to the motorcycle while the vehicle is in or on such parking area, except as prohibited by federal law.

We could find no cases or other statutes which alter, amend, modify, or otherwise change the provisions of Neb. Rev. Stat. § 28-1204.04 (2014). Because the provisions of Neb. Rev. Stat. § 28-1204.04 (2014) are specifically named and declared as exempt from L.B. 60 (2015), it appears that current law, as it pertains to the possession of firearms at a school, is unchanged by L.B. 60 (2015).

CONCLUSION

The answer to the question as to whether subsection (6) of L.B. 60 (2015) maintains the current law as it pertains to possession of firearms at a school appears to be in the affirmative. The express exemption of Neb. Rev. Stat. § 28-1204.04 from L.B. 60 (2015) operates to leave unchanged the current state of the law with respect to firearms at a school.

Sincerely yours,

DOUGLAS J. PETERSON
Attorney General

(Signed) John L. Jelkin
Assistant Attorney General

pc: Patrick J. O'Donnell
Clerk of the Nebraska Legislature

25-103-29

MOTION(S) - Confirmation Report(s)

Senator Friesen moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 630:

Nebraska Oil and Gas Conservation Commission
John Arley Rundel

Voting in the affirmative, 28:

Baker Cook Garrett Kintner Schnoor
Bloomfield Craighead Gloor Krist Schumacher
Bolz Davis Hadley Kuehn Seiler
Brasch Ebke Hilkemann Lindstrom Stinner
Campbell Fox Hughes McCoy
Chambers Friesen Johnson Murante
Voting in the negative, 0.

Present and not voting, 17:

Coash  Hansen  McCollister  Riepe  Williams  
Crawford  Harr, B.  Mello  Scheer  
Groene  Kolowski  Morfeld  Smith  
Haar, K.  Kolterman  Pansing  Brooks  Watermeier 

Excused and not voting, 4:

Howard  Larson  Schilz  Sullivan 

The appointment was confirmed with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Senator Friesen moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 630:

Environmental Quality Council 

Hilary K. Maricle 

Voting in the affirmative, 31:

Baker  Davis  Hilkemann  McCoy  Seiler  
Bloomfield  Ebke  Hughes  Morfeld  Stinner  
Bolz  Fox  Johnson  Murante  Williams  
Brasch  Friesen  Krist  Pansing  Brooks  
Campbell  Garrett  Kuehn  Riepe  
Cook  Gloor  Lindstrom  Schnoor  
Craighead  Hansen  McCollister  Schumacher  

Voting in the negative, 0.

Present and not voting, 14:

Chambers  Groene  Harr, B.  Kolterman  Smith  
Coash  Haar, K.  Kintner  Mello  Watermeier  
Crawford  Hadley  Kolowski  Scheer  

Excused and not voting, 4:

Howard  Larson  Schilz  Sullivan 

The appointment was confirmed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.
ANNOUNCEMENT(S)

Speaker Hadley designates LBs 235, 465, 549, 580, 686, 716, 721, 742, 756, 768, 803, 804, 829, 835, 837, 851, 901, 930, 962, 994, 1000, 1033, 1083, 1098, and 1106 as Speaker priority bills.

GENERAL FILE

LEGISLATIVE BILL 683. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 746. Title read. Considered.

Committee AM1903, found on page 516, was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE RESOLUTION 35. Read. Considered.

Senator Chambers offered the following motion:

MO188
Recommit to the Government, Military and Veterans Affairs Committee.

Senator Crawford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Chambers requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 25:

Baker  Chambers  Hadley  Krist  Schumacher
Bloomfield  Cook  Hansen  McCollister  Seiler
Bolz  Crawford  Harr, B.  Mello  Stinner
Brasch  Davis  Howard  Morfeld  Sullivan
Campbell  Haar, K.  Kolowski  Pansing  Brooks  Williams

Voting in the negative, 18:
The Chambers motion to recommit to committee prevailed with 25 ayes, 18 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**COMMITTEE REPORT(S)**

**Business and Labor**

**LEGISLATIVE BILL 83.** Placed on General File with amendment.

AM2191

1 1. Strike the original sections and insert the following new sections:
2 3 Section 1. Section 48-1220, Reissue Revised Statutes of Nebraska, is amended to read:
3 5 48-1220 As used in sections 48-1219 to 48-1227.01, unless the context otherwise requires:
4 7 (1) Employee shall mean any individual employed by an employer, including individuals employed by the state or any of its political subdivisions, regardless of the number of employees, but such term shall not include the United States, a corporation wholly owned by the government of the United States, or an Indian tribe;
5 9 (2) Employer shall mean any person engaged in an industry who has
6 11 two fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, any agent of such person, and any party whose business is financed in whole or in part under the Nebraska Investment Finance Authority Act, and includes the State of Nebraska, its governmental agencies, and political subdivisions, regardless of the number of employees, but such term shall not include the United States, a corporation wholly owned by the government of the United States, or an Indian tribe;
7 13 (3) Wage rate shall mean all compensation for employment including payment in kind and amounts paid by employers for employee benefits as defined by the commission in regulations issued under sections 48-1219 to 48-1227;
8 15 (4) Employ shall include to suffer or permit to work;
9 17 (5) Commission shall mean the Equal Opportunity Commission; and
10 19 (6) Person shall include one or more individuals, partnerships, limited liability companies, corporations, legal representatives,
27 trustees, trustees in bankruptcy, or voluntary associations.
1 Sec. 2. Original section 48-1220, Reissue Revised Statutes of
2 Nebraska, is repealed.

LEGISLATIVE BILL 821. Placed on General File with amendment.
AM2210
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Sections 1 to 11 of this act shall be known and may be
4 cited as the Workplace Privacy Act.
5 Sec. 2. For purposes of the Workplace Privacy Act:
6 (1) Adverse action means the discharge of an employee, a threat
7 against an employee, or any other form of discrimination against an
8 employee that negatively affects the employee’s employment, including
9 actions that affect the employee’s compensation, work location, rights,
10 immunities, promotions, privileges, or other terms and conditions of
11 employment;
12 (2) Applicant means a prospective employee applying for employment;
13 (3) Electronic communication device means a cellular telephone,
14 personal digital assistant, electronic device with mobile data access,
15 laptop computer, pager, broadband personal communication device, two-way
16 messaging device, electronic game, or portable computing device;
17 (4) Employee means an individual employed by an employer;
18 (5) Employer means a public or nonpublic entity or an individual
19 engaged in a business, an industry, a profession, a trade, or other
20 enterprise in the state, including any agent, representative, or designee
21 acting directly or indirectly in the interest of such an employer; and
22 (6)(a) Personal Internet account means an individual’s online
23 account that requires login information in order to access or control the
24 account.
25 (b) Personal Internet account does not include:
26 (i) An online account that an employer or educational institution
27 supplies or pays for, except when the employer or educational institution
1 pays only for additional features or enhancements to the online account;
2 or
3 (ii) An online account that is used exclusively for a business
4 purpose of the employer.
5 Sec. 3. No employer shall:
6 (1) Require or request that an employee or applicant provide or
7 disclose any user name or password or any other related account
8 information in order to gain access to the employee's or applicant's
9 personal Internet account by way of an electronic communication device;
10 (2) Require or request that an employee or applicant log into a
11 personal Internet account by way of an electronic communication device in
12 the presence of the employer in a manner that enables the employer to
13 observe the contents of the employee’s or applicant’s personal Internet
14 account or provides the employer access to the employee's or applicant's
15 personal Internet account;
16 (3) Require an employee or applicant to add anyone, including the
employers, to the list of contacts associated with the employee's or applicant's personal Internet account or require or otherwise coerce an employee or applicant to change the settings on the employee's or applicant's personal Internet account which affects the ability of others to view the content of such account; or 

(4) Take adverse action against, fail to hire, or otherwise penalize an employee or applicant for failure to provide or disclose any of the information or to take any of the actions specified in subdivisions (1) through (3) of this section.

Sec. 4. An employer shall not require an employee or applicant to waive or limit any protection granted under the Workplace Privacy Act as a condition of continued employment or of applying for or receiving an offer of employment. Any agreement to waive any right or protection under the act is against the public policy of this state and is void and unenforceable.

Sec. 5. An employer shall not retaliate or discriminate against an employee or applicant because the employee or applicant:

(1) Files a complaint under the Workplace Privacy Act; or

(2) Testifies, assists, or participates in an investigation, proceeding, or action concerning a violation of the act.

Sec. 6. An employee shall not download or transfer an employer's private proprietary information or private financial data to a personal Internet account without authorization from the employer. This section shall not apply if the proprietary information or the financial data is otherwise disclosed by the employer to the public pursuant to other provisions of law or practice.

Sec. 7. Nothing in the Workplace Privacy Act limits an employer's right to:

(1) Promulgate and maintain lawful workplace policies governing the use of the employer's electronic equipment, including policies regarding Internet use and personal Internet account use;

(2) Request or require an employee or applicant to disclose access information to the employer to gain access to or operate:

(a) An electronic communication device supplied by or paid for in whole or in part by the employer; or

(b) An account or service provided by the employer, obtained by virtue of the employee's employment relationship with the employer, or used for the employer's business purposes;

(3) Restrict or prohibit an employee's access to certain web sites while using an electronic communication device supplied by or paid for in whole or in part by the employer or while using an employer's network or resources, to the extent permissible under applicable laws;

(4) Monitor, review, access, or block electronic data stored on an electronic communication device supplied by or paid for in whole or in part by the employer or stored on an employer's network, to the extent permissible under applicable laws;

(5) Access information about an employee or applicant that is in the public domain or is otherwise obtained in compliance with the Workplace Privacy Act;
4 (6) Conduct an investigation or require an employee to cooperate in
5 an investigation under any of the following circumstances:
6 (a) If the employer has specific information about potentially
7 wrongful activity taking place on the employee’s personal Internet
8 account, for the purpose of ensuring compliance with applicable laws,
9 regulatory requirements, or prohibitions against work-related employee
10 misconduct; or
11 (b) If the employer has specific information about an unauthorized
12 download or transfer of the employer's private proprietary information,
13 private financial data, or other confidential information to an
14 employee’s personal Internet account;
15 (7) Take adverse action against an employee for downloading or
16 transferring an employer’s private proprietary information or private
17 financial data to a personal Internet account without the employer’s
18 authorization;
19 (8) Comply with requirements to screen employees or applicants
20 before hiring or to monitor or retain employee communications that are
21 established by state or federal law or by a self-regulatory organization
22 as defined in 15 U.S.C. 78c(a)(26), as such section existed on January 1,
23 2016; or
24 (9) Comply with a law enforcement investigation conducted by a law
25 enforcement agency.
26 Sec. 8. Nothing in the Workplace Privacy Act limits a law
27 enforcement agency’s right to screen employees or applicants in
28 connection with a law enforcement employment application or a law
29 enforcement officer conduct investigation.
30 Sec. 9. (1) The Workplace Privacy Act does not create a duty for an
31 employer to search or monitor the activity of a personal Internet
1 account.
2 (2) An employer is not liable under the act for failure to request
3 or require that an employee or applicant grant access to, allow
4 observation of, or disclose information that allows access to or
5 observation of the employee’s or applicant’s personal Internet account.
6 Sec. 10. If an employer inadvertently learns the user name,
7 password, or other means of access to an employee’s or applicant’s
8 personal Internet account through the use of otherwise lawful technology
9 that monitors the employer's computer network or employer-provided
10 electronic communication devices for service quality or security
11 purposes, the employer is not liable for obtaining the information, but
12 the employer shall not use the information to access the employee's or
13 applicant's personal Internet account or share the information with
14 anyone. The employer shall delete such information as soon as
15 practicable.
16 Sec. 11. Upon violation of the Workplace Privacy Act, an aggrieved
17 employee or applicant may, in addition to any other available remedy,
18 institute a civil action within one year after the date of the alleged
19 violation or the discovery of the alleged violation, whichever is later.
20 The employee or applicant shall file an action directly in the district
21 court of the county where such alleged violation occurred. The district
court shall docket and try such case as any other civil action, and any
successful complainant shall be entitled to appropriate relief, including
temporary or permanent injunctive relief, general and special damages,
reasonable attorney's fees, and costs.
Sec. 12. 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.

(Signed) Burke Harr, Chairperson
Health and Human Services

LEGISLATIVE BILL 899. Placed on General File.

LEGISLATIVE BILL 722. Placed on General File with amendment.
AM2126
1. Strike the original sections and insert the following new
sections:
Section 1. Sections 1 to 9 of this act shall be known and may be
cited as the Stroke System of Care Act.
Sec. 2. The Legislature finds that:
(1) Stroke is the fifth leading cause of death and the leading cause
of disability according to the Centers for Disease Control and Prevention
of the United States Public Health Service of the United States
Department of Health and Human Services;
(2) Forecasting by the American Heart Association predicts stroke
prevalence to increase by twenty-four and nine-tenths percent between
2010 and 2030;
(3) The cost of stroke continues to increase as total hospital
charges for stroke in Nebraska increased by more than fifty-four million
dollars between 2001 and 2010, from fifty-four million dollars to one
hundred eight million dollars, with the average charge per stroke
hospitalization at thirty-one thousand dollars in 2010 according to the
2011 Nebraska Heart Disease and Stroke Prevention Program and Data
Summary by the Nebraska Department of Health and Human Services;
(4) The rapid identification, diagnosis, and treatment of stroke can
save the lives of stroke patients and in some cases reverse neurological
damage such as paralysis and speech and language impairments;
(5) An effective system is needed in Nebraska communities in order
to treat stroke patients in a timely manner and to improve the overall
outcomes of stroke patients; and
(6) Creation and enhancement of stroke systems of care provide
patients the highest quality care while ensuring seamless transitions
along the care continuum.
Sec. 3. For purposes of the Stroke System of Care Act:
(1) Department means the Department of Health and Human Services;
and
(2) Hospital means a hospital as defined in section 71-419 and
licensed under the Health Care Facility Licensure Act.
Sec. 4. The department shall designate hospitals as comprehensive stroke centers, primary stroke centers, and acute stroke-ready hospitals based on certification from the American Heart Association, the Joint Commission on Accreditation of Healthcare Organizations, or another nationally recognized, guidelines-based organization that provides certification for stroke care, as such certification existed on the effective date of this act. The department shall compile and maintain a list of such hospitals and post the list on the department’s web site. Before June 1 of each year, the department shall send the list to the physician medical director of each emergency medical service licensed pursuant to the Emergency Medical Services Practice Act.

Sec. 5. A hospital that is designated as a comprehensive stroke center or a primary stroke center may enter into a coordinating stroke care agreement with an acute stroke-ready hospital to provide appropriate access to care for acute stroke patients. The agreement shall be in writing and shall include, at a minimum:

1. A transfer agreement for the transport and acceptance of any stroke patient seen by the acute stroke-ready hospital for stroke treatment therapies which the acute stroke-ready hospital is not capable of providing; and
2. Communication criteria and protocol with the acute stroke-ready hospital.

Sec. 6. A hospital that does not have certification described under section 4 of this act shall have a predetermined plan for the triage and transfer of acute stroke patients and shall file the plan annually with the department.

Sec. 7. The department shall adopt and distribute a nationally recognized, standardized stroke triage assessment tool. The department shall post the stroke triage assessment tool on the department's web site and provide a copy of the assessment tool to each emergency medical service licensed pursuant to the Emergency Medical Services Practice Act.

Sec. 8. (1) An emergency medical service licensed pursuant to the Emergency Medical Services Practice Act shall use a stroke triage assessment tool that is substantially similar to the stroke triage assessment tool adopted by the department under section 7 of this act.

(2) A licensed emergency medical service shall establish prehospital care protocols related to the assessment, treatment, and transport of a stroke patient by the emergency medical service.

Sec. 9. (1) The department shall establish a stroke system of care task force to address matters of triage, treatment, and transport of possible acute stroke patients. The task force shall include representation from the department, including a program created by the department to address chronic disease prevention and control issues including cardiovascular health, the Emergency Medical Services Program created by the department, and the Office of Rural Health, the American Stroke Association, the Nebraska State Stroke Association, hospitals designated as comprehensive stroke centers under the Stroke System of Care Act, hospitals designated as primary stroke centers under the act, rural hospitals, physicians, and emergency medical services licensed...
pursuant to the Emergency Medical Services Practice Act.

(2) The task force shall provide advice and recommendations to the department regarding the implementation of the Stroke System of Care Act. The task force shall focus on serving both rural and urban areas. The task force shall provide advice regarding protocols for the assessment, stabilization, and appropriate routing of stroke patients by emergency medical services and for coordination and communication between hospitals, comprehensive stroke centers, primary stroke centers, and other support services necessary to assure all residents of Nebraska have access to effective and efficient stroke care.

(3) The task force shall recommend eligible essential health care services for acute stroke care provided through telehealth as defined in section 71-8503.

Sec. 10. Section 38-1217, Revised Statutes Cumulative Supplement, 2014, is amended to read:

38-1217 The board shall adopt rules and regulations necessary to:

(1) (a) For licenses issued prior to September 1, 2010, create the following licensure classifications of out-of-hospital emergency care providers: (i) First responder; (ii) emergency medical technician; (iii) emergency medical technician-intermediate; and (iv) emergency medical technician-paramedic; and (b) for licenses issued on or after September 1, 2010, create the following licensure classifications of out-of-hospital emergency care providers: (i) Emergency medical responder; (ii) emergency medical technician; (iii) advanced emergency medical technician; and (iv) paramedic. The rules and regulations creating the classifications shall include the practices and procedures authorized for each classification, training and testing requirements, renewal and reinstatement requirements, and other criteria and qualifications for each classification determined to be necessary for protection of public health and safety. A person holding a license issued prior to September 1, 2010, shall be authorized to practice in accordance with the laws, rules, and regulations governing the license for the term of the license;

(2) Provide for temporary licensure of an out-of-hospital emergency care provider who has completed the educational requirements for a licensure classification enumerated in subdivision (1)(b) of this section but has not completed the testing requirements for licensure under such subdivision. Temporary licensure shall be valid for one year or until a license is issued under such subdivision and shall not be subject to renewal. The rules and regulations shall include qualifications and training necessary for issuance of a temporary license, the practices and procedures authorized for a temporary licensee, and supervision required for a temporary licensee;

(3) Set standards for the licensure of basic life support services and advanced life support services. The rules and regulations providing for licensure shall include standards and requirements for: Vehicles, equipment, maintenance, sanitation, inspections, personnel, training, medical direction, records maintenance, practices and procedures to be provided by employees or members of each classification of service, and other criteria for licensure established by the board;
12 (4) Authorize emergency medical services to provide differing
13 practices and procedures depending upon the qualifications of out-of-
14 hospital emergency care providers available at the time of service
15 delivery. No emergency medical service shall be licensed to provide
16 practices or procedures without the use of personnel licensed to provide
17 the practices or procedures;
18 (5) Authorize out-of-hospital emergency care providers to perform
19 any practice or procedure which they are authorized to perform with an
20 emergency medical service other than the service with which they are
21 affiliated when requested by the other service and when the patient for
22 whom they are to render services is in danger of loss of life;
23 (6) Provide for the approval of training agencies and establish
24 minimum standards for services provided by training agencies;
25 (7) Provide for the minimum qualifications of a physician medical
26 director in addition to the licensure required by section 38-1212;
27 (8) Provide for the use of physician medical directors, qualified
28 physician surrogates, model protocols, standing orders, operating
29 procedures, and guidelines which may be necessary or appropriate to carry
30 out the purposes of the Emergency Medical Services Practice Act. The
31 model protocols, standing orders, operating procedures, and guidelines
1 may be modified by the physician medical director for use by any out-of-
2 hospital emergency care provider or emergency medical service before or
3 after adoption;
4 (9) Establish criteria for approval of organizations issuing
5 cardiopulmonary resuscitation certification which shall include criteria
6 for instructors, establishment of certification periods and minimum
7 curricula, and other aspects of training and certification;
8 (10) Establish renewal and reinstatement requirements for out-of-
9 hospital emergency care providers and emergency medical services and
10 establish continuing competency requirements. Continuing education is
11 sufficient to meet continuing competency requirements. The requirements
12 may also include, but not be limited to, one or more of the continuing
13 competency activities listed in section 38-145 which a licensed person
14 may select as an alternative to continuing education. The reinstatement
15 requirements for out-of-hospital emergency care providers shall allow
16 reinstatement at the same or any lower level of licensure for which the
17 out-of-hospital emergency care provider is determined to be qualified;
18 (11) Establish criteria for deployment and use of automated external
19 defibrillators as necessary for the protection of the public health and
20 safety;
21 (12) Create licensure, renewal, and reinstatement requirements for
22 emergency medical service instructors. The rules and regulations shall
23 include the practices and procedures for licensure, renewal, and
24 reinstatement;
25 (13) Establish criteria for emergency medical technicians-
26 intermediate, advanced emergency medical technicians, emergency medical
27 technicians-paramedic, or paramedics performing activities within their
28 scope of practice at a hospital or health clinic under subsection (3) of
29 section 38-1224. Such criteria shall include, but not be limited to: (a)
30 Requirements for the orientation of registered nurses, physician
31 assistants, and physicians involved in the supervision of such personnel;
1 (b) supervisory and training requirements for the physician medical
2 director or other person in charge of the medical staff at such hospital
3 or health clinic; and (c) a requirement that such activities shall only
4 be performed at the discretion of, and with the approval of, the
5 governing authority of such hospital or health clinic. For purposes of
6 this subdivision, health clinic has the definition found in section
7 71-416 and hospital has the definition found in section 71-419; and
8 (14) Establish model protocols for compliance with the Stroke System
9 of Care Act by an emergency medical service and an out-of-hospital
10 emergency care provider; and
11 (15 14) Establish criteria and requirements for emergency medical
12 technicians-intermediate to renew licenses issued prior to September 1,
13 2010, and continue to practice after such classification has otherwise
14 terminated under subdivision (1) of this section. The rules and
15 regulations shall include the qualifications necessary to renew emergency
16 medical technicians-intermediate licenses after September 1, 2010, the
17 practices and procedures authorized for persons holding and renewing such
18 licenses, and the renewal and reinstatement requirements for holders of
19 such licenses.
20 Sec. 11. Section 38-1221, Revised Statutes Cumulative Supplement,
21 2014, is amended to read:
22 38-1221 (1) To be eligible for a license under the Emergency Medical
23 Services Practice Act, an individual shall have attained the age of
24 eighteen years and met the requirements established in accordance with
25 subdivision (1), (2), or (15 14) of section 38-1217.
26 (2) All licenses issued under the act other than temporary licenses
27 shall expire the second year after issuance.
28 (3) An individual holding a certificate under the Emergency Medical
29 Services Act on December 1, 2008, shall be deemed to be holding a license
30 under the Uniform Credentialing Act and the Emergency Medical Services
31 Practice Act on such date. The certificate holder may continue to
1 practice under such certificate as a license in accordance with the
2 Uniform Credentialing Act until the certificate would have expired under
3 its terms.
4 Sec. 12. Section 71-401, Revised Statutes Supplement, 2015, is
5 amended to read:
6 71-401 Sections 71-401 to 71-470 and section 13 of this act shall be
7 known and may be cited as the Health Care Facility Licensure Act.
8 Sec. 13. A person may not advertise to the public, by way of any
9 medium, that a hospital is a comprehensive stroke center, primary stroke
10 center, or acute stroke-ready hospital unless the hospital is listed as
11 such by the Department of Health and Human Services under the Stroke
12 System of Care Act.
13 Sec. 14. Original sections 38-1217 and 38-1221, Revised Statutes
14 Cumulative Supplement, 2014, and section 71-401, Revised Statutes
15 Supplement, 2015, are repealed.
LEGISLATIVE BILL 866. Placed on General File with amendment. AM2181
1 1. On page 2, line 8, after "attaining", insert ", on or after the
effective date of this act:"; strike beginning with "independent" in line
2 14 through "she" in line 20 and insert "case management for service
3 provision to achieve the goals in a case plan developed with the eligible
4 participant as part of a program to transition to a successful adulthood.
5 Case management for this program shall cease when the youth"; and in line
6 27 strike "and" and insert "or".

LEGISLATIVE BILL 895. Placed on General File with amendment. AM2159
1 1. On page 3, line 12, strike "November 15, 2016" and insert "June
2 1, 2017".

LEGISLATIVE BILL 1039. Placed on General File with amendment. AM2172
1 1. On page 3, line 4, strike "physical disability or" and insert
2 "disability, including an".

(Signed) Kathy Campbell, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Transportation and Telecommunications
Room 1113
Monday, February 29, 2016 1:30 p.m.

LB938 (rehearing)

(Signed) Jim Smith, Chairperson

Health and Human Services
Room 1510
Wednesday, March 2, 2016 1:00 p.m.

Michael A. Sitorius - Nebraska Rural Health Advisory Commission
Mary J. Kent - Nebraska Rural Health Advisory Commission
LR415
LB842
LB905
Thursday, March 3, 2016 1:00 p.m.

Roger Wells - Nebraska Rural Health Advisory Commission
John A. E. Craig - Nebraska Rural Health Advisory Commission
LEGISLATIVE RESOLUTION 443. Introduced by Kolowski, 31.

WHEREAS, Golden Kelly, a seventh grader at George Russell Middle School in Millard, has achieved national recognition for exemplary volunteer service by receiving a 2016 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Golden earned this honor by raising nearly $14,000 for the American Cancer Society over the past nine years as co-captain of a team that participates annually in the Society's Relay for Life fundraiser. Golden has worked hard to support cancer patients since she was four years old, when she began fundraising with her sister, Grace; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Golden who use their considerable talents and resources to serve others.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Golden Kelly for receiving a 2016 Prudential Spirit of Community Award.

2. That a copy of this resolution be sent to Golden Kelly.

Laid over.
LEGISLATIVE RESOLUTION 444. Introduced by Kolowski, 31.

WHEREAS, Grace Kelly, a senior at Millard West High School, has achieved national recognition for exemplary volunteer service by being named a Distinguished Finalist for the 2016 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Grace earned this honor by serving as president of her school's chapter of the Health Occupation Students of America, and helping to organize numerous blood drives to support the American Red Cross. Grace has also participated in the American Cancer Society's Relay for Life fundraiser since she was nine years old, and has helped raise over $15,000 to help fund cancer research with her sister, Golden; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Grace who use their considerable talents and resources to serve others.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Grace Kelly for being named a Distinguished Finalist for the 2016 Prudential Spirit of Community Award.

2. That a copy of this resolution be sent to Grace Kelly.

Laid over.

VISITOR(S)

Visitors to the Chamber were Sophia Olson from Lincoln; and Senator Krist’s daughter, Courtney, and grandson, Lucas, from Omaha.

The Doctor of the Day was Dr. Joshua Sypal from Seward.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Scheer, the Legislature adjourned until 9:00 a.m., Tuesday, February 23, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
THIRTY-FIRST DAY - FEBRUARY 23, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

THIRTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 23, 2016

PRAYER

The prayer was offered by Pastor Gary Wissel, Crossroads Bible Church, Manley.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Gloor and Schilz who were excused; and Senators Coash, Kintner, Kuehn, Larson, Mello, Morfeld, and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirtieth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 221. Placed on Final Reading.
ST60
The following changes, required to be reported for publication in the Journal, have been made:

1. In the Harr amendment, AM2133, on page 1, line 5, the second "or" has been struck and "of" inserted.
2. In the Harr amendment, AM1996, on page 3, line 1, the second comma has been struck.
3. On page 1, line 1, "landlord" has been struck and "landlords" inserted; and lines 2 through 5 have been struck and "25-21,220, 69-2303, 76-1414, 76-1431, 76-1441, and 76-1446, Reissue Revised Statutes of Nebraska; to change provisions relating to forcible entry and detainer and the Uniform Residential Landlord and Tenant Act; to provide for disposition of personal property upon the death of a tenant; to harmonize provisions; and to repeal the original sections." inserted.
4. On page 4, line 13, the comma has been struck.
5. On page 5, line 18, "25-21,220," has been inserted after "sections" and "76-1431," has been inserted after "76-1414,"

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Government, Military and Veterans Affairs

LEGISLATIVE BILL 677. Placed on General File.

LEGISLATIVE BILL 978. Placed on General File.

LEGISLATIVE BILL 851. Placed on General File with amendment.

AM2149
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 84-602, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 84-602 It shall be the duty of the State Treasurer:
6 (1) To receive and keep all money of the state not expressly
7 required to be received and kept by some other person;
8 (2) To disburse the public money upon warrants drawn upon the state
9 treasury according to law and not otherwise;
10 (3) To keep a just, true, and comprehensive account of all money
11 received and disbursed;
12 (4) To keep a just account with each fund, and each head of
13 appropriation made by law, and the warrants drawn against them;
14 (5) To render a full statement to the Department of Administrative
15 Services of all money received by him or her from whatever source, and if
16 on account of revenue, for what year; of all penalties and interest on
17 delinquent taxes reported or accounted for to him or her, and of all
18 disbursements of public funds; with a list, in numerical order, of all
19 warrants redeemed, the name of the payee, amount, interest, and total
20 amount allowed thereon, and with the amount of the balance of the several
21 funds unexpended; which statement shall be made on the first day of
22 December, March, June, and September, and more often if required;
23 (6) To report electronically to the Legislature as soon as
24 practicable, but within ten days after the commencement of each regular
25 session, a detailed statement of the condition of the treasury and its
26 operations for the preceding fiscal year;
27 (7) To give information electronically to the Legislature, whenever
1 required, upon any subject connected with the treasury or touching any
2 duty of his or her office;
3 (8) To account for, and pay over, all money received by him or her
4 as such treasurer, to his or her successor in office, and deliver all
5 books, vouchers, and effects of office to him or her; and such successor
6 shall receipt therefor. In accounting for and paying over such money the
7 treasurer shall not be held liable on account of any loss occasioned by
8 any investment, when such investment shall have been made pursuant to the
9 direction of the state investment officer; and
10 (9) To develop and maintain the a single, searchable web site
required under the Taxpayer Transparency Act with information on state
tax receipts, expenditures, and contracts which is accessible by the
public at no cost to access as provided in section 84-602.02. The web
site shall be hosted on a server owned and operated by the State of
Nebraska or approved by the Chief Information Officer. The naming
convention for the web site shall identify the web site as a state
government web site. The web site shall not include the treasurer's name,
the treasurer's image, the treasurer's seal, or a welcome message.

Sec. 2. Section 84-602.01, Reissue Revised Statutes of Nebraska, is
amended to read:
84-602.01 Section 84-602.01 and sections 3 and 4 of this act The
establishment of the web site provided for in section 84-602 and
described in section 84-602.02 shall be known and may be cited as the
Taxpayer Transparency Act.

Sec. 3. For purposes of the Taxpayer Transparency Act:
(1) Expenditure of state funds means all expenditures of state
receipts, whether appropriated or nonappropriated, by a state entity in
forms including, but not limited to:
(i) Grants;
(ii) Contracts;
(iii) Subcontracts;
(iv) State aid to political subdivisions;
(v) Tax refunds or credits that may be disclosed pursuant to the
Nebraska Advantage Act, the Nebraska Advantage Microenterprise Tax Credit
Act, the Nebraska Advantage Research and Development Act, or the Nebraska
Advantage Rural Development Act; and
(vi) Any other disbursement of state receipts by a state entity in
the performance of its functions;
(b) Expenditure of state funds includes expenditures authorized by
the Board of Regents of the University of Nebraska, the Board of Trustees
of the Nebraska State Colleges, or a public corporation pursuant to
sections 85-403 to 85-411; and
(c) Expenditure of state funds does not include the transfer of
funds between two state entities, payments of state, federal, or other
assistance to an individual, or the expenditure of pass-through funds;
(2) Pass-through funds means any funds received by a state entity if
the state entity is acting only as an intermediary or custodian with
respect to such funds and is obligated to pay or otherwise return such
funds to the person entitled thereto;
(3) State entity means (a) any agency, board, commission, or
department of the state and (b) any other body created by state statute
that includes a person appointed by the Governor, the head of any state
agency or department, an employee of the State of Nebraska, or any
combination of such persons and that is empowered pursuant to such
statute to collect and disburse state receipts; and
(4) State receipts means revenue or other income received by a state
entity from tax receipts, fees, charges, interest, or other sources which
is (a) used by the state entity to pay the expenses necessary to perform
28 the state entity’s functions and (b) reported to the State Treasurer in
29 total amounts by category of income. State receipts does not include
30 pass-through funds.
31 Sec. 4. Section 84-602.02, Revised Statutes Supplement, 2015, is
1 amended to read:
2 84-602.02 (1) The State Treasurer shall develop and maintain a
3 single, searchable web site with information on state receipts,
4 expenditures of state funds, and contracts which is accessible by the
5 public at no cost to access as provided in this section. The web site
6 shall be hosted on a server owned and operated by the State of Nebraska
7 or approved by the Chief Information Officer. The naming convention for
8 the web site shall identify the web site as a state government web site.
9 The web site shall not include the treasurer's name, the treasurer's
10 image, the treasurer's seal, or a welcome message.
11 (2)(a) Not later than January 1, 2010, the web site
12 established, developed, and maintained by the State Treasurer pursuant to
13 this section subdivision (9) of section 84-602 shall provide such
14 information as will document the sources of all state tax receipts and
15 the expenditure of state funds by all agencies, boards, commissions, and
16 departments of the state entities.
17 (b) The State Treasurer shall, in appropriate detail, cause to be
18 published on the web site:
19 (i) The identity, principal location, and amount of state receipts
20 funds received or expended by the State of Nebraska and all of its state
21 entities agencies, boards, commissions, and departments;
22 (ii) The funding or expending state entity agency, board,
23 commission, or department;
24 (iii) The budget program source;
25 (iv) The amount, date, purpose, and recipient of all expenditures of
26 state funds disbursed funds; and
27 (v) Such other relevant information as will further the intent of
28 enhancing the transparency of state government financial operations to
29 its citizens and taxpayers. The web site shall include data for fiscal
30 year 2008-09 and each fiscal year thereafter, except that for any state
31 entity that becomes subject to this section due to the changes made by
1 this legislative bill, the web site shall include data for such state
2 entity for fiscal year 2016-17 and each fiscal year thereafter.
3 (3 2) Beginning July 1, 2010, the data shall be available on the
4 web site no later than thirty days after the end of the preceding fiscal
5 year.
6 (4)(a) Beginning July 1, 2014, the web site described in
7 this section shall include a link to the web site of the Department of
8 Administrative Services. The department's web site shall contain:
9 (i) A data base that includes a copy of each active contract that is
10 a basis for an expenditure of state funds, including any amendment to
11 such contract and any document incorporated by reference in such
12 contract. For purposes of this subdivision, amendment means an agreement
13 to modify a contract which has been reduced to writing and signed by each
14 party to the contract, an agreement to extend the duration of a contract,
15 or an agreement to renew a contract. The data base shall be accessible by
16 the public and searchable by vendor, by state entity agency, board,
17 commission, or department, and by dollar amount. All agencies, boards,
18 commissions, and departments of the state entities shall provide to the
19 Department of Administrative Services, in electronic form, copies of such
20 contracts for inclusion in the data base beginning with contracts that
21 are active on and after January 1, 2014, except that for any state entity
22 that becomes subject to this section due to the changes made by this
23 legislative bill, such state entity shall provide copies of such
24 contracts for inclusion in the data base beginning with contracts that
25 are active on and after January 1, 2017; and
26 (ii) A data base that includes copies of all expired contracts which
27 were previously included in the data base described in subdivision (4)(a)
28 (i) (3)(a)(i) of this section and which have not been disposed of
29 pursuant to policies and procedures adopted under subdivision (4)(e) (3)
30 (e) of this section. The data base required under this subdivision shall
31 be accessible by the public and searchable by vendor, by state entity
1 agency, board, commission, or department, and by dollar amount.
2 (b) The following shall be redacted or withheld from any contract
3 before such contract is included in a data base pursuant to subdivision
4 (4)(a) (3)(a) of this section:
5 (i) The social security number or federal tax identification number
6 of any individual or business;
7 (ii) Protected health information as such term is defined under the
8 federal Health Insurance Portability and Accountability Act of 1996, as
9 such act existed on January 1, 2013;
10 (iii) Any information which may be withheld from the public under
11 section 84-712.05; or
12 (iv) Any information that is confidential under state or federal
13 law, rule, or regulation.
14 (c) The following contracts shall be exempt from the requirements of
15 subdivision (4)(a) (3)(a) of this section:
16 (i) Contracts entered into by the Department of Health and Human
17 Services that are letters of agreement for the purpose of providing
18 specific services to a specifically named individual and his or her
19 family;
20 (ii) Contracts entered into by the University of Nebraska or any of
21 the Nebraska state colleges for the purpose of providing specific
22 services or financial assistance to a specifically named individual and
23 his or her family;
24 (iii) Contracts entered into by the Department of Veterans' Affairs
25 under section 80-401 or 80-403 for the purpose of providing aid to a
26 specifically named veteran and his or her family;
27 (iv) Contracts entered into by the State Energy Office for the
28 purpose of providing financing from the Dollar and Energy Saving Loan
29 program; and
30 (v) Contracts of employment for employees of any agency, board,
31 commission, or department of the state entity. The exemption provided in
1 this subdivision shall not apply to contracts entered into by any agency,
Contracts entered into by the Nebraska Investment Finance Authority for the purpose of providing a specific service or financial assistance, including, but not limited to, a grant or loan, to a specifically named individual and his or her family.

(d) No agency, board, commission, or department of the state entity shall structure a contract to avoid any of the requirements of subdivision (4)(a) of this section.

(e) The Department of Administrative Services shall adopt policies and procedures regarding the creation, maintenance, and disposal of records pursuant to section 84-1212.02 for the contracts contained in the data bases required under this section and the process by which agencies, boards, commissions, and departments of the state entities provide copies of the contracts required under this section.

(f) All agencies, boards, commissions, and departments of the state entities shall provide to the State Treasurer, at such times and in such form as designated by the State Treasurer, such information as is necessary to accomplish the purposes of the Taxpayer Transparency Act.

(g) Nothing in this section requires the disclosure of information which is considered confidential under state or federal law or is not a public record under section 84-712.05.

(h) For purposes of this section, expenditure of state funds means all expenditures of appropriated or nonappropriated funds by an agency, board, commission, or department of the state from the state treasury in forms including, but not limited to:

(i) Grants;

(ii) Contracts;

(iii) Subcontracts;

(iv) State aid to political subdivisions; and

(v) Tax refunds or credits that may be disclosed pursuant to the Nebraska Advantage Act, the Nebraska Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research and Development Act, or the Nebraska Advantage Rural Development Act.

(b) Expenditure of state funds does not include the transfer of funds between two agencies, boards, commissions, or departments of the state or payments of state or federal assistance to an individual.

Sec. 5. Original sections 84-602 and 84-602.01, Reissue Revised Statutes of Nebraska, and section 84-602.02, Revised Statutes Supplement, 2015, are repealed.

LEGISLATIVE BILL 877. Placed on General File with amendment.

AM2104

1. On page 3, line 9, after "hundred" insert "fifty"; in line 12 strike "commission" and insert "department and public works department"; and in line 17 strike "commission" and insert "county".

(Signed) John Murante, Chairperson
RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 434, 435, and 436 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 434, 435, and 436.

MOTION(S) - Confirmation Report(s)

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on pages 669 and 670:

- Commission for the Blind and Visually Impaired
  - Chad Bell
- Division of Behavioral Health - Department of Health and Human Services
  - Sheri Dawson, Director
  - Commission for the Blind and Visually Impaired
    - Michael D. Hansen

Voting in the affirmative, 36:

Baker      Davis    Howard    McCollister    Stinner
Bloomfield Ebke      Hughes   Pansing       Brooks Sullivan
Bolz       Fox       Johnson  Riepe        Watermeier
Brasch      Friesen  Kintner  Scheer       Williams
Campbell    Garrett  Kolowski Schnoor
Cook        Hadley   Kolterman Schumacher
Craighead   Hansen   Krist    Seiler
Crawford    Hilkemann Lindstrom Smith

Voting in the negative, 0.

Present and not voting, 6:

Chambers  Haar, K.  McCoy
Groene    Harr, B.  Morfeld

Excused and not voting, 7:

Coash     Kuehn     Mello    Schilz
Gloor      Larson    Murante

The appointments were confirmed with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.
GENERAL FILE

LEGISLATIVE BILL 772. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1059. Title read. Considered.

Committee AM2067, found on page 593, was offered.

Senator Schumacher offered the following amendment to the committee amendment:

FA89
Amend AM2067
Strike "two-thirds" in line 17 page 5 and replace that with "unanimous".

The Schumacher amendment lost with 12 ayes, 18 nays, 13 present and not voting, and 6 excused and not voting.

The committee amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 2 nays, 14 present and not voting, and 5 excused and not voting.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 768. Placed on General File with amendment. AM2058 is available in the Bill Room.

(Signed) Jim Smith, Chairperson

Health and Human Services

LEGISLATIVE BILL 869. Placed on General File.

(Signed) Kathy Campbell, Chairperson

Appropriations

LEGISLATIVE BILL 1092. Placed on General File.

(Signed) Heath Mello, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 794. Placed on General File.
LEGISLATIVE BILL 817. Placed on General File.

LEGISLATIVE BILL 1050. Placed on General File with amendment.

AM2237
1 1. On page 2, lines 15 and 16; and page 3, lines 1 and 2, strike
2 "each partner who owns in the aggregate more than a fifty percent
3 interest" and insert "partners who own in the aggregate more than fifty
4 percent of the interests".
5 2. On page 2, line 19, strike "provisions" and insert "provision".

LEGISLATIVE BILL 801. Indefinitely postponed.

(Signed) Jim Scheer, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 447A. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
aid in carrying out the provisions of Legislative Bill 447, One Hundred
Fourth Legislature, Second Session, 2016; and to declare an emergency.

AMENDMENT(S) - Print in Journal

Senator Lindstrom filed the following amendment to LB772:
AM2196 is available in the Bill Room.

NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

Tuesday, March 1, 2016 1:30 p.m.

Pete Goldschmidt - Technical Advisory Committee for Statewide Assessment
Randy Schmailzl - Nebraska Educational Telecommunications Commission

(Signed) Kate Sullivan, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 445. Introduced by Davis, 43.

WHEREAS, Gideon Monette, a senior at Mullen High School, won the
2016 Class D State Wrestling Championship in the 182-pound division; and
WHEREAS, Gideon displayed outstanding determination, perseverance,
and skill in winning the state championship; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Gideon Monette on his state wrestling championship.
2. That a copy of this resolution be sent to Gideon Monette.

Laid over.

LEGISLATIVE RESOLUTION 446. Introduced by Schnoor, 15.

WHEREAS, Andrew J. Poppe of Fremont has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and
WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout his scouting experience, Andrew has learned, been tested on, and been recognized for various scouting skills; and
WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his community service project, Andrew built benches along the hiking trails of Fremont State Recreation Area; and
WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and
WHEREAS, Andrew, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, leaders of government and industry, artists, scientists, and athletes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Andrew J. Poppe on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Andrew J. Poppe.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 730. Title read. Considered.

SPEAKER HADLEY PRESIDING

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.
LEGISLATIVE BILL 830. Title read. Considered.
Committee AM2082, found on page 589, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.
Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 704. Title read. Considered.
Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 698. Title read. Considered.
Committee AM1994, found on page 560, was offered.
Senator Campbell offered the following amendment to the committee amendment:
AM2255 is available in the Bill Room.
The Campbell amendment was adopted with 29 ayes, 0 nays, 17 present and not voting.
The committee amendment, as amended, was adopted with 30 ayes, 0 nays, 16 present and not voting.
Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1022. Title read. Considered.
Committee AM2170, found on page 637, was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.
Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

BILLS ON FIRST READING
The following bills were read for the first time by title:

LEGISLATIVE BILL 867A. Introduced by Watermeier, 1.
A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 867, One Hundred Fourth Legislature, Second Session, 2016.
LEGISLATIVE BILL 770A. Introduced by Groene, 42.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2015, LB657, section 87; to reduce an appropriation to aid in carrying out the provisions of Legislative Bill 770, One Hundred Fourth Legislature, Second Session, 2016; to repeal the original section; and to declare an emergency.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 447. Introduced by Ebke, 32.

WHEREAS, Elliot James Erdkamp of Exeter has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and
WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout his scouting experience, Elliot has learned, been tested on, and been recognized for various scouting skills; and
WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his project, Elliot and several of his fellow members and leaders spent nearly 170 hours installing a handicapped-accessible sidewalk in Exeter's city park; and
WHEREAS, Elliot, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, leaders of government and industry, artists, scientists, and athletes.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates Elliot James Erdkamp on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Elliot James Erdkamp.

Laid over.

LEGISLATIVE RESOLUTION 448. Introduced by Ebke, 32.

WHEREAS, Broc Edward Mueller, a member of Troop 270 of Friend, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and
WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout his scouting experience, Broc has learned, been tested on, and been recognized for various scouting skills; and
WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his project, Broc finished the landscaping around Trinity Evangelical Lutheran Church in Cordova. Broc arranged funding for the project by
writing a grant and organized a group of Boy Scouts and adults to help with
the project, which took nearly 100 hours to complete; and
WHEREAS, Broc, through his hard work and perseverance, has joined
other high achievers who are Eagle Scouts, such as astronauts, leaders of
government and industry, artists, scientists, and athletes.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND
SESSION:
1. That the Legislature congratulates Broc Edward Mueller on achieving
the rank of Eagle Scout.
2. That a copy of this resolution be sent to Broc Edward Mueller.

Laid over.

WITHDRAW - Cointroducer

Senator Groene withdrew his name as cointroducer to LB803.

VISITOR(S)

Visitors to the Chamber were members of the Collegiate Farm Bureau,
Nebraska College of Technical Agriculture and Southeast Community
College; Kamryn Sannicks from Lincoln; members of Elkhorn Rural Public
Power District from Battle Creek and Stanton; and 30 members of
Leadership Lincoln County from North Platte.

The Doctor of the Day was Dr. Marlon Weiss from Lincoln.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Williams, the Legislature adjourned
until 9:00 a.m., Wednesday, February 24, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
THIRTY-SECOND DAY - FEBRUARY 24, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 24, 2016

PRAYER

The prayer was offered by Pastor Justin Adams, "EPIC" Church, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Larson, McCoy, and Schilz who were excused; and Senators Craighead, Davis, Groene, K. Haar, Kintner, Kuehn, Morfeld, Murante, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-first day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 683. Placed on Select File.

LEGISLATIVE BILL 746. Placed on Select File with amendment. ER169 is available in the Bill Room.

(Signed) Matt Hansen, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Government, Military and Veterans Affairs

Room 1507

Thursday, March 3, 2016 1:30 p.m.

Polly Jordening - State Emergency Response Commission
James J. Ziebarth - Nebraska Accountability and Disclosure Commission
COMMITTEE REPORT(S)
Nebraska Retirement Systems

The Nebraska Retirement Systems Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

J. Russell Derr - Public Employees Retirement Board


The Nebraska Retirement Systems Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Keith Olson - Nebraska Investment Council


RESOLUTION(S)

LEGISLATIVE RESOLUTION 449. Introduced by Stinner, 48.

WHEREAS, Mario Ybarra of the Scottsbluff High School wrestling team captured a first place finish at 126 pounds during the 2016 Class B Nebraska State Wrestling Championship; and
WHEREAS, with this first place finish, Mario Ybarra helped his team finish in the top five at state for the sixth straight year; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates Mario Ybarra on his state wrestling championship.
2. That a copy of this resolution be sent to Mario Ybarra.
Senator Krist offered the following amendment:

AM2279

1. Insert the following new section:

2 Sec. 2. Section 43-2,108.05, Revised Statutes Supplement, 2015, is amended to read:

43-2,108.05 (1) If the court orders the record of a juvenile sealed pursuant to section 43-2,108.04, the court shall:

(a) Order that all records, including any information or other data concerning any proceedings relating to the offense, including the arrest, taking into custody, petition, complaint, indictment, information, trial, hearing, adjudication, correctional supervision, dismissal, or other disposition or sentence, be deemed never to have occurred;

(b) Send notice of the order to seal the record (i) to the Nebraska Commission on Law Enforcement and Criminal Justice, (ii) if the record includes impoundment or prohibition to obtain a license or permit pursuant to section 43-287, to the Department of Motor Vehicles, (iii) if the juvenile whose record has been ordered sealed was a ward of the state at the time the proceeding was initiated or if the Department of Health and Human Services was a party in the proceeding, to such department, and (iv) to law enforcement agencies, county attorneys, and city attorneys referenced in the court record;

(c) Order all notified under subdivision (1)(b) of this section to seal all records pertaining to the offense;

(d) If the case was transferred from district court to juvenile court or was transferred under section 43-282, send notice of the order to seal the record to the transferring court; and

(e) Explain to the juvenile what sealing the record means verbally if the juvenile is present in the court at the time the court issues the sealing order or by written notice sent by regular mail to the juvenile's last-known address if the juvenile is not present in the court at the time the court issues the sealing order.

(2) The effect of having a record sealed under section 43-2,108.04 is that thereafter no person is allowed to release any information concerning such record, except as provided by this section. After a record is sealed, the person whose record was sealed can respond to any public inquiry as if the offense resulting in such record never occurred. A government agency and any other public office or agency shall reply to any public inquiry that no information exists regarding a sealed record. Except as provided in subsection (3) of this section, an order to seal the record applies to every government agency and any other public office or agency that has a record relating to the offense, regardless of whether it receives notice of the hearing on the sealing of the record or a copy of the order. Upon the written request of a person whose record
has been sealed and the presentation of a copy of such order, a
government agency or any other public office or agency shall seal all
records pertaining to the offense.
(3) A sealed record is accessible to law enforcement officers,
county attorneys, and city attorneys in the investigation, prosecution,
and sentencing of crimes, to the sentencing judge in the sentencing of
criminal defendants, to a judge making a determination whether to
transfer a case to or from juvenile court, and to any attorney
representing the subject of the sealed record, and to the Inspector
General of Nebraska Child Welfare pursuant to an investigation conducted
Inspection of records that have been ordered sealed under section
43-2,108.04 may be made by the following persons or for the following
purposes:
(a) By the court or by any person allowed to inspect such records by
an order of the court for good cause shown;
(b) By the court, city attorney, or county attorney for purposes of
collection of any remaining parental support or obligation balances under
section 43-290;
(c) By the Nebraska Probation System for purposes of juvenile intake
services, for presentence and other probation investigations, and for the
direct supervision of persons placed on probation and by the Department
of Correctional Services, the Office of Juvenile Services, a juvenile
assessment center, a criminal detention facility, a juvenile detention
facility, or a staff secure juvenile facility, for an individual
committed to it, placed with it, or under its care;
(d) By the Department of Health and Human Services for purposes of
juvenile intake services, the preparation of case plans and reports, the
preparation of evaluations, compliance with federal reporting
requirements, or the supervision and protection of persons placed with
the department or for licensing or certification purposes under sections
71-1901 to 71-1906.01, the Child Care Licensing Act, or the Children's
Residential Facilities and Placing Licensure Act;
(e) Upon application, by the person who is the subject of the sealed
record and by persons authorized by the person who is the subject of the
sealed record who are named in that application;
(f) At the request of a party in a civil action that is based on a
case that has a sealed record, as needed for the civil action. The party
also may copy the sealed record as needed for the civil action. The
sealed record shall be used solely in the civil action and is otherwise
confidential and subject to this section;
(g) By persons engaged in bona fide research, with the permission of
the court, only if the research results in no disclosure of the person's
identity and protects the confidentiality of the sealed record; or
(h) By a law enforcement agency if a person whose record has been
sealed applies for employment with the law enforcement agency.
(4) Nothing in this section prohibits the Department of Health and
Human Services from releasing information from sealed records in the
performance of its duties with respect to the supervision and protection
2 of persons served by the department.

3 (5) In any application for employment, bonding, license, education,
4 or other right or privilege, any appearance as a witness, or any other
5 public inquiry, a person cannot be questioned with respect to any offense
6 for which the record is sealed. If an inquiry is made in violation of
7 this subsection, the person may respond as if the offense never occurred.
8 Applications for employment shall contain specific language that states
9 that the applicant is not obligated to disclose a sealed record.
10 Employers shall not ask if an applicant has had a record sealed. The
11 Department of Labor shall develop a link on the department's web site to
12 inform employers that employers cannot ask if an applicant had a record
13 sealed and that an application for employment shall contain specific
14 language that states that the applicant is not obligated to disclose a
15 sealed record.
16 (6) Any person who violates this section may be held in contempt of
17 court.
18 2. Renumber the remaining sections and correct the repealer
19 accordingly.

The Krist amendment was adopted with 31 ayes, 0 nays, 6 present and not
voting, and 12 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1016.** Advanced to Enrollment and Review for
Engrossment.

**LEGISLATIVE BILL 188.** Senator Watermeier asked unanimous consent
to withdraw his amendment, AM2084, found on page 549, and replace it
with his substitute amendment, AM2199. No objections. So ordered.

AM2199

1 1. In the Standing Committee amendments, AM374:
2 a. Strike amendment 1;
3 b. On page 1, line 8, after the second "or" insert "immediately";
4 and
5 c. Renumber the remaining amendments accordingly.
6 2. On page 3, strike lines 24 through 28 and reletter the remaining
7 subdivisions accordingly.
8 3. On page 5, strike lines 26 through 30 and reletter the remaining
9 subdivisions accordingly.

The Watermeier amendment was adopted with 31 ayes, 0 nays, 11 present
and not voting, and 7 excused and not voting.

Senator Schumacher offered his amendment, AM2140, found on page 592.

Pending.
BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 919A. Introduced by Williams, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 919, One Hundred Fourth Legislature, Second Session, 2016; and to state intent.

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 930. Placed on General File with amendment. AM2280 is available in the Bill Room.

(Signed) Kate Sullivan, Chairperson

Urban Affairs

LEGISLATIVE BILL 857. Placed on General File with amendment. AM2240
1 1. On page 2, line 4, strike "forty-five" and insert "forty-one".

LEGISLATIVE BILL 1012. Placed on General File with amendment. AM2253 is available in the Bill Room.

(Signed) Sue Crawford, Chairperson

SELECT FILE

LEGISLATIVE BILL 188. Senator Chambers offered the following motion:
MO189
Bracket until April 20, 2016.

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 2:

Cook Haar, K.

Voting in the negative, 26:
The Chambers motion to bracket failed with 2 ayes, 26 nays, 14 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
MO190
Reconsider the vote taken to bracket.

**SENATOR SCHEER PRESIDING**

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

The Schumacher amendment, AM2140, found on page 592 and considered in this day's Journal, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Watermeier requested a roll call vote, in reverse order, on the Schumacher amendment.

Voting in the affirmative, 16:

Bolz    Cook    Howard    Morfeld
Campbell    Haar, K.    Kolowski    Pansing Brooks
Chambers    Hadley    Krist    Schumacher
Coash    Hansen    McCollister    Seiler

Voting in the negative, 21:

Brasch    Fox    Hughes    Riepe    Watermeier
Coash    Friesen    Johnson    Scheer    Williams
Craighead    Garrett    Koltermann    Schnoor
Crawford    Groene    Kuehn    Seiler
Davis    Hadley    Lindstrom    Smith
Ebke    Hilkemann    Murante    Stinner

Present and not voting, 14:

Bloomfield    Chambers    Howard    McCollister    Schumacher
Bolz    Gloor    Kolowski    Morfeld    Sullivan
Campbell    Hansen    Krist    Pansing Brooks

Excused and not voting, 7:

Baker    Kintner    McCoy    Schilz
Harr, B.    Larson    Mello
Brasch  Garrett  Kintner  Riepe  Watermeier  
Davis  Groene  Kolterman  Scheer  
Ebke  Hilkemann  Kuehn  Schnoor  
Fox  Hughes  Lindstrom  Smith  
Friesen  Johnson  Murante  Stinner  

Present and not voting, 6: 

Bloomfield  Gloor  Sullivan  
Crawford  Harr, B.  Williams  

Excused and not voting, 6: 

Baker  Larson  Mello  
Craighead  McCoy  Schilz  

The Schumacher amendment lost with 16 ayes, 21 nays, 6 present and not voting, and 6 excused and not voting. 

The Chair declared the call raised. 

Senator Chambers offered the following motion: 

MO191  
Recommit to the Judiciary Committee.  
Pending.  

**COMMITTEE REPORT(S)**  
Judiciary  

**LEGISLATIVE BILL 1075.** Placed on General File. 
**LEGISLATIVE BILL 1098.** Placed on General File. 
**LEGISLATIVE BILL 744.** Placed on General File with amendment.  
AM2142  
1. Strike the original section and insert the following new section: 
2. Section 1. (1) The adoptive parent or parents and the birth parent or parents of an adoptee may enter into a written agreement to permit continuing communication and contact after the placement of an adoptee between the adoptive parent or parents and the birth parent or parents in private or agency adoptions for adoptees not in the custody of the Department of Health and Human Services. 
3. (2) The terms of a communication and contact agreement entered into under this section may include provisions for (a) future contact or communication between the birth parent or parents and the adoptee or the adoptive parent or parents, or both, (b) sharing information about the adoptee, or (c) other matters related to communication or contact agreed to by the parties.
(3) If the adoptee is fourteen years of age or older at the time of placement, a communication and contact agreement under this section shall not be valid unless consented to in writing by the adoptee.

(4) A court may approve a communication and contact agreement entered into under this section by incorporating such agreement by reference and indicating the court's approval of such agreement in the decree of adoption. Enforceability of a communication and contact agreement is not contingent on court approval or its incorporation into the decree of adoption.

(5) Neither the existence of, nor the failure of any party to comply with the terms of, a communication and contact agreement entered into under this section shall be grounds for (a) setting aside an adoption decree, (b) revoking a written relinquishment of parental rights or written consent to adoption, (c) challenging the adoption on the basis of duress or coercion, or (d) challenging the adoption on the basis that the agreement retains some aspect of parental rights by the birth parent or parents.

(6) A communication and contact agreement entered into under this section may be enforced by a civil action. A court in which such civil action is filed may enforce, modify, or terminate a communication and contact agreement entered into under this section if the court finds that (a) enforcing, modifying, or terminating the communication and contact agreement is necessary to serve the best interests of the adoptee, (b) the party seeking to enforce, modify, or terminate the communication and contact agreement participated in or attempted to participate in mediation in good faith or participated in other appropriate dispute resolution proceedings in good faith to resolve the dispute prior to filing the petition, and (c) when seeking to modify or terminate the agreement, a material change in circumstances has arisen since the parties entered into the communication and contact agreement that justifies modifying or terminating the agreement.

(7) If the adoption was through an agency, the agency which accepted the relinquishment from the birth parent or parents shall be invited to participate in any mediation or other appropriate dispute resolution proceedings as provided in subsection 6 of this act.

(8) With any communication and contact agreement entered into under this section, the following shall appear on the communication and contact agreement: No adoption shall be set aside due to the failure of the adoptive parent or parents or the birth parent or parents to follow the terms of this agreement or a later order modifying or terminating this agreement. Disagreement between the parties or a subsequent civil action brought to enforce, modify, or terminate this agreement shall not affect the validity of the adoption and shall not serve as a basis for orders affecting the custody of the child. The court shall not act on a petition to enforce, modify, or terminate this agreement unless the petitioner has participated in, or attempted to participate in, mediation in good faith or participated in other appropriate dispute resolution proceedings in good faith to resolve the dispute prior to filing the petition.

(9) The court shall not award monetary damages as a result of the
5 filing of a civil action pursuant to subsection (6) of this section.

LEGISLATIVE BILL 839. Indefinitely postponed.

(Signed) Les Seiler, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 450. Introduced by Johnson, 23.

WHEREAS, the David City High School wrestling team won the 2016 Class C State Wrestling Championship; and
WHEREAS, the David City Scouts showed outstanding determination, teamwork, and skill in winning the state championship for the second time in three years; and
WHEREAS, the Scouts won with 159 points to the second-place school's 97 points; and
WHEREAS, three individual champions, Trent Daro, Wyatt Phillips, and Melvin Hernandez, helped lead their team to victory.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates the David City High School wrestling team on winning the 2016 Class C State Wrestling Championship.
2. That a copy of this resolution be sent to the David City High School wrestling team and Head Coach Tahner Thiem.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 831A. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 831, One Hundred Fourth Legislature, Second Session, 2016.

AMENDMENT(S) - Print in Journal

Senator Kolterman filed the following amendment to LB447: AM2282
(Amendments to Standing Committee amendments, AM1979)
1 1. On page 11, line 28, strike beginning with "A" through "employer"
2 and insert "A member hired on or after July 1, 2016, or a member who has
3 taken a refund or retirement and is rehired or hired by a separate
4 employer covered by the retirement system".
5 2. On page 13, strike beginning with "who" in line 21 through
6 "employer" in line 25 and insert "initially hired on or after July 1, 2016, or a member who has taken a refund or retirement and is rehired or hired by a separate employer covered by the retirement system on or after July 1, 2016, and has acquired the equivalent of five years of service or more as a school employee under the retirement system or under contract with an employer on or after July 1, 2016, and who has not retired prior to July 1, 2016".

3. On page 14, line 13, strike "persons" and insert "members"; and strike beginning with "persons" in line 23 through "employer" in line 24 and insert "members hired on or after July 1, 2016, or for a member who has taken a refund or retirement and is rehired or hired by a separate employer covered by the retirement system".

UNANIMOUS CONSENT - Time Change

Senator Campbell asked unanimous consent that the Health and Human Services Committee conduct its hearing on Thursday, February 25, 2016, at 1:30 p.m. instead of 1:00 p.m. No objections. So ordered.

MOTION - Recess

Senator Chambers moved to recess until 12:30 p.m.

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 8 nays, and 21 not voting.

Senator Chambers requested a roll call vote, in reverse order, on the motion to recess.

Voting in the affirmative, 11:

Bloomfield  Cook    Howard  Schumacher
Chambers    Crawford  Krist   Williams
Coash       Harr, B.  McCollister

Voting in the negative, 28:

Bolz        Garrett   Hughes  Lindstrom  Seiler
Brasch       Gloor    Johnson  Morfeld   Smith
Campbell    Groene  Kintner  Murante  Sullivan
Craighead  Hadley  Kolowski  Riepe  Watermeier
Fox            Hansen  Koltermann  Scheer
Friesen      Hilkemann  Kuehn   Schnoor

Present and not voting, 2:

Davis       Haar, K.

Excused and not voting, 8:

Baker       Larson   Mello    Schilz
Ebke         McCoy  Pansing Brooks  Stinner
The Chambers motion to recess failed with 11 ayes, 28 nays, 2 present and not voting, and 8 excused and not voting.

**VISITOR(S)**

Visitors to the Chamber were Gregg Spagnolo of the American Council of Engineering Companies National Board of Directors; members of UNO Political Science Nebraska Leadership Program from Omaha; and 8 sixth-through eighth-grade students and teachers of Norris Middle School from Omaha.

The Doctor of the Day was Dr. Dale Michels from Walton.

**MOTION - Adjournment**

Senator Friesen moved to adjourn until 9:00 a.m., Thursday, February 25, 2016.

Senator Chambers requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 36:

Bolz  Garrett  Hughes  McCollister  Smith  
Campbell  Gloor  Johnson  Morfeld  Sullivan  
Coash  Groene  Kintner  Murante  Watermeier  
Cook  Haar, K.  Kolowski  Riepe  Williams  
Crawford  Hadley  Kolterman  Scheer  
Davis  Hansen  Krist  Schnoor  
Fox  Harr, B.  Kuehn  Schumacher  
Friesen  Hilkemann  Lindstrom  Seiler  

Voting in the negative, 4:

Bloomfield  Brasch  Chambers  Craighead  

Present and not voting, 1:

Howard  

Excused and not voting, 8:

Baker  Larson  Mello  Schilz  
Ebke  McCoy  Pansing Brooks  Stinner  

The Friesen motion to adjourn prevailed with 36 ayes, 4 nays, 1 present and not voting, and 8 excused and not voting, and at 12:04 p.m., the Legislature adjourned until 9:00 a.m., Thursday, February 25, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature  

printed on recycled paper
PRAYER

The prayer was offered by Pastor Roger Criser, Harrison Street Baptist Church, La Vista.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Cook, Gloor, Larson, and McCoy who were excused; and Senators Campbell, K. Haar, Morfeld, Murante, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 332, line 7, after "Watermeier, 1" insert "; Krist, 10".

The Journal for the ninth day was approved as corrected.

The Journal for the thirty-second day was approved.

MESSAGE(S) FROM THE GOVERNOR

February 24, 2016

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 131, 136e, 270e, 275, 471e, 474, 474A, 665, 666, 667, 695, 699, 702, 737, 751e, 759e, 760, 761, 771, 775e, 853, and 876 were received in my office on February 18, 2016.

These bills were signed and delivered to the Secretary of State on February 24, 2016.
Sincerely,
(Signed) Pete Ricketts
Governor

COMMITTEE REPORT(S)
Judiciary

LEGISLATIVE BILL 829. Placed on General File with amendment.
AM2056
1 1. On page 5, line 4, after the first "disclose" insert "to a
designated recipient"; in line 24 after "fiduciary" insert "or a
designated recipient"; in line 25 after "fiduciary" insert "or a
designated recipient"; and in line 27 after "fiduciary's" insert "or
designated recipient's".
6 2. On page 11, line 31, after "fiduciary's" insert "or designated
recipient's".
8 3. On page 12, line 5, after "(3)" insert "in the case of a
fiduciary."

LEGISLATIVE BILL 835. Placed on General File with amendment.
AM2138 is available in the Bill Room.

(Signed) Les Seiler, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 24, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Dwyer, Micheal
   Nebraska State Volunteer Firefighters' Association
Klute, Anne M. N.
   Associated Builders and Contractors, Inc.
Linehan, Katie
   Educate Nebraska
McCabe, Lisa
   CTIA - The Wireless Association
Meckler, Mark
   Convention of States Action
Radcliffe, Walter H. of Radcliffe and Associates
   University of Nebraska (Withdrawn 02/24/2016)
AMENDMENT(S) - Print in Journal

Senator Smith filed the following amendment to LB938:
AM2301

1 1. Strike the original sections and insert the following new
sections:
3 Section 1. Sections 1 to 31 of this act shall be known and may be
4 cited as the 911 Service System Act.
5 Sec. 2. The purpose of the 911 Service System Act is to establish
6 the Public Service Commission as the statewide implementation and
7 coordinating authority to plan, implement, coordinate, manage, maintain,
8 and provide funding assistance for a 911 service system consistent and
9 compatible with national public safety standards advanced by recognized
10 standards and development organizations.
11 Sec. 3. It is the intent of the Legislature that:
12 (1) The commission plan, implement, coordinate, manage, maintain,
13 and provide funding assistance for a cost-efficient 911 service system;
14 (2) The commission provide for the coordination of 911 service on a
15 statewide basis;
16 (3) Local governing bodies be responsible for the dispatch and
17 provision of emergency services;
18 (4) As part of the coordination of statewide 911 service, the
19 commission secure stakeholder support and provide public education,
20 training, standards enforcement, dispute resolution, and program
21 evaluation for public safety answering points;
22 (5) The jurisdictions of the state, regional, and local governing
23 bodies be clearly defined and aligned to produce the most efficient
24 provision of 911 service, including next-generation 911 service
25 capability;
26 (6) The commission adopt statewide uniform standards for technical
27 support, training efficiency, and quality assurance for public safety
1 answering points;
2 (7) The express authority granted to the commission to implement the
3 911 Service System Act not be deemed to supersede or otherwise modify
4 section 86-124 or to provide the commission with any additional authority
5 not provided by law, including, but not limited to, regulatory authority
6 over originating service providers; and
7 (8) Except as specifically provided in the 911 Service System Act,
8 nothing in the 911 Service System Act be deemed to supersede or modify
9 any commission authority provided by law or any commission order, rule,
10 or regulation.
11 Sec. 4. For purposes of the 911 Service System Act, the definitions
12 found in sections 5 to 24 of this act apply.
Sec. 5. Basic 911 service means an emergency telephone system which automatically connects a 911 call to a designated public safety answering point.

Sec. 6. Commission means the Public Service Commission.

Sec. 7. Emergency services means the provision through a public safety agency of firefighting, law enforcement, ambulance, emergency, medical, or other public emergency services, as determined by a local governing body, to respond to and manage emergency incidents.

Sec. 8. Enhanced-911 service has the same meaning as in section 86-425.

Sec. 9. Enhanced wireless 911 service has the same meaning as in section 86-448.

Sec. 10. Interconnected voice over Internet protocol service means an interconnected voice over Internet protocol service as defined in 47 C.F.R. part 9, as such regulations existed on January 1, 2016.

Sec. 11. Internet protocol means the method by which data is sent from one computer to another on the Internet or other networks.

Sec. 12. Internet protocol-enabled service means any service, capability, functionality, or application provided using Internet protocol, or any successor protocol, that enables a service user to send or receive a communication in Internet protocol format including, but not limited to, voice, data, or video.

Sec. 13. Local governing body means a county board, city council of a city, board of trustees of a village, board of directors of any rural or suburban fire protection district, or any governing body of an entity created pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act.

Sec. 14. Network means (1) a legacy telecommunications network that supports basic 911 service and enhanced-911 service or (2) a managed Internet protocol network that is used for 911 calls, that can be shared by all public safety answering points, and that provides the Internet protocol transport infrastructure upon which independent application platforms and core functional processes can be deployed, including, but not limited to, those necessary for providing next-generation 911 service capability. A network may be constructed from a mix of dedicated and shared facilities and may be interconnected at local, regional, state, national, and international levels.

Sec. 15. Next-generation 911 means an Internet protocol-based system (1) comprised of networks, functional elements, and data bases that replicate basic 911 service and enhanced-911 service features and functions and provide additional capabilities and (2) designed to provide access to emergency services from all connected communications sources and to provide multimedia data capabilities for public safety answering points and other emergency services organizations.

Sec. 16. Next-generation 911 service means 911 service using in whole or in part next-generation 911.

Sec. 17. 911 call means any form of communication requesting any type of emergency services by contacting a public safety answering point, including voice or nonvoice communications as well as transmission of any
analog or digital data. 911 call includes a voice call, video call, text
message, or data-only call.
Sec. 18. 911 service means the service a public safety answering
point uses to receive and process 911 calls over a 911 service system.
Sec. 19. 911 service system means a coordinated system of
technologies, software applications, data bases, customer-premise
equipment components, and operations and management procedures used to
provide 911 service through the operation of an efficient and effective
network for accepting, processing, and delivering 911 calls to a public
safety answering point, including, but not limited to, basic 911 service,
enhanced-911 service, enhanced wireless 911 service, next-generation 911
service, and any emerging technologies, networks, and systems that allow
access to 911 service.
Sec. 20. Originating service provider means an entity that provides
the capability for customers to originate 911 calls to public safety
answering points.
Sec. 21. Public safety agency means an agency which provides
emergency services.
Sec. 22. Public safety answering point means a local governmental
entity responsible for receiving 911 calls and processing those calls
according to a specific operational policy.
Sec. 23. Service user means any person who initiates a 911 call to
receive emergency services.
Sec. 24. Stakeholder means a public safety answering point, a
public safety agency, and any person, organization, agency of government,
originating service provider, or other organization that has a vital
interest in the 911 service system.
Sec. 25. The commission shall:
(1) Serve as the statewide coordinating authority for the
implementation of the 911 service system;
(2) Be responsible for statewide planning, implementation,
coordination, funding assistance, deployment, and management and
maintenance of the 911 service system to ensure that coordinated 911
service is provided to all residents of the state at a consistent level
of service in a cost-effective manner;
(3) Be responsible for establishing mandatory and uniform technical
and training standards applicable to public safety answering points and
adopting and promulgating rules and regulations applicable to public
safety answering points for quality assurance standards; and
(4) Be responsible for consulting with and seeking advice and
assistance from stakeholders, including:
(a) Public safety answering points;
(b) Public safety agencies;
(c) Originating service providers, including at least one
representative from each of the following: A wireline local exchange
service provider, a wireless provider, and an interconnected voice over
Internet protocol service provider;
(d) Municipal and county officials; and
(e) The Chief Information Officer.
Sec. 26. The commission shall appoint a state 911 director to manage the department established within the commission for the 911 service system. The commission shall ensure that the department has all necessary staffing and resources. The commission may retain contracted experts or consultants who may be required for the administration of the 911 Service System Act. The commission and the state 911 director shall establish an advisory committee to provide input on technical training, quality assurance, funding, and operation and maintenance of the 911 service system. Advisory committee members shall be approved by the commission.

Sec. 27. (1) The commission and the state 911 director shall develop and prepare a plan for a 911 service system, to be approved by the commission, and to be implemented by the commission and the state 911 director on or after July 1, 2018. The commission shall hold at least two public hearings on the plan: One hearing at least ninety days prior to the adoption of the plan; and one hearing at least thirty days prior to the adoption of the plan. The commission shall present the adopted plan to the Appropriations Committee of the Legislature and the Transportation and Telecommunications Committee of the Legislature no later than December 1, 2017. The state 911 director, with the approval of the commission, shall prepare and provide a report to the Appropriations Committee and the Transportation and Telecommunications Committee on the progress of the development of the plan no later than February 1, 2017. The report shall be submitted electronically.

(2) The plan adopted by the commission shall, at a minimum, detail the following:

(a) The costs associated with the implementation and estimated ongoing operation and maintenance of the 911 service system. The discussion of costs shall detail which costs the commission determines should be paid from the Enhanced Wireless 911 Fund and the 911 Service System Fund, which costs would be the obligation of local governing bodies, and how the proposed costs represent a cost-effective plan;

(b) Recommendations to the Legislature for cost recovery for the implementation, operation, and maintenance of the 911 service system;

(c) The commission's proposal for carrying out its role as coordinator of the 911 service system;

(d) A recommendation of the number of public safety answering points that should be maintained in the state that are capable of next-generation 911 service; and

(e) Recommendations for any additional legislation required to implement the 911 service system.

Sec. 28. The 911 Service System Fund is created. The fund shall consist of money transferred from the Enhanced Wireless 911 Fund, any federal funds received for implementation and development of 911 service, and any other money designated for credit to the 911 Service System Fund. The fund shall be used for the costs of administering the fund and for the purposes specified in the 911 Service System Act. The fund shall not be subject to any fiscal-year limitation or lapse provision of unexpended balance at the end of any fiscal year or biennium. Any money in the fund...
available for investment shall be invested by the state investment
officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
State Funds Investment Act.
Sec. 29. The Public Service Commission, consistent with requirements
established by the Federal Communications Commission, shall require each
public safety answering point receiving funding pursuant to the Enhanced
Wireless 911 Services Act and the 911 Service System Act to obtain live
call data from any wireless carrier operating within the jurisdiction of
such public safety answering point. The Public Service Commission shall
assist the public safety answering point in determining wireless carrier
compliance with the wireless E-911 location accuracy requirements
established by the Federal Communications Commission. The Public Service
Commission shall, when requested by a public safety answering point,
assist such public safety answering point in pursuing an enforcement
proceeding with the Federal Communications Commission against any
wireless carrier not in compliance with federal requirements.
Sec. 30. The express authority granted to the commission to
implement the 911 Service System Act shall not be deemed to supersede or
otherwise modify section 86-124 or to provide the commission with any
additional authority not provided by law, including, but not limited to,
regulatory authority over originating service providers.
Sec. 31. The 911 Service System Act terminates on June 30, 2018.
Sec. 32. Section 86-163, Reissue Revised Statutes of Nebraska, is
amended to read:
86-163 The commission shall file with the Clerk of the Legislature
an annual report on or before September 30 of each year on the status of
the Nebraska telecommunications industry. The report shall be submitted
in electronic format. The report shall:
(1) Describe the quality of telecommunications service being
provided to the citizens of Nebraska;
(2) Describe the availability of diverse and affordable
telecommunications service to all of the people of Nebraska;
(3) Describe the level of telecommunications service rates;
(4) Describe the use and continued need for the Nebraska
Telecommunications Universal Service Fund;
(5) Describe the availability and location of 911 service and E-911
service as required by section 86-437;
(6) Describe the availability and location of wireless 911 service
or enhanced wireless 911 service as required by section 86-460;
(7) Address the need for further legislation to achieve the purposes
of the Nebraska Telecommunications Regulation Act; and
(8) Address the funding level of the Nebraska Competitive Telephone
Marketplace Fund and an accounting of commission expenses related to its
duties under section 86-127; and
(9) Assess the level of wireless location accuracy compliance for
wireless carriers.
Sec. 33. Section 86-458, Reissue Revised Statutes of Nebraska, is
amended to read:
86-458 The commission shall hold a public hearing annually to
Sec. 34. Section 86-463, Reissue Revised Statutes of Nebraska, is amended to read:

86-463 The Enhanced Wireless 911 Fund is created. The fund shall consist of the surcharges credited to the fund, any money appropriated by the Legislature, any federal funds received for wireless emergency communication except as otherwise provided in section 28 of this act, and any other funds designated for credit to the fund. Money in the fund shall be used for the costs of administering the fund and the purposes specified in section 86-465 unless otherwise directed by federal law with respect to any federal funds. Money shall be transferred from the fund to the 911 Service System Fund at the direction of the Legislature. The costs of administering the Enhanced Wireless 911 Fund fund shall be kept to a minimum. The money in the Enhanced Wireless 911 Fund fund shall not be subject to any fiscal-year limitation or lapse provision of unexpended balance at the end of any fiscal year or biennium. Interest accruing to the fund from invested fund balances may be transferred to the General Fund at the direction of the Legislature through June 30, 2010. Any money in the Enhanced Wireless 911 Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Sec. 35. Original sections 86-163, 86-458, and 86-463, Reissue Revised Statutes of Nebraska, are repealed.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 772. Placed on Select File.

LEGISLATIVE BILL 1059. Placed on Select File with amendment. ER170
1 1. On page 1, strike beginning with "municipalities" in line 1 through line 5 and insert "municipalities; to amend sections 18-2119, 18-2701, 18-2703, and 18-2714, Reissue Revised Statutes of Nebraska, and section 18-2705, Revised Statutes Supplement, 2015; to require certain disclosures under the Community Development Law and the Local Option Municipal Economic Development Act; to provide for redeveloper duties; to define and redefine terms; to provide for workforce housing plan and economic development program disclosures; to harmonize provisions; to provide severability; and to repeal the original sections.”.

LEGISLATIVE BILL 730. Placed on Select File.
LEGISLATIVE BILL 830. Placed on Select File with amendment.
ER171
1 1. On page 1, strike beginning with "state" in line 1 through line 3
2 and insert "employment law; to amend section 81-1328, Reissue Revised
3 Statutes of Nebraska, and section 48-604, Revised Statutes Cumulative
4 Supplement, 2014; to redefine employment under the Employment
5 Security
6 Law; to change provisions relating to vacation leave and to authorize
7 payment for unused vacation leave for state employees as prescribed; and
8 to repeal the original sections.".

LEGISLATIVE BILL 704. Placed on Select File.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)


WHEREAS, Quentin Munoz, a member of Troop 17 of Gering, has
completed the requirements for the rank of Eagle Scout in the Boy Scouts of
America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting,
a Boy Scout must fulfill requirements in the areas of leadership, service, and
outdoor skills. Although many options are available to demonstrate
proficiency in these areas, a number of specific skills are required to
advance through the ranks of Tenderfoot, Second Class, First Class, Star,
Life, and finally Eagle Scout. Throughout his scouting experience, Quentin
has learned, been tested on, and been recognized for various scouting skills;
and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to
earn 21 merit badges, 13 of which are in required areas, and complete a
community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts
of America achieve the rank of Eagle Scout; and

WHEREAS, Quentin, through his hard work and perseverance, has joined
other high achievers who are Eagle Scouts, such as astronauts, leaders of
government and industry, artists, scientists, and athletes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND
SESSION:
1. That the Legislature congratulates Quentin Munoz on achieving the
rank of Eagle Scout.
2. That a copy of this resolution be sent to Quentin Munoz.

Laid over.
LEGISLATIVE RESOLUTION 452. Introduced by Bolz, 29.

PURPOSE: The purpose of this resolution is to establish a study group to examine issues surrounding the potential need to provide financial assistance for home accessibility modifications for people with disabilities, including the elderly. The issues addressed by this study group shall include, but not be limited to, the following:

(1) The feasibility of the State of Nebraska providing some form of financial assistance for home accessibility modifications for people with disabilities, including the elderly;
(2) A comparison of possible methods for providing such financial assistance, including home accessibility modification tax credits, grant programs, or low-interest or zero-interest loans;
(3) A comparison of other states' programs that provide financial assistance for home accessibility modifications;
(4) Recommendations regarding individuals' eligibility for such financial assistance;
(5) Recommendations regarding the types of modifications which could be eligible for such financial assistance;
(6) An analysis and comparison of the potential costs, to both the State of Nebraska and individuals, of financial assistance for home accessibility modifications versus institutional care; and
(7) An analysis of the potential implications of providing financial assistance for home accessibility modifications, such as implications for health, safety, personal independence, employment, and the state budget and economy.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature on or before December 1, 2017.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 188. Senator Chambers renewed his motion, MO191, found on page 710, to recommit to the Judiciary Committee.

Senator Chambers offered the following motion:
MO192
Bracket until April 20, 2016.

Senator Watermeier offered the following motion:
MO193
Invoke cloture pursuant to Rule 7, Sec. 10.
Senator Watermeier moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Watermeier requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 31:

Baker  Fox  Hughes  Murante  Sullivan
Bloomfield  Friesen  Johnson  Riepe  Watermeier
Brasch  Garrett  Kintner  Scheer  Williams
Coash  Groene  Kolterman  Schilz
Craighead  Hadley  Kuehn  Schnoor
Crawford  Harr, B.  Lindstrom  Smith
Ebke  Hilkemann  Mello  Stinner

Voting in the negative, 9:

Campbell  Haar, K.  Krist  Pansing Brooks Seiler
Chambers  Kolowski  Morfeld  Schumacher

Present and not voting, 4:

Bolz  Davis  Hansen  McCollister

Excused and not voting, 5:

Cook  Gloor  Howard  Larson  McCoy

The Watermeier motion to invoke cloture failed with 31 ayes, 9 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)

Education

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Charles Ward - Board of Educational Lands and Funds

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Colleen Adam - Coordinating Commission for Postsecondary Education


Ronald Hunter - Coordinating Commission for Postsecondary Education


(Signed) Kate Sullivan, Chairperson

COMMITTEE REPORT(S)

Executive Board

LEGISLATIVE BILL 987. Placed on General File with amendment. AM2161
1 1. On page 3, line 10, strike "and" and insert "or"; in line 11
2 strike the first "and" and insert "or"; and in line 13 after the period
3 insert "The executive board shall appoint a chairperson and vice-
4 chairperson of the committee.".

(Signed) Bob Krist, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 453. Introduced by Stinner, 48.

WHEREAS, Grady Sherrell, a member of Troop 17 of Gering, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and
WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Grady has learned, been tested on, and been recognized for various scouting skills; and
WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council; and
WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and
WHEREAS, Grady, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, leaders of government and industry, artists, scientists, and athletes.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates Grady Sherrell on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Grady Sherrell.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Mello filed the following amendment to LB188:
AM2312
1 1. In the Standing Committee amendments, AM374, on page 1, lines 7
2 and 8, strike "amounting to, a" and insert "constituting, a Class I,
3 Class II, or Class III".
4 2. On page 4, line 1; and page 6, line 3, after "personnel" insert
5 "for conduct chargeable as, or constituting, a Class I, Class II, or
6 Class III felony".

Senator Coash filed the following amendment to LB934:
AM2276
(Amendments to Standing Committee amendments, AM2190)
1 1. Insert the following new sections:
2 Section 1. Section 28-101, Revised Statutes Supplement, 2015, is
3 amended to read:
4 28-101 Sections 28-101 to 28-468, 28-470 to 28-1357, 28-1418.01, and
5 28-1429.03 and sections 5 and 6 of this act shall be known and may be
6 cited as the Nebraska Criminal Code.
7 Sec. 2. Section 28-348, Revised Statutes Cumulative Supplement,
8 2014, is amended to read:
9 28-348 Sections 28-348 to 28-387 and sections 5 and 6 of this act
10 shall be known and may be cited as the Adult Protective Services Act.
11 Sec. 3. Section 28-350, Revised Statutes Cumulative Supplement,
12 2014, is amended to read:
13 28-350 For purposes of the Adult Protective Services Act, unless the
14 context otherwise requires, the definitions found in sections 28-351 to
15 28-371 and sections 5 and 6 of this act shall be used.
16 Sec. 4. Section 28-358, Revised Statutes Cumulative Supplement,
17 2014, is amended to read:
18 28-358 Exploitation means the wrongful or unauthorized taking,
19 withholding, appropriation, conversion, control, or use of money, funds, 
20 securities, assets, or any other of property of a vulnerable adult or 
21 senior adult by any person by means of undue influence, breach of a 
22 fiduciary relationship, deception, or extortion, intimidation, force or 
23 threat of force, isolation, or by any unlawful means or by the breach of 
24 a fiduciary duty by the guardian, conservator, agent under a power of 
25 attorney, trustee, or any other fiduciary of a vulnerable adult or senior 
26 adult. 
1 Sec. 5. Isolation means intentional acts (1) committed for the 
2 purpose of preventing, and which do prevent, a vulnerable adult or senior 
3 adult from having contact with family, friends, or concerned persons; (2) 
4 committed to prevent a vulnerable adult or senior adult from receiving 
5 his or her mail or telephone calls; (3) of physical or chemical restraint 
6 of a vulnerable adult or senior adult committed for the purpose of 
7 preventing contact with visitors, family, friends, or other concerned 
8 persons; or (4) which restrict, place, or confine a vulnerable adult or 
9 senior adult in a restricted area for the purposes of social deprivation 
10 or preventing contact with family, friends, visitors, or other concerned 
11 persons, but not including medical isolation prescribed by a licensed 
12 physician caring for the vulnerable adult or senior adult. Isolation does 
13 not include (1) medical isolation prescribed by a licensed physician 
14 caring for the vulnerable adult or senior adult; (2) action taken in 
15 compliance with a harassment protection order issued pursuant to section 
16 28-311.09, a valid foreign harassment protection order recognized under 
17 section 28-311.10, an order issued pursuant to section 42-924, an ex 
18 parte order issued pursuant to section 42-925, an order excluding a 
19 person from certain premises issued pursuant to section 42-357, a valid 
20 foreign protection order recognized pursuant to section 42-931; or (3) 
21 action authorized by an administrator of a nursing home pursuant to 
22 section 71-6021. 
23 Sec. 6. Senior adult means any person sixty-five years of age or 
24 older. 
25 Sec. 7. Section 28-371, Reissue Revised Statutes of Nebraska, is 
26 amended to read: 
27 28-371 Vulnerable adult means any person eighteen years 
28 of age or older who has a substantial mental or functional impairment or 
29 for whom a guardian or conservator has been appointed under the Nebraska 
30 Probate Code. 
31 Sec. 8. Section 28-374, Revised Statutes Cumulative Supplement, 
1 2014, is amended to read: 
2 28-374 (1) The department shall investigate each case of alleged 
3 abuse, neglect, or exploitation of a vulnerable adult and shall provide 
4 such adult protective services as are necessary and appropriate under the 
5 circumstances. 
6 (2) In each case of alleged abuse, neglect, or exploitation, the 
7 department may make a request for further assistance from the appropriate 
8 law enforcement agency or initiate such action as may be appropriate 
9 under the circumstances. 
10 (3) The department shall make a written report or case summary to
11 the appropriate law enforcement agency and to the registry of all
12 reported cases of abuse, neglect, or exploitation and action taken.
13 (4) The department shall deliver a written report or case summary to
14 the appropriate county attorney if the investigation indicates a
15 reasonable cause to believe that a violation of section 28-386 has
16 occurred.
17 Sec. 9. Section 28-386, Revised Statutes Cumulative Supplement,
18 2014, is amended to read:
19 28-386 (1) A person commits knowing and intentional abuse, neglect,
20 or exploitation of a vulnerable adult or senior adult if he or she
21 through a knowing and intentional act causes or permits a vulnerable
22 adult or senior adult to be:
23 (a) Physically injured;
24 (b) Unreasonably confined;
25 (c) Sexually abused;
26 (d) Exploited;
27 (e) Cruelly punished;
28 (f) Neglected; or
29 (g) Sexually exploited.
30 (2) Knowing and intentional abuse, neglect, or exploitation of a
31 vulnerable adult or senior adult is a Class IIIA felony.
1 Sec. 10. Section 29-110, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:
3 29-110 (1) Except as otherwise provided by law, no person shall be
4 prosecuted for any felony unless the indictment is found by a grand jury
5 within three years next after the offense has been done or committed or
6 unless a complaint for the same is filed before the magistrate within
7 three years next after the offense has been done or committed and a
8 warrant for the arrest of the defendant has been issued.
9 (2) Except as otherwise provided by law, no person shall be
10 prosecuted, tried, or punished for any misdemeanor or other indicable
11 offense below the grade of felony or for any fine or forfeiture under any
12 penal statute unless the suit, information, or indictment for such
13 offense is instituted or found within one year and six months from the
14 time of committing the offense or incurring the fine or forfeiture or
15 within one year for any offense the punishment of which is restricted by
16 a fine not exceeding one hundred dollars and to imprisonment not
17 exceeding three months.
18 (3) Except as otherwise provided by law, no person shall be
19 prosecuted for kidnapping under section 28-313, false imprisonment under
20 section 28-314 or 28-315, child abuse under section 28-707, pandering
21 under section 28-802, debauching a minor under section 28-805, or an
22 offense under section 28-813, 28-813.01, or 28-1463.03 when the victim is
23 under sixteen years of age at the time of the offense (a) unless the
24 indictment for such offense is found by a grand jury within seven years
25 next after the offense has been committed or within seven years next
26 after the victim's sixteenth birthday, whichever is later, or (b) unless
27 a complaint for such offense is filed before the magistrate within seven
28 years next after the offense has been committed or within seven years

29 next after the victim’s sixteenth birthday, whichever is later, and a
30 warrant for the arrest of the defendant has been issued.
31 (4) No person shall be prosecuted for a violation of the Securities
1 Act of Nebraska under section 8-1117 unless the indictment for such
2 offense is found by a grand jury within five years next after the offense
3 has been done or committed or unless a complaint for such offense is
4 filed before the magistrate within five years next after the offense has
5 been done or committed and a warrant for the arrest of the defendant has
6 been issued.
7 (5) No person shall be prosecuted for criminal impersonation under
8 section 28-638, identity theft under section 28-639, or identity fraud
9 under section 28-640 unless the indictment for such offense is found by a
10 grand jury within five years next after the offense has been done or
11 committed or unless a complaint for such offense is filed before the
12 magistrate within five years next after the offense has been done or
13 committed and a warrant for the arrest of the defendant has been issued.
14 (6) No person shall be prosecuted for a violation of section 68-1017
15 if the aggregate value of all funds and other benefits obtained or
16 attempted to be obtained is five hundred dollars or more unless the
17 indictment for such offense is found by a grand jury within five years
18 next after the offense has been done or committed or unless a complaint
19 for such offense is filed before the magistrate within five years next
20 after the offense has been done or committed and a warrant for the arrest
21 of the defendant has been issued.
22 (7) No person shall be prosecuted for knowing and intentional abuse,
23 neglect, or exploitation of a vulnerable adult or senior adult under
24 section 28-386 unless the indictment for such offense is found by a grand
25 jury within six years next after the offense has been done or committed
26 or unless a complaint for such offense is filed before the magistrate
27 within six years next after the offense has been done or committed and a
28 warrant for the arrest of the defendant has been issued.
29 (8 7) There shall not be any time limitations for prosecution or
30 punishment for treason, murder, arson, forgery, sexual assault in the
1 first or second degree under section 28-319 or 28-320, sexual assault of
2 a child in the second or third degree under section 28-320.01, incest
3 under section 28-703, or sexual assault of a child in the first degree
4 under section 28-319.01; nor shall there be any time limitations for
5 prosecution or punishment for sexual assault in the third degree under
6 section 28-320 when the victim is under sixteen years of age at the time
7 of the offense.
8 (9 8) The time limitations prescribed in this section shall include
9 all inchoate offenses pursuant to the Nebraska Criminal Code and
10 compounding a felony pursuant to section 28-301.
11 (10 9) The time limitations prescribed in this section shall not
12 extend to any person fleeing from justice.
13 (11 10) When any suit, information, or indictment for any crime or
14 misdemeanor is limited by any statute to be brought or exhibited within
15 any other time than is limited by this section, then the suit,
16 information, or indictment shall be brought or exhibited within the time
limited by such statute.
(12 11) If any suit, information, or indictment is quashed or the proceedings set aside or reversed on writ of error, the time during the pendency of such suit, information, or indictment so quashed, set aside, or reversed shall not be reckoned within this statute so as to bar any new suit, information, or indictment for the same offense.
(13 12) The changes made to this section by Laws 2004, LB 943, shall apply to offenses committed prior to April 16, 2004, for which the statute of limitations has not expired as of such date and to offenses committed on or after such date.
(14 13) The changes made to this section by Laws 2005, LB 713, shall apply to offenses committed prior to September 4, 2005, for which the statute of limitations has not expired as of such date and to offenses committed on or after such date.
(15 14) The changes made to this section by Laws 2009, LB 97, and Laws 2006, LB 1199, shall apply to offenses committed prior to May 21, 2009, for which the statute of limitations has not expired as of such date and to offenses committed on or after such date.
(16 15) The changes made to this section by this legislative bill shall apply to offenses committed prior to the effective date of this act for which the statute of limitations has not expired as of such date and to offenses committed on or after such date.
2. On page 1, lines 19 and 20; page 2, lines 2 and 3 and 11 and 12; and page 3, lines 9 and 10, strike "section 30-2222, 30-2619, or 30-2636" and insert "the Nebraska Probate Code".
3. Renumber the remaining sections and correct internal references and the repealer accordingly.

COMMITTEE REPORT(S)
Transportation and Telecommunications

LEGISLATIVE BILL 994. Placed on General File.

LEGISLATIVE BILL 716. Placed on General File with amendment. AM2134
1 1. On page 3, line 11, strike "signal" and insert "device".
2 2. On page 4, line 28, after "highway" insert "when indicated by a traffic control device"; and strike beginning with "A" in line 30 through the period in line 31.

LEGISLATIVE BILL 973. Placed on General File with amendment. AM2001
1 1. On page 2, line 17, after "(2)" insert "(a)"; and after line 31 insert the following new subdivision:
3 "(b) Any person, firm, or corporation, or any employee thereof"
4 violating any provisions of this subsection shall be guilty of a Class II
5 misdemeanor."
6 2. On page 3, strike lines 1 through 3; and in line 6 strike
7 "subsection (3)" and insert "subdivision (2)(b)".

LEGISLATIVE BILL 900. Placed on General File with amendment.
AM1957 is available in the Bill Room.

(Signed) Jim Smith, Chairperson

PRESIDENT FOLEY PRESIDING

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 437 and 438 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the
President signed the following: LRs 437 and 438.

GENERAL FILE

LEGISLATIVE BILL 447. Title read. Considered.

Committee AM1979, found on page 644, was offered.

Senator Kolterman offered his amendment, AM2282, found on page 712, to
the committee amendment.

The Kolterman amendment was adopted with 26 ayes, 0 nays, 16 present
and not voting, and 7 excused and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays,
8 present and not voting, and 7 excused and not voting.

Senator Mello withdrew his amendment, AM1815, found on page 172.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present
and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 447A. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present
and not voting, and 8 excused and not voting.
LEGISLATIVE BILL 897. Title read. Considered.
Committee AM1968, found on page 636, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.
Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

COMMITTEE REPORT(S)
Natural Resources

LEGISLATIVE BILL 712. Placed on General File.

LEGISLATIVE BILL 902. Placed on General File with amendment.
AM2287
1 1. Strike the original sections and insert the following new sections:
3 2. Section 1. Section 66-202, Revised Statutes Supplement, 2015, is amended to read:
5 66-202 For purposes of the Nebraska Clean-burning Motor Fuel Development Act:
7 (1) Flex-fuel dispenser means a fuel dispenser that is certified by the manufacturer for use with ethanol blended fuels containing at least fifteen percent by volume ethanol;
9 (2) Motor vehicle means a motor vehicle originally designed by the manufacturer to operate lawfully and principally on highways, roads, and streets;
11 (3) Qualified clean-burning motor vehicle fuel means a hydrogen fuel cell, compressed natural gas, liquefied natural gas, liquefied petroleum gas, or gasoline containing at least fifteen percent by volume ethanol; and
13 (4) Qualified clean-burning motor vehicle fuel property means:
15 (a) New equipment that:
17 (i) Is installed:
19 (A) By a certified installer;
21 (B) On a motor vehicle registered pursuant to the Motor Vehicle Registration Act; and
23 (C) To convert a motor vehicle propelled by gasoline or diesel fuel to be propelled by a qualified clean-burning motor vehicle fuel as part of a dedicated, bi-fuel, or dual-fuel system;
25 (ii) Is approved by the United States Environmental Protection Agency under 40 C.F.R. part 85, subpart F, and 40 C.F.R. part 86, subpart S, as such subparts existed on January 1, 2015; and
27 (iii) Has not been used to modify or retrofit any other motor vehicle propelled by gasoline or diesel fuel;
29 (b) With respect to The portion of the basis of a motor vehicle that was originally equipped to be propelled by a qualified clean-burning motor vehicle fuel other than ethanol, the portion of the basis that is attributable to the:
8 (i) Storage of the qualified clean-burning motor vehicle fuel;
9 (ii) Delivery of the qualified clean-burning motor vehicle fuel to
10 the motor vehicle's engine; and
11 (iii) Exhaust of gases from the combustion of the qualified clean-
12 burning motor vehicle fuel; or
13 (c) New property that:
14 (i) Is directly related to the dispensing of ethanol-blended fuels
15 containing at least fifteen percent by volume ethanol or the compression
16 and delivery of natural gas from a private home or residence for
17 noncommercial purposes into the fuel tank of a motor vehicle propelled by
18 compressed natural gas; and
19 (ii) Has not been previously installed or used at another location
20 to refuel motor vehicles powered by natural gas.
21 Sec. 2. Section 66-203, Revised Statutes Supplement, 2015, is
22 amended to read:
23 66-203 (1) The State Energy Office shall offer a rebate for
24 qualified clean-burning motor vehicle fuel property.
25 (2)(a) The rebate for qualified clean-burning motor vehicle fuel
26 property as defined in subdivisions (4)(a) and (b) of section 66-202 is
27 the lesser of fifty percent of the cost of the qualified clean-burning
28 motor vehicle fuel property or four thousand five hundred dollars for
29 each motor vehicle.
30 (b) A qualified clean-burning motor vehicle fuel property is not
31 eligible for a rebate under this section if the person or entity applying
1 for the rebate has claimed another rebate or grant for the same motor
2 vehicle under any other state rebate or grant program.
3 (3) The rebate for qualified clean-burning motor vehicle fuel
4 property as defined in subdivision (4)(c) of section 66-202 is the lesser
5 of fifty percent of the cost of the qualified clean-burning motor vehicle
6 fuel property or two thousand five hundred dollars for each qualified
7 clean-burning motor vehicle fuel property.
8 (4) No qualified clean-burning motor vehicle fuel property shall
9 qualify for more than one rebate under this section.
10 Sec. 3. Section 66-204, Revised Statutes Supplement, 2015, is
11 amended to read:
12 66-204 (1) The Clean-burning Motor Fuel Development Fund is created.
13 The fund shall consist of grants, private contributions, and all other
14 sources.
15 (2) The fund shall be used by the State Energy Office to provide
16 rebates under the Nebraska Clean-burning Motor Fuel Development Act up to
17 the amount transferred under subsection (3) of this section. Up to ten
18 percent of the money in the fund may be used by the State Energy Office
19 for administrative costs. No more than thirty-five percent of the money
20 in the fund annually shall be used as rebates for flex-fuel dispensers
21 and conversions of motor vehicles to allow the use of gasoline containing
22 at least fifteen percent by volume ethanol.
23 (3) Within five days after August 30, 2015, the State Treasurer
24 shall transfer five hundred thousand dollars from the General Fund to the
25 Clean-burning Motor Fuel Development Fund to carry out the Nebraska
26 Clean-burning Motor Fuel Development Act.
27 (4) Any money in the fund available for investment shall be invested
28 by the state investment officer pursuant to the Nebraska Capital
29 Expansion Act and the Nebraska State Funds Investment Act.
30 Sec. 4. Original sections 66-202, 66-203, and 66-204, Revised
31 Statutes Supplement, 2015, are repealed.

LEGISLATIVE BILL 1070. Indefinitely postponed.
LEGISLATIVE BILL 1100. Indefinitely postponed.

(Signed) Ken Schilz, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 698. Placed on Select File with amendment.
ER172
1 1. In the Campbell amendment, AM2255:
2 a. On page 9, line 24, strike "21" and insert "22"; and
3 b. On page 13, line 25, strike "1 to 14, 17 to 27" and insert "1, 2,
4 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, 17, 18, 19, 20, 21, 22, 23,
5 24, 25, 26, and 27".
6 2. On page 1, line 1, after the semicolon insert "to amend sections
7 71-516.01, 71-516.02, and 71-516.03, Reissue Revised Statutes of
8 Nebraska, section 71-516.04, Revised Statutes Cumulative Supplement,
9 2014, and sections 68-901, 71-401, and 71-403, Revised Statutes
10 Supplement, 2015," in line 2 strike "and" and after "penalty" insert ";
11 to adopt the Assisting Caregiver Transitions Act; to require that certain
12 providers be subject to a national criminal history record information
13 check as prescribed; to define and redefine terms; to provide for a
14 memory care endorsement under the Health Care Facility Licensure Act; to
15 change provisions of the Alzheimer's Special Care Disclosure Act as
16 prescribed; to harmonize provisions; to provide an operative date; to
17 repeal the original sections; and to declare an emergency".

LEGISLATIVE BILL 1022. Placed on Select File.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 954. Placed on Final Reading.
ST61
The following changes, required to be reported for publication in the
Journal, have been made:
1. On page 1, line 2; and page 11, line 24, "43-2,108.05," has been
inserted after "43-2,108,.".
LEGISLATIVE BILL 1016. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator B. Harr filed the following amendment to LB828:
AM1864 is available in the Bill Room.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 454. Introduced by Campbell, 25.

WHEREAS, My'Kah Knowlin, a freshman at Lincoln High School, has achieved national recognition for exemplary volunteer service by receiving a 2016 Prudential Spirit of Community Award; and
WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and
WHEREAS, My'Kah earned this honor by creating a network of student role models and mentors at nine schools throughout Nebraska to help stop bullying and support victims; and
WHEREAS, this is the third year that My'Kah has been nationally recognized by Prudential for her dedication to helping others; and
WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like My'Kah who use their considerable talents and resources to serve others.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates My'Kah Knowlin for receiving a 2016 Prudential Spirit of Community Award.
2. That a copy of this resolution be sent to My'Kah Knowlin.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 371. Title read. Considered.

Committee AM1268, found on page 1244, First Session, 2015, was offered.

Pending.
BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 914A. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 914, One Hundred Fourth Legislature, Second Session, 2016.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 455. Introduced by Haar, K., 21; Mello, 5.

WHEREAS, climate change presents serious, diverse, and ongoing issues for Nebraska. Many sectors are impacted, including water resources, agriculture, health care, energy generation and use, ecosystems, forestry, rural and urban communities, and insurance. Nebraska's life-giving water and soil resources will be subject to new stresses and risks. The impacts of climate change are projected to become far more serious for future generations; and

WHEREAS, the 2014 report by the University of Nebraska-Lincoln (UNL) entitled "Understanding and Assessing Climate Change: Implications for Nebraska" provides a compilation of the scientific basis for understanding the impacts of climate change for our state; and

WHEREAS, stakeholder roundtables on the impacts of climate change representing the various sectors impacted by climate change were conducted in 2015 as a followup to the UNL report; and

WHEREAS, both the UNL report and the report from the stakeholder roundtables recommended the creation of a climate action plan. As the UNL report stated, "Action now is preferable and more cost effective than reaction later"; and

WHEREAS, the 2015 Nebraska Rural Poll found that 61 percent of rural Nebraskans agree or strongly agree that the state should develop a plan to address the impacts of climate change; and

WHEREAS, an effective plan is needed both to reduce the potential negative impacts of climate change and to enable the state and its communities to take advantage of opportunities from adaptation and mitigation strategies, including attracting new businesses and investment to Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. The Legislature calls for the Executive Board of the Legislative Council to appoint a special committee to examine issues related to the impacts of climate change on the State of Nebraska and its residents, including assessments of vulnerability, risks, and economic impacts. The committee shall also examine opportunities, including methods of producing
food, generating power, or protecting land and water that can be used to adapt and mitigate the impacts of climate change and that will provide jobs and economic benefits to Nebraskans. The committee shall consist of the following members:

(a) The chairperson of the Agriculture Committee of the Legislature or his or her designee;
(b) The chairperson of the Appropriations Committee of the Legislature or his or her designee;
(c) The chairperson of the Health and Human Services Committee of the Legislature or his or her designee;
(d) The chairperson of the Education Committee of the Legislature or his or her designee;
(e) The chairperson of the Natural Resources Committee of the Legislature or his or her designee;
(f) Two at-large members of the Legislature appointed by the Executive Board of the Legislative Council.

2. The committee members shall select a chairperson and vice-chairperson from the membership of the committee.

3. The committee shall gather, share, examine, and analyze data and information related to the impacts of climate change on the State of Nebraska and its resources and people.

4. The committee shall examine laws, policies, and planning efforts related to climate change in other states, and current laws, programs, and policies in the State of Nebraska that are related to climate change.

5. The committee shall examine funding opportunities including grant programs and opportunities to work with state agencies, political subdivisions, and educational institutions.

6. The committee shall establish a framework for a plan for the State of Nebraska related to the impacts of climate change on Nebraskans that includes:

(a) Measurable goals for addressing the negative impacts of climate change and opportunities to benefit Nebraskans, including strategies for adaptation and mitigation; and
(b) Recommendations for new policies and changes to policies and programs that support such goals based on the information and data collected and generated, as well as funding needs and recommendations for legislation.

7. The committee shall seek information and encourage participation from state agencies, political subdivisions, educational institutions, academic experts, advocacy organizations, and members of the public in exploring methods to address issues of climate change as well as opportunities to adapt, mitigate, and create resiliency related to climate change. The committee may conduct one or more public hearings to gather such information.

8. The committee shall submit a framework for a climate plan together with its findings and recommendations to the Legislature on or before December 31, 2016.

Laid over.
SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR455 was referred to the Reference Committee.

AMENDMENT(S) - Print in Journal

Senator Kolterman filed the following amendment to LB975:
AM2308

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Sections 1 to 7 of this act shall be known and may be
4 cited as the Child Placement Services Preservation Act.
5 Sec. 2. The Legislature finds and declares that:
6 (1) The State of Nebraska has a critical need to find and retain
7 safe, loving, and supportive homes for children, especially because the
8 number of children needing foster care and adoption placement outnumber
9 the homes available for placement;
10 (2) In order to serve the best interests of the children of this
11 state, the State of Nebraska has a longstanding public-private
12 partnership with a diverse group of faith-based and non-faith-based
13 organizations that work side by side to find and retain safe, loving, and
14 supportive homes for children. Significantly, faith-based organizations
15 have a lengthy history of providing child placement services which
16 predates government involvement;
17 (3) Having as many qualified child-placing agencies in Nebraska as
18 possible is a substantial benefit to the children of Nebraska who are in
19 need of these placement services and to all of the citizens of Nebraska
20 because the more qualified agencies taking part in this process there
21 are, the greater the likelihood that permanent placement can be achieved
22 for each child; and
23 (4) In order to preserve the support that child-placing agencies
24 offer children and families, the government should not take adverse
25 action against child-placing agencies based on their sincerely held
26 religious beliefs.
27 Sec. 3. For purposes of the Child Placement Services Preservation
1 Act:
2 (1) Adverse action includes, but is not limited to, denying a child-
3 placing agency's application for funding, refusing to renew an agency's
4 funding, canceling an agency's funding, declining to enter into a
5 contract with an agency, refusing to renew a contract with an agency,
6 canceling a contract with an agency, denying issuance of a license to an
7 agency, refusing to renew an agency's license, canceling an agency's
8 license, taking an enforcement action against an agency, treating an
9 agency less favorably than similarly situated agencies in regard to
10 participation in a government program, or taking any other action that
11 materially alters the terms or conditions of an agency's funding,
12 contract, or license;
(2) Child placement service means arranging the placement of children with foster care and adoptive parents, including placement, promoting foster care and adoption, and recruiting, screening, and training the foster care and adoptive parents;

(3) Child-placing agency or agency has the same meaning as in section 71-1926;

(4) Department means the Department of Health and Human Services;

and

(5) State includes the state, its agencies, and its political subdivisions.

Sec. 4. (1) To the fullest extent permitted by state and federal law, a child-placing agency shall not be required to provide or facilitate any child placement service if the service conflicts with, or provide or facilitate any child placement service under circumstances that conflict with, the child-placing agency’s sincerely held religious beliefs.

(2) If a child-placing agency declines to provide or facilitate any child placement service under subsection (1) of this section, the child-placing agency shall promptly provide the person seeking such service with at least one of the following:

(a) Contact information for another child-placing agency that is capable of providing the declined service;

(b) A list of other child-placing agencies capable of providing the declined service which includes contact information for such agencies; or

(c) A link to a web page on the department’s web site that includes a list of other child-placing agencies capable of providing the declined service and contact information for the agencies.

Sec. 5. To the fullest extent permitted by state and federal law, the state shall not take an adverse action against a child-placing agency because the agency declines to provide or facilitate a child placement service that conflicts with the child-placing agency’s sincerely held religious beliefs.

Sec. 6. A child-placing agency aggrieved by a violation of section 5 of this act may assert that violation as a defense in any administrative or judicial proceeding.

Sec. 7. The Child Placement Services Preservation Act shall be construed liberally so as to effectuate its purposes.

Sec. 8. 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.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Garrett - LB947
Smith- LB884
Baker, Campbell, Kolowski, Kolterman, McCollister, Schilz - LB1109
VISITOR(S)

Visitors to the Chamber were 15 members of the Nebraska Utility Contractors Association; members of Scottsbluff/Gering United Chamber, Leadership Scotts Bluff, and Box Butte Leadership; 40 fourth-grade students from David City; 15 members of the American Association of University Women from Omaha and Lincoln; and 60 fourth-grade students, teachers, and sponsors from Ashland-Greenwood Elementary.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Murante, the Legislature adjourned until 10:00 a.m., Monday, February 29, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
THIRTY-FOURTH DAY - FEBRUARY 29, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 29, 2016

PRAYER

The prayer was offered by Senator Crawford.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senator Campbell who was excused; and Senators Kuehn, Lindstrom, and Morfeld who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-third day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 447. Placed on Select File with amendment. ER174 is available in the Bill Room.

LEGISLATIVE BILL 447A. Placed on Select File.

LEGISLATIVE BILL 897. Placed on Select File with amendment. ER173

1 1. On page 1, line 1, after the first semicolon insert "to amend section 10-1103, Reissue Revised Statutes of Nebraska;"; in line 3 strike "and"; and in line 4 after "Statutes" insert "; and to repeal the original section".

(Signed) Matt Hansen, Chairperson
COMMITTEE REPORT(S)
Revenue

LEGISLATIVE BILL 1037. Placed on General File.

(Signed) Mike Gloor, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 440, 441, and 442 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 440, 441, and 442.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 19.

A BILL FOR AN ACT relating to the Nebraska Safe Drinking Water Act; to amend section 71-5306, Reissue Revised Statutes of Nebraska; to change provisions relating to certification of laboratories as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Baker  Ebke  Hilkemann  McCoy  Smith
Bloomfield  Friesen  Howard  Mello  Stinner
Bolz  Garrett  Hughes  Murante  Sullivan
Brasch  Gloor  Johnson  Pansing  Brooks  Watermeier
Coash  Groene  Kolowski  Scheer  Williams
Cook  Haar, K.  Kolterman  Schilz
Craighton  Hadley  Krist  Schnoor
Crawford  Hansen  Larson  Schumacher
Davis  Harr, B.  McCollister  Seiler

Voting in the negative, 0.

Present and not voting, 4:

Chambers  Fox  Kintner  Riepe

Excused and not voting, 4:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 53.**

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,100, Revised Statutes Supplement, 2015; to provide for issuance of one license plate for passenger cars as prescribed; to provide a fee; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Baker  Ebke  Hilkemann  Larson  Schnoor
Bloomfield  Fox  Howard  Lindstrom  Schumacher
Bolz  Garrett  Hughes  McCollister  Seiler
Brasch  Gloor  Johnson  McCoy  Smith
Coash  Groene  Kintner  Mello  Stinner
Cook  Haar, K.  Kolowski  Murante  Sullivan
Craighed  Hadley  Koltermann  Riepe  Watermeier
Crawford  Hansen  Krist  Scheer  Williams
Davis  Harr, B.  Kuehn  Schilz

Voting in the negative, 0.

Present and not voting, 3:

Chambers  Friesen  Pansing Brooks

Excused and not voting, 2:

Campbell  Morfeld

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
LEGISLATIVE BILL 221.

A BILL FOR AN ACT relating to landlords and tenants; to amend sections 25-21,220, 69-2303, 76-1414, 76-1431, 76-1441, and 76-1446, Reissue Revised Statutes of Nebraska; to change provisions relating to forcible entry and detainer and the Uniform Residential Landlord and Tenant Act; to provide for disposition of personal property upon the death of a tenant; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Baker  Ebke  Hilkemann  McCollister  Seiler
Bloomfield  Fox  Howard  McCoy  Smith
Bolz  Friesen  Hughes  Mello  Stinner
Brasch  Garrett  Johnson  Murante  Sullivan
Chambers  Gloor  Kintner  Pansing  Brooks  Watermeier
Coash  Groene  Koltermann  Riepe  Williams
Cook  Haar, K.  Krist  Scheer
Craighead  Hadley  Kuehn  Schilz
Crawford  Hansen  Larson  Schnoor
Davis  Harr, B.  Lindstrom  Schumacher

Voting in the negative, 0.

Present and not voting, 1:

Kolowski

Excused and not voting, 2:

Campbell  Morfeld

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 295.

A BILL FOR AN ACT relating to municipalities; to amend sections 16-901 and 17-1001, Reissue Revised Statutes of Nebraska; to require notice and opportunity for comment regarding zoning ordinances affecting extraterritorial zoning jurisdiction for certain municipalities; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"
Voting in the affirmative, 46:

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Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 2:

Campbell Morfeld

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB311 with 43 ayes, 1 nay, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 311. With Emergency Clause.**

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-469, 60-493, 60-495, and 60-4,120.01, Reissue Revised Statutes of Nebraska, sections 60-479, 60-484, 60-4,113, 60-4,115, 60-4,117, 60-4,127, 60-4,142, 60-4,149, 60-4,150, 60-4,168, 60-4,181, and 75-362, Revised Statutes Cumulative Supplement, 2014, and sections 60-462, 60-463, 60-4,123, 60-4,124, and 60-4,144, Revised Statutes Supplement, 2015; to change provisions relating to the Motor Vehicle Operator's License Act; to provide procedures for defective payments under the act; to define and redefine terms; to change provisions relating to CLP-commercial learners' permits, commercial drivers' licenses, and commercial motor vehicles; to harmonize provisions; to repeal the original sections; and to declare an emergency.
Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

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Voting in the negative, 0.

Present and not voting, 2:

Bloomfield  Hilkemann

Excused and not voting, 2:

Campbell  Morfeld

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 328.**

A BILL FOR AN ACT relating to the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act; to amend sections 81-15,237, 81-15,247, and 81-15,248.01, Reissue Revised Statutes of Nebraska; to change provisions relating to use of professionals and fees; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:
LEGISLATIVE BILL 378.

A BILL FOR AN ACT relating to public improvements; to amend section 16-697.02, Reissue Revised Statutes of Nebraska; to change requirements for electoral approval of borrowing money by a first-class city for parks, recreational facilities, and public grounds; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Baker Ebke Howard McCollister Schumacher
Bloomfield Fox Hughes McCoy Seiler
Bolz Friesen Johnson Mello Stinner
Brasch Garrett Kintner Murante Sullivan
Chambers Gloor Kolowski Pansing Brooks Watermeier
Coash Groene Koltermann Riepe Williams
Cook Haar, K. Krist Scheer
Craighed Hadley Kuehn Schilz
Crawford Hansen Larson Schnoor
Davis Harr, B. Lindstrom Schumacher

Voting in the negative, 0.

Present and not voting, 1:
Hughes

Excused and not voting, 2:
Campbell Morfeld

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
Present and not voting, 1:

Hansen

Excused and not voting, 1:

Campbell

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 19, 53, 221, 295, 311, 328, and 378.

SELECT FILE

**LEGISLATIVE BILL 676.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 798.** ER165, found on page 589, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 778.** ER163, found on page 589, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 864.** ER164, found on page 589, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 700.** ER167, found on page 602, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 703.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 729.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 758.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 840.** Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 921. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 735. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 811. ER166, found on page 604, was adopted. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 929. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 776. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 807. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1035. ER168, found on page 623, was adopted. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 734. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 718. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 753. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 786. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 859. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 898. Advanced to Enrollment and Review for Engrossment.
RESOLUTION(S)

LEGISLATIVE RESOLUTION 418. Read. Considered.

Senator McCollister moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

LR418 was adopted with 26 ayes, 7 nays, 15 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE RESOLUTION 413. Read. Considered.

LR413 was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 403. Read. Considered.

Committee AM2162, found on page 638, was adopted with 29 ayes, 2 nays, 15 present and not voting, and 3 excused and not voting.

LR403, as amended, was adopted with 30 ayes, 4 nays, 12 present and not voting, and 3 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 456. Introduced by Bolz, 29.

WHEREAS, "We the People: The Citizen and the Constitution" is a nationally acclaimed civic education program that promotes civic responsibility and gives students the opportunity to learn about democracy and the history and principles of our nation's constitutional government; and

WHEREAS, the Lincoln Southeast High School "We the People" team won the 2016 Nebraska state competition; and

WHEREAS, this victory is the result of the dedication and hard work of the Lincoln Southeast team members, Jade Anderson, Kenna Bancroft, Foster Collins, Andrew Goldsmith, Brianna Griffin, Marco Gutierrez, Morgan Heil, Sean Hollibaugh, Emily Johnson, McKynna Kelly, Tommy Le, Kelsey Linzell, Slate Mathes, Chris Morton, Katie Nimic, and Greta Solomon; and

WHEREAS, the Lincoln Southeast team will go to Washington, D.C. to compete in the 2016 National Finals.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Lincoln Southeast High School "We the People" team and their teacher, Zach Wojtowicz, on winning the 2016 Nebraska state competition.
2. That a copy of this resolution be sent to the Lincoln Southeast team and Zach Wojtowicz.

Laid over.

LEGISLATIVE RESOLUTION 457. Introduced by Scheer, 19; Baker, 30; Bloomfield, 17; Bolz, 29; Brasch, 16; Campbell, 25; Chambers, 11; Coash, 27; Cook, 13; Craighead, 6; Crawford, 45; Davis, 43; Ebke, 32; Fox, 7; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Haar, K., 21; Hadley, 37; Hansen, 26; Harr, B., 8; Hilkemann, 4; Howard, 9; Hughes, 44; Johnson, 23; Kintner, 2; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; McCollister, 20; McCoy, 39; Mello, 5; Morfeld, 46; Murante, 49; Pansing Brooks, 28; Riepe, 12; Schilz, 47; Schnoor, 15; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Watermeier, 1; Williams, 36.

WHEREAS, the University of Nebraska Women’s Volleyball Team won the 2015 NCAA Division I Women’s Volleyball Championship; and
WHEREAS, the Huskers won the national championship by sweeping the University of Texas in the championship game; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the amazing students of the University of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates the University of Nebraska Women's Volleyball Team for their outstanding season and for winning the 2015 NCAA Division I Women's Volleyball Championship.
2. That a copy of this resolution be sent to the University of Nebraska Women's Volleyball Team and Coach John Cook.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Coash filed the following amendment to LB894:
AM2321
(Amendments to Standing Committee amendments, AM1962)
1 1. On page 14, lines 7 through 19, strike the new matter and
2 reinstate the stricken matter; strike lines 21 and 22; in line 23 strike
3 "(b)" and insert "(a)"; in line 24 strike "(c)" and insert "(b)"; in line
4 25 strike "(d)" and insert "(e)"; in line 26 after the semicolon insert
5 "or"; strike line 27; and in line 28 strike "(f)" and insert "(d)".

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 29, 2016, at 10:40 a.m. were the following: LBs 19, 53, 221, 295, 311e, 328, and 378.
COMMITTEE REPORT(S)

General Affairs

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Edwin Bergstraesser - State Electrical Board
Cory L. Mueller - State Electrical Board

Aye: 8 Coash, Hansen, Hughes, Kolterman, Larson, McCollister, Riepe, Schilz. Nay: 0. Absent: 0. Present and not voting: 0.

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Patrick Drickey - Nebraska Arts Council
Kathryn LeBaron - Nebraska Arts Council
Sherry McClymont - Nebraska Arts Council
Harvey Varenhorst - Nebraska Arts Council

Aye: 8 Coash, Hansen, Hughes, Kolterman, Larson, McCollister, Riepe, Schilz. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tyson Larson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 371. Committee AM1268, found on page 1244, First Session, 2015, and considered on page 736, was renewed.

Senator Sullivan moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Sullivan requested a roll call vote on the committee amendment.

Voting in the affirmative, 19:

Baker, Cook, Haar, K., Krist, Schumacher
Bolz, Crawford, Hadley, Mello, Seiler
Chambers, Davis, Howard, Morfeld, Sullivan
Coash, Gloor, Kolowski, Fansing Brooks

Voting in the negative, 12:
Present and not voting, 12:

- Bloomfield
- Friesen
- Garrett
- Groene
- Hansen
- Kuehn
- Lindstrom
- Murante
- Smith
- Schnoor
- Stinner
- Watermeier

Absent and not voting, 1:

- Schilz

Excused and not voting, 5:

- Campbell
- Harr, B.
- Kolterman
- Larson
- Scheer

The committee amendment lost with 19 ayes, 12 nays, 12 present and not voting, 1 absent and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

**COMMITTEE REPORT(S)**

**Transportation and Telecommunications**

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Mary K. Gerdes - State Highway Commission

Aye: 8 Brasch, Davis, Friesen, Garrett, McCoy, Murante, Seiler, Smith.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Jim Smith, Chairperson

**COMMITTEE REPORT(S)**

**Transportation and Telecommunications**

**LEGISLATIVE BILL 1068.** Indefinitely postponed.

(Signed) Jim Smith, Chairperson
AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB1059:
AM2323
(Amendments to Standing Committee amendments, AM2067)
1 1. On page 2, line 24, after the semicolon insert "and"; strike
2 lines 25 through 27; and in line 28 strike "(iv)" and insert "(iii)".
3 2. On page 6, line 31, after the semicolon insert "and".
4 3. On page 7, strike lines 1 through 3; and in line 4 strike "(d)"
5 and insert "(c)".

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So
ordered.

Watermeier - LB768
Davis - LB871
Krist - LB707
Davis - LB768
Garrett - LB990

VISITOR(S)

Visitors to the Chamber were 24 fifth- through twelfth-grade students and
sponsors from Palmer; 50 fourth-grade students from Arlington; and
members of Open World Delegates from Ukraine.

The Doctor of the Day was Dr. Wolfgang Rodriguez from Omaha.

ADJOURNMENT

At 12:09 p.m., on a motion by Senator Hansen, the Legislature adjourned
until 9:00 a.m., Tuesday, March 1, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
THIRTY-FIFTH DAY - MARCH 1, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

THIRTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 1, 2016

PRAYER

The prayer was offered by Senator Riepe.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Baker, Campbell, Mello, and Pansing Brooks who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fourth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 676. Placed on Final Reading.
LEGISLATIVE BILL 700. Placed on Final Reading.
LEGISLATIVE BILL 703. Placed on Final Reading.
LEGISLATIVE BILL 729. Placed on Final Reading.
LEGISLATIVE BILL 778. Placed on Final Reading.
LEGISLATIVE BILL 798. Placed on Final Reading.
LEGISLATIVE BILL 864. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT

Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR403.

(Signed) Matt Hansen, Chairperson
LEGISLATIVE JOURNAL

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 403. Introduced by Hansen, 26; Murante, 49.

WHEREAS, the election equipment used as of January 1, 2016, to facilitate Nebraska elections contains outdated technology and data storage that is either hard to repair or replace or no longer available. The equipment was purchased by the Secretary of State between 2004 and 2006 with federal dollars granted to the State of Nebraska by the federal government pursuant to the federal Help America Vote Act of 2002, Public Law 107-252. The equipment is approaching or past the estimated lifecycle of the equipment; and

WHEREAS, state and federal laws require voting assistance machines be available in all precincts so any voter may cast a ballot independently and privately, but the age and condition of the existing equipment make its availability to voters in future elections questionable; and

WHEREAS, the cost to replace the election equipment will be significant and no federal dollars are expected to be available to assist states with the purchase. Furthermore, uncertainty exists whether this cost will fall to the State of Nebraska or to the individual Nebraska counties.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. The Executive Board of the Legislative Council shall appoint the Election Technology Committee as a special committee of the Legislature. The committee shall have seven members, including the chairperson of the Appropriations Committee of the Legislature or his or her designee and the chairperson of the Government, Military and Veterans Affairs Committee of the Legislature.

2. The chairperson of the Government, Military and Veterans Affairs Committee shall serve as the chairperson of the Election Technology Committee. The Election Technology Committee shall elect a vice-chairperson from among the members of the committee. The legal counsel, committee clerk, and other staff of the Government, Military and Veterans Affairs Committee shall serve as staff for the Election Technology Committee.

3. The Election Technology Committee shall study the longevity of the technology used by election commissioners and county clerks to conduct elections as of January 1, 2016, and the feasibility of updating or replacing the technology. The study shall include, but not be limited to, a review of:
   (a) The condition of the hardware used by election commissioners and county clerks to allow voters to mark ballots and to tabulate ballots;
   (b) The availability of repair parts for such hardware;
   (c) The hardware and software and other methods of voting used by other states or otherwise available as of January 1, 2016, to comply with Title III, section 301, of the federal Help America Vote Act of 2002, as such section existed on January 1, 2016;
(d) The cost to acquire hardware and software or use other methods of voting;
(e) The infrastructure and technology necessary to support such hardware and software or other methods of voting;
(f) The cost to purchase and implement such necessary infrastructure and technology; and
(g) The cost of long-term maintenance of such hardware and software or use of such voting methods.

4. The Election Technology Committee shall study options for acquiring hardware and software or implementing other methods of voting, including, but not limited to:
(a) The state contracting for all necessary equipment at state expense to be distributed to the counties for elections;
(b) The state contracting for all necessary equipment to be distributed to counties for a fee to cover part or all of the cost;
(c) Ninety-three counties purchasing the necessary equipment separately with county funds;
(d) The merits of purchasing all necessary equipment in one fiscal year; and
(e) The merits of purchasing all necessary equipment on a rolling timeline.

5. The Election Technology Committee shall consult with and request information, testimony, or research from:
(a) The Secretary of State;
(b) The election commissioner from each county with a population of more than one hundred thousand inhabitants;
(c) At least three election commissioners or county clerks from other counties;
(d) A representative of the Nebraska Association of County Officials;
(e) Individuals with disabilities, including at least one individual with a vision impairment and one individual with a physical disability;
(f) At least one representative of organizations advocating for individuals with disabilities;
(g) At least one representative of organizations advocating for the voting rights of citizens; and
(h) Representatives from election technology and equipment manufacturers.

6. The Election Technology Committee shall electronically issue a report with its findings and recommendations to the Legislature no later than December 15, 2016.

COMMITTEE REPORT(S)
Government, Military and Veterans Affairs

LEGISLATIVE BILL 694. Placed on General File.

(Signed) John Murante, Chairperson
RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 443, 444, 445, 446, 447, and 448 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 443, 444, 445, 446, 447, and 448.

ANNOUNCEMENT(S)

The Chair announced the birthdays of Senator Sullivan and Senator Bolz.

MOTION(S) - Confirmation Report(s)

Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 704:
   Public Employees Retirement Board
      J. Russell Derr

Voting in the affirmative, 38:

Bloomfield  Fox  Howard  Lindstrom  Schumacher
Bolz         Garrett Hughes  McCollister  Smith
Brasch       Gloor  Johnson McCoy  Stinner
Chambers     Groene Kintner Morfeld  Sullivan
Cook         Haar, K. Kolowski Murante  Watermeier
Craighead    Hansen Kolterman Riepe  Williams
Crawford     Harr, B. Krist Scheer
Ebke         Hilkenmann Kuehn Schnoor

Voting in the negative, 0.

Present and not voting, 7:

Coash         Friesen Larson Seiler
Davis         Hadley Schilz

Excused and not voting, 4:

Baker         Campbell Mello Pansing Brooks

The appointment was confirmed with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.
Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 704:

Nebraska Investment Council
Keith Olson

Voting in the affirmative, 40:

Bloomfield  Ebke  Howard  Lindstrom  Schilz
Bolz  Friesen  Hughes  McCollister  Schnoor
Brasch  Garrett  Johnson  McCoy  Schumacher
Chambers  Gloor  Kintner  Morfeld  Smith
Cook  Haar, K.  Kolowski  Murante  Stinner
Craighead  Hansen  Kolterman  Pansing  Brooks  Sullivan
Crawford  Harr, B.  Krist  Riepe  Watermeier
Davis  Hilkemann  Kuehn  Scheer  Williams

Voting in the negative, 0.

Present and not voting, 6:

Coash  Groene  Larson
Fox  Hadley  Seiler

Excused and not voting, 3:

Baker  Campbell  Mello

The appointment was confirmed with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 725:

Board of Educational Lands and Funds
Charles Ward

Voting in the affirmative, 38:

Bloomfield  Friesen  Hilkemann  Kuehn  Schnoor
Bolz  Garrett  Howard  Lindstrom  Schumacher
Brasch  Gloor  Hughes  McCollister  Stinner
Chambers  Groene  Johnson  McCoy  Sullivan
Cook  Haar, K.  Kintner  Mello  Watermeier
Craighead  Hadley  Kolowski  Riepe  Williams
Crawford  Hansen  Kolterman  Scheer
Ebke  Harr, B.  Krist  Schilz

Voting in the negative, 0.
Present and not voting, 9:

Coash Fox Morfeld Pansing Brooks Smith
Davis Larson Murante Seiler

Excused and not voting, 2:

Baker Campbell

The appointment was confirmed with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 726:

- Coordinating Commission for Postsecondary Education
  - Colleen Adam

Voting in the affirmative, 36:

Baker Ebke Harr, B. McCoy Smith
Bloomfield Fox Hilkemann Mello Sullivan
Bolz Friesen Howard Murante Watermeier
Brasch Garrett Hughes Pansing Brooks Williams
Cook Groene Krist Riepe
Craighead Haar, K. Kuehn Schnoor
Crawford Hadley Lindstrom Schumacher
Davis Hansen McCollister Seiler

Voting in the negative, 0.

Present and not voting, 12:

Chambers Johnson Kolterman Scheer
Coash Kintner Larson Schilz
Groene Kolowski Morfeld Stinner

Excused and not voting, 1:

Campbell

The appointment was confirmed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.
Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 726:

Ronald Hunter

Voting in the affirmative, 36:

Baker    Davis    Hadley    Kuehn    Stinner
Bloomfield    Ebke    Hansen    McCollister    Sullivan
Bolz    Fox    Hilkemann    McCoy    Watermeier
Brasch    Friesen    Howard    Pansing    Brooks    Williams
Chambers    Garrett    Hughes    Schilz
Cook    Gloor    Kintner    Schnoor
Craighead    Groene    Kolowski    Schumacher
Crawford    Haar, K.    Kolterman    Seiler

Voting in the negative, 0.

Present and not voting, 12:

Coash    Krist    Mello    Riepe
Harr, B.    Larson    Morfeld    Scheer
Johnson    Lindstrom    Murante    Smith

Excused and not voting, 1:

Campbell

The appointment was confirmed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB954 with 46 ayes, 1 nay, and 2 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 954. With Emergency Clause.

A BILL FOR AN ACT relating to the Office of Inspector General of Nebraska Child Welfare Act; to amend sections 43-2,108, 43-2,108.05, 43-4318, 43-4319, 43-4321, 43-4324, and 43-4326, Revised Statutes Supplement, 2015; to change provisions relating to access to records; to change provisions relating to investigations by the Inspector General; to harmonize provisions; to repeal the original sections; and to declare an emergency.
Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 49:

Baker  Davis  Harr, B.  Larson  Schilz
Bloomfield  Ebke  Hilkemann  Lindstrom  Schnoor
Bolz  Fox  Howard  McCollister  Schumacher
Brasch  Friesen  Hughes  McCoy  Seiler
Campbell  Garrett  Johnson  Mello  Smith
Chambers  Gloor  Kintner  Morfeld  Stinner
Coash  Groene  Kolowski  Murante  Sullivan
Cook  Haar, K.  Kolterman  Pansing Brooks  Watermeier
Craighead  Hadley  Krist  Riepe  Williams
Crawford  Hansen  Kuehn  Scheer

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1016.**

A BILL FOR AN ACT relating to the Legislative Performance Audit Act; to amend section 50-1203, Revised Statutes Supplement, 2015; to redefine a term; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

Baker  Davis  Harr, B.  Larson  Schilz
Bloomfield  Ebke  Hilkemann  Lindstrom  Schnoor
Bolz  Fox  Howard  McCollister  Schumacher
Brasch  Friesen  Hughes  McCoy  Seiler
Campbell  Garrett  Johnson  Mello  Smith
Chambers  Gloor  Kintner  Morfeld  Stinner
Coash  Groene  Kolowski  Murante  Sullivan
Cook  Haar, K.  Kolterman  Pansing Brooks  Watermeier
Craighead  Hadley  Krist  Riepe  Williams
Crawford  Hansen  Kuehn  Scheer
Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 954 and 1016.

**GENERAL FILE**

**LEGISLATIVE BILL 371.** Senator Hansen offered the following motion: MO194
Reconsider the vote taken on AM1268.

Senator Hansen asked unanimous consent to withdraw his motion, MO194, to reconsider. No objections. So ordered.

Senator Sullivan moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Sullivan requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 21:

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Voting in the negative, 21:

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<td>Ebke</td>
<td>Hughes</td>
<td>Lindstrom</td>
<td>Schilz</td>
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<td>Fox</td>
<td>Johnson</td>
<td>McCollister</td>
<td>Seiler</td>
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Present and not voting, 6:

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<tr>
<td>Murante</td>
<td>Smith</td>
<td>Watermeier</td>
</tr>
</tbody>
</table>
Larson

Failed to advance to Enrollment and Review Initial with 21 ayes, 21 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 403, 413, and 418.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR Committee
LR455 Executive Board

(Signed) Bob Krist, Chairperson
Executive Board

COMMITTEE REPORT(S)
Transportation and Telecommunications

LEGISLATIVE BILL 1077. Placed on General File.

(Signed) Jim Smith, Chairperson

Natural Resources

LEGISLATIVE BILL 1019. Placed on General File.

LEGISLATIVE BILL 1082. Placed on General File with amendment. AM2292

1 1. Strike original section 5.
2 2. On page 2, line 3, after "§7-923" insert "and section 4 of this act".
3 2. On page 3, line 6; page 4, line 17; page 5, lines 8 and 9; page
5 6, line 10; page 7, lines 3, 7, and 25; page 9, line 15; page 10, line 1;
6 page 11, lines 1, 20, 26, and 30; page 12, lines 2, 5, 10 and 11, 13, and
7 17; page 13, lines 8, 15, and 25; page 14, line 28; page 15, lines 3, 12,
8 18, and 29; page 16, lines 1 and 7; page 18, lines 3, 9, 15, 19, 25, 26,
9 and 28; and page 19, lines 1, 6, 15, and 29, strike "sections 4 and 5"
10 and insert "section 4".
11 4. On page 6, line 13, after "II" insert "commercial"; in line 14
12 strike "certification and"; in line 18 strike "require" and insert
13 "conduct"; and in line 19 after "on" insert "Class II commercial
14 underground injection well".
15 5. On page 8, line 17, after "a" insert "Class II"; in lines 19 and
16 20 after "village" insert "and natural resources district"; in line 22
17 after "II" insert "commercial"; and strike from "or" in line 23 through
18 "well" in line 24.
19 6. Renumber the remaining sections accordingly.

(Signed) Ken Schilz, Chairperson

COMMITTEE REPORT(S)
Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Roger Figard - Board of Public Roads Classifications and Standards
John F. Krager III - Board of Public Roads Classifications and Standards
David Wacker - Board of Public Roads Classifications and Standards
Timothy W. Weander - Board of Public Roads Classifications and Standards

Aye: 8 Brash, Davis, Friesen, Garrett, McCoy, Murante, Seiler, Smith.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Jim Smith, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 1, 2016, at 9:33 a.m. were the following: LBs 954e and 1016.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

RESOLUTION(S)

LEGISLATIVE RESOLUTION 458. Introduced by Johnson, 23; Kolterman, 24; Stinner, 48; Williams, 36.

WHEREAS, the National Historic Preservation Act (P.L. 89-665) was signed into law by President Lyndon B. Johnson on October 15, 1966, thereby establishing the framework for inventorying and preserving America's historic buildings, districts, landscapes, and archeological sites; and

WHEREAS, the Nebraska Legislature accepted the provisions of the National Historic Preservation Act the following year and selected the Nebraska State Historical Society to fulfill the state's responsibilities under the Act; and
WHEREAS, this partnership has allowed Nebraska's preservation program to identify and address the needs specific to our state, including a state income tax credit, a property tax valuation incentive for owners of historic properties that are rehabilitated, and investment in "main street" communities and urban centers; and
WHEREAS, this state and federal partnership has since expanded to include local governments and tribal initiatives in historic preservation; and
WHEREAS, the Nebraska State Historical Society today maintains a statewide comprehensive survey and inventory representing all of Nebraska's 93 counties and over 92,000 places significant in Nebraska prehistory and history; and
WHEREAS, the National Register of Historic Places, also created by the National Historic Preservation Act, contains more than 1,000 historic properties and districts in Nebraska; and
WHEREAS, the Nebraska State Historical Society has developed an effective and efficient means to avoid or mitigate the impacts of federal projects on Nebraska's historic places; and
WHEREAS, federal historic tax credits have resulted in the rehabilitation of hundreds of historic buildings for a diversity of housing and commercial uses in downtowns and older neighborhoods in Nebraska communities large and small; and
WHEREAS, community development, diversity, heritage tourism, and local pride of place are critical components of the state program; and
WHEREAS, the State of Nebraska joins with thousands of public, private, and nonprofit sector partners in commemorating the 50th anniversary of the National Historic Preservation Act throughout 2016 under the banner of "Preservation50" to celebrate the first five decades of the nation's preservation program and to ensure a strong future for historic preservation efforts.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature hereby acknowledges the national, state, local, and tribal partnerships established by the National Historic Preservation Act during the year of the 50th anniversary of its passage.
2. That a copy of this resolution be sent to the United States Secretary of the Interior, the Director of the National Park Service, the Preservation50 Advisory Committee, the Advisory Council on Historic Preservation, and the Nebraska State Historical Society, as an expression of the Legislature's appreciation for the significance of the Act and its many benefits for the people of the State of Nebraska.

Laid over.
The following bill was read for the first time by title:

**LEGISLATIVE BILL 746A.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 746, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 735.** Placed on Final Reading.

**LEGISLATIVE BILL 758.** Placed on Final Reading.

**LEGISLATIVE BILL 811.** Placed on Final Reading.

**LEGISLATIVE BILL 840.** Placed on Final Reading.

**LEGISLATIVE BILL 921.** Placed on Final Reading.

**LEGISLATIVE BILL 929.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 919.** Title read. Considered.

Committee AM2171, found on page 643, was offered.

**SENATOR KRIST PRESIDING**

The committee amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 919A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 83.** Title read. Considered.

Committee AM2191, found on page 677, was offered.

Pending.
LEGISLATIVE BILL 908. Placed on General File.

LEGISLATIVE BILL 549. Placed on General File with amendment.

AM2239
1. Strike the original sections and insert the following new sections:

Section 1. Sections 1 to 9 of this act shall be known and may be cited as the Health Care Transformation Act.

Sec. 2. It is the intent of the Legislature that the Legislature, the Governor with support of state agencies, and a wide array of public and private health care stakeholders collaborate to transform Nebraska's health care system, utilizing the Building Blocks of Health Care which set forth a fifteen-year vision for health care for Nebraskans with the goal of strengthening Nebraska's health care system to (1) improve the experience of care for health care consumers and patients, including, but not limited to, quality and satisfaction, (2) improve the health of Nebraskans, and (3) reduce the per capita cost of health care in Nebraska.

Sec. 3. The Legislature finds that (1) health care services delivery processes, such as patient-centered medical homes and similar initiatives, are transforming the delivery of primary medical care services to a team-based, patient-centered method of delivering health care services is used in primary health care settings and certain specialty care clinics and needs to be coordinated with other medical, dental, and behavioral health care providers, public health entities, and other community-based support services, (3) the triple aim of the use of patient-centered medical homes is to improve patient experience and individual health outcomes while improving population health and containing health care costs through appropriate use of services, and (4) this unprecedented systemwide transformation of health care services delivery processes necessitates the cooperation and collaboration of federal and state governmental entities along with health care providers, insurers, and self-insured businesses as purchasers of health care services and health insurance, among others.

Sec. 4. For purposes of the Health Care Transformation Act:
(1) Advisory commission means the Health Care Transformation Advisory Commission created pursuant to section 6 of this act;
(2) Building Blocks of Health Care include:
(a) Ensuring that all Nebraskans have access to health care coverage, including parity for mental health care coverage, by optimizing public and private funding;
(b) Supporting effective models of health care delivery, financing, and payments, including patient-centered medical homes, accountable care organizations, or other models of health care delivery that improve patient care and health and reduce per-patient cost, including, but not
limited to, developing innovative health insurance opportunities,
transparent health care pricing, payment models that link reimbursement
to patient outcomes, integrated care systems, and coordinated team-based
care;
(c)(i) Ensuring public transparency of health care quality and
patient safety relating to all providers and facilities, (ii) ensuring
that consumers have a choice of health care provider based on cost,
quality, access, and value, and (iii) transitioning the assessment of
quality of care from claims-based measures to outcomes-based measures;
(d) Establishing and supporting a robust, de-identified statewide
data base for the collection and analysis of health data and health care
delivery data, including all payers, all patient outcomes, and an entity
to oversee such data collection;
(e) Utilizing health-based interventions to address factors that
influence health outcomes of populations, emphasize public health and
disease prevention, and reduce the burden of chronic disease;
(f) Promoting personal responsibility for wellness that improves
personal and public health literacy of Nebraskans, includes culturally
competent patient education, and provides incentives for personal health
improvement;
(g) Addressing health care workforce shortages by developing
strategies to attract health care workers to medically underserved areas,
evaluating new categories of health care team members, and developing
statewide telehealth and Internet-capable care; and
(h) Coordinating statewide health planning to establish a center of
health care data, create a profile of health care in the state, establish
statewide goals for health care quality, monitor the effectiveness of
population health outcomes, recommend changes to state health care laws,
rules, and regulations, and reduce health care disparities;
(3) Insurer means any insurance company as defined in section 44-103
or health maintenance organization as defined in section 44-32,105
authorized to transact health insurance business in the state; and
(4) Patient-centered medical home means a health care services
delivery model in which a patient establishes an ongoing relationship
with a primary care provider-directed team to provide comprehensive,
accessible, and continuous evidence-based primary and preventive health
care and to coordinate the patient's health care needs across the health
care system in order to improve quality, safety, access, and health
outcomes in a cost-effective manner.
Sec. 5. (1) The Program of Health Care Transformation is hereby
created within the Department of Health and Human Services. The program
shall be administered by the Division of Public Health of the department.
(2) The division, in consultation with the advisory commission,
shall:
(a) Assist residents of Nebraska in obtaining high quality health
care and assist health care providers in transforming their services to
provide high quality, patient-centered care in an atmosphere of continual
safety and quality improvement, including, but not limited to, providing
or facilitating learning opportunities for health care providers, public
LEGISLATIVE JOURNAL

3 health entities, behavioral health service providers, and community
4 health care workers on:
5 (i) Patient-centered care;
6 (ii) Care coordination;
7 (iii) Chronic care initiatives;
8 (iv) Patient-centered medical homes; and
9 (v) Other similar initiatives;
10 (b) Identify statewide and regional opportunities to meet changing
11 health care needs due to changing demographics, changing technology, and
12 changing business models in the provision of health care services;
13 (c) Establish liaison with other state agencies to ensure that the
14 programs of the division and the Office of Rural Health are appropriately
15 coordinated with the Program of Health Care Transformation;
16 (d) Assist in the collaboration of various data-sharing systems or
17 programs to enable the analysis of public health data and to evaluate the
18 effectiveness of programs and demonstration projects;
19 (e) Develop and approve standards and measures for patient-centered
20 medical homes in Nebraska, taking into account the work begun by the
21 members of the Legislature and stakeholders in the Participation
22 Agreement to recognize and reform payment structures to support Patient-
23 Centered Medical Home, signed on December 18, 2013, and as revised;
24 (f) Provide a forum for discussion and collaboration among
25 stakeholders, health care providers, insurers, consumers, public health
26 systems, self-insured businesses, and others to take advantage of changes
27 in the health care landscape and federal health care programs in order to
28 improve the provision of health care for the residents of Nebraska and to
29 advance safety and quality improvement initiatives and the transformation
30 and integration of health care services. Since the transformation of
31 health care services and reform of the insurance mechanisms involved in
1 payment of services are intricately linked, this forum may be provided in
2 cooperation with discussion forums of the Department of Insurance for
3 insurers and self-insured businesses; and
4 (g) Provide support staff to the advisory commission.
5 (3) The department may seek outside funds and grants and may
6 collaborate with other resources for education and transformation
7 activities.
8 (4) The division shall submit an annual report to the Governor and
9 electronically to the Legislature regarding the activities of the
10 advisory commission.
11 Sec. 6. (1) The Health Care Transformation Advisory Commission is
12 created. The advisory commission shall consist of the following members:
13 (a) The chairperson of the Health and Human Services Committee of
14 the Legislature or his or her designee as a nonvoting member;
15 (b) The Director of Public Health of the Division of Public Health
16 of the Department of Health and Human Services or his or her designee;
17 (c) The Director of Medicaid and Long-Term Care of the Division of
18 Medicaid and Long-Term Care of the Department of Health and Human
19 Services or his or her designee;
20 (d) One representative of the Office of Rural Health of the
(a) One representative from the benefits section of the personnel division of the Department of Administrative Services, designated by the Governor;

(f) One representative from the Department of Insurance, designated by the Governor;

(g) One representative of each accredited medical school located in the state;

(h) One representative of a local public health department as defined in section 71-1626;

(i) One physician providing primary care in a patient-centered medical home practicing in an urban area of the state;

(j) One physician providing primary care in a patient-centered medical home practicing in a rural area of the state;

(k) One pediatrician providing primary care in a patient-centered medical home in the state;

(l) One representative of a profession licensed under the Uniform Credentialing Act, other than a physician, providing care in a patient-centered medical home in the state;

(m) One representative from a self-insured business with more than two hundred fifty employees;

(n) One representative from a self-insured business with two hundred fifty or fewer employees;

(o) One representative of each insurer that insures more than five percent of the residents of Nebraska;

(p) One member of the public who is a consumer of health care services in the state; and

(q) Three members with knowledge of or interest in health care workforce, health education, and health care consumer advocacy, as determined by the Governor.

(2) The members designated in subdivisions (1)(g) through (q) of this section shall be appointed by the Governor with the advice and consent of the Legislature, shall serve staggered terms of three years, may be reappointed, and shall be reimbursed from the Health Care Transformation Cash Fund for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

(3) For administrative purposes, the advisory committee shall be located within the Division of Public Health of the Department of Health and Human Services. The division shall provide staffing and technical assistance for the advisory committee.

Sec. 7. The advisory commission shall:

(1) Develop the recommendations for implementing the Building Blocks of Health Care;

(2) Review health information technology and data coordination in Nebraska to: (a) Ensure continuous quality improvement in clinical settings; (b) ensure that scientific evidence and clinical expertise guide coverage decisions about new and emerging technologies; (c) enhance health information technology systems statewide; (d) develop consumer-facing, cost-transparent opportunities; (e) examine opportunities to
develop an all-payer claims database and health care analytic hub; (f) review progress in the use of electronic health records and invest in the expansion of a statewide, interoperable electronic health record system for all providers; and (g) examine and analyze trends in the commercial health care coverage market, including changes in premiums and benefit levels, market concentration, spending, and retention;

(3) Advise the Department of Health and Human Services, the Legislature, and the Governor regarding aspects of transformation of the health care system;

(4) Advise the department regarding policies and programs in the development and implementation of a statewide transformation in primary health care services and the integration of related health care services in Nebraska, including behavioral health services and dental health services, in the education and training of health care providers in Nebraska with regard to team-based, patient-centered primary care, in the regulation of health care providers and health care facilities in Nebraska to assure they are consistent with new delivery transformation, and in any other matters relating to health care transformation;

(5) Serve as an advocate for transformation in health care issues and related payment mechanisms;

(6) Advise the Program of Health Care Transformation on the development of a set of common health outcome measures, standards for evaluation of patient-centered medical homes in Nebraska, and common payment structures taking into consideration the work begun by members of the Legislature and stakeholders in the Participation Agreement to recognize and reform payment structures to support Patient-Centered Medical Home, signed on December 18, 2013, and as revised;

(7) Advise the Program of Health Care Transformation on identifying statewide and regional opportunities to meet changing health care needs due to changing demographics, changing technology, and changing business models in the provision of health care services;

(8) Advise the Program of Health Care Transformation on developing collaborations with stakeholders, health care providers, insurers, consumers, public health systems, self-insured businesses, and others to take advantage of changes in the health care landscape and federal health care programs in order to improve the provision of health care services for the residents of Nebraska and to assist in the transformation of primary health care services and integration of related services;

(9) Maintain liaison with all agencies, groups, and organizations concerned with transforming health care in order to facilitate integration of efforts and commonality of goals;

(10) Advise the department regarding the intent, goals, and implementation of the Health Care Transformation Act; and

(11) Report annually by December 15 to the Governor and electronically to the Legislature on its progress and recommendations for implementing the strategies and framework utilizing the Building Blocks of Health Care.

Sec. 8. The advisory commission shall hire a coordinator and may hire consultants, evaluators, and other personnel it deems necessary to
assist the advisory commission in carrying out its powers and duties under the Health Care Transformation Act. The advisory commission may organize committees as it deems necessary. Members of the committees may be members of the advisory commission or may be appointed, with the approval of the majority of the advisory commission, from individuals with knowledge of the committee's subject matter, professional expertise to assist the committee in completing its assigned responsibilities, and the ability to collaborate within the committee and with the advisory commission to carry out the powers and duties of the advisory commission.

Sec. 9. The Health Care Transformation Cash Fund is created. The fund shall include money appropriated by the Legislature and any grant funds and donations. The fund shall be used for the implementation and administration of the Health Care Transformation Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

It is the intent of the Legislature to appropriate one hundred fifty thousand dollars from the General Fund for each of the initial two fiscal years to the Department of Health and Human Services to enable the Division of Public Health of the department to carry out the duties and purposes of the Health Care Transformation Act which may include expenditures for personnel.

LEGISLATIVE BILL 1081. Placed on General File with amendment.

AM2180

1. On page 5, line 7, after the second comma, insert "for the low-income home energy assistance program administered by the State of Nebraska pursuant to the federal Energy Policy Act of 2005, 42 U.S.C. 8621 to 8630;" and in line 27 after "years" insert "and such exclusion shall only be made if the exclusion is permissible under federal law for each program referenced in this section. No such exclusion shall be made for such income on or after December 31, 2022".

(Signed) Kathy Campbell, Chairperson

Judiciary

LEGISLATIVE BILL 673. Placed on General File with amendment.

AM2244

1. Strike the original sections and insert the following new sections:

Section 1. Section 43-272.01, Revised Statutes Supplement, 2015, is amended to read:

43-272.01 (1) A guardian ad litem as provided for in subsections (2) and (3) of section 43-272 shall be appointed when a child is removed from his or her surroundings pursuant to subdivision (2) or (3) of section 43-248, subsection (2) of section 43-250, or section 43-251. If a county has a guardian ad litem division created under section 2 of this act, the court shall appoint the guardian ad litem division unless a conflict of
interest exists. If removal has not occurred, a guardian ad litem shall be appointed at the commencement of all cases brought under subdivision (3)(a) or (7) of section 43-247 and section 28-707.

In the course of discharging duties as guardian ad litem, the person so appointed shall consider, but not be limited to, the criteria provided in this subsection. The guardian ad litem:

(a) Is appointed to stand in lieu of a parent for a protected juvenile who is the subject of a juvenile court petition, shall be present at all hearings before the court in such matter unless expressly excused by the court, and may enter into such stipulations and agreements concerning adjudication and disposition deemed by him or her to be in the juvenile's best interests;

(b) Is not appointed to defend the parents or other custodian of the protected juvenile but shall defend the legal and social interests of such juvenile. Social interests shall be defined generally as the usual and reasonable expectations of society for the appropriate parental custody and protection and quality of life for juveniles without regard to the socioeconomic status of the parents or other custodians of the juvenile;

(c) May at any time after the filing of the petition move the court of jurisdiction to provide medical or psychological treatment or evaluation as set out in section 43-258. The guardian ad litem shall have access to all reports resulting from any examination ordered under section 43-258, and such reports shall be used for evaluating the status of the protected juvenile;

(d) Shall make every reasonable effort to become familiar with the needs of the protected juvenile which (i) shall include consultation with the juvenile in his or her respective placement within two weeks after the appointment and once every six months thereafter, unless the court approves other methods of consultation as provided in subsection (6) of this section, and inquiry of the most current caseworker, foster parent, or other custodian and (ii) may include inquiry of others directly involved with the juvenile or who may have information or knowledge about the circumstances which brought the juvenile court action or related cases and the development of the juvenile, including biological parents, physicians, psychologists, teachers, and clergy members;

(e) May present evidence and witnesses and cross-examine witnesses at all evidentiary hearings. In any proceeding under this section relating to a child of school age, certified copies of school records relating to attendance and academic progress of such child are admissible in evidence;

(f) Shall be responsible for making written reports and recommendations to the court at every dispositional, review, or permanency planning hearing regarding the temporary and permanent placement of the protected juvenile, the type and number of contacts with the juvenile, the type and number of contacts with other individuals described in subdivision (d) of this subsection, and any further relevant information on a form prepared by the Supreme Court. As an alternative to the written reports and recommendations, the court may provide the
THIRTY-FIFTH DAY - MARCH 1, 2016

2 guardian ad litem with a checklist that shall be completed and presented
to the court at every dispositional or review hearing. A copy of the
written reports and recommendations to the court or a copy of the
checklist presented to the court shall also be submitted to the Foster
Care Review Office for any juvenile in foster care placement as defined
in section 43-1301;
(g) Shall consider such other information as is warranted by the
nature and circumstances of a particular case; and
(h) May file a petition in the juvenile court on behalf of the
juvenile, including a supplemental petition as provided in section
43-291.
(3) Nothing in this section shall operate to limit the discretion of
the juvenile court in protecting the best interests of a juvenile who is
the subject of a juvenile court petition.
(4) For purposes of subdivision (2)(d) of this section, the court
may order the expense of such consultation, if any, to be paid by the
county in which the juvenile court action is brought or the court may,
after notice and hearing, assess the cost of such consultation, if any,
in whole or in part to the parents of the juvenile. The ability of the
parents to pay and the amount of the payment shall be determined by the
court by appropriate examination.
(5) The guardian ad litem may be compensated on a per-case
appointment system or pursuant to a system of multi-case contracts or may
be employed by a guardian ad litem division created pursuant to section 2
of this act. If a county creates a guardian ad litem division, guardian
ad litem appointments shall be made first from the guardian ad litem
division and if a conflict exists, the court may appoint a guardian ad
litem from outside of the division. Regardless of the method of
compensation, billing hours and expenses for court-appointed guardian ad
law services shall be submitted to the court for approval and shall be
recorded on a written, itemized billing statement signed by the attorney
responsible for the case. Billing hours and expenses for guardian ad
law services rendered under a contract for such services shall be
submitted to the entity with whom the guardian ad litem contracts in the
form and manner prescribed by such entity for approval. Case time for
guardian ad litem services shall be scrupulously accounted for by the
attorney responsible for the case. Additionally, in the case of a multi-
lawyer firm or organization retained for guardian ad litem services, the
name of the attorney or attorneys assigned to each guardian ad litem case
shall be recorded.
(6) The guardian ad litem shall meet in person with the juvenile for
purposes of the consultation required by subdivision (2)(d) of this
section unless prohibited or made impracticable by exceptional
circumstances, including, but not limited to, situations in which an
unreasonable geographical distance is involved between the location of
the guardian ad litem and the juvenile. When such exceptional
circumstances exist, the guardian ad litem shall attempt such
consultation by other reasonable means, including, but not limited to, by
telephone or suitable electronic means, if the juvenile is of sufficient
age and capacity to participate in such means of communication and there
are no other barriers preventing such means of communication. If
consultation by telephone or suitable electronic means is not feasible,
the guardian ad litem shall seek direction from the court as to any other
acceptable method by which to accomplish consultation required by
subdivision (2)(d) of this section.

Sec. 2. (1) A county board may create a county guardian ad litem
division to carry out section 43-272.01.
(2) The county board shall appoint a division director for the
guardian ad litem division. The division director shall be an attorney
admitted to practice law in Nebraska with at least five years of Nebraska
juvenile court experience prior to appointment. The division director may
appoint assistant guardians ad litem and other employees as are
reasonably necessary to permit him or her to effectively and competently
fulfill the responsibilities of the division, subject to the approval and
consent of the county board. All assistant guardians ad litem shall be
attorneys admitted to practice law in Nebraska and shall comply with all
requirements of the Supreme Court relating to guardians ad litem.
(3) All assistant guardians ad litem employed by the division shall
devote their full time to the work of the division and shall not engage
in the private practice of law so long as each assistant guardian ad
item receives the same annual salary as each deputy county attorney of
comparable ability and experience receives in such counties.
(4) The director and any assistant guardian ad litem employed by the
division shall not solicit or accept any fee for representing a child in
a case in which the director or the assistant guardian ad litem is
already acting as the child's court-appointed guardian ad litem.

Sec. 3. Section 43-273, Reissue Revised Statutes of Nebraska, is
amended to read:
43-273 Counsel and guardians ad litem appointed as provided in
section 43-272 shall apply to the court before which the proceedings were
had for fees for services performed. The county board shall set a
reasonable hourly rate for services performed. Upon application and
hearing, the court shall review the itemized billing statement submitted
by the attorney pursuant to subsection (5) of section 43-272.01 and
determine reasonable number of billing hours and amount of expenses. The
court upon hearing the application shall fix reasonable fees. The county
board of the county wherein the proceedings were had shall allow the
account, bill, or claim presented by any attorney or guardian ad litem
for services performed under section 43-272 in the amount determined by
the court. No such account, bill, or claim shall be allowed by the county
board until the amount thereof shall have been determined by the court.

Sec. 4. Original section 43-273, Reissue Revised Statutes of
1 Nebraska, and section 43-272.01, Revised Statutes Supplement, 2015, are
2 repealed.
2 sections:
3 Section 1. Section 28-801, Revised Statutes Cumulative Supplement, 4 2014, is amended to read:
5 28-801 (1) Except as provided in subsection (5) of this section, any 6 person who performs, offers, or agrees to perform any act of sexual 7 contact or sexual penetration, as those terms are defined in section 8 28-318, with any person not his or her spouse, in exchange for money or 9 other thing of value, commits prostitution.
10 (2) Any person convicted of violating subsection (1) of this section 11 shall be punished as follows:
12 (a) If such person has had no prior convictions or has had one prior 13 conviction, such person shall be guilty of a Class II misdemeanor. If the 14 court places such person on probation, such order of probation shall 15 include, as one of its conditions, that such person shall satisfactorily 16 attend and complete an appropriate mental health and substance abuse 17 assessment conducted by a licensed mental health professional or 18 substance abuse professional authorized to complete such assessment; and 19 (b) If such person has had two or more prior convictions, such 20 person shall be guilty of a Class I misdemeanor. If the court places such 21 person on probation, such order of probation shall include, as one of its 22 conditions, that such person shall satisfactorily attend and complete an 23 appropriate mental health and substance abuse assessment conducted by a 24 licensed mental health professional or substance abuse professional 25 authorized to complete such assessment.
26 (3) It is an affirmative defense to prosecution under this section 27 that such person was a trafficking victim as defined in section 28-830.
28 (4) For purposes of this section, prior conviction means any 29 conviction on or after July 14, 2006, for violation of subsection (1) of 30 this section or any conviction on or after July 14, 2006, for violation 31 of a city or village ordinance relating to prostitution.
32 (5) If the law enforcement officer determines, after a reasonable 33 detention for investigative purposes, that a person suspected of or 34 charged with a violation of subsection (1) of this section is (a) a 35 person engaging in those acts as a direct result of being a trafficking 36 victim as defined in section 28-830, such person shall be immune from 37 prosecution for a prostitution offense or (b) a person under eighteen 38 years of age, such person shall be immune from prosecution for a 39 prostitution offense under this section and shall be subject to temporary 40 custody under section 43-248 and further disposition under the Nebraska 41 Juvenile Code. A law enforcement officer who takes a person under 42 eighteen years of age into custody under this section shall immediately 43 report an allegation of a violation of section 28-831 to the Department 44 of Health and Human Services which shall commence an investigation within 45 twenty-four hours under the Child Protection and Family Safety Act.
46 Sec. 2. Section 81-2010.03, Reissue Revised Statutes of Nebraska, is 47 amended to read:
48 81-2010.03 (1) The full out-of-pocket cost or expense that may be 49 charged to a sexual assault victim in connection with a forensic medical 50 examination shall be paid from the Sexual Assault Payment Program Cash
A report of a forensic medical examination shall not be remitted to the patient or his or her insurance for payment if by the Nebraska State Patrol if the patrol is the primary investigating law enforcement agency investigating the reported sexual assault.

(2) Except as provided under section 81-2010, all forensic DNA tests shall be performed by a laboratory which is accredited by the American Society of Crime Laboratory Directors/LAB-Laboratory Accreditation Board or the National Forensic Science Technology Center or by any other national accrediting body or public agency which has requirements that are substantially equivalent to or more comprehensive than those of the society or center.

(3) The full out-of-pocket cost or expense to be paid from the Sexual Assault Payment Program Cash Fund for a forensic medical examination described in subsection (1) of this section shall include:

(a) An examiner's fee for:
   (i) Examination of physical trauma;
   (ii) Determination of penetration or force;
   (iii) Patient interview; and
   (iv) Collection and evaluation of evidence;

(b) An examination facility fee for the:
   (i) Emergency room, clinic room, office room, or child advocacy center; and
   (ii) Pelvic tray and other medically required supplies; and

(c) The laboratory fees for collection and processing of specimens for criminal evidence, the determination of the presence of any sexually transmitted disease, and pregnancy testing.

(4) There is established within the Department of Justice, under the direction of the Attorney General, the position of administrator for the Sexual Assault Payment Program. The purpose of the program and the responsibilities of the administrator shall be to coordinate the distribution of forensic medical examination kits to health care providers at no cost to the providers, oversee forensic medical examination training throughout the state, and coordinate payments from the Sexual Assault Payment Program Cash Fund.

(5) The Sexual Assault Payment Program Cash Fund is created. The fund shall be administered by the commission. The fund shall consist of any money appropriated to it by the Legislature and any money received by the commission for the program, including federal and other public and private funds. The fund shall be used for the payment of the full out-of-pocket costs or expenses for forensic medical examinations pursuant to subsection (3) of this section, for the purpose set forth in subsection (4) of this section, and for the purchase of forensic medical examination kits. The fund shall be used to pay only those charges determined by the commission to be reasonable and fair. The fund shall be used to pay up to two hundred dollars for the examiner's fee and up to three hundred dollars for the examination facility fee. The examiner and facility shall provide additional documentation as determined by the commission for payment of charges in excess of such amounts. The fund may also be used to facilitate programs that reduce or prevent the crimes of domestic
11 violence, dating violence, sexual assault, stalking, child abuse, child
12 sexual assault, human trafficking, labor trafficking, or sex trafficking
13 or that enhance the safety of victims of such crimes. Any money in the
14 fund available for investment shall be invested by the state investment
15 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
16 State Funds Investment Act.
17 Sec. 3. Section 81-1415, Revised Statutes Supplement, 2015, is
18 amended to read:
19 81-1415 As used in sections 81-1415 to 81-1426.01 and section 2 of
20 this act, unless the context otherwise requires: Commission means the
21 Nebraska Commission on Law Enforcement and Criminal Justice.
22 Sec. 4. Section 81-1416, Revised Statutes Supplement, 2015, is
23 amended to read:
24 81-1416 There is hereby created the Nebraska Commission on Law
25 Enforcement and Criminal Justice. The commission shall educate the
26 community at large to the problems encountered by law enforcement
27 authorities, promote respect for law and encourage community involvement
28 in the administration of criminal justice. The commission shall be an
29 agency of the state, and the exercise by the commission of the powers
30 conferred by the provisions of sections 81-1415 to 81-1426.01 and section
31 2 of this act shall be deemed to be an essential governmental function of
1 the state.
2 Sec. 5. Section 81-1423, Revised Statutes Supplement, 2015, is
3 amended to read:
4 81-1423 The commission shall have authority to:
5 (1) Adopt and promulgate rules and regulations for its organization
6 and internal management and rules and regulations governing the exercise
7 of its powers and the fulfillment of its purposes under sections 81-1415
8 to 81-1426.01 and section 2 of this act;
9 (2) Delegate to one or more of its members such powers and duties as
10 it may deem proper;
11 (3) Coordinate and jointly pursue its activities with the Governor's
12 Policy Research Office;
13 (4) Appoint and abolish such advisory committees as may be necessary
14 for the performance of its functions and delegate appropriate powers and
15 duties to them;
16 (5) Plan improvements in the administration of criminal justice and
17 promote their implementation;
18 (6) Make or encourage studies of any aspect of the administration of
19 criminal justice;
20 (7) Conduct research and stimulate research by public and private
21 agencies which shall be designed to improve the administration of
22 criminal justice;
23 (8) Coordinate activities relating to the administration of criminal
24 justice among agencies of state and local government;
25 (9) Cooperate with the federal and other state authorities
26 concerning the administration of criminal justice;
27 (10) Accept and administer loans, grants, and donations from the
28 United States, its agencies, the State of Nebraska, its agencies, and
29 other sources, public and private, for carrying out any of its functions, 
30 except that no communications equipment shall be acquired and no approval 
31 for acquisition of communications equipment shall be granted without 
1 receiving the written approval of the Director of Communications of the 
2 office of Chief Information Officer; 
3 (11) Enter into contracts, leases, and agreements necessary, 
4 convenient, or desirable for carrying out its purposes and the powers 
5 granted under sections 81-1415 to 81-1426.01 and section 2 of this act 
6 with agencies of state or local government, corporations, or persons; 
7 (12) Acquire, hold, and dispose of personal property in the exercise 
8 of its powers; 
9 (13) Conduct random annual audits of criminal justice agencies to 
10 verify the accuracy and completeness of criminal history record 
11 information maintained by such agencies and to determine compliance with 
12 laws and regulations dealing with the dissemination, security, and 
13 privacy of criminal history information; 
14 (14) Do all things necessary to carry out its purposes and for the 
15 exercise of the powers granted in sections 81-1415 to 81-1426.01 and 
16 section 2 of this act, except that no activities or transfers or 
17 expenditures of funds available to the commission shall be inconsistent 
18 with legislative policy as reflected in substantive legislation, 
19 legislative intent legislation, or appropriations legislation; 
20 (15) Exercise budgetary and administrative control over the Crime 
21 Victim's Reparations Committee and the Jail Standards Board; and 
22 (16) Do all things necessary to carry out sections 81-1843 to 
23 81-1851.
24 Sec. 6.  Sections 2, 3, 4, 5, 8, and 9 of this act become operative 
25 on July 1, 2017. The other sections of this act become operative on their 
26 effective date.
27 Sec. 7.  Original section 28-801, Revised Statutes Cumulative 
28 Supplement, 2014, is repealed.
29 Sec. 8.  Original section 81-2010.03, Reissue Revised Statutes of 
30 Nebraska, and sections 81-1415, 81-1416, and 81-1423, Revised Statutes 
31 Supplement, 2015, are repealed.
1 Sec. 9.  The following sections are outright repealed: Sections 
2 13-607 and 13-608, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 910. Placed on General File with amendment.
AM2328
1 1. Strike the original sections and insert the following new 
2 sections:
3 Section 1. Section 47-901, Revised Statutes Supplement, 2015, is 
4 amended to read: 
5 47-901 Sections 47-901 to 47-918 and section 4 of this act shall be 
6 known and may be cited as the Office of Inspector General of the Nebraska 
7 Correctional System Act.
8 Sec. 2. Section 47-903, Revised Statutes Supplement, 2015, is 
9 amended to read:
10 47-903 For purposes of the Office of Inspector General of the
THIRTY-FIFTH DAY - MARCH 1, 2016

Nebraska Correctional System Act, the following definitions apply:

1. Administrator means a person charged with administration of a program, an office, or a division of the department or administration of a private agency;
2. Department means the Department of Correctional Services;
3. Director means the Director of Correctional Services;
4. Inspector General means the Inspector General of the Nebraska Correctional System appointed under section 47-904;
5. Malfeasance means a wrongful act that the actor has no legal right to do or any wrongful conduct that affects, interrupts, or interferes with performance of an official duty;
6. Management means supervision of subordinate employees;
7. Misfeasance means the improper performance of some act that a person may lawfully do;
8. Obstruction means hindering an investigation, preventing an investigation from progressing, stopping or delaying the progress of an investigation, or making the progress of an investigation difficult or slow;
9. Office means the office of Inspector General of the Nebraska Correctional System and includes the Inspector General and other employees of the office;
10. Private agency means an entity that contracts with the department or contracts to provide services to another entity that contracts with the department;
11. Record means any recording in written, audio, electronic transmission, or computer storage form, including, but not limited to, a draft, memorandum, note, report, computer printout, notation, or message, and includes, but is not limited to, medical records, mental health records, case files, clinical records, financial records, and administrative records; and
12. Office of Parole Administration means the office created pursuant to section 83-1,100.

Sec. 3. Section 47-908, Revised Statutes Supplement, 2015, is amended to read:

47-908 All employees of the department, all employees of the Office of Parole Administration, and all owners, operators, managers, supervisors, and employees of private agencies shall cooperate with the Office of Inspector General of the Nebraska Correctional System Act; and:

1. Provision of full access to and production of records and information. Providing access to and producing records and information for the purpose of an investigation under the Office of Inspector General of the Nebraska Correctional System Act; and
2. Fair and honest disclosure of records and information reasonably requested by the Office of Inspector General of the Nebraska Correctional System Act; and
3. Encouraging employees to fully comply with reasonable requests of the Office of Inspector General of the Nebraska Correctional System Act; and
4. Prohibition of retaliation by owners, operators, or managers; and
2 against employees for providing records or information or filing or
3 otherwise making a complaint to the office;
4 (5) Not requiring employees to gain supervisory approval prior to
5 filing a complaint with or providing records or information to the
6 office;
7 (6) Provision of complete and truthful answers to questions posed by
8 the office in the course of an investigation; and
9 (7) Not willfully interfering with or obstructing the investigation.
10 Sec. 4. The Office of Parole Administration shall provide the
11 Public Counsel and the Inspector General with direct computer access to
12 all computerized records, reports, and documents maintained by the office
13 in connection with administration of the Nebraska parole system, except
14 that access for the Public Counsel and the Inspector General to a
15 parolee's medical or mental health records shall be subject to the
16 parolee's consent.
17 Sec. 5. Section 68-1017.02, Revised Statutes Cumulative Supplement,
18 2014, is amended to read:
19 68-1017.02 (1)(a) The Department of Health and Human Services shall
20 apply for and utilize to the maximum extent possible, within limits
21 established by the Legislature, any and all appropriate options available
22 to the state under the federal Supplemental Nutrition Assistance Program
23 and regulations adopted under such program to maximize the number of
24 Nebraska residents being served under such program within such limits.
25 The department shall seek to maximize federal funding for such program
26 and minimize the utilization of General Funds for such program and shall
27 employ the personnel necessary to determine the options available to the
28 state and issue the report to the Legislature required by subdivision (b)
29 of this subsection.
30 (b) The department shall submit electronically an annual report to
31 the Health and Human Services Committee of the Legislature by December 1
1 on efforts by the department to carry out the provisions of this
2 subsection. Such report shall provide the committee with all necessary
3 and appropriate information to enable the committee to conduct a
4 meaningful evaluation of such efforts. Such information shall include,
5 but not be limited to, a clear description of various options available
6 to the state under the federal Supplemental Nutrition Assistance Program,
7 the department's evaluation of and any action taken by the department
8 with respect to such options, the number of persons being served under
9 such program, and any and all costs and expenditures associated with such
10 program.
11 (c) The Health and Human Services Committee of the Legislature,
12 after receipt and evaluation of the report required in subdivision (b) of
13 this subsection, shall issue recommendations to the department on any
14 further action necessary by the department to meet the requirements of
15 this section.
16 (2)(a) The department shall develop a state outreach plan to promote
17 access by eligible persons to benefits of the Supplemental Nutrition
18 Assistance Program. The plan shall meet the criteria established by the
19 Food and Nutrition Service of the United States Department of Agriculture
for approval of state outreach plans. The Department of Health and Human Services may apply for and accept gifts, grants, and donations to develop and implement the state outreach plan.

(b) For purposes of developing and implementing the state outreach plan, the department shall partner with one or more counties or nonprofit organizations. If the department enters into a contract with a nonprofit organization relating to the state outreach plan, the contract may specify that the nonprofit organization is responsible for seeking sufficient gifts, grants, or donations necessary for the development and implementation of the state outreach plan and may additionally specify that any costs to the department associated with the award and management of the contract or the implementation or administration of the state outreach plan shall be paid out of private or federal funds received for development and implementation of the state outreach plan.

(c) The department shall submit the state outreach plan to the Food and Nutrition Service of the United States Department of Agriculture for approval on or before August 1, 2011, and shall request any federal matching funds that may be available upon approval of the state outreach plan. It is the intent of the Legislature that the State of Nebraska and the Department of Health and Human Services use any additional public or private funds to offset costs associated with increased caseload resulting from the implementation of the state outreach plan.

(d) The department shall be exempt from implementing or administering a state outreach plan under this subsection, but not from developing such a plan, if it does not receive private or federal funds sufficient to cover the department's costs associated with the implementation and administration of the plan, including any costs associated with increased caseload resulting from the implementation of the plan.

(3)(a)(i) On or before October 1, 2011, the department shall create a TANF-funded program or policy that, in compliance with federal law, establishes categorical eligibility for federal food assistance benefits pursuant to the Supplemental Nutrition Assistance Program to maximize the number of Nebraska residents being served under such program in a manner that does not increase the current gross income eligibility limit.

(ii) Such TANF-funded program or policy shall eliminate all asset limits for eligibility for federal food assistance benefits, except that the total of liquid assets which includes cash on hand and funds in personal checking and savings accounts, money market accounts, and share accounts shall not exceed twenty-five thousand dollars pursuant to the Supplemental Nutrition Assistance Program, as allowed under federal law and 7 C.F.R. 273.2(j)(2).

(iii) This subsection becomes effective only if the department receives funds pursuant to federal participation that may be used to implement this subsection.

(b) For purposes of this subsection:

(i) Federal law means the federal Food and Nutrition Act of 2008, 7 U.S.C. 2011 et seq., and regulations adopted under the act; and

(ii) TANF means the federal Temporary Assistance for Needy Families
program established in 42 U.S.C. 601 et seq.

(4) The State of Nebraska opts out of the provision of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as such act existed on January 1, 2009, that eliminates eligibility for the Supplemental Nutrition Assistance Program for any person convicted of a felony involving the possession, use, or distribution of a controlled substance.

(b) A person shall be ineligible for Supplemental Nutrition Assistance Program benefits under this subsection if he or she has had three or more felony convictions for the possession or use of a controlled substance or (ii) has been convicted of a felony involving the sale or distribution of a controlled substance or the intent to sell or distribute a controlled substance. A person with one or two felony convictions for the possession or use of a controlled substance shall only be eligible to receive Supplemental Nutrition Assistance Program benefits under this subsection if he or she is participating in or has completed a state-licensed or nationally accredited substance abuse treatment program since the date of conviction. The determination of such participation or completion shall be made by the treatment provider administering the program.

Sec. 6. Section 81-161.03, Reissue Revised Statutes of Nebraska, is amended to read:

81-161.03 The materiel division may, by written order, permit purchases, contracts, or leases to be made by any using agency directly with the vendor or supplier whenever it appears to the satisfaction of the materiel division that, because of the unique nature of the personal property, the price in connection therewith, the quantity to be purchased, the location of the using agency, the time of the use of the personal property, or any other circumstance, the interests of the state will be served better by purchasing or contracting direct than through the materiel division.

Such permission shall be revocable and shall be operative for a period not exceeding twelve months from the date of issue. Using agencies receiving such permission shall report their acts and expenditures under such orders to the materiel division in writing and furnish such agent with proper evidence that competition has been secured at such time and covering such period as may be required by the materiel division.

The materiel division shall adopt and promulgate rules and regulations establishing criteria which must be met by any agency seeking direct market purchase authorization. Purchases for miscellaneous needs may be made directly by any agency without prior approval from the materiel division.

The Department of Correctional Services may purchase raw materials, supplies, component parts, and equipment perishables directly for industries established pursuant to section 83-183, whether such purchases are made to fill specific orders or for general inventories. Any such
purchase shall not exceed fifty thousand dollars. The department shall comply with the bidding process of the materiel division and shall be subject to audit by the materiel division for such purchases.

Sec. 7. Section 81-1185, Revised Statutes Supplement, 2015, is amended to read:

81-1185 For purposes of the State Government Recycling Management Act, state government recyclable material means any product or material that has reached the end of its useful life, is obsolete, or is no longer needed by state government and for which there are readily available markets to take the material. State government recyclable material includes paper, paperboard, aluminum and other metals, yard waste, glass, tires, oil, and plastics. State government recyclable material does not include cans or other containers recycled under section 83-915.01, or material used in the production of goods or the provision of services by the correctional industries program of the Department of Correctional Services.

Sec. 8. Section 83-150, Reissue Revised Statutes of Nebraska, is amended to read:

83-150 All funds received by the Department of Correctional Services under sections 83-144 to 83-152 and from the recycling of material used in the production of goods or the provision of services by the department's correctional industries program shall be remitted to the State Treasurer for credit to the Correctional Industries Revolving Fund, which fund is hereby created. The fund shall be administered by the Director of Correctional Services. The fund (1) shall be used to pay all proper expenses incident to the administration of sections 83-144 to 83-152 and (2) may be used to carry out section 83-186.01, except that transfers from the fund to the General Fund may be made at the direction of the Legislature. Any money in the Correctional Industries Revolving Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 9. Section 83-1,101, Reissue Revised Statutes of Nebraska, is amended to read:

83-1,101 The Director of Correctional Services, with the consent of the Board of Parole, shall appoint a Parole Administrator. The Parole Administrator, who shall be a person with appropriate experience and training, including, but not limited to, familiarity with the implementation of evidence-based processes for utilizing risk and needs assessments to measure criminal risk factors and specific individual needs in the field of corrections, or with training in relevant disciplines at a recognized university.

Sec. 10. Section 83-4,114, Revised Statutes Supplement, 2015, is amended to read:

83-4,114 (1) There shall be no corporal punishment or disciplinary restrictions on diet.

(2) Disciplinary restrictions on clothing, bedding, mail, visitations, use of toilets, washbowls, or scheduled showers shall be
imposed only for abuse of such privilege or facility and only as
authorized by written directives, guidance documents, and operational
manuals.
(3) No person shall be placed in solitary confinement.
(4) The director shall issue an annual report on or before September 15 to the Governor and the Clerk of the Legislature. The report to the Clerk of the Legislature shall be issued electronically. For all inmates who were held in restrictive housing during the prior year, the report shall contain the race, gender, age, and length of time each inmate has continuously been held in restrictive housing. The report shall also contain:
(a) The number of inmates held in restrictive housing;
(b) The reason or reasons each inmate was held in restrictive housing;
(c) The number of inmates held in restrictive housing who have been diagnosed with a mental illness or behavioral disorder as defined in section 71-907 and the type of mental illness or behavioral disorder by inmate;
(d) The number of inmates who were released from restrictive housing directly to parole or into the general public and the reason for such release;
(e) The number of inmates who were placed in restrictive housing for his or her own safety and the underlying circumstances for each placement;
(f) To the extent reasonably ascertainable, comparable statistics for the nation and each of the states that border Nebraska pertaining to subdivisions (4)(a) through (e) of this section; and
(g) The mean and median length of time for all inmates held in restrictive housing.
(5)(a) There is hereby established within the department a long-term restrictive housing work group. The work group shall consist of:
(i) The director and all deputy directors. The director shall serve as the chairperson of the work group;
(ii) The director of health services within the department;
(iii) Two employees of the department who currently work with inmates held in restrictive housing;
(iv) Additional department staff as designated by the director; and
(v) Four members as follows appointed by the Governor:
(A) Two representatives from a nonprofit prisoners' rights advocacy group, including at least one former inmate; and
(B) Two mental health professionals independent from the department with particular knowledge of prisons and conditions of confinement.
(b) The work group shall advise the department on policies and procedures related to the proper treatment and care of offenders in long-term restrictive housing.
(c) The director shall convene the work group's first meeting no later than September 15, 2015, and the work group shall meet at least
30 semiannually thereafter. The chairperson shall schedule and convene the
31 work group's meetings.
1 (d) The director shall provide the work group with quarterly updates
2 on the department's policies related to the work group's subject matter.
3 Sec. 11. Original sections 81-161.03, 83-150, and 83-1,101, Reissue
4 Revised Statutes of Nebraska, section 68-1017.02, Revised Statutes
5 Cumulative Supplement, 2014, and sections 47-901, 47-903, 47-908,
6 81-1185, and 83-4,114, Revised Statutes Supplement, 2015, are repealed.
7 Sec. 12. Since an emergency exists, this act takes effect when
8 passed and approved according to law.

LEGISLATIVE BILL 890. Indefinitely postponed.

(Signed) Les Seiler, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 718. Placed on Final Reading.
LEGISLATIVE BILL 734. Placed on Final Reading.
LEGISLATIVE BILL 753. Placed on Final Reading.
LEGISLATIVE BILL 776. Placed on Final Reading.
LEGISLATIVE BILL 786. Placed on Final Reading.
LEGISLATIVE BILL 807. Placed on Final Reading.
LEGISLATIVE BILL 859. Placed on Final Reading.
LEGISLATIVE BILL 898. Placed on Final Reading.
LEGISLATIVE BILL 1035. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Executive Board
Room 2102

Tuesday, March 8, 2016 12:00 p.m.

LR455

(Signed) Bob Krist, Chairperson
COMMITTEE REPORT(S)

Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Margaret Propp - Commission for the Deaf and Hard of Hearing
Peter Seiler - Commission for the Deaf and Hard of Hearing


Kristin Huber - Foster Care Advisory Committee


(Signed) Kathy Campbell, Chairperson

AMENDMENT(S) - Print in Journal

Senator Kintner filed the following amendment to LB83:

FA90

Amend AM2191

Page 1, line 11 strike 2 and replace it with 13.

VISITOR(S)

Visitors to the Chamber were 53 fourth-grade students from Cottonwood Elementary, Omaha; 29 twelfth-grade students and teachers from Hartington-Newcastle; and 200 social work students and faculty from Chadron State College, Creighton University, Nebraska Wesleyan University of Lincoln and Omaha, Union College, University of Nebraska at Kearney, and UNO Grace Abbott School of Social Work.

The Doctor of the Day was Dr. Daniel Rosenquist from Columbus.

ADJOURNMENT

At 12:00 p.m., on a motion by Senator Hughes, the Legislature adjourned until 9:00 a.m., Wednesday, March 2, 2016.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper
THIRTY-SIXTH DAY - MARCH 2, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 2, 2016

PRAYER

The prayer was offered by Senator Kolterman.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Bolz, Davis, Gloor, Groene, K. Haar, Hansen, Mello, Murante, Pansing Brooks, Schilz, Smith, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fifth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 919. Placed on Select File with amendment.

ER175

1. On page 1, line 4, strike "court programs" and insert "courts";
2. and in line 5 strike "programs" and insert "courts".

LEGISLATIVE BILL 919A. Placed on Select File.

(Signed) Matt Hansen, Chairperson
March 1, 2016

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Commission on Problem Gambling:

Mark Canada, 5301 Skyloch, Hastings, NE 68901
Susan Lutz, 2101 W. Eisenhower Avenue, Norfolk, NE 68701

Contingent upon your approval, the following individual is being appointed to the Nebraska Commission on Problem Gambling:

James D. Patterson, 1102 Overland Trail, Papillion, NE 68046

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosures

March 1, 2016

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Educational Telecommunications Commission:

Lisa May, 1008 13 Avenue, Kearney, NE 68845

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.
Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the State Board of Health:

Wayne Stuberg, 3708 Farnam, Omaha, NE 68131
Douglas Vander Broek, DC, 6511 Shenandoah Drive, Lincoln, NE 68510
Debra Parsow, 812 South 67 Street, Omaha, NE 68106
Diane Jackson, 240 West A Avenue, #3, Red Cloud, NE 68970
Jim Trebbein, 15906 Military Road, Bennington, NE 68007

Contingent upon your approval, the following individual is being appointed to the State Board of Health:

Michael Hansen, 3670 Regency Place, Columbus, NE 68601

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosures

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 851A. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 851, One Hundred Fourth Legislature, Second Session, 2016.
MOTION(S) - Confirmation Report(s)

Senator Larson moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 754:

State Electrical Board
   Edwin Bergstraeesser
   Cory L. Mueller

Voting in the affirmative, 27:

<table>
<thead>
<tr>
<th>Baker</th>
<th>Ebke</th>
<th>Hughes</th>
<th>McCoy</th>
<th>Stinner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bloomfield</td>
<td>Fox</td>
<td>Johnson</td>
<td>Morfeld</td>
<td>Watermeier</td>
</tr>
<tr>
<td>Brash</td>
<td>Friesen</td>
<td>Kolowski</td>
<td>Riepe</td>
<td>Williams</td>
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<tr>
<td>Campbell</td>
<td>Garrett</td>
<td>Krist</td>
<td>Scheer</td>
<td></td>
</tr>
<tr>
<td>Cook</td>
<td>Harr, B.</td>
<td>Larson</td>
<td>Schumacher</td>
<td></td>
</tr>
<tr>
<td>Crawford</td>
<td>Hilkemann</td>
<td>McCollister</td>
<td>Seiler</td>
<td></td>
</tr>
</tbody>
</table>

Voting in the negative, 0.

Present and not voting, 10:

<table>
<thead>
<tr>
<th>Chambers</th>
<th>Craighead</th>
<th>Howard</th>
<th>Kolterman</th>
<th>Lindstrom</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coash</td>
<td>Hadley</td>
<td>Kintner</td>
<td>Kuehn</td>
<td>Schnoor</td>
</tr>
</tbody>
</table>

Excused and not voting, 12:

<table>
<thead>
<tr>
<th>Bolz</th>
<th>Groene</th>
<th>Mello</th>
<th>Schilz</th>
</tr>
</thead>
<tbody>
<tr>
<td>Davis</td>
<td>Haar, K.</td>
<td>Murante</td>
<td>Smith</td>
</tr>
<tr>
<td>Gloor</td>
<td>Hansen</td>
<td>Pasing</td>
<td>Brooks</td>
</tr>
</tbody>
</table>

The appointments were confirmed with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Senator Larson moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 754:

Nebraska Arts Council
   Patrick Drickey
   Kathryn LeBaron
   Sherry McClymont
   Harvey Varenhorst

Voting in the affirmative, 27:

<table>
<thead>
<tr>
<th>Baker</th>
<th>Davis</th>
<th>Johnson</th>
<th>Larson</th>
<th>Stinner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bloomfield</td>
<td>Ebke</td>
<td>Kintner</td>
<td>McCollister</td>
<td>Watermeier</td>
</tr>
<tr>
<td>Brash</td>
<td>Fox</td>
<td>Kolowski</td>
<td>McCoy</td>
<td>Williams</td>
</tr>
<tr>
<td>Campbell</td>
<td>Garrett</td>
<td>Kolterman</td>
<td>Riepe</td>
<td></td>
</tr>
<tr>
<td>Chambers</td>
<td>Harr, B.</td>
<td>Krist</td>
<td>Schumacher</td>
<td></td>
</tr>
<tr>
<td>Cook</td>
<td>Hilkemann</td>
<td>Kuehn</td>
<td>Seiler</td>
<td></td>
</tr>
</tbody>
</table>

Voting in the negative, 0.

Present and not voting, 10:

Coash Crawford Howard Lindstrom Scheer
Craighed Friesen Hughes Morfeld Schnoor

Excused and not voting, 12:

Bolz Haar, K. Mello Schilz
Gloor Hadley Murante Smith
Groene Hansen Pansing Brooks Sullivan

The appointments were confirmed with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Senator Brasch moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 755:

State Highway Commission
Mary K. Gerdes

Voting in the affirmative, 31:

Baker Davis Hughes McCoy Sullivan
Bloomfield Ebke Kintner Pansing Brooks Watermeier
Brasch Fox Kolowksi Riepe Williams
Campbell Friesen Kolterman Scheer
Chambers Garrett Krist Schumacher
Cook Harr, B. Kuehn Seiler
Craighed Hilkemann McCollister Stinner

Voting in the negative, 0.

Present and not voting, 8:

Coash Howard Larson Morfeld
Craighed Johnson Lindstrom Schnoor

Excused and not voting, 10:

Bolz Groene Hadley Mello Schilz
Gloor Haar, K. Hansen Murante Smith

The appointment was confirmed with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.
LEGISLATIVE BILL 746A. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 83. Committee AM2191, found on page 677 and considered on page 769, was renewed.

Senator Kintner withdrew his amendment, FA90, found on page 790.

Senator Stinner moved the previous question. The question is, "Shall the debate now close?"

Senator Cook moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Senator Cook requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 30:

Baker Crawford Harr, B. Krist Pansing Brooks
Bolz Davis Hilkemann Larson Scheer
Campbell Fox Howard Lindstrom Schnoor
Chambers Gloor Johnson McCollister Seiler
Cook Haar, K. Kolowski Mello Stinner
Craighead Hansen Koltermann Morfeld Sullivan

Voting in the negative, 10:

Brasch Groene Kintner McCoy Schumacher
Friesen Hughes Kuehn Riepe Smith

Present and not voting, 4:

Bloomfield Ebke Watermeier Williams

Excused and not voting, 5:

Coash Garrett Hadley Murante Schilz

The motion to cease debate prevailed with 30 ayes, 10 nays, 4 present and not voting, and 5 excused and not voting.

The committee amendment was adopted with 27 ayes, 10 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.
Senator Brasch offered the following amendment:

AM2383

(Amendments to Standing Committee amendments, AM2191)

1. On page 1, line 7, strike "individual", show as stricken, and
2. insert "woman"; and in line 8 strike "individuals", show as stricken, and
3. insert "women".

SENATOR SCHEER PRESIDING

Senator Brasch withdrew her amendment.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 934A. Introduced by Coash, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 934, One Hundred Fourth Legislature, Second Session, 2016.

COMMITTEE REPORT(S)

Nebraska Retirement Systems

LEGISLATIVE BILL 467. Placed on General File with amendment.

AM2351 is available in the Bill Room.

(Signed) Mark Kolterman, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 977. Placed on General File with amendment.

AM2318 is available in the Bill Room.

(Signed) Jim Smith, Chairperson

GENERAL FILE

LEGISLATIVE BILL 83. Considered.

Senator Pansing Brooks moved the previous question. The question is, "Shall the debate now close?"

Senator Pansing Brooks moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

The motion to cease debate prevailed with 25 ayes, 2 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 7 nays, 8 present and not voting, and 8 excused and not voting.
The Chair declared the call raised.

**LEGISLATIVE BILL 710.** Title read. Considered.

Committee AM1846, found on page 638, was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 722.** Title read. Considered.

Committee AM2126, found on page 681, was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 4 nays, 11 present and not voting, and 5 excused and not voting.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Canada, Mark - Nebraska Commission on Problem Gambling - General Affairs
Hansen, Michael - State Board of Health - Health and Human Services
Jackson, Diane - State Board of Health - Health and Human Services
Lutz, Susan - Nebraska Commission on Problem Gambling - General Affairs
May, Lisa - Nebraska Educational Telecommunications Commission - Education
Parsow, Debra - State Board of Health - Health and Human Services
Patterson, James D. - Nebraska Commission on Problem Gambling - General Affairs
Stuberg, Wayne - State Board of Health - Health and Human Services
Trebbein, Jim - State Board of Health - Health and Human Services
Vander Broek, Douglas - State Board of Health - Health and Human Services

(Signed) Bob Krist, Chairperson
Executive Board

**AMENDMENT(S) - Print in Journal**

Senator Fox filed the following amendment to **LB698**: AM2359

(Amendments to AM2255)

1 1. Insert the following new sections:
2 Sec. 28. Section 81-2201, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 81-2201 Sections 81-2201 to 81-2227 shall be known and may be cited as the Nebraska Community Aging Services Act.
6 Sec. 29. Section 81-2213, Reissue Revised Statutes of Nebraska, is amended to read:
8 81-2213 The department shall have the following powers and duties:
9 (1) To develop, approve, and submit to the Governor a two-year, three-year, or four-year state plan on aging, as determined by the department, for purposes of administering grant funds allocated to the state under the federal Older Americans Act of 1965, as such act existed on January 1, 2016, as now or hereafter amended, or administering state funds allocated to the Nebraska Community Aging Services Act;
10 (2) To cooperate with similar departments, commissions, or councils in the federal government and in other states;
11 (3) To adopt and promulgate rules, regulations, and bylaws governing its procedure and activities and as necessary to carry out the policies of the department and the policies prescribed by the Administration on Aging pursuant to the federal Older Americans Act of 1965, as such act existed on January 1, 2016, as now or hereafter amended;
12 (4) To create committees to aid in the discharge of its powers and duties;
13 (5) To cooperate with and assist other state and local governmental agencies and officials on matters relating to services for older individuals;
14 (6) To divide the state into planning-and-service areas as provided in section 71-807 for behavioral health regions, except that Regions 3 and 5 may each be divided into two planning-and-service areas with boundaries as established by the department for planning-and-service areas in existence in those regions on July 1, 1982;
15 (7) To establish minimum standards for program operations and to adopt and promulgate rules and regulations for the performance of area agencies on aging and for any services provided by such area agencies on aging which are funded in whole or in part under the Nebraska Community Aging Services Act or the federal Older Americans Act of 1965, as such federal act existed on January 1, 2016, as now or hereafter amended;
16 (8) To require the submission of a two-year, three-year, or four-year plan and budget by each area agency on aging or agency seeking designation as an area agency on aging. Such plans and budgets shall be submitted sixty days prior to the start of each fiscal year in accordance with the uniform area plan format and other instructions issued by the department;
17 (9) To review and approve a two-year, three-year, or four-year plan and budget for the support of each area agency on aging and the provision of eligible activities and services as defined in section 81-2222;
18 (10) To adopt and submit electronically to the Legislature a community aging services budget;
19 (11) To review the performance of each area agency on aging and, based on the department-approved area plan and budget, to determine the continued designation or the withdrawal of the designation of an area agency.
agency on aging receiving or requesting resources through the state or  
under the Nebraska Community Aging Services Act or the federal Older  
Americans Act of 1965, as such federal act existed on January 1, 2016 ,  
as now or hereafter amended. After consultation with the director of the  
area agency on aging and the governing unit of the area agency on aging,  
the department may withdraw a designation when it can be shown that  
federal or state laws, rules, or regulations have not been complied with,  
state or federal funds are not being expended for the purposes for which  
they were intended, or older individuals are not receiving appropriate  
services within available resources. Withdrawal of a designation may be  
appealed to the department. Upon withdrawal of a designation, the  
department may temporarily perform all or part of the functions and  
responsibilities of the area agency on aging, may designate another  
agency to perform such functions and responsibilities identified by the  
department until the designation of a new area agency on aging, and, when  
deemed necessary, may temporarily deliver services to assure continuity;  
(12) To conduct continuing studies and analyses of the problems  
faced by older individuals within the state and develop such  
recommendations for administrative or legislative action as appear  
necessary;  
(13) To develop grants and plans, enter into contracts, accept  
gifts, grants, and federal funds, and do all things necessary and proper  
to discharge these powers and duties;  
(14) To accept and administer any other programs or resources  
delegated, designated, assigned, or awarded to the department from public  
or private sources; and  
(15) Such other powers and duties necessary to effectively implement  
the Nebraska Community Aging Services Act.

Sec. 30. Section 81-2218, Reissue Revised Statutes of Nebraska, is  
amended to read:  
81-2218 The governing unit of the designated area agency on aging  
shall:  
(1) In accordance with section 81-2219, employ a qualified  
administrator to serve as the chief executive officer for the  
ad ministration of the agency and employ adequate staff for carrying out  
the area program plan;  
(2) Approve and submit an a one year and a five year area plan and  
budget to the department pursuant to section 81-2213 by July 1 of each  
year. The plan shall comply with the requirements of the Nebraska  
Community Aging Services Act and the federal Older Americans Act of 1965,  
as such federal act existed on January 1, 2016 , as now or hereafter  
amended;  
(3) Approve such contracts and agreements as are necessary to carry  
out the functions of the agency; and  
(4) Establish and consult with an area advisory council on needs,  
services, and policies affecting older individuals in the area. The  
ad visory council for the area agency on aging shall establish bylaws  
which specify the role and functions of the council, number of members,  
selection of members, term of membership, and frequency of meetings.
14 Sec. 31. Section 81-2220, Reissue Revised Statutes of Nebraska, is amended to read:
16 81-2220 An area agency on aging shall:
17 (1) Monitor, evaluate, and comment on policies, programs, hearings, and community actions which affect older individuals;
18 (2) Conduct public hearings, studies, and assessments on the needs of older individuals living in the planning-and-service area;
19 (3) Represent the interests of older individuals to public officials and to public and private agencies or organizations;
20 (4) Cooperate, coordinate, and plan with other agencies, organizations, or individuals to promote benefits and opportunities for older individuals consistent with the goals of the Nebraska Community Aging Services Act and the federal Older Americans Act of 1965, as such federal act existed on January 1, 2016, as now or hereafter amended;
21 (5) Develop an annual one-year and a five-year area plan and budget pursuant to section 81-2213 for a comprehensive, coordinated program of community aging services needed by older individuals of the area and consistent with the requirements of the Nebraska Community Aging Services Act and the federal Older Americans Act of 1965, as such federal act existed on January 1, 2016, as now or hereafter amended;
22 (6) Monitor and evaluate the activities of service providers to ensure that the services being provided comply with the terms of the grant or contract. When a provider is found to be in breach of the terms of its grant or contract, the area agency on aging shall enforce the terms of the grant or contract;
23 (7) Comply with rules, regulations, and requirements of the department which have been developed in consultation with the area agencies on aging for client and fiscal information and provide to the department information necessary for federal and state reporting, program evaluation, program management, fiscal control, and research needs; and
24 (8) Provide technical assistance to service providers as needed, prepare written monitoring reports, and provide written reports of onsite assessments of all service providers funded by the area agency on aging according to the rules and regulations promulgated by the department.
17 Sec. 32. Section 81-2221, Reissue Revised Statutes of Nebraska, is amended to read:
19 81-2221 The annual one-year and the five-year area plan and budget adopted pursuant to section 81-2220 shall contain at least the following:
20 (1) Provisions required by the Nebraska Community Aging Services Act and the federal Older Americans Act of 1965, as such federal act existed on January 1, 2016, as now or hereafter amended; and
21 (2) A detailed statement of the manner in which the area agency on aging develops, administers, and supports the comprehensive, coordinated program of community aging services throughout the area.
22 The department may require minimum service levels for the area and establish minimum standards for activities which carry out the requirements of the Nebraska Community Aging Services Act and the federal Older Americans Act of 1965, as such federal act existed on January 1, 2016, as now or hereafter amended.
Sec. 33. Section 81-2235, Reissue Revised Statutes of Nebraska, is amended to read:

81-2235 (1) Each care management unit may be reimbursed by the Department of Health and Human Services for costs not paid for by the individual or through other reimbursement specified in section 81-2234. Reimbursement by the department shall be based on actual casework time units expended on all care management services provided and shall include expenses for personnel, administration and planning, client eligibility review, contractual services, and necessary support services and other necessary actual and indirect costs. Standardized rates of reimbursement shall be adopted and promulgated by the department and shall be adjusted at least every three years.

(2) Appropriations for reimbursement by the department for services provided under sections 81-2229 to 81-2235 and for the costs of the department to administer the program shall be appropriated separately from funds appropriated under the Nebraska Community Aging Services Act.

(3) Funds appropriated under this section shall not be used to replace funds appropriated under the Nebraska Community Aging Services Act and granted to the area agencies on aging prior to August 30, 1987, and used to provide case management or care management services in their planning and service area, except that such funds may be replaced by non-Nebraska Community Aging Services funds that are obtained subsequent to August 30, 1987, as allowed under rules and regulations adopted and promulgated by the Department of Health and Human Services.

Sec. 37. The following section is outright repealed: Section 81-2228, Reissue Revised Statutes of Nebraska.

On page 4, line 10, after "Rights" insert "Act"; and strike beginning with "Home" in line 10 through "Act" in line 11 and insert "act".

On page 8, strike beginning with "health" in line 4 through "30-3401" in line 5 and insert "power of attorney for health care as defined in section 30-3402".

Amend the operative date and repealer sections so that the sections added by this amendment become operative three calendar months after adjournment of this legislative session.

Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Hansen - LB947

VISITOR(S)

Visitors to the Chamber were 25 students and teachers from the Career Academy of Lincoln; Clint Howard from Hollywood, CA; 40 seventh- and
eighth-grade students from Adams Central Jr. High School, Hastings; and 9 twelfth-grade students and teacher from Arcadia High School.

The Doctor of the Day was Dr. Kip Anderson from Columbus.

ADJOURNMENT

At 11:53 a.m., on a motion by Senator Lindstrom, the Legislature adjourned until 9:00 a.m., Thursday, March 3, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
THIRTY-SEVENTH DAY - MARCH 3, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 3, 2016

PRAYER

The prayer was offered by Pastor Steve Lund, Christ the Servant Lutheran Church, Norfolk.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senator Murante who was excused; and Senators Kolterman, Kuehn, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-sixth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 746A. Placed on Select File.

LEGISLATIVE BILL 83. Placed on Select File with amendment.
ER176
1 1. On page 1, strike beginning with "the" in line 1 through
2 "provisions" in line 4 and insert "wages and sex discrimination; to amend
3 section 48-1220, Reissue Revised Statutes of Nebraska; to redefine a
4 term".

LEGISLATIVE BILL 710. Placed on Select File with amendment.
ER177
1 1. On page 1, line 3, after the semicolon insert "to provide
2 severability;".

(Signed) Matt Hansen, Chairperson
REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 2, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Lautenbaugh, Scott
   Nebraska Premium Tobacco
Melotz, Shawn
   Papio Valley Preservation Association, Inc.
Prenda, Amy
   Nebraska Cable Communications Association (Withdrawn 02/28/2016)

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
http://www.nebraskalegov/legislature/agencies/view.php

MOTION(S) - Confirmation Report(s)

Senator Smith moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 767:
   Board of Public Roads Classifications and Standards
      Roger Figard
      John F. Krager III
      David Wacker
      Timothy W. Weander

Voting in the affirmative, 38:

Baker    Crawford    Haar, K.   Kintner   Schnoor
Bloomfield    Davis    Hadley   Kolowski   Schumacher
Bolz    Ebke    Hansen   Krist      Seiler
Brasch    Fox    Harr, B.   Larson   Smith
Campbell    Friesen    Hilkemann   McCoy   Watermeier
Coash    Garrett    Howard  Pansing Brooks Williams
Cook    Gloor    Hughes   Scheer
Craighead    Groene    Johnson   Schilz

Voting in the negative, 0.

Present and not voting, 7:
The appointments were confirmed with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 790:
- Commission for the Deaf and Hard of Hearing
  - Margaret Propp
  - Peter Seiler

Voting in the affirmative, 33:

- Baker
- Bloomfield
- Bolz
- Brasch
- Campbell
- Coash
- Cook
- Craighead
- Crawford
- Davis
- Ebke
- Fox
- Gloor
- Haar, K.
- Hadley
- Hansen
- Harr, B.
- Howard
- Johnson
- Kolowski
- Krist
- Larson
- Lindstrom
- Smith
- McCoy
- Pansing
- Brooks
- Riepe
- Watermeier
- Williams

Voting in the negative, 0.

Present and not voting, 13:

- Chambers
- Friesen
- Garrett
- Groene
- Kintner
- Mccollister
- Morfeld
- Scheer
- Stinner
- Seiler

Excused and not voting, 3:

- Kolterman
- Kuehn
- Murante

The appointments were confirmed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.
Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 790:

- Foster Care Advisory Committee
- Kristin Huber

Voting in the affirmative, 36:

- Baker
- Crawford
- Harr, B.
- Larson
- Smith
- Bloomfield
- Davis
- Hilkemann
- McCoy
- Sullivan
- Bolz
- Ebke
- Howard
- Pansing
- Brooks
- Watermeier
- Brasch
- Fox
- Johnson
- Riepe
- Williams
- Campbell
- Garrett
- Kintner
- Schilz
- Coash
- Gloor
- Kolowski
- Schnoor
- Cook
- Haar, K.
- Krist
- Schumacher
- Craighead
- Hadley
- Kuehn
- Seiler

Voting in the negative, 0.

Present and not voting, 11:

- Chambers
- Hansen
- McCollister
- Scheer
- Friesen
- Hughes
- Mello
- Stinner
- Groene
- Lindstrom
- Morfeld

Excused and not voting, 2:

- Kolterman
- Murante

The appointment was confirmed with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 676. With Emergency Clause.**

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-1,140, 8-355, and 21-17,115, Revised Statutes Supplement, 2015; to revise powers of state-chartered banks, building and loan associations, and credit unions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:
LEGISLATIVE BILL 700.

A BILL FOR AN ACT relating to cities; to amend section 14-407, Reissue Revised Statutes of Nebraska, and section 19-4029.01, Revised Statutes Supplement, 2015; to require notice to neighborhood associations for actions relating to zoning and business improvement districts; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Baker  Davis  Hansen  Kuehn  Scheer
Bloomfield  Ebke  Harr, B.  Larson  Schilz
Bolz  Fox  Hilkemann  Lindstrom  Schnoor
Brasch  Friesen  Howard  McCollister  Schumacher
Campbell  Garrett  Hughes  McCoy  Seiler
Chambers  Gloor  Johnson  Mello  Smith
Coash  Groene  Kintner  Morfeld  Sullivan
Cook  Haar, K.  Kolowski  Pansing Brooks  Watermeier
Craighed  Hadley  Krist  Riepe  Williams

Voting in the negative, 0.

Present and not voting, 2:

Groene  Stinner

Excused and not voting, 2:

Kolterman  Murante

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.
Craighead        Schumacher

Excused and not voting, 2:

Kolterman        Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 703.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-207 and 17-555, Revised Statutes Supplement, 2015; to change provisions relating to nuisances; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Baker    Crawford    Hadley    Krist    Scheer
Bloomfield    Davis    Hansen    Kuehn    Schilz
Bolz        Ebke    Harr, B.    Larson    Schnoor
Brasch    Fox    Hilkemann    Lindstrom    Schumacher
Campbell    Friesen    Howard    McCollister    Seiler
Chambers    Garrett    Hughes    McCoy    Smith
Coash        Gloor    Johnson    Mello    Stinner
Cook        Groene    Kintner    Pansing Brooks    Watermeier
Craighead    Haar, K.    Kolowski    Riepe    Williams

Voting in the negative, 0.

Present and not voting, 2:

Morfeld        Sullivan

Excused and not voting, 2:

Kolterman        Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
LEGISLATIVE BILL 718.

A BILL FOR AN ACT relating to veterans aid; to amend section 80-411, Reissue Revised Statutes of Nebraska; to change requirements for submitting an application for a waiver of college tuition and fees; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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</table>

Voting in the negative, 0.

Excused and not voting, 2:

Kolterman    Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 729. With Emergency Clause.

A BILL FOR AN ACT relating to the Real Property Appraiser Act; to amend sections 76-2201 and 76-2221, Revised Statutes Supplement, 2015; to provide an exemption for persons retained by a county to assist in the assessment of real property for taxation purposes; to eliminate a moratorium on enforcement of the act by the Real Property Appraiser Board involving certain mass appraisals; to harmonize provisions; to repeal the original sections; to outright repeal section 76-2251, Revised Statutes Supplement, 2015; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:
A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 734.**

A BILL FOR AN ACT relating to universities and colleges; to amend section 85-502, Reissue Revised Statutes of Nebraska; to change provisions relating to residency; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Baker  Davis  Harr, B.  Larson  Schnoor
Bloomfield  Ebke  Hilkemann  Lindstrom  Schumacher
Bolz  Fox  Howard  McCollister  Seiler
Brasch  Friesen  Hughes  McCoy  Smith
Campbell  Garrett  Johnson  Mello  Stinner
Chambers  Gloor  Kintner  Morfeld  Sullivan
Coash  Groene  Kolowski  Pansing  Brooks  Watermeier
Cook  Haar, K.  Kolterman  Riepe  Williams
Craighead  Hadley  Krist  Scheer
Crawford  Hansen  Kuehn  Schilz

Voting in the negative, 0.

Excused and not voting, 1:

Murante
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 735.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,290, Revised Statutes Cumulative Supplement, 2014; to provide a length limit exception for an articulated bus vehicle operated by a transit authority as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Baker     Davis     Harr, B.  Larson  Schnoor
Bloomfield  Ebke   Hilkemann  Lindstrom  Schumacher
Bolz      Fox      Howard  McCollister  Seiler
Brasch    Friesen  Hughes  McCoy  Smith
Campbell  Garrett  Johnson  Mello  Stinner
Chambers  Gloor   Kintner  Morfeld  Sullivan
Coash     Groene  Kolowski  Pansing  Brooks  Watermeier
Cook      Haar, K.  Kolterman  Riepe  Williams
Craighead  Hadley  Krist   Scheer
Crawford  Hansen  Kuehn  Schilz

Voting in the negative, 0.

Excused and not voting, 1:

Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 753.

A BILL FOR AN ACT relating to the Military Code; to amend section 55-161, Reissue Revised Statutes of Nebraska; to change provisions relating to absence from employment for military purposes; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:
Voting in the negative, 0.

Excused and not voting, 1:

Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB758 with 43 ayes, 1 nay, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 758.

A BILL FOR AN ACT relating to insurance; to amend section 21-104, Reissue Revised Statutes of Nebraska, and section 44-8216, Revised Statutes Cumulative Supplement, 2014; to prohibit limited liability companies from operating as insurers; to change provisions relating to special purpose financial captive insurers; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:
Voting in the affirmative, 0.

Excused and not voting, 1:

Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB776 with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 776.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2704.24 and 77-2791, Reissue Revised Statutes of Nebraska, sections 77-2712.03, 77-2793, and 77-3508, Revised Statutes Cumulative Supplement, 2014, and section 77-2716, Revised Statutes Supplement, 2015; to change provisions relating to a sales tax exemption for food, the streamlined sales and use tax agreement, income tax adjustments, income tax overpayments, claims for credit or refund, and homestead exemptions; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB778 with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 778.

Whereupon the 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:
Voting in the negative, 0.

Excused and not voting, 1:

Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 786.**

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-605, Revised Statutes Cumulative Supplement, 2014; to change requirements for completion of death certificates and cremation permits; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Baker    Davis    Harr, B.    Larson    Schnoor
Bloomfield Ebke    Hilkemann    Lindstrom    Schumacher
Bolz    Fox    Howard    McCollister    Seiler
Brasch    Friesen    Hughes    McCoy    Smith
Campbell    Garrett    Johnson    Mello    Stinner
Chambers    Gloor    Kintner    Morfeld    Sullivan
Coash    Groene    Kolowski    Pansing Brooks    Watermeier
Cook    Haar, K.    Kolterman    Riepe    Williams
Craighead    Hadley    Krist    Scheer
Crawford    Hansen    Kuehn    Schilz

Voting in the negative, 0.

Present and not voting, 1:
Sullivan

Excused and not voting, 1:

Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB798 with 42 ayes, 1 nay, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 798.

A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend sections 81-2,239, 81-2,240, 81-2,244.01, 81-2,245.01, 81-2,248, 81-2,251.01, 81-2,251.06, 81-2,257, 81-2,259, 81-2,272.01, 81-2,272.24, and 81-2,277, Reissue Revised Statutes of Nebraska; to redefine terms and eliminate definitions; to update references to federal law; to change provisions relating to potentially hazardous food; to provide compliance requirements for salvage operations; to repeal adoption of and eliminate references to the Food Salvage Code; to eliminate provisions relating to a reduced oxygen packaging method and the use of linens and cloth napkins; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-2,246.01, 81-2,247, 81-2,254.01, 81-2,258, 81-2,272.25, 81-2,272.27, and 81-2,272.34, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Baker    Davis    Harr, B.    Larson    Schnoor
Bloomfield    Ebke    Hilkemann    Lindstrom    Schumacher
Bolz    Fox    Howard    McCollister    Seiler
Brasch    Friesen    Hughes    McCoy    Smith
Campbell    Garrett    Johnson    Mello    Stinner
Chambers    Gloor    Kintner    Morfeld    Sullivan
Coash    Groene    Kolowski    Pansing Brooks    Watermeier
Cook    Haar, K.    Koltermann    Riepe    Williams
Craighead    Hadley    Krist    Scheer
Crawford    Hansen    Kuehn    Schilz
Excused and not voting, 1:

Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 807.**

A BILL FOR AN ACT relating to county attorneys; to amend section 23-1201, Reissue Revised Statutes of Nebraska; to change a provision relating to quarterly reports of criminal cases by county attorneys; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Baker
Bloomfield
Bolz
Brasch
Campbell
Chambers
Coash
Cook
Crawford

Davis
Ebke
Fox
Friesen
Garrett
Groene
Haar, K.
Hailey
Harr, B.

Hilkemann
Howard
Hughes
Johnson
Kintner
Kolowski
Kolterman
Krist
Kuehn

Lindstrom
McCollister
McCoy
Mello
Morfeld
Pansing
Riepe
Scheel
Schilz

Schumacher
Seiler
Smith
Stinner
Sullivan
Watermeier
Williams

Voting in the negative, 0.

Present and not voting, 1:

Gloor

Excused and not voting, 1:

Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
LEGISLATIVE BILL 811.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-370, Reissue Revised Statutes of Nebraska; to change provisions relating to motor vehicle registration; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Bloomfield  Ebke  Hilkemann  Lindstrom  Schumacher
Bolz    Fox    Howard    McCollister    Seiler
Brasch   Friesen   Hughes    McCoy    Smith
Campbell  Garrett  Johnson  Mello    Stinner
Chambers  Gloor    Kintner    Morfeld    Sullivan
Coash    Groene   Kolowski    Pansing Brooks Watermeier
Cook     Haar, K. Kolterman    Riepe    Williams
Craighead  Hadley   Krist    Scheer
Crawford  Hansen  Kuehn    Schilz
Davis    Harr, B. Larson    Schnoor

Voting in the negative, 0.

Present and not voting, 1:

Baker

Excused and not voting, 1:

Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 840.

A BILL FOR AN ACT relating to the Health Carrier External Review Act; to amend sections 44-1305 and 44-1307, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the time allowed for certain internal grievances; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:
Voting in the negative, 0.

Present and not voting, 1:

Gloor

Excused and not voting, 1:

Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 859. With Emergency Clause.**

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-140 and 38-1,124, Reissue Revised Statutes of Nebraska; to change provisions relating to cease and desist orders; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

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</table>

Voting in the negative, 0.
Present and not voting, 1:

Gloor

Excused and not voting, 1:

Murante

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 864.**

A BILL FOR AN ACT relating to political subdivisions; to amend sections 13-327, 16-902, and 17-1002, Reissue Revised Statutes of Nebraska; to change provisions relating to a city or village requesting additional extraterritorial zoning jurisdiction; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Baker    Davis    Harr, B.    Larson    Schnoor
Bloomfield    Ebke    Hilkemann    Lindstrom    Schumacher
Bolz    Fox    Howard    McCollister    Seiler
Brasch    Friesen    Hughes    McCoy    Smith
Campbell    Garrett    Johnson    Mello    Stinner
Chambers    Gloor    Kintner    Morfeld    Sullivan
Coash    Groene    Kolowski    Pansing Brooks    Watermeier
Cook    Haar, K.    Kolterman    Riepe    Williams
Craighead    Hadley    Krist    Scheer
Crawford    Hansen    Kuehn    Schilz

Voting in the negative, 0.

Excused and not voting, 1:

Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
LEGISLATIVE BILL 898.

A BILL FOR AN ACT relating to the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act; to amend sections 38-1001, 38-1004, and 38-1075, Reissue Revised Statutes of Nebraska; to define a term; to exempt certain persons from credentialing requirements; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Bloomfield  Fox  Howard  McCollister  Seiler
Bolz  Friesen  Hughes  McCoy  Smith
Brasch  Garrett  Johnson  Mello  Stinner
Campbell  Gloor  Kintner  Morfeld  Sullivan
Chambers  Groene  Kolowski  Riepe  Watermeier
Coash  Haar, K.  Koltermen  Scheer  Williams
Cook  Hadley  Krist  Schilz
Crawford  Hansen  Kuehn  Schnoor
Davis  Hilkemann  Larson  Schumacher

Voting in the negative, 0.

Present and not voting, 6:

Baker  Ebke  Lindstrom
Craighead  Harr, B.  Pansing Brooks

Excused and not voting, 1:

Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 921.

A BILL FOR AN ACT relating to agriculture; to eliminate provisions relating to organic food; and to outright repeal sections 81-2, 233, 81-2, 234, and 81-2, 235, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:
Voting in the negative, 0.

Excused and not voting, 1:

Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB929 with 40 ayes, 1 nay, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 929. With Emergency Clause.

A BILL FOR AN ACT relating to transportation; to amend sections 60-119.01, 60-628.01, and 75-392, Revised Statutes Cumulative Supplement, 2014, and sections 60-336.01, 60-386, 60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01, 60-4,147.02, 60-501, 75-363, 75-364, 75-366, and 75-393, Revised Statutes Supplement, 2015; to adopt and update references to certain federal provisions relating to low-speed vehicles, handicapped or disabled parking permits, the International Registration Plan, operators' licenses, persons handling source documents, hazardous materials, motor carrier regulations and their enforcement, and the unified carrier registration plan and agreement; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, Shall the bill pass with the emergency clause attached?" 

Voting in the affirmative, 47:
A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1035.**

A BILL FOR AN ACT relating to the Secretary of State; to amend sections 52-1308, 52-1318, 52-1601, 52-1602, and 52-1603, Revised Statutes of Nebraska, and section 52-1312, Revised Statutes Supplement, 2015; to redefine farm product and to change provisions relating to the central filing system and the master lien list; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Baker Ebke Hilkemann Lindstrom Seiler
Bloomfield Fox Howard McCollister Smith
Bolz Friesen Hughes Mello Stinner
Brasch Garrett Johnson Morfeld Sullivan
Campbell Gloor Kintner Pansing Brooks Watermeier
Chambers Groene Kolowski Riepe Williams
Cook Haar, K. Kolterman Scheer
Craighed Hadley Krist Schilz
Crawford Hansen Kuehn Schnoor

Voting in the negative, 0.
Present and not voting, 1:

Bolz

Excused and not voting, 2:

McCoy Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 676, 700, 703, 718, 729, 734, 735, 753, 758, 776, 778, 786, 798, 807, 811, 840, 859, 864, 898, 921, 929, and 1035.

SENATOR SCHEER PRESIDING

GENERAL FILE

LEGISLATIVE BILL 857. Title read. Considered.

Committee AM2240, found on page 708, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 886. Placed on General File.

LEGISLATIVE BILL 949. Indefinitely postponed.

(Signed) Mike Gloor, Chairperson

Judiciary

LEGISLATIVE BILL 757. Placed on General File.

LEGISLATIVE BILL 885. Placed on General File.

LEGISLATIVE BILL 1010. Placed on General File.

LEGISLATIVE BILL 1055. Placed on General File with amendment.

AM2257

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 29-1401, Revised Statutes Cumulative Supplement,
2014, is amended to read:

29-1401 (1) The district courts are hereby vested with power to call
grand juries.
(2) A grand jury may be called and summoned in the manner provided
by law on such day of a regular term of the district court in each year
in each county of the state as the district court may direct and at such
times and upon such notice as the district court may deem
necessary.
(3) District courts shall call a grand jury in each case that a
petition meets the requirements of section 32-628, includes a recital as
to the reason for requesting the convening of the grand jury and a
specific reference to the statute or statutes which are alleged to have
been violated, and is signed not more than ninety days prior to the date
of filing under section 29-1401.02 by not less than ten percent of the
registered voters of the county who cast votes for the office of Governor
in such county at the most recent general election held for such office.
(4) District courts shall call a grand jury in each case upon
certification by the county coroner or coroner's physician that a person
has died while being apprehended by or while in the custody of a law
enforcement officer or detention personnel. In each case subject to this
subsection:
(a) Law enforcement personnel from the jurisdiction in which the
death occurred shall immediately secure the scene, preserve all evidence,
and investigate the matter as in any other homicide. The case shall be
treated as an open, ongoing matter until all evidence, reports, and other
relevant material which has been assembled are transferred to a
prosecuting attorney selected pursuant to subdivision (b) of this
subsection;
(b) The county attorney or a member of his or her staff shall be the
prosecuting attorney. Except as provided in subdivision (d) of this
subsection, the prosecuting attorney shall, as soon as practicable,
select a team of three peace officers trained to investigate homicides.
At least two of such investigators shall be from agencies other than the
agency under which the death occurred. The team shall examine all
evidence concerning the cause of death and present the findings of its
investigation to the prosecuting attorney.
(c) A grand jury shall be impaneled within thirty days after the
certification by the county coroner or coroner's physician, unless the
court extends such time period upon the showing of a compelling reason;
and
(d) In those cases in which the death has been certified by a
licensed practicing physician to be from natural causes, the county
attorney or a member of his or her staff may present such finding to a
grand jury without selecting a three-member team of peace officers to
investigate.
Sec. 2. Section 29-1404, Reissue Revised Statutes of Nebraska, is
amended to read:
29-1404 (1) Except as provided in subsection (2) of this section,
when the foreperson shall be appointed, an oath or
affirmation shall be administered to him or her in the following words:

Saving yourself and fellow jurors, you, as foreperson foreman of this
grand inquest, shall diligently inquire and true presentment make, of all
such matters and things as shall be given you in charge or otherwise come
to your knowledge, touching the present service. The counsel of the
state, your own and your fellows, you shall keep secret, unless called on
in a court of justice to make disclosures. You shall present no person
through malice, hatred, or ill will, nor shall you leave any person
unpresented through fear, favor, or affection, or for any reward or hope
thereof; but in all your presentments you shall present the truth, the
whole truth, and nothing but the truth, according to the best of your
skill and understanding.

(2) For grand juries impaneled pursuant to subsection (4) of section
29-1401, when the foreperson shall be appointed, an oath or affirmation
shall be administered to him or her in the following words: Saving
yourself and fellow jurors, you, as foreperson of this grand inquest,
shall diligently inquire and true presentment make, of all such matters
and things as shall be given you in charge or otherwise come to your
knowledge, touching the present service. The counsel of the state, your
own and your fellows, you shall keep secret during the course of the
impaneled grand jury's investigation and deliberations, unless called on
in a court of justice to make disclosures. You shall present no person
through malice, hatred, or ill will, nor shall you leave any person
unpresented through fear, favor, or affection, or for any reward or hope
thereof; but in all your presentments you shall present the truth, the
whole truth, and nothing but the truth, according to the best of your
skill and understanding.

Sec. 3. Section 29-1406, Reissue Revised Statutes of Nebraska, is
amended to read:

(1) The grand jury, after being sworn, shall be charged as
to their duty by the judge, who shall call their attention particularly
to the obligation of secrecy which their oaths impose, and to such
offenses as he or she is by law required to specially charge.

(2) Upon impanelment of each grand jury, the court shall give to
such grand jury adequate and reasonable written notice of and shall
assure that the grand jury reasonably understands the nature of:
(a) Its duty to inquire into offenses against the criminal laws of
the State of Nebraska alleged to have been committed or, in the case of a
grand jury impaneled pursuant to subsection (4) of section 29-1401, its
duty to inquire into offenses against the criminal laws of the State of
Nebraska regarding the death of a person who has died while being
apprehended or while in the custody of a law enforcement officer or
detention personnel;
(b) Its right to call and interrogate witnesses;
(c) Its right to request the production of documents or other
evidence;
(d) The subject matter of the investigation and the criminal
statutes or other statutes involved, if these are known at the time the
grand jury is impaneled;
(e) The duty of the grand jury by an affirmative vote of twelve or more members of the grand jury to determine, based on the evidence presented before it, whether or not there is probable cause for finding indictments and to determine the violations to be included in any such indictments; and

(f) The requirement that the grand jury may not return an indictment in cases of perjury unless at least two witnesses to the same fact present evidence establishing probable cause to return such an indictment; and -

(g) In the case of a grand jury impaneled pursuant to subsection (4) of section 29-1401, if the grand jury returns a no true bill:

(i) The grand jury shall create a grand jury report with the assistance of the prosecuting attorney. The grand jury report shall briefly provide an explanation of the grand jury’s findings and any recommendations the grand jury determines to be appropriate based upon the grand jury’s investigation and deliberations; and

(ii) The no true bill and the grand jury report shall be filed with the court, where they shall be available for public review, along with the grand jury transcript provided for in subdivision (2)(b) of section 29-1407.01.

Sec. 4. Section 29-1407.01, Reissue Revised Statutes of Nebraska, is amended to read:

(1) A certified or authorized reporter shall be present at all grand jury sessions. All grand jury proceedings and testimony from commencement to adjournment shall be reported.

(2)(a) Except as provided in subdivision (2)(b) of this section, the reporter’s notes and any transcripts which may be prepared shall be preserved, sealed, and filed with the court. No release or destruction of the notes or transcripts shall occur without prior court approval.

(b) In the case of a grand jury impaneled pursuant to subsection (4) of section 29-1401, a transcript, including any exhibits of the grand jury proceedings, shall be prepared at court expense and shall be filed with the court where it shall be available for public review. Such transcript shall not include the names of grand jurors or their deliberations.

(3) Upon application by the prosecutor, or by any witness after notice to the prosecutor, the court, for good cause, may enter an order to furnish to that witness a transcript of his or her own grand jury testimony, or minutes, reports, or exhibits relating thereto.

(4) Any witness summoned to testify before a grand jury, or an attorney for such witness with the witness’s written approval, shall be entitled, prior to testifying, to examine and copy at the witness’s expense any statement in the possession of the prosecuting attorney or the grand jury which such witness has made that relates to the subject matter under inquiry by the grand jury. If a witness is proceeding in forma pauperis, he or she shall be furnished, upon request, a copy of such transcript and shall not pay a fee.

Sec. 5. Section 29-1420, Reissue Revised Statutes of Nebraska, is amended to read:
31 29-1420 (1) Except as provided in subdivision (2)(g) of section 29-1406, the report of the grand jury shall not be made public except when the report is filed, including indictments, or when required by statute or except that all of the report or a portion thereof may be released if the judge of the district court finds that such a release will exonerate a person or persons who have requested such a release.

6 (2) A district judge under whose direction a grand jury has been impaneled may, upon good cause shown, transfer to a court of competent jurisdiction in another county or jurisdiction any evidence gathered by the grand jury that offenses have been committed in such other county or jurisdiction.

11 Sec. 6. Original sections 29-1404, 29-1406, 29-1407.01, and 29-1420, Reissue Revised Statutes of Nebraska, and section 29-1401, Revised Statutes Cumulative Supplement, 2014, are repealed.

(Signed) Les Seiler, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 459, Introduced by Larson, 40.

WHEREAS, Drew Loberg of Randolph High School won the 2016 Class D State Wrestling Championship in the 152-pound division; and

WHEREAS, this was the first time Drew has won a state wrestling championship, having taken second place in the 2014 and 2015 championships; and

WHEREAS, Drew finished the season with an impressive record of 48-1; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Drew Loberg on his state wrestling championship.

2. That a copy of this resolution be sent to Drew Loberg and Randolph High School Head Wrestling Coach Mark Lech.

Laid over.

LEGISLATIVE RESOLUTION 460, Introduced by Larson, 40.

WHEREAS, Jason Hahlbeck of O'Neill High School won the 2016 Class C State Wrestling Championship in the 220-pound division; and

WHEREAS, this is the first time Jason has medaled at the state wrestling championship; and

WHEREAS, Jason finished his wrestling season with an impressive record of 38-4; and
WHEREAS, Jason was one of two wrestlers from the O'Neill High School wrestling team to win first place in the 2016 state championship; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
   1. That the Legislature congratulates Jason Hahlbeck on his state wrestling championship.
   2. That a copy of this resolution be sent to Jason Hahlbeck and O'Neill High School Head Wrestling Coach Bryan Corkle.

Laid over.

LEGISLATIVE RESOLUTION 461. Introduced by Larson, 40.

WHEREAS, Bailey Thompson of O'Neill High School won the 2016 Class C State Wrestling Championship in the 182-pound division; and
WHEREAS, this was the first time Bailey has won a state wrestling championship, having taken fourth place in the 2015 championship; and
WHEREAS, Bailey finished his wrestling season with an impressive record of 45-3; and
WHEREAS, Bailey was one of two wrestlers from the O'Neill High School wrestling team to win first place in the 2016 championship; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
   1. That the Legislature congratulates Bailey Thompson on his state wrestling championship.
   2. That a copy of this resolution be sent to Bailey Thompson and O'Neill High School Head Wrestling Coach Bryan Corkle.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB704:
AM2274 is available in the Bill Room.

Senator B. Harr filed the following amendment to LB830:
AM2314
(Amendments to Standing Committee amendments, AM2082)
1 1. On page 16, line 10, after the period insert "In determining
2 whether a state employee’s request to use vacation leave is reasonable.
3 the employing agency shall consider the amount of vacation leave
4 requested, the number of days remaining prior to forfeiture during which
5 the state employee may take vacation leave, the amount of notice given to
the employing agency prior to the requested vacation leave, any effects on public safety, and other relevant factors.

GENERAL FILE

LEGISLATIVE BILL 344. Senator Schnoor offered the following motion:
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Schnoor withdrew his motion to indefinitely postpone.

Title read. Considered.

Committee AM2112, found on page 628, was offered.

Senator McCoy offered the following amendment to the committee amendment:

AM2403
(Amendments to Standing Committee amendments, AM2112)

1. On page 1, strike beginning with "two-thirds" in line 18 through "district" in line 19 and insert "a majority of registered voters of the district at an election in accordance with the Election Act called by the board of directors and held in conjunction with a statewide primary or general election".

Pending.

COMMITTEE REPORT(S)

Appropriations

LEGISLATIVE BILL 1093. Placed on General File with amendment.

AM2391

1. Strike the original sections and insert the following new sections:

Section 1. Section 81-1210.01, Reissue Revised Statutes of Nebraska, is amended to read:

Section 81-1210.01 For purposes of sections 81-1210.01 to 81-1210.03:
(1) Department means the Department of Economic Development;
(2) Internship means employment of a student in a professional or technical position for a limited period of time, by a business in Nebraska, in which the student (a) gains valuable work experience, (b) increases knowledge that assists with career decisionmaking, and (c) assists the business in accelerating short-term business objectives; and
(3) Student means any person who:
(a) Is enrolled full-time in a college, university, or other institution of higher education in Nebraska, or
(b) Has residency in Nebraska and is enrolled full-time in a college, university, or other institution of higher education in a state other than Nebraska, or
THIRTY-SEVENTH DAY - MARCH 3, 2016

18 (b) Applies for an internship within six months following
19 graduation from (i) a college, university, or other institution of higher
20 education in Nebraska or (ii) a college, university, or other institution
21 of higher education in a state other than Nebraska if such person had
22 residency in Nebraska during his or her enrollment in such college,
23 university, or institution.
24 Sec. 2. Section 81-12,160, Revised Statutes Supplement, 2015, is
25 amended to read:
26 81-12,160 (1) The department shall establish a financial assistance
27 program to provide financial assistance to businesses operating in
28 Nebraska that employ no more than five hundred employees or to
29 individuals that have a prototype of a product or process for the
30 purposes of commercializing such product or process. The applicant shall
31 submit a feasibility study stating the potential sales and profit
32 projections for the product or process.
33 (2) The department shall create a program with the following
34 provisions to support commercialization of a product or process:
35 (a) Commercialization infrastructure documentation, including market
36 assessments and start-up strategic planning;
37 (b) Promotion, marketing, advertising, and consulting;
38 (c) Management and business planning support;
39 (d) Linking companies and entrepreneurs to mentors;
40 (e) Preparing companies and entrepreneurs to acquire venture
41 capital; and
42 (f) Linking companies to sources of capital.
43 (3) Funds shall be matched by nonstate funds equal to fifty percent
44 of the funds requested. Matching funds may be from any nonstate source,
45 including private foundations, federal or local government sources,
46 quasi-governmental entities, or commercial lending institutions, or any
47 other funds whose source does not include funds appropriated by the
48 Legislature.
49 (4) The department shall not provide more than five hundred thousand
50 dollars to any one project. Each year the department shall award at least
51 two million dollars but not more than four million dollars under this
52 section. The department may award up to four million dollars per year for
53 financial assistance under this section.
54 (5) Financial assistance provided under this section shall be
55 expended within twenty-four months after the date of the awarding
56 decision.
57 (6) To carry out this section, the department shall contract with
58 one statewide venture development organization that is incorporated in
59 the State of Nebraska and exempt for federal tax purposes under section
60 501(c)(3) of the Internal Revenue Code.
61 Sec. 3. Section 81-12,162, Revised Statutes Supplement, 2015, is
62 amended to read:
63 81-12,162 (1) The department shall establish a small business
64 investment program. The program:
65 (a) Shall provide grants to microloan delivery or microloan
66 technical assistance organizations to:
(i) Better assure that Nebraska's microenterprises are able to realize their full potential to create jobs, enhance entrepreneurial skills and activity, and increase low-income households' capacity to become self-sufficient;

(ii) Provide funding to foster the creation of microenterprises;

(iii) Establish the department as the coordinating office for the facilitation of microlending and microenterprise development;

(iv) Facilitate the development of a permanent, statewide infrastructure of microlending support organizations to serve Nebraska's microenterprise and self-employment sectors;

(v) Enable the department to provide grants to community-based microenterprise development organizations in order to encourage the development and growth of microenterprises throughout Nebraska; and

(vi) Enable the department to engage in contractual relationships with statewide microlending support organizations which have the capacity to leverage additional nonstate funds for microenterprise lending.

To the maximum extent possible, the selection process should assure that the distribution of such financial assistance provides equitable access to the benefits of the Business Innovation Act by all geographic areas of the state; and

(b) May identify and coordinate other state and federal sources of funds which may be available to the department to enhance the state's ability to facilitate financial assistance pursuant to the program.

(2) To establish the criteria for making an award to a microloan delivery or microloan technical assistance organization, the department shall consider:

(a) The plan for providing business development services and microloans to microenterprises;

(b) The scope of services to be provided by the microloan delivery or microloan technical assistance organization;

(c) The plan for coordinating the services and loans provided by the microloan delivery or microloan technical assistance organization with commercial lending institutions;

(d) The geographic representation of all regions of the state, including both urban and rural communities and neighborhoods;

(e) The ability of the microloan delivery or microloan technical assistance organization to provide for business development in areas of chronic economic distress and low-income regions of the state;

(f) The ability of the microloan delivery or microloan technical assistance organization to provide business training and technical assistance to microenterprise clients;

(g) The ability of the microloan delivery or microloan technical assistance organization to monitor and provide financial oversight of recipients of microloans; and

(h) Sources and sufficiency of operating funds for the microenterprise development organization.

(3) Awards made by the department to a microloan delivery or microloan technical assistance organization may be used to:

(a) Satisfy matching fund requirements for other federal or private
27 grants;
28 (b) Establish a revolving loan fund from which the microloan
delivery or microloan technical assistance organization may make loans to
30 microenterprises;
31 (c) Establish a guaranty fund from which the microloan delivery or
1 microloan technical assistance organization may guarantee loans made by
2 commercial lending institutions to microenterprises;
3 (d) Provide funding for the operating costs of a microloan delivery
4 or microloan technical assistance organization not to exceed twenty
5 percent; and
6 (e) Provide grants to establish loan-loss reserve funds to match
7 loan capital borrowed from other sources, including federal
8 microenterprise loan programs.
9 (4) Any award of financial assistance to a microloan delivery or
10 microloan technical assistance organization shall meet the following
11 qualifications:
12 (a) Funds shall be matched by nonstate funds equivalent in money or
13 in-kind contributions or a combination of both equal to thirty-five
14 percent of the grant funds requested. Such matching funds may be from any
15 nonstate source, including private foundations, federal or local
16 government sources, quasi-governmental entities, or commercial lending
17 institutions, or any other funds whose source does not include funds
18 appropriated by the Legislature;
19 (b) Microloan funds shall be disbursed in microloans which do not
20 exceed one hundred thousand dollars or used to capitalize loan-loss
21 reserve funds for such loans; and
22 (c) A minimum of fifty percent of the microloan funds shall be used
23 by a microenterprise development assistance organization for small business technical assistance.
24 The department may contract with a one or more statewide
25 microenterprise development assistance organization to
26 carry out this section.
28 (5) For fiscal year 2016-17, the department shall award at least one
29 million two hundred fifty thousand dollars but not more than two million
dollars under this section. For fiscal year 2017-18 and each fiscal year
31 thereafter, the department shall award at least one million five hundred
1 thousand dollars but not more than two million dollars under this section
2 Each year the department shall award at least one million dollars but not
3 more than two million dollars under this section.
4 Sec. 4. The Board of Regents of the University of Nebraska approved
5 the creation of the Nebraska Innovation Campus in 2009. The objective of
6 the Nebraska Innovation Campus is to leverage the research and talent of
7 the University of Nebraska to produce economic development for the State
8 of Nebraska. The Board of Regents subsequently created the Nebraska
9 Innovation Campus Development Corporation whose function is to provide
10 strategic direction and oversight over the development of the Nebraska
11 Innovation Campus.
12 The Legislature finds that innovation is increasingly important in
13 the creation of new companies and the success of established ones. The
The Legislature acknowledges the importance of achieving the objective of the Nebraska Innovation Campus which will require a long-term strategy and may require continuing state support.

The Legislature determines that quantifiable measurements and benchmarks are required to track and evaluate the performance of the Nebraska Innovation Campus and its development corporation. The following measurements regarding the Nebraska Innovation Campus shall be reported to the Legislature by the Board of Regents, to the extent the information is not confidential information of a private sector company:

1. The percentage of investments by the state and university compared to private sector investments;
2. The number of square feet of construction;
3. The number of private sector companies located on Nebraska Innovation Campus;
4. The number of private sector jobs located on Nebraska Innovation Campus;
5. The amount of private sector research funding to the university attributable to Nebraska Innovation Campus;
6. The number of internships or other employment opportunities provided by private sector companies at Nebraska Innovation Campus to university students;
7. The percentage of facilities leased by private sector companies;
8. The number of new businesses started or supported at Nebraska Innovation Campus;
9. The number of conferences and participants at Nebraska Innovation Campus; and
10. The background and credentials of the appointments to the Nebraska Innovation Campus Development Corporation Board of Directors.

The report shall be submitted electronically to the Clerk of the Legislature by December 1 of each year.

Sec. 5. Original section 81-1210.01, Reissue Revised Statutes of Nebraska, and sections 81-12,160 and 81-12,162, Revised Statutes Supplement, 2015, are repealed.

Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.

(Signed) Heath Mello, Chairperson
Transportation and Telecommunications

LEGISLATIVE BILL 938. Placed on General File with amendment.

AM2356
1 1. Strike the original sections and insert the following new sections:
2 Section 1. Sections 1 to 30 of this act shall be known and may be cited as the 911 Service System Act.
5 Sec. 2. The purpose of the 911 Service System Act is to establish the Public Service Commission as the statewide implementation and
Sec. 3. It is the intent of the Legislature that:

1. The commission plan, implement, coordinate, manage, maintain, and provide funding assistance for a 911 service system consistent and compatible with national public safety standards advanced by recognized standards and development organizations.

Sec. 4. For purposes of the 911 Service System Act, the definitions found in sections 5 to 24 of this act apply.

Sec. 5. Basic 911 service means an emergency telephone system which automatically connects a 911 call to a designated public safety answering point.

Sec. 6. Commission means the Public Service Commission.

Sec. 7. Emergency services means the provision through a public safety agency of firefighting, law enforcement, ambulance, emergency medical, or other public emergency services, as determined by a local governing body, to respond to and manage emergency incidents.

Sec. 8. Enhanced-911 service has the same meaning as in section 86-425.

Sec. 9. Enhanced wireless 911 service has the same meaning as in section 86-448.

Sec. 10. Interconnected voice over Internet protocol service means an interconnected voice over Internet protocol service as defined in 47 C.F.R. part 9, as such regulations existed on January 1, 2016.
Sec. 11. Internet protocol means the method by which data is sent from one computer to another on the Internet or other networks.

Sec. 12. Internet protocol-enabled service means any service, capability, functionality, or application provided using Internet protocol, or any successor protocol, that enables a service user to send or receive a communication in Internet protocol format including, but not limited to, voice, data, or video.

Sec. 13. Local governing body means a county board, city council of a city, board of trustees of a village, board of directors of any rural or suburban fire protection district, or any governing body of an entity created pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act.

Sec. 14. Network means (1) a legacy telecommunications network that supports basic 911 service and enhanced-911 service or (2) a managed Internet protocol network that is used for 911 calls, that can be shared by all public safety answering points, and that provides the Internet protocol transport infrastructure upon which independent application platforms and core functional processes can be deployed, including, but not limited to, those necessary for providing next-generation 911 service capability. A network may be constructed from a mix of dedicated and shared facilities and may be interconnected at local, regional, state, national, and international levels.

Sec. 15. Next-generation 911 means an Internet protocol-based system (1) comprised of networks, functional elements, and data bases that replicate basic 911 service and enhanced-911 service features and functions and provide additional capabilities and (2) designed to provide access to emergency services from all connected communications sources and to provide multimedia data capabilities for public safety answering points and other emergency services organizations.

Sec. 16. Next-generation 911 service means 911 service using in whole or in part next-generation 911.

Sec. 17. 911 call means any form of communication requesting any type of emergency services by contacting a public safety answering point, including voice or nonvoice communications as well as transmission of any analog or digital data. 911 call includes a voice call, video call, text message, or data-only call.

Sec. 18. 911 service means the service a public safety answering point uses to receive and process 911 calls over a 911 service system.

Sec. 19. 911 service system means a coordinated system of technologies, software applications, data bases, customer-premise equipment components, and operations and management procedures used to provide 911 service through the operation of an efficient and effective network for accepting, processing, and delivering 911 calls to a public safety answering point, including, but not limited to, basic 911 service, enhanced-911 service, enhanced wireless 911 service, next-generation 911 service, and any emerging technologies, networks, and systems that allow access to 911 service.

Sec. 20. Originating service provider means an entity that provides the capability for customers to originate 911 calls to public safety.
Sec. 21. Public safety agency means an agency which provides emergency services.

Sec. 22. Public safety answering point means a local governmental entity responsible for receiving 911 calls and processing those calls according to a specific operational policy.

Sec. 23. Service user means any person who initiates a 911 call to receive emergency services.

Sec. 24. Stakeholder means a public safety answering point, a public safety agency, and any person, organization, agency of government, originating service provider, or other organization that has a vital interest in the 911 service system.

Sec. 25. The commission shall:

(1) Serve as the statewide coordinating authority for the implementation of the 911 service system;

(2) Be responsible for statewide planning, implementation, coordination, funding assistance, deployment, and management and maintenance of the 911 service system to ensure that coordinated 911 service is provided to all residents of the state at a consistent level of service in a cost-effective manner;

(3) Be responsible for establishing mandatory and uniform technical and training standards applicable to public safety answering points and adopting and promulgating rules and regulations applicable to public safety answering points for quality assurance standards; and

(4) Be responsible for consulting with and seeking advice and assistance from stakeholders, including:

(a) Public safety answering points;

(b) Public safety agencies;

(c) Originating service providers, including at least one representative from each of the following: A wireline local exchange service provider, a wireless provider, and an interconnected voice over Internet protocol service provider;

(d) Municipal and county officials; and

(e) The Chief Information Officer.

Sec. 26. The commission shall appoint a state 911 director to manage the department established within the commission for the 911 service system. The commission shall ensure that the department has all necessary staffing and resources. The commission may retain contracted experts or consultants who may be required for the administration of the 911 Service System Act. The commission and the state 911 director shall establish an advisory committee to provide input on technical training, quality assurance, funding, and operation and maintenance of the 911 service system. Advisory committee members shall be approved by the commission.

Sec. 27. (1) The commission and the state 911 director shall develop and prepare a plan for a 911 service system, to be approved by the commission, and to be implemented by the commission and the state 911 director on or after July 1, 2018. The commission shall hold at least two public hearings on the plan: One hearing at least ninety days prior to
the adoption of the plan; and one hearing at least thirty days prior to
the adoption of the plan. The commission shall present the adopted plan
to the Appropriations Committee of the Legislature and the Transportation
and Telecommunications Committee of the Legislature no later than
December 1, 2017. The state 911 director, with the approval of the
commission, shall prepare and provide a report to the Appropriations
Committee and the Transportation and Telecommunications Committee on the
progress of the development of the plan no later than February 1, 2017.
The report shall be submitted electronically.
(2) The plan adopted by the commission shall, at a minimum, detail
the following:
(a) The costs associated with the implementation and estimated
ongoing operation and maintenance of the 911 service system. The
discussion of costs shall detail which costs the commission determines
should be paid from the Enhanced Wireless 911 Fund and the 911 Service
System Fund, which costs would be the obligation of local governing
bodies, and how the proposed costs represent a cost-effective plan;
(b) Recommendations to the Legislature for cost recovery for the
implementation, operation, and maintenance of the 911 service system;
(c) The commission's proposal for carrying out its role as
coordinator of the 911 service system;
(d) A recommendation of the number of public safety answering points
that should be maintained in the state that are capable of next-
generation 911 service; and
(e) Recommendations for any additional legislation required to
implement the 911 service system.
Sec. 28. The 911 Service System Fund is created. The fund shall
consist of money transferred from the Enhanced Wireless 911 Fund, any
federal funds received for implementation and development of 911 service,
and any other money designated for credit to the 911 Service System Fund.
The fund shall be used for the costs of administering the fund and for
the purposes specified in the 911 Service System Act. The fund shall not
be subject to any fiscal-year limitation or lapse provision of unexpended
balance at the end of any fiscal year or biennium. Any money in the fund
available for investment shall be invested by the state investment
officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
State Funds Investment Act.
Sec. 29. The express authority granted to the commission to
implement the 911 Service System Act shall not be deemed to supersede or
otherwise modify section 86-124 or to provide the commission with any
additional authority not provided by law existing on the effective date
of this act, including, but not limited to, regulatory authority over
originating service providers.
Sec. 31. Section 86-163, Reissue Revised Statutes of Nebraska, is
amended to read:
86-163 The commission shall file with the Clerk of the Legislature
an annual report on or before September 30 of each year on the status of
the Nebraska telecommunications industry. The report shall be submitted
21 in electronic format. The report shall:
22 (1) Describe the quality of telecommunications service being
23 provided to the citizens of Nebraska;
24 (2) Describe the availability of diverse and affordable
25 telecommunications service to all of the people of Nebraska;
26 (3) Describe the level of telecommunications service rates;
27 (4) Describe the use and continued need for the Nebraska
28 Telecommunications Universal Service Fund;
29 (5) Describe the availability and location of 911 service and E-911
30 service as required by section 86-437;
31 (6) Describe the availability and location of wireless 911 service
1 or enhanced wireless 911 service as required by section 86-460;
2 (7) Address the need for further legislation to achieve the purposes
3 of the Nebraska Telecommunications Regulation Act; and
4 (8) Address the funding level of the Nebraska Competitive Telephone
5 Marketplace Fund and an accounting of commission expenses related to its
6 duties under section 86-127; and,
7 (9) Assess, based on information provided by public safety answering
8 points, the level of wireless E-911 location accuracy compliance for
9 wireless carriers.
10 Sec. 32. Section 86-458, Reissue Revised Statutes of Nebraska, is
11 amended to read:
12 86-458 The commission shall hold a public hearing annually to
13 determine the amount of revenue necessary to carry out the Enhanced
14 Wireless 911 Services Act and the 911 Service System Act. After the
15 hearing, the commission shall determine the amount of money to be
16 deposited in the Enhanced Wireless 911 Fund for the following year and
17 shall set the surcharge subject to the limitation in section 86-457.
18 Sec. 33. Section 86-463, Reissue Revised Statutes of Nebraska, is
19 amended to read:
20 86-463 The Enhanced Wireless 911 Fund is created. The fund shall
21 consist of the surcharges credited to the fund, any money appropriated by
22 the Legislature, any federal funds received for wireless emergency
23 communication except as otherwise provided in section 28 of this act, and
24 any other funds designated for credit to the fund. Money in the fund
25 shall be used for the costs of administering the fund and the purposes
26 specified in section 86-465 unless otherwise directed by federal law with
27 respect to any federal funds. Money shall be transferred from the fund to
28 the 911 Service System Fund at the direction of the Legislature. The
29 costs of administering the Enhanced Wireless 911 Fund fund shall be kept
30 to a minimum. The money in the Enhanced Wireless 911 Fund fund shall not
31 be subject to any fiscal-year limitation or lapse provision of unexpended
1 balance at the end of any fiscal year or biennium. Interest accruing to
2 the fund from invested fund balances may be transferred to the General
3 Fund at the direction of the Legislature through June 30, 2010. Any money
4 in the Enhanced Wireless 911 Fund available for investment shall be
5 invested by the state investment officer pursuant to the Nebraska Capital
6 Expansion Act and the Nebraska State Funds Investment Act.
7 Sec. 34. Original sections 86-163, 86-458, and 86-463, Reissue
8 Revised Statutes of Nebraska, are repealed.
9 Sec. 35. Since an emergency exists, this act takes effect when
10 passed and approved according to law.

(Signed) Jim Smith, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 462. Introduced by Hadley, 37.

WHEREAS, Canada and the United States share a rich and vibrant history, founded on the values of freedom, the rule of law, and democracy, as well as a commitment to security and defense partnerships both in North America and abroad; and
WHEREAS, Canada and the State of Nebraska enjoy robust and flourishing ties based upon culture, sport, education, agriculture, innovation, and a mutual appreciation for the beauty and bounty of our prairies and plains; and
WHEREAS, both Canada, celebrating 150 years of Confederation, and the State of Nebraska, celebrating 150 years of Statehood, will observe historic milestones in the year 2017; and
WHEREAS, Canada is the largest customer of the United States, with a combined $760 billion in goods and services traded between the two nations, and there are nearly nine million jobs in the United States that depend on trade and investment with our nation's northern neighbor; and
WHEREAS, Canada is the leading export market for the State of Nebraska, with a combined $2.4 billion in merchandise trade between Nebraska and Canada, which is part of the broader trade and investment relationship with Canada that supports 57,400 Nebraska jobs; and
WHEREAS, the people of the State of Nebraska and Canada are closely connected through family ties, travel, and tourism, with Canadians spending $21 million during 85,600 visits to Nebraska in 2013.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature acknowledges the long and rich history of friendship and commerce between the State of Nebraska and the neighboring nation of Canada by proclaiming March 15, 2016, Canada Day at the Nebraska State Capitol.
2. That a copy of this resolution be sent to the Consul General of Canada in Minneapolis, Minnesota, the Ambassador of Canada to the United States of America, and the Secretary of the State of Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 463. Introduced by Campbell, 25.

PURPOSE: The purpose of this interim study is to examine ways to improve the coverage of hearing aid costs for Nebraska families. The study
committee shall coordinate with the Commission for the Deaf and Hard of Hearing and work with interested stakeholders to identify the areas of concern, conduct necessary research, and explore various ways to address the needs identified. The issues addressed by this interim study shall include, but not be limited to:

(1) How other states cover hearing aid costs;
(2) Whether hearing aid coverage should be included as an essential health benefit under the federal Patient Protection and Affordable Care Act;
(3) An examination of hearing aid coverage options for persons requiring hearing aids; and
(4) Recommendations on how to improve the services being provided by the hearing aid banks.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 464. Introduced by Groene, 42; Bloomfield, 17; Brasch, 16; Craighead, 6; Davis, 43; Ebke, 32; Fox, 7; Friesen, 34; Harr, B., 8; Hughes, 44; Johnson, 23; Kintner, 2; Krist, 10; Kuehn, 38; Lindstrom, 18; McCollister, 20; Murante, 49; Scheer, 19; Schnoor, 15; Schumacher, 22; Sullivan, 41; Watermeier, 1.

PURPOSE: The purpose of this interim study is to examine the effects of the use of tax-increment financing (TIF) by municipalities pursuant to Article VIII, section 12, of the Constitution of Nebraska and section 18-2147 of the Revised Statutes of Nebraska. The issues addressed by this interim study shall include, but not be limited to:

(1) An examination of how the use of TIF affects the property tax base of local taxing entities;
(2) An examination of how the use of TIF affects state spending under the Tax Equity and Educational Opportunities Support Act;
(3) An examination of whether TIF has been used under the Community Development Law more broadly or extensively than the Legislature intended; and
(4) Recommendations as to whether there should be state oversight or a state approval process for municipalities' TIF projects.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**AMENDMENT(S) - Print in Journal**

Senator Campbell filed the following amendment to LB746:
AM2381 is available in the Bill Room.

Senator Kolterman filed the following amendment to LB447:
AM2344

(Amendments to E&R amendments, ER174)

1. Strike original section 46 and insert the following new section:

2. Sec. 48. The Class V Retirement System Payment Processing Fund is created for the purpose of transferring funds as specified in section 79-986 and for paying expenses associated with the transfer of such funds. The fund shall consist of the amounts transferred from the custodial bank that holds the assets of a retirement system provided for under the Class V School Employees Retirement Act to make payments for purposes specified in the Class V School Employees Retirement Act and to pay administrative expenses incurred under this section by the Public Employees Retirement Board. The fund shall reside with the Nebraska Public Employees Retirement Systems for the sole purpose of conducting the transactions necessary to implement this section. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

2. On page 1, line 7, after "on" insert "or after"; and strike lines 11 through 18 and insert the following new subsection:

(2) Each political subdivision which offers such a defined benefit plan shall conduct an experience study at least once every four years to review the actuarial assumptions used to determine funding needs for its defined benefit plan. Each such political subdivision shall electronically file a copy of the most recent actuarial experience study with the committee by October 15, 2016, and shall electronically file a copy of each study completed pursuant to this subsection by the next October 15 after completion of the study.

3. On page 13, strike beginning with the second comma in line 28 through "2016" in line 29.

4. On page 14, line 18, strike "and".
On page 19, line 11, strike beginning with "employed" through "system" and insert "for a retirement system provided for under the Class V School Employees Retirement Act"; in lines 18 and 19, 23, and 30 and 31, strike beginning with "Class" through "system" and insert "retirement system provided for under the Class V School Employees Retirement Act"; and strike beginning with "the" in line 24 through "retirement" in line 25 and insert "such".

6. On page 25, line 17, strike "34, and" and insert "and 34"; and in line 18 strike "46".

7. On page 40, line 19, strike "and" and show as stricken; and in line 20 after the second comma insert "and".

8. On page 55, line 28, after "between" insert "the date the annuity begins and"; and in line 29 strike beginning with "sixtieth" through line 25 and insert "her".

9. On page 58, lines 15 and 27; page 59, lines 8 and 20; and page 60, line 2, strike "adjustment", show as stricken, and insert "adjustments".

10. On page 61, line 19, strike "board's", show as stricken, and insert "board of trustees'".

11. On page 88, line 11, strike the first "a" and insert "an electronic"; in line 25 after "the" insert "retirement system provided for under the"; and in line 26 strike the first "System" and insert "Act".

12. Renumber sections 47 and 48 as sections 46 and 47, respectively.

Senator Krist filed the following amendment to LB830:

AM2290

(Amendments to Standing Committee amendments, AM2082)

1. On page 16, line 10, after the period insert "This subsection shall not apply to state employees who are exempt from the State Personnel System pursuant to subdivisions (1)(a) through (s) of section 81-1316."

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 3, 2016, at 11:07 a.m. were the following: LBs 676e, 700, 703, 718, 729e, 734, 735, 753, 758, 776, 778, 786, 798, 807, 811, 840, 859e, 864, 898, 921, 929e, and 1035.

(Signed) Jamie Leishman
Clerk of the Legislature's Office
COMMITTEE REPORT(S)

Education

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Pete Goldschmidt - Technical Advisory Committee for Statewide Assessment


The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Randy Schmailzl - Nebraska Educational Telecommunications Commission


(Signed) Kate Sullivan, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Mello - LB83
Bloomfield, Ebke, Fox, Groene, Hilkemann, Schilz - LB768
Baker, Coash, Kintner, Kolterman, Lindstrom, Scheer - LB768
Friesen, Hughes, Johnson, Kuehn, Murante, Williams - LB768

VISITOR(S)

Visitors to the Chamber were 23 students and teachers from the Career Academy of Lincoln; 12 students from home schools across the state; Nate Lore from Lincoln; members of the Nebraska Academy of Nutrition and Dietetics; 21 fourth-grade students and teachers from Immanuel Lutheran, Columbus; Mariclaire, Merrilee, and Kristin Prill from Kearney; and 20 fourth-grade students and teacher from St. John's School, Seward.

The Doctor of the Day was Dr. George Voigtlander from Pawnee City.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Schumacher, the Legislature adjourned until 10:00 a.m., Monday, March 7, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
THIRTY-EIGHTH DAY - MARCH 7, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 7, 2016

PRAYER

The prayer was offered by Reverend Michael Davis, Elgin United Methodist Church, Elgin.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Kuehn and Schilz who were excused; and Senators Bolz, Larson, McCollister, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 722. Placed on Select File.
LEGISLATIVE BILL 857. Placed on Select File.

(Signed) Matt Hansen, Chairperson
MESSAGE(S) FROM THE GOVERNOR

March 4, 2016

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 19, 53, 221, 295, 311e, 328, and 378 were received in my office on February 29, 2016. These bills were signed on March 3, 2016, and delivered to the Secretary of State on March 4, 2016.

Sincerely,

(Signed) Pete Ricketts
Governor

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 449 and 450 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 449 and 450.

SELECT FILE

LEGISLATIVE BILL 683. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 746. ER169, found on page 703, was adopted.

Senator Campbell offered her amendment, AM2381, found on page 844.

The Campbell amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 746A. Senator Campbell offered the following amendment:

AM2424
1 1. Insert the following new section:
2 Sec. 2. There is hereby appropriated (1) $130,000 from the Health
3 Care Cash Fund for FY2016-17 and (2) $190,000 from the General Fund for
4 FY2017-18 to the Foster Care Review Office, for Program 353, to aid in
5 carrying out the provisions of Legislative Bill 746, One Hundred Fourth
7 Total expenditures for permanent and temporary salaries and per
8 diems from funds appropriated in this section shall not exceed $98,903
9 for FY2016-17 or $98,903 for FY2017-18.
10 2. Renumbe the remaining section accordingly.

The Campbell amendment was adopted with 29 ayes, 0 nays, 16 present and
not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 772.** Senator Lindstrom offered his amendment,
AM2196, found on page 697.

The Lindstrom amendment was adopted with 29 ayes, 0 nays, 16 present
and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1059.** ER170, found on page 722, was adopted.

Senator Crawford offered her amendment, AM2323, found on page 756.

The Crawford amendment was adopted with 30 ayes, 0 nays, 15 present
and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 730.** Advanced to Enrollment and Review for
Engrossment.

**LEGISLATIVE BILL 830.** ER171, found on page 723, was adopted.

Senator B. Harr offered his amendment, AM2314, found on page 831.

The B. Harr amendment was adopted with 28 ayes, 0 nays, 17 present
and not voting, and 4 excused and not voting.

Senator Krist offered his amendment, AM2290, found on page 845.

Senator Krist offered the following amendment to his amendment:

FA91
Amend AM2290
In line 3 strike "(a) through (s)" and insert (G) and (H).

The Krist amendment was adopted with 34 ayes, 0 nays, 10 present and not
voting, and 5 excused and not voting.
The Krist amendment, AM2290, as amended, was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 704.** Senator Crawford offered her amendment, AM2274, found on page 831.

The Crawford amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 698.** ER172, found on page 735, was adopted.

Senator Fox offered her amendment, AM2359, found on page 798.

The Fox amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 447.** ER174, found on page 743, was adopted.

Senator Kolterman offered his amendment, AM2344, found on page 844.

The Kolterman amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 447A.** Advanced to Enrollment and Review for Engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 344.** Senator McCoy renewed his amendment, AM2403, found on page 832, to the committee amendment.

Pending.

**COMMITTEE REPORT(S)**

Business and Labor

**LEGISLATIVE BILL 841.** Placed on General File.

**LEGISLATIVE BILL 828.** Placed on General File with amendment. AM2390 is available in the Bill Room.
LEGISLATIVE BILL 1029. Placed on General File with amendment.

AM2228

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Sections 1 to 7 of this act shall be known and may be
4 cited as the Sector Partnership Program Act.
5 Sec. 2. (1) The Legislature finds and declares that sector
6 partnerships are a proven strategy for engaging employers in key
7 industries, helping workers train for and access good jobs, and
8 coordinating education, training, and workforce development activities in
9 response to industry needs.
10 (2) It is the intent of the Legislature and the purpose of the
11 Sector Partnership Program Act to support local sector partnerships that
12 will close skill gaps in high-demand sectors of business and industry. By
13 conducting labor availability and skills gap studies, the Sector
14 Partnership Program will connect education and training providers with
15 employers and will ensure that the state’s workforce and economic
16 development activities align with the needs of employers in the state’s
17 key industries.
18 Sec. 3. For purposes of the Sector Partnership Program Act:
19 (1) Department means the Department of Labor;
20 (2) Local area means a workforce development area authorized by the
21 federal Workforce Innovation and Opportunity Act and established in
22 Nebraska;
23 (3) Local sector partnership or partnership means a workforce
24 collaborative that organizes key stakeholders in a particular sector of
25 business or industry in a local area into a working group that focuses on
26 the shared goals and human resources needs of such sector;
27 (4) Local workforce development board means a local workforce
28 development board authorized by the federal Workforce Innovation and
29 Opportunity Act and established in Nebraska; and
30 (5) Nebraska Workforce Development Board means the state workforce
31 development board authorized by the federal Workforce Investment and
32 Opportunity Act and established in Nebraska.
33 Sec. 4. (1) The Sector Partnership Program is created. The program
34 shall be administered by the Department of Labor in conjunction with the
35 Department of Economic Development. In establishing and administering the
36 program, the Department of Labor shall consult with the Nebraska
37 Workforce Development Board, the Department of Economic Development, and
38 the State Department of Education.
39 (2) The Department of Labor, in conjunction with the Department of
40 Economic Development shall:
41 (a) Establish a study process to conduct labor availability and
42 skills gap studies;
43 (b) Determine the laborshed areas of the state; and
44 (c) Complete labor availability and skills gap studies for all
45 laborshed areas of the state on a rotating basis as determined by the
46 Department of Labor.
47 (3) The Department of Labor and the Department of Economic
Development may contract with other entities to conduct additional labor availability, skills gap, and sector partnership studies.

(4) The Department of Labor, in conjunction with the Department of Economic Development shall provide technical assistance to local sector partnerships and persons interested in forming partnerships. Technical assistance may include providing: (a) Direction and counseling on forming and sustaining partnerships; (b) professional development and capacity building through academies, toolkits, and peer sharing networks; (c) customized labor market and economic analysis; and (d) information on career pathways, worker training resources, skill standards, and industry-based certifications.

(5) Except to the extent otherwise provided in state or federal law, all completed labor availability and skills gap studies shall be public information.

Sec. 5. (1) The Sector Partnership Program Fund is created. The fund shall be administered by the Department of Labor. The fund shall be used to pursue sector partnership activities, including, but not limited to, labor availability and skills gap studies by the Department of Labor and the Department of Economic Development pursuant to the Sector Partnership Program Act. The fund may also be used for administrative costs of the Department of Labor and the Department of Economic Development associated with sector partnership activities.

(2) The fund shall consist of such money as is: (a) Transferred to the fund from the Job Training Cash Fund and the Nebraska Training and Support Cash Fund; (b) otherwise appropriated to the fund by the Legislature; (c) donated as gifts, bequests, or other contributions to the fund from public or private entities; and (d) made available by any department or agency of the United States if so directed by such department or agency. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 6. On or before July 31 of each year, the department shall provide an annual report to the Governor and the Business and Labor Committee of the Legislature. The report submitted to the Legislature shall be submitted electronically. The report shall detail the process and results of the labor availability and skills gap studies.

Sec. 7. The department may adopt and promulgate rules and regulations to carry out the Sector Partnership Program Act.

Sec. 8. Section 48-622.02, Revised Statutes Cumulative Supplement, 2014, is amended to read:

48-622.02 (1) Until July 1, 2015:

(a) There is in the state treasury a special fund to be known as the Nebraska Training and Support Trust Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. All money deposited or paid into the fund is hereby appropriated and made available to the commissioner. No expenditures shall be made from the fund without the written authorization of the
Governor upon the recommendation of the commissioner. Any interest earned on money in the State Unemployment Insurance Trust Fund shall be credited to the Nebraska Training and Support Trust Fund;

(b) Money in the Nebraska Training and Support Trust Fund shall be used for (i) administrative costs of establishing, assessing, collecting, and maintaining state unemployment insurance tax liability and payments, (ii) administrative costs of creating, operating, maintaining, and dissolving the State Unemployment Insurance Trust Fund and the Nebraska Training and Support Trust Fund, (iii) support of public and private job training programs designed to train, retrain, or upgrade work skills of existing Nebraska workers of for-profit and not-for-profit businesses, (iv) recruitment of workers to Nebraska, (v) training new employees of expanding Nebraska businesses, (vi) the costs of creating a common web portal for the attraction of businesses and workers to Nebraska, and (vii) payment of unemployment insurance benefits if solvency of the state's account in the Unemployment Trust Fund and of the State Unemployment Insurance Trust Fund so require; and

c (c) There is within the Nebraska Training and Support Trust Fund a separate account to be known as the Administrative Costs Reserve Account. Money shall be allocated from the Nebraska Training and Support Trust Fund to the Administrative Costs Reserve Account in amounts sufficient to pay the anticipated administrative costs identified in subdivision (1)(b) of this section.

(2) On and after July 1, 2015:

(a) The Nebraska Training and Support Cash Fund is created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. On July 1, 2015, the State Treasurer shall transfer any money in the Nebraska Training and Support Trust Fund to the Nebraska Training and Support Cash Fund. No expenditures shall be made from the Nebraska Training and Support Cash Fund without the written authorization of the Governor upon the recommendation of the commissioner. Any interest earned on money in the State Unemployment Insurance Trust Fund shall be credited to the Nebraska Training and Support Cash Fund;

(b) Money in the Nebraska Training and Support Cash Fund shall be used for (i) administrative costs of establishing, assessing, collecting, and maintaining state unemployment insurance tax liability and payments, (ii) administrative costs of creating, operating, maintaining, and dissolving the State Unemployment Insurance Trust Fund and the Nebraska Training and Support Cash Fund, (iii) support of public and private job training programs designed to train, retrain, or upgrade work skills of existing Nebraska workers of for-profit and not-for-profit businesses, (iv) recruitment of workers to Nebraska, (v) training new employees of expanding Nebraska businesses, (vi) the costs of creating a common web portal for the attraction of businesses and workers to Nebraska, (vii) developing and conducting labor availability and skills gap studies pursuant to the Sector Partnership Program Act, for which money may be transferred to the Sector Partnership Program Fund as directed by the
26 Legislature and (viii vii) payment of unemployment insurance benefits if 27 solvency of the state’s account in the Unemployment Trust Fund and of the 28 State Unemployment Insurance Trust Fund so require; and 29 (c) The Administrative Costs Reserve Account is created within the 30 Nebraska Training and Support Cash Fund. Money shall be allocated from 31 the Nebraska Training and Support Cash Fund to the Administrative Costs 1 Reserve Account in amounts sufficient to pay the anticipated 2 administrative costs identified in subdivision (2)(b) of this section; 3 and . 4 (d) The State Treasurer shall transfer two hundred fifty thousand 5 dollars from the Nebraska Training and Support Cash Fund to the Sector 6 Partnership Program Fund no later than July 15, 2016. 7 Sec. 9. Section 81-1201.21, Revised Statutes Supplement, 2015, is 8 amended to read: 9 81-1201.21 (1) There is hereby created the Job Training Cash Fund. 10 The fund shall be under the direction of the Department of Economic 11 Development. Money may be transferred to the fund pursuant to subdivision 12 (1)(b)(iii) of section 48-621 and from the Cash Reserve Fund at the 13 direction of the Legislature. The department shall establish a subaccount 14 for all money transferred from the Cash Reserve Fund to the Job Training 15 Cash Fund on or after July 1, 2005. 16 (2) The money in the Job Training Cash Fund or the subaccount 17 established in subsection (1) of this section shall be used (a) to 18 provide reimbursements for job training activities, including employee 19 assessment, preemployment training, on-the-job training, training 20 equipment costs, and other reasonable costs related to helping industry 21 and business locate or expand in Nebraska, (b) to provide upgrade skills 22 training of the existing labor force necessary to adapt to new technology 23 or the introduction of new product lines, (c) to provide grants pursuant 24 to section 81-1210.02, or (d) as provided in section 79-2308, or (e) as 25 provided in section 5 of this act. The department shall give a preference 26 to job training activities carried out in whole or in part within an 27 enterprise zone designated pursuant to the Enterprise Zone Act. 28 (3) The department shall establish a subaccount within the fund to 29 provide training grants for training employees and potential employees of 30 businesses that (a) employ twenty-five or fewer employees on the 31 application date, (b) employ, or train for potential employment, 1 residents of rural areas of Nebraska, or (c) are located in or employ, or 2 train for potential employment, residents of high-poverty areas as 3 defined in section 81-1203. The department shall calculate the amount of 4 prior year investment income accruing to the fund and allocate 5 such amount to the subaccount for training grants under this subsection. 6 The subaccount shall also be used as provided in the Teleworker Job 7 Creation Act and as provided in section 81-1210.02. The department shall 8 give a preference to training grants for businesses located in whole or 9 in part within an enterprise zone designated pursuant to the Enterprise 10 Zone Act. 11 (4) The State Treasurer shall transfer; 12 (a) Two two hundred fifty thousand dollars from the Job Training
13 Cash Fund to the General Fund no later than July 15 of 2015 and 2016;
14 and-
15 (b) Two hundred fifty thousand dollars from the Job Training Cash
16 Fund to the Sector Partnership Program Fund on or before July 15, 2016.
17 (5) Any money in the Job Training Cash Fund available for investment
18 shall be invested by the state investment officer pursuant to the
19 Nebraska Capital Expansion Act and the Nebraska State Funds Investment
20 Act.
21 Sec. 10. Original section 48-622.02, Revised Statutes Cumulative
22 Supplement, 2014, and section 81-1201.21, Revised Statutes Supplement,
23 2015, are repealed.
24 Sec. 11. Since an emergency exists, this act takes effect when
25 passed and approved according to law.

LEGISLATIVE BILL 1110. Placed on General File with amendment.
AM2294 is available in the Bill Room.
(Signed) Burke Harr, Chairperson
Revenue

LEGISLATIVE BILL 756. Placed on General File with amendment.
AM2375
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 77-2716, Revised Statutes Supplement, 2015, is
4 amended to read:
5 77-2716 (1) The following adjustments to federal adjusted gross
6 income or, for corporations and fiduciaries, federal taxable income shall
7 be made for interest or dividends received:
8 (a) There shall be subtracted interest or dividends received by the
9 owner of obligations of the United States and its territories and
10 possessions or of any authority, commission, or instrumentality of the
11 United States to the extent includable in gross income for federal income
12 tax purposes but exempt from state income taxes under the laws of the
13 United States;
14 (b) There shall be subtracted that portion of the total dividends
15 and other income received from a regulated investment company which is
16 attributable to obligations described in subdivision (a) of this
17 subsection as reported to the recipient by the regulated investment
18 company;
19 (c) There shall be added interest or dividends received by the owner
20 of obligations of the District of Columbia, other states of the United
21 States, or their political subdivisions, authorities, commissions, or
22 instrumentalities to the extent excluded in the computation of gross
23 income for federal income tax purposes except that such interest or
24 dividends shall not be added if received by a corporation which is a
25 regulated investment company;
26 (d) There shall be added that portion of the total dividends and
other income received from a regulated investment company which is
attributable to obligations described in subdivision (c) of this
subsection and excluded for federal income tax purposes as reported to
the recipient by the regulated investment company; and
(e)(i) Any amount subtracted under this subsection shall be reduced
by any interest on indebtedness incurred to carry the obligations or
securities described in this subsection or the investment in the
regulated investment company and by any expenses incurred in the
production of interest or dividend income described in this subsection to
the extent that such expenses, including amortizable bond premiums, are
deductible in determining federal taxable income.
(ii) Any amount added under this subsection shall be reduced by any
expenses incurred in the production of such income to the extent
disallowed in the computation of federal taxable income.
(2) There shall be allowed a net operating loss derived from or
connected with Nebraska sources computed under rules and regulations
adopted and promulgated by the Tax Commissioner consistent, to the extent
possible under the Nebraska Revenue Act of 1967, with the laws of the
United States. For a resident individual, estate, or trust, the net
operating loss computed on the federal income tax return shall be
adjusted by the modifications contained in this section. For a
nonresident individual, estate, or trust or for a partial-year resident
individual, the net operating loss computed on the federal return shall
be adjusted by the modifications contained in this section and any
carryovers or carrybacks shall be limited to the portion of the loss
derived from or connected with Nebraska sources.
(3) There shall be subtracted from federal adjusted gross income for
all taxable years beginning on or after January 1, 1987, the amount of
any state income tax refund to the extent such refund was deducted under
the Internal Revenue Code, was not allowed in the computation of the tax
due under the Nebraska Revenue Act of 1967, and is included in federal
adjusted gross income.
(4) Federal adjusted gross income, or, for a fiduciary, federal
taxable income shall be modified to exclude the portion of the income or
loss received from a small business corporation with an election in
subchapter S of the Internal Revenue Code or from a limited
liability company organized pursuant to the Nebraska Uniform Limited
Liability Company Act that is not derived from or connected with Nebraska
sources as determined in section 77-2734.01.
(5) There shall be subtracted from federal adjusted gross income or,
for corporations and fiduciaries, federal taxable income dividends
received or deemed to be received from corporations which are not subject
to the Internal Revenue Code.
(6) There shall be subtracted from federal taxable income a portion
of the income earned by a corporation subject to the Internal Revenue
Code of 1986 that is actually taxed by a foreign country or one of its
political subdivisions at a rate in excess of the maximum federal tax
rate for corporations. The taxpayer may make the computation for each
foreign country or for groups of foreign countries. The portion of the
taxes that may be deducted shall be computed in the following manner:

(a) The amount of federal taxable income from operations within a foreign taxing jurisdiction shall be reduced by the amount of taxes actually paid to the foreign jurisdiction that are not deductible solely because the foreign tax credit was elected on the federal income tax return;

(b) The amount of after-tax income shall be divided by one minus the maximum tax rate for corporations in the Internal Revenue Code; and

(c) The result of the calculation in subdivision (b) of this subsection shall be subtracted from the amount of federal taxable income used in subdivision (a) of this subsection. The result of such calculation, if greater than zero, shall be subtracted from federal taxable income.

Federal adjusted gross income shall be modified to exclude any amount repaid by the taxpayer for which a reduction in federal tax is allowed under section 1341(a)(5) of the Internal Revenue Code.

Federal adjusted gross income or, for corporations and fiduciaries, federal taxable income shall be reduced, to the extent included, by income from interest, earnings, and state contributions received from the Nebraska educational savings plan trust created in sections 85-1801 to 85-1814 and the achieving a better life experience program as provided in sections 77-1401 to 77-1409.

Federal adjusted gross income or, for corporations and fiduciaries, federal taxable income shall be reduced by any contributions as a participant in the Nebraska educational savings plan trust or in the achieving a better life experience program as provided in sections 77-1401 to 77-1409, to the extent not deducted for federal income tax purposes, but not to exceed five thousand dollars per married filing separate return or ten thousand dollars for any other return. With respect to a qualified rollover within the meaning of section 529 of the Internal Revenue Code from another state's plan, any interest, earnings, and state contributions received from the other state's educational savings plan which is qualified under section 529 of the code shall qualify for the reduction provided in this subdivision. For contributions by a custodian of a custodial account including rollovers from another custodial account, the reduction shall only apply to funds added to the custodial account after January 1, 2014.

Federal adjusted gross income or, for corporations and fiduciaries, federal taxable income shall be increased by the amount resulting from the cancellation of a participation agreement refunded to the taxpayer as a participant in the Nebraska educational savings plan trust to the extent previously deducted as a contribution to the trust or in the achieving a better life experience program as provided in sections 77-1401 to 77-1409, if applicable.

For income tax returns filed after September 10, 2001, for taxable years beginning or deemed to begin before January 1, 2006, under the Internal Revenue Code of 1986, as amended, federal adjusted gross income or, for corporations and fiduciaries, federal taxable income shall be increased by eighty-five percent of any amount of any federal bonus.
5 depreciation received under the federal Job Creation and Worker
6 Assistance Act of 2002 or the federal Jobs and Growth Tax Act of 2003,
7 under section 168(k) or section 1400L of the Internal Revenue Code of
8 1986, as amended, for assets placed in service after September 10, 2001,
9 and before December 31, 2005.
10 (b) For a partnership, limited liability company, cooperative,
11 including any cooperative exempt from income taxes under section 521 of
12 the Internal Revenue Code of 1986, as amended, limited cooperative
13 association, subchapter S corporation, or joint venture, the increase
14 shall be distributed to the partners, members, shareholders, patrons, or
15 beneficiaries in the same manner as income is distributed for use against
16 their income tax liabilities.
17 (c) For a corporation with a unitary business having activity both
18 inside and outside the state, the increase shall be apportioned to
19 Nebraska in the same manner as income is apportioned to the state by
20 section 77-2734.05.
21 (d) The amount of bonus depreciation added to federal adjusted gross
22 income or, for corporations and fiduciaries, federal taxable income by
23 this subsection shall be subtracted in a later taxable year. Twenty
24 percent of the total amount of bonus depreciation added back by this
25 subsection for tax years beginning or deemed to begin before January 1,
26 2003, under the Internal Revenue Code of 1986, as amended, may be
27 subtracted in the first taxable year beginning or deemed to begin on or
28 after January 1, 2005, under the Internal Revenue Code of 1986, as
29 amended, and twenty percent in each of the next four following taxable
30 years. Twenty percent of the total amount of bonus depreciation added
31 back by this subsection for tax years beginning or deemed to begin on or
32 after January 1, 2003, may be subtracted in the first taxable year
33 beginning or deemed to begin on or after January 1, 2006, under the
34 Internal Revenue Code of 1986, as amended, and twenty percent in each of
35 the next four following taxable years.
36 (10) For taxable years beginning or deemed to begin on or after
37 January 1, 2003, and before January 1, 2006, under the Internal Revenue
38 Code of 1986, as amended, federal adjusted gross income or, for
39 corporations and fiduciaries, federal taxable income shall be increased
40 by the amount of any capital investment that is expensed under section
41 179 of the Internal Revenue Code of 1986, as amended, that is in excess
42 of twenty-five thousand dollars that is allowed under the federal Jobs
43 and Growth Tax Act of 2003. Twenty percent of the total amount of
44 expensing added back by this subsection for tax years beginning or deemed
45 to begin on or after January 1, 2003, may be subtracted in the first
46 taxable year beginning or deemed to begin on or after January 1, 2006,
47 under the Internal Revenue Code of 1986, as amended, and twenty percent
48 in each of the next four following tax years.
49 (11)(a) For taxable years beginning or deemed to begin before
50 January 1, 2018, under the Internal Revenue Code of 1986, as amended,
51 federal adjusted gross income shall be reduced by contributions,
52 up to two thousand dollars per married filing jointly return or one
53 thousand dollars for any other return, and any investment earnings made
23 as a participant in the Nebraska long-term care savings plan under the
24 Long-Term Care Savings Plan Act, to the extent not deducted for federal
25 income tax purposes.
26 (b) For taxable years beginning or deemed to begin before January 1,
27 2018, under the Internal Revenue Code of 1986, as amended, federal
28 adjusted gross income shall be increased by the withdrawals made
29 as a participant in the Nebraska long-term care savings plan under the
30 act by a person who is not a qualified individual or for any reason other
31 than transfer of funds to a spouse, long-term care expenses, long-term
32 care insurance premiums, or death of the participant, including
33 withdrawals made by reason of cancellation of the participation agreement
34 or termination of the plan, to the extent previously deducted as a
35 contribution or as investment earnings.
36 (12) There shall be added to federal adjusted gross income for
37 individuals, estates, and trusts any amount taken as a credit for
38 franchise tax paid by a financial institution under sections 77-3801 to
39 77-3807 as allowed by subsection (5) of section 77-2715.07.
40 (13) For taxable years beginning or deemed to begin on or after
41 January 1, 2015, under the Internal Revenue Code of 1986, as amended,
42 federal adjusted gross income shall be reduced by the amount received as
43 benefits under the federal Social Security Act which are included in the
44 federal adjusted gross income if:
45 (a) For taxpayers filing a married filing joint return, federal
46 adjusted gross income is fifty-eight thousand dollars or less; or
47 (b) For taxpayers filing any other return, federal adjusted gross
48 income is forty-three thousand dollars or less.
49 (14) For taxable years beginning or deemed to begin on or after
50 January 1, 2015, under the Internal Revenue Code of 1986, as amended, an
51 individual may make a one-time election within two calendar years after
52 the date of his or her retirement from the military to exclude income
53 received as a military retirement benefit by the individual to the extent
54 included in federal adjusted gross income and as provided in this
55 subsection. The individual may elect to exclude forty percent of his or
56 her military retirement benefit income for seven consecutive taxable
57 years beginning with the year in which the election is made or may elect
58 to exclude fifteen percent of his or her military retirement benefit
59 income for all taxable years beginning with the year in which he or she
60 turns sixty-seven years of age. For purposes of this subsection, military
61 retirement benefit means retirement benefits that are periodic payments
62 attributable to service in the uniformed services of the United States
63 for personal services performed by an individual prior to his or her
64 retirement.
65 Sec. 2. Section 77-6101, Reissue Revised Statutes of Nebraska, is
66 amended to read:
67 77-6101 Sections 77-6101 to 77-6105 and section 4 of this act shall
68 be known and may be cited as the Long-Term Care Savings Plan Act.
69 Sec. 3. Section 77-6105, Reissue Revised Statutes of Nebraska, is
70 amended to read:
71 77-6105 A qualified individual as defined in subdivision (4)(a) of
section 77-6102 may make withdrawals as a participant in the Nebraska long-term care savings plan to pay or reimburse long-term care expenses. A qualified individual as defined in subdivision (4)(b) of section 77-6102 may make withdrawals to pay or reimburse long-term care insurance premiums. Any participant who is not a qualified individual or who makes a withdrawal for any reason other than transfer of funds to a spouse, long-term care expenses, long-term care insurance premiums, or death of the participant, or termination of the Long-Term Care Savings Plan Act shall be subject to a ten-percent penalty on the amount withdrawn. The State Treasurer shall collect the penalty.

Sec. 4. The Long-Term Care Savings Plan Act terminates on January 1, 2018. Any participant in the Nebraska long-term care savings plan on the termination date shall be entitled to receive the full balance of his or her account on such date.

Sec. 5. Original sections 77-6101 and 77-6105, Reissue Revised Statutes of Nebraska, and section 77-2716, Revised Statutes Supplement, 2015, are repealed.

LEGISLATIVE BILL 913. Placed on General File with amendment. AM2374

1. Strike the original sections and insert the following new sections:

Section 1. Sections 1 to 5 of this act shall be known and may be cited as the Facilitating Business Rapid Response to State Declared Disasters Act.

Sec. 2. For purposes of the Facilitating Business Rapid Response to State Declared Disasters Act:

(1) Declared state disaster or emergency means a disaster or emergency event (a) for which a Governor's state of emergency proclamation has been issued or (b) that the President of the United States has declared to be a major disaster or emergency;

(2) Disaster period means the period of time that begins ten days before the Governor's proclamation of a state of emergency or the declaration by the President of the United States of a major disaster or emergency, whichever occurs first, and extending for a period of sixty calendar days following the end of the period specified in the proclamation or declaration or sixty calendar days after the proclamation or declaration if no end is provided. The Governor may extend the disaster period as warranted;

(3) Infrastructure means real and personal property, including buildings, offices, power lines, cable lines, poles, communication lines, pipes, structures, equipment, and related support facilities, owned or used by a public utility, communications network, broadband or Internet service provider, cable or video service provider, natural gas distribution system, or water pipeline that provides service to more than one customer or person;

(a) Out-of-state business means a business entity:

(i) That does not have a presence in the state;

(ii) That does not conduct business in the state;
THIRTY-EIGHTH DAY - MARCH 7, 2016

3 (iii) That has no registrations, tax filings, or nexus in the state before the declared state disaster or emergency; and
4 (iv) Whose assistance in repairing, renovating, installing, or building infrastructure or rendering services or other business activities related to a declared state disaster or emergency is requested by the state, a county, city, village, or other political subdivision of the state, or a registered business that owns or uses infrastructure.
10 (b) Out-of-state business includes a business entity that is affiliated with a registered business solely through common ownership as long as that business entity does not have any registrations, tax filings, or nexus in the state before the declared state disaster or emergency. For purposes of this section, a prior registration as an out-of-state business for a declared state disaster or emergency shall not be considered a registration in this state;
17 (5) Out-of-state employee means a nonresident individual who does not work in the state except for disaster or emergency related work during a disaster period; and
20 (6) Registered business means a business entity that is registered or licensed to do business in the state before the declared state disaster or emergency.

Sec. 3.  (1) An out-of-state business that conducts operations within the state for purposes of assisting in repairing, renovating, installing, or building infrastructure or rendering services or other business activities related to a declared state disaster or emergency during the disaster period shall not be considered to have established a level of presence that would subject the out-of-state business or any of its out-of-state employees to any of the following state or local employment, licensing, or registration requirements:
(a) Registration with the Secretary of State;
(b) Withholding or income tax registration, filing, or remitting requirements; and
(c) Sales, use, or ad valorem tax on equipment brought into the state temporarily for use or consumption during the disaster period if such equipment does not remain in the state after the disaster period.

(2) An out-of-state employee shall not be considered to have established residency or a presence in the state that would require that person or that person's employer to file and pay income taxes, to be subjected to tax withholdings, or to file and pay any other state or local income or withholding tax or fee for work repairing, renovating, installing, or building infrastructure or rendering services or other business activities during the disaster period.

(3) After the conclusion of a disaster period, an out-of-state business or out-of-state employee that remains in the state is fully subject to the state or local employment, licensing, or registration requirements listed in this section or that were otherwise suspended under the Facilitating Business Rapid Response to State Declared Disasters Act during the disaster period.

Sec. 4.  (1) An out-of-state business shall provide notification to the Department of Revenue within ten days after entry to the state during
a disaster period that the out-of-state business is in the state for purposes of responding to the declared state disaster or emergency. The out-of-state business shall provide to the department information related to the out-of-state business including, but not limited to, the following:

(a) Name;
(b) State of domicile;
(c) Principal business address;
(d) Federal employer identification number;
(e) The date when the out-of-state business entered the state; and
(f) Contact information while the out-of-state business is in this state.

(2) A registered business shall provide the notification required in subsection (1) of this section for an affiliate of the registered business that enters the state as an out-of-state business. The notification under this subsection shall also include contact information for the registered business in the state.

Sec. 5. The Facilitating Business Rapid Response to State Declared Disasters Act shall not grant exemptions authorized by the act to any out-of-state business performing work pursuant to a request for bid or request for proposals by a state agency or political subdivision.

(Signed) Mike Gloor, Chairperson
Health and Human Services

LEGISLATIVE BILL 1011. Placed on General File.

LEGISLATIVE BILL 1034. Placed on General File with amendment.
AM2230
1 1. Insert the following new section:
2 Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.

(Signed) Kathy Campbell, Chairperson
Government, Military and Veterans Affairs

LEGISLATIVE RESOLUTION 381. Placed on General File.

LEGISLATIVE RESOLUTION 35. Placed on General File with amendment.
AM2281
1 1. Strike the original provisions and insert the following new provisions:
2 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
3 1. The Legislature of the State of Nebraska hereby applies to Congress, under the provisions of Article V of the Constitution of the
7 United States, for the calling of a convention of the states limited to
8 proposing amendments to the Constitution of the United States that impose
9 fiscal restraints on the federal government, limit the power and
10 jurisdiction of the federal government, and limit the terms of office for
11 its officials and for members of Congress.
12 2. The Clerk of the Legislature shall transmit copies of this
13 application to the President and Secretary of the United States Senate,
14 to the Speaker and Clerk of the United States House of Representatives,
15 to the members of the Senate and House of Representatives from this
16 state, and to the presiding officers of each of the legislative houses in
17 the several states, requesting their cooperation.
18 3. This application constitutes a continuing application in
19 accordance with Article V of the Constitution of the United States until
20 the legislatures of at least two-thirds of the several states have made
21 applications on the same subject.

(Signed) John Murante, Chairperson

Business and Labor

LEGISLATIVE BILL 981. Placed on General File with amendment.
AM2405
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. The following sum of money, or so much thereof as may be
4 required, is hereby appropriated from the General Fund or from other
5 funds as indicated in the state treasury, not otherwise appropriated, for
6 the payment of a claim arising out of miscellaneous items of indebtedness
7 owing by the State of Nebraska.
8 $261,862.00 for Miscellaneous Claim Number 2016-15438, against the
9 State of Nebraska, pay to Cathy A. Dill, Dodge County Treasurer, 435
10 North Park Avenue Street, P.O. Box 999, Fremont, NE 68026-0999, out of
11 the General Fund.
12 The claim included in this section shall be paid through Program 536
13 in Agency 65.
14 For informational purposes only, the appropriation contained in this
15 section and fund source:
16 FUND SOURCE                               DOLLAR AMOUNT
17 GENERAL FUND                                 $261,862.00
18 CASH FUND                                    $0
19 REVOLVING FUND                               $0
20 TOTAL                                        $261,862.00
21 Sec. 2. The following sums of money, or so much thereof as may be
22 required, are hereby appropriated from the General Fund or from other
23 funds as indicated in the state treasury, not otherwise appropriated, for
24 the payment of tort claims which have been settled by the State Claims
25 Board and approved by the district court, which have been settled by the
26 Attorney General in the district court, or in which court judgments have
27 been entered and which require the approval of the Legislature for
$800,000.00 for Tort Claim Number 2010-03980 and Tort Claim Number 2010-03981, against the State of Nebraska, pay to Roy Segelberg and Catherine Segelberg and James Martin Davis, Attn: James Martin Davis, 1623 Farnam Street, Suite 500, Farnam Plaza Building, Omaha, NE 68102, out of the Roads Operations Cash Fund.

$84,675.14 for Tort Claim Number 2015-14421, against the State of Nebraska, pay to Cottingham and Butler Claims Services, 800 Main Street, Dubuque, IA 52001-6822, out of the Roads Operations Cash Fund.

$243,098.57 for Tort Claim Number 2016-15417, against the State of Nebraska, pay to Nebraska Appleseed Center for Law, 941 O Street, Suite 920, Lincoln, NE 68508-3608, out of the General Fund.

$115,336.81 for Tort Claim Number 2016-15418, against the State of Nebraska, pay to Husch Blackwell, LLP, 13330 California Street, Suite 200, Omaha, NE 68154-5241, out of the General Fund.

$185,000.00 for Tort Claim Number 2016-15658, against the State of Nebraska, pay to the American Civil Liberties Union of Nebraska, 134 South 13th Street, Suite 1010, Lincoln, NE 68508, out of the General Fund.

The claims included in this section shall be paid through Program 591 in Agency 65.

For informational purposes only, the appropriations contained in this section and fund source:

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<th>FUND SOURCE</th>
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<td>CASH FUND</td>
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<td>REVOLVING FUND</td>
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<td>$1,428,110.52</td>
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Sec. 3. The following sums of money, or so much thereof as may be required, are hereby appropriated from the General Fund or from other funds as indicated in the state treasury, not otherwise appropriated, for the payment of workers' compensation claims which have been settled by the Attorney General in the Nebraska Workers' Compensation Court or in which court judgments have been entered and which require the approval of the Legislature for payment.

$115,000.00 for a workers' compensation claim, pay to Timothy S. Dowd and Theresa Dunson, Dowd, Howard and Corrigan, LLC, 1411 Harney Street, Suite 100, Omaha, NE 68102, out of the Workers' Compensation Claims Revolving Fund.

$275,000.00 for a workers' compensation claim, pay to Amanda Jajoo and Justin High, High and Younes, 6919 Dodge Street, Omaha, NE 68132, out of the Workers' Compensation Claims Revolving Fund.

The claims included in this section shall be paid through Program 593 in Agency 65.

For informational purposes only, the appropriations contained in this section and fund source:

<table>
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<th>FUND SOURCE</th>
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</thead>
<tbody>
<tr>
<td>GENERAL FUND</td>
<td>$-0-</td>
</tr>
<tr>
<td>CASH FUND</td>
<td>$-0-</td>
</tr>
</tbody>
</table>
Sec. 4. The following sum of money, or so much thereof as may be required, is hereby appropriated from the General Fund or from other funds as indicated in the state treasury, not otherwise appropriated, for the payment of a tort claim which has been settled by the State Claims Board and approved by the district court, which has been settled by the Attorney General or in the district court, or in which a court judgment has been entered and which require the approval of the Legislature for payment.

$400,000.00 for Tort Claim Number 2014-13466, against the State of Nebraska, pay as follows:

- $219,785.00 pay to Pahlke Lawgroup Trust Account and Elizabeth Gorden, 2425 Circle Drive, Suite 200, Scottsbluff, NE 69361, out of the State Insurance Fund;
- $180,215.00 pay to Pacific Life and Annuity Services, Inc., Little Meyers and Associates, Ltd., 2651 Observatory Avenue, Cincinnati, OH 45208, out of the State Insurance Fund.

The claim included in this section shall be paid through Program 594 in Agency 65.

For informational purposes only, the appropriation contained in this section and fund source:

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<td>CASH FUND</td>
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<td>REVOLVING FUND</td>
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<tr>
<td>TOTAL</td>
<td>$400,000.00</td>
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Sec. 5. The Director of Administrative Services is hereby authorized and directed to draw his or her warrants upon the funds in the state treasury enumerated in this act, in favor of the several beneficiaries named in this act for the amount set opposite their respective names, upon the presentation of proper vouchers therefor. The several amounts appropriated in this act shall be in full payment of any and all claims, rights, causes of action, damages, and demands of every character and kind owing by or against the State of Nebraska, its officers, agents, and employees, and their successors and assigns with respect to each of the beneficiaries respectively in whose favor the appropriations are made. The director shall not deliver any warrant for any items appropriated in this act until a receipt and release in full, releasing the State of Nebraska, its officers, employees, and agents, and their successors and assigns, has been filed by each of the beneficiaries respectively. Upon presentation of the warrants, the State Treasurer is hereby directed to pay the same out of money in the General Fund or out of money in other funds indicated in this act not otherwise appropriated.

Sec. 6. The following requests were filed by state agencies seeking permission to write off certain accounts. The State Claims Board reviewed and approved the following requests:

- $2,487.34 for Request Number 2016-15184, made by the Military Department.
$151.00 for Request Number 2016-15316, made by the Supreme Court.

$248,168.09 for Request Number 2016-15415, made by the Department of Roads.

$1,800.00 for Request Number 2016-15416, made by the State Fire Marshal.

$1,590,534.29 for Request Number 2016-15421, made by the Department of Health and Human Services.

$7,907.85 for Request Number 2016-15422, made by the Department of Insurance.

$10,480.50 for Request Number 2016-15437, made by the State Department of Education.

$5,246.61 for Request Number 2016-15636, made by the Game and Parks Commission.

Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.

(Signed) Burke Harr, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 732. Placed on General File.

LEGISLATIVE BILL 783. Placed on General File with amendment. AM2357 is available in the Bill Room.

(Signed) Jim Smith, Chairperson

COMMITTEE REPORT(S)

Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Mark M. Bulger - Commission for the Blind and Visually Impaired


The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Mary J. Kent - Nebraska Rural Health Advisory Commission
Laeth Nasir - Nebraska Rural Health Advisory Commission
Michael A. Sitorius - Nebraska Rural Health Advisory Commission

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 900A. Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 900, One Hundred Fourth Legislature, Second Session, 2016.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 465. Introduced by McCollister, 20; Bloomfield, 17; Fox, 7; Garrett, 3; McCoy, 39; Murante, 49; Smith, 14.

WHEREAS, the Nebraska Library Association has named Donna D'Ottavio from the Emerson Public Library, Gary Brown from the Valley Public Library, Mikayla Mancuso from the Gretna Public Library, Alysen Hansen from the Sump Memorial Library in Papillion, Sarah Ulsher from the Millard Branch of the Omaha Public Library, and Cyndi Mattson from the W. Dale Clark Library in Omaha as outstanding library volunteers; and

WHEREAS, this award is given to outstanding individuals who have shown a strong desire to give back to their communities and who have given generously of their time through many years of volunteer library service; and

WHEREAS, these individuals will be recognized at the Nebraska Library Association's Advocacy Day; and

WHEREAS, the Nebraska Library Association supports and promotes all libraries, library media centers, and library services in the state. The Nebraska Library Association is dedicated to advancing the professional development of its members, advocating for libraries, and ensuring open access to information for all citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Donna D'Ottavio, Gary Brown, Mikayla Mancuso, Alysen Hansen, Sarah Ulsher, and Cyndi Mattson for being named outstanding volunteers by the Nebraska Library Association.

2. That a copy of this resolution be sent to Donna D'Ottavio, Gary Brown, Mikayla Mancuso, Alysen Hansen, Sarah Ulsher, Cyndi Mattson, and the Nebraska Library Association.

Laid over.
LEGISLATIVE RESOLUTION 466. Introduced by Stinner, 48.

WHEREAS, Austin Garcia, Roger Martinez, Conner Muhr, and Adam Zamarripa, members of Troop 17 of Gering, have completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and
WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although there are many ways to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout their scouting experience, Austin, Roger, Conner, and Adam have been tested on and recognized for various scouting skills; and
WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council; and
WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and
WHEREAS, Austin, Roger, Conner, and Adam, through their hard work and perseverance, have joined other high achievers who are Eagle Scouts, such as astronauts, leaders of government and industry, artists, scientists, and athletes.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates Austin Garcia, Roger Martinez, Conner Muhr, and Adam Zamarripa on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Austin Garcia, Roger Martinez, Conner Muhr, and Adam Zamarripa.

Laid over.

LEGISLATIVE RESOLUTION 467. Introduced by McCoy, 39; Hilkemann, 4.

WHEREAS, the Elkhorn South High School girls' basketball team won the 2016 Class B Girls' State Basketball Championship; and
WHEREAS, the Elkhorn South Storm defeated Waverly High School in the championship game by a score of 43-33; and
WHEREAS, this victory gave the Elkhorn South Storm girls' basketball team their first state championship; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates the Elkhorn South High School girls' basketball team on winning the 2016 Class B Girls' State Basketball Championship.
2. That a copy of this resolution be sent to the Elkhorn South High School girls' basketball team and Coach Terry Graver.

Laid over.

ATTORNEY GENERAL'S OPINION

Opinion 16-005

SUBJECT: Whether the Nebraska Legislature may permit the University of Nebraska and the Nebraska State College System to contract for their own credit cards, charge cards, or debit cards, without utilizing the Nebraska State Treasurer's contract for such services.

REQUESTED BY: Senator John Murante

WRITTEN BY: Douglas J. Peterson, Attorney General
Natalee J. Hart, Assistant Attorney General

You are the Chairperson of the Government, Military and Veterans Affairs Committee of the Nebraska State Legislature. Before your committee is a bill, 2016 LB 955, which would allow the University of Nebraska and the Nebraska State College System to contract for credit cards, charge cards, or debit cards without utilizing the contract for those services entered into by the Nebraska State Treasurer and the Director of the Department of Administrative Services for all state agencies.

You have requested an opinion from the Attorney General's Office regarding several questions relating to 2016 LB 955, as follows:

(1) Can the Legislature remove by statute a core function that is an inherent constitutional authority of the State Treasurer?

(2) Is the custody of state funds and the supervision of the State's relationships with state and national banks an inherent constitutional authority of the State Treasurer?

(3) Do the contracts that provide for the receipt of state funds through the processing of credit card transactions fall within the State Treasurer (sic) constitutional authority to supervise the State's relationship with state and national banks?

(4) Do the provisions of LB 955 which allow the University of Nebraska and the Nebraska State College System to enter into credit card processing contracts for the purpose of receiving payment of state funds without the involvement of the State Treasurer violate the inherent constitutional authority of the State Treasurer?
(5) Is LB 955 unconstitutional?

2016 LB 955 seeks to amend Neb. Rev. Stat. § 81-118.01(5) to specifically exclude the University of Nebraska and the Nebraska State College System from the requirement that all state agencies utilize the contract entered into by the State Treasurer and the Director of the Department of Administrative Services with a third-party merchant for credit card, charge card, and debit card processing services.1 The University of Nebraska and the Nebraska State College System would be permitted to participate in the State Treasurer's contract for such services, at their discretion, but would also be permitted to seek such services and enter into separate contracts for credit card processing services. 2016 LB 955, § 1.

We will respond to your fourth question first, as the analysis relating to that question will encompass the remainder of your questions.

**Question 4. Do the provisions of LB 955 which allow the University of Nebraska and the Nebraska State College System to enter into credit card processing contracts for the purpose of receiving payment of state funds without the involvement of the State Treasurer violate the inherent constitutional authority of the State Treasurer?**

The answer to your fourth question is grounded in several prior opinions of this office. Neb. Const. art. IV, § 1 establishes the executive officers of the state as the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, and other heads of executive departments, and provides that "[o]fficers in the executive department of the state shall perform such duties as may be provided by law." The duties of each of these offices is not further defined in the Constitution. On several occasions, this office has had occasion to address the topic of a constitutional officer's "core functions" inherent in Neb. Const. art. IV, § 1. In Op. Att'y Gen. 93012 (March 4, 1993), a lengthy discussion was had regarding the core functions of constitutional officers in general, and the auditor in particular. That opinion dealt with a bill that purported to remove the authority of the State Auditor of Public Accounts to audit the books of the Nebraska Legislature, transferring that authority to the Legislature. Ultimately, that bill was determined to be unconstitutional based upon the separation of powers doctrine. However, the "core functions" of the auditor were also at issue. We have stated that "the law" as referred to in Neb. Const. art. IV, § 1 refers not only to statutory law, but common law and the inherent functions of the constitutional officers. Op. Att'y Gen. No. 93012 at 6. These common law and inherent functions comprise the "core functions" of the constitutional officers.

The core functions of the State Treasurer have previously been determined to be

[T]he duty to receive and keep all money of the State not expressly required to be received and kept by some other officer. Neb. Rev. Stat. § 84-602(1) (1994); Neb. Rev. Stat. 1866, c. 4, § 18. Moreover, since
1891, the State Treasurer has had authority to deposit the funds of the State in his keeping in state and national banks. Neb. Rev. Stat. § 77-2301 (1996), 1891 Neb. Laws, c. 50, § 1, 9. 347. It is also generally accepted that the Treasurer of a state has, by law, the custody of the monies of the State. 81A C.J.S. States § 135. Based upon those historical duties of the State Treasurer, it seems to us that the core functions of that office would clearly include maintaining custody of state funds.

Arguably, those core functions would also include general supervision of [the] State's relationships with state and national banks.


The core functions of a constitutional office, including that of the State Treasurer, "may not be removed by legislative enactment." Op. Att'y Gen. No. 93012 at 10.

"[T]he Legislature cannot relieve or preclude any executive officer from the performance of a duty enjoined on him by the Constitution, or, as otherwise expressed, it cannot take away from a constitutional officer the powers or duties given him by the Constitution; or vest such powers or functions in any other department or officer (footnotes omitted)." 16 C.J.S. § 130, page 545 (1956).

Therefore, in addition to the inability of the Legislature to abolish the office entirely or to excessively diminish its statutory responsibilities when no duties of any significance remain, it is also impermissible to take away any of the duties constitutionally established for the office.

Op. Att'y Gen. No. 93012 at 10, quoting Op. Att'y Gen. No. 214 (March 4, 1982). "[T]he Nebraska Supreme Court has repeatedly recognized the principal that the legislature may not transfer duties vested under the Constitution in one officer or entity to another officer, body or jurisdiction." Op. Att'y Gen. No. 93012 at 14 (emphasis omitted) (citations omitted). "[T]he duties of a constitutional officer may be added to by statute, but none, as they were known at common law, may be taken away.' " 16 C.J.S. § 130, page 545 (1956) (quoting People ex. rel. Walsh v. Board of Commissioners of Cook County, 74 N.W.2d 503, 507, 508 (Ill. 1947). See also State ex. rel. Spire v. Beermann, 235 Neb. 384, 399, 455 N.W.2d 749, 757 (1990) (if the Legislature could transfer one constitutional duty from a constitutional governing board, it could transfer all such duties, and the constitutional provision establishing that board would become nugatory); Rivett Lumber & Coal Co. of Benson v. Chicago & N.W. Ry. Co., 102 Neb. 492, 167 N.W. 570 (1918).

Even when a duty has been prescribed by statute, if it is founded on one of the constitutional officer's core functions, that duty may not be revoked. The Minnesota Supreme Court, in ruling on that state's legislative attempt to remove most responsibilities from the state treasurer and transfer them to a
statutorily created officer, under a constitutional provision nearly identical to that found in the Nebraska Constitution, held that the legislature could not strip the state treasurer of all its core functions.

Functions relating to the receipt, care, and disbursement of state monies define the treasurer position and separate it from the other executive offices of state government established in our constitution. . . .

Although the prescribed-by-law provision of Article V [of the Minnesota Constitution] affords the legislature the power, in light of public health and welfare concerns, to modify the duties of the state executive officers, it does not authorize legislation . . . that strips such an office of all its independent core functions. The [constitution] implicitly places a limitation on the power of the legislature, under Section 4 of Article V, to prescribe the duties of such offices. The limitation is implicit in the specific titles the drafters gave to the individual offices.

That is not to say that the legislature could not name officials to perform some of the core functions of an executive office; core functions of such offices can be shared with statutory officials. The limitation implicit in Section 1 of Article V serves only to prevent the legislature from abolishing all of the independent functions inherent in an executive office.


Further, the court in Mattson looked to an Arizona decision, which stated that "the legislature should have known that it could not denude the office of its inherent powers and duties, even though they had been prescribed by statute, and leave the office as an empty shell." State ex rel. Mattson v. Kiedrowski, 391 N.W. 2d at 781 (quoting Hudson v. Kelly, 263 P.2d 362, 368 (Ariz. 1953)). See also Fergus v. Russel, 110 N.W.130 (Ill. 1915) (the state legislature could revoke some duties that had been legislatively conferred upon constitutional officers, but could not remove those which were inherent in the offices under the common law.)

It is clear that the Legislature may not entirely remove any one of the State Treasurer's core functions, including establishing a banking relationship on behalf of the State of Nebraska and all of its agencies. As a contract for credit card services inherently involves establishing a banking relationship with one or more merchant banks, the credit card contracts are a part of the Treasurer's duties to establish banking relationships for the State of Nebraska. However, what is not entirely clear is whether any of those duties may be diminished by the Legislature. Allowing the University and the State College System to enter into their own credit card processing contracts would not entirely remove a function from the State Treasurer, but would reduce the Treasurer's duties in that regard.

We previously have opined that under the current statutory language, the
University of Nebraska is required to abide by the contract entered into by the State Treasurer for credit card services. In determining whether Neb. Rev. Stat. §§ 13-609 and 81-118.01, generally authorizing governmental subdivisions and state agencies to accept credit card payments, applied to the University of Nebraska, we determined that the University was a state agency subject to the requirements of Neb. Rev. Stat. § 81-118.01, which 2016 LB 955 seeks to amend. We stated that

[t]he general government of the University vested in the Board of Regents under the Nebraska Constitution may only be exercised in such a way as to preserve the Treasurer's general authority over the custody of state funds and the supervision of the State's relationship with state and national banks. Therefore, the credit card provisions of [1997] LB 70 appear acceptable under the [Board of Regents of the University of Nebraska v. Exon, 199 Neb. 146, 256 N.W.2d 330 (1997)] case because they involve the Treasurer's general supervision of matters related to the State's business with banks. On the other hand, it remains clear under Exon that the Treasurer's authority with respect to state funds and general supervision of the State's relationship with banks cannot be used to intrude upon the authority of [the] Board of Regents in the general government of the University.


The answer as to whether the Legislature may diminish any of the constitutional duties of a constitutional officer such as the State Treasurer has not been taken up by the Nebraska Supreme Court. While it is not clear how the Nebraska courts would rule on this topic, we believe the better answer in this matter to be that the Legislature may not diminish the State Treasurer's "core functions," and allowing the University and State College System to enter into their own contracts for credit card processing would do just that.

The Utah Supreme Court has taken up a similar question to the one you have presented to this office. Utah's constitutional provision provides that its treasurer "shall be the custodian of public moneys, and . . . shall perform such other duties as may be provided by law." Preece v. Rampton, 492 P.2d 1355, 1356 (Utah 1972). "While the Constitution provides that additional duties may be imposed . . . the language cannot be tortured into meaning that any of the duties and responsibilities which they had at the time [the constitution was adopted] can be diminished." Id. The Utah Supreme Court distinguished between ministerial duties, such as the typing out of warrants, which can be assigned to other state officers; and discretionary functions, such as verifying the correctness of accounts before they are paid, which cannot be taken away from the constitutional officer. Id. at 1357. Establishing banking relationships for the state of Nebraska, including making a determination as to the third-party merchant bank which is to be awarded a contract with the State of Nebraska for credit card payment processing, is a discretionary function. We do not believe that this function
can be transferred, even in part, to another state agency.

Our opinion that the Nebraska Supreme Court would determine that 2016 LB 955 is unconstitutional is also based upon our reading of Board of Regents of the University of Nebraska v. Exon, 199 Neb. 146, 256 N.W.2d 330 (1977). In this case, the Board of Regents of the University of Nebraska asked the Court to rule on whether acts of the Legislature were in contravention to the constitutional authority of the Board of Regents as found in art. VII, § 10 of the Nebraska Constitution. The Nebraska Supreme Court stated that "although the Legislature may add to or subtract from the powers and duties of the Regents, the general government of the University must remain vested in the Board of Regents and powers or duties that should remain in the Regents cannot be delegated to other officers or agencies." Id. at 149, 256 N.W.2d at 333. We believe this reasoning may be applied equally to any officer vested with constitutional authority. The Legislature may not delegate any of the core functions of a constitutional officer to any other office. This would include the responsibilities of the State Treasurer to establish banking relationships on behalf of the State of Nebraska and enter into credit card processing contracts for the State.

For these reasons, we believe that 2016 LB 955 improperly infringes upon the constitutional authority of the Nebraska State Treasurer.

**Question 1. Can the Legislature remove by statute a core function that is an inherent constitutional authority of the State Treasurer?**

As explained in our response to question four, the Legislature cannot deprive a constitutional office of any of its "core functions." The Legislature may not remove all or part of the State Treasurer's function of establishing and maintaining banking relationships, including contracting with credit card providers, for funds for which the Treasurer is responsible to maintain. See Op. Att'y Gen. No. 98006 at 6. See also Op. Att'y Gen. No. 10007, Op. Att'y Gen. No. 15-010.

**Question 2. Is the custody of state funds and the supervision of the State's relationships with state and national banks an inherent constitutional authority of the State Treasurer?**

As previously stated by this office in prior opinions, yes, the supervision of the State's relationship with state and national banks is one of the State Treasurer's "core functions" granted to it by the Nebraska Constitution and the common law. Op. Att'y Gen. No. 98006 at 6. See also Op. Att'y Gen. No. 10007, Op. Att'y Gen. No. 15-010.

**Question 3. Do the contracts that provide for the receipt of state funds through the processing of credit card transactions fall within the State Treasurer's constitutional authority to supervise the State's relationship with state and national banks?**
As we explained above, the contracts that are entered into by the State Treasurer and the Director of the Department of Administrative Services for credit cards, charge cards, or debit cards, pursuant to Neb. Rev. Stat. § 81-118.01, fall within the State Treasurer's responsibility to supervise the State's relationship with state and national banks. In order to contract for these services, there must be a banking relationship established between the State of Nebraska and the merchant bank which issues the card.

**Question 5. Is LB 955 unconstitutional?**

In the context of opinion requests from members of the Legislature, we have stated in the past that a general question on the constitutionality of proposed legislation will necessarily result in a general response from this office. Op. Att'y Gen. No. 98040 (September 11, 1998), Op. Att'y Gen. No. 94023 (March 23, 1994). We will address two potential constitutional problems with this proposed legislation, but have no indication from you as to whether you believe there could be other potential constitutional impediments to this legislation. In terms of whether 2016 LB 955 interferes upon the State Treasurer's constitutional "core functions," as discussed herein, we believe 2016 LB 955 to be an unconstitutional infringement thereupon.

We also have concerns about whether 2016 LB 955 would constitute unconstitutional special legislation. As we believe this bill to be an unconstitutional infringement upon the State Treasurer's core duties, we will not discuss whether this bill is special legislation at length. However, we do believe 2016 LB 955 creates an arbitrary classification of two state agencies, with no reasonable distinction which would allow only these two state agencies to enter into their own contracts for credit card services.

Under Neb. Const. art. III, § 18, a legislative act constitutes special legislation if (1) it creates an arbitrary and unreasonable method of classification, or (2) it creates a permanently closed class. Gourley v. Nebraska Methodist Health System, Inc., 265 Neb. 918, 663 N.W.2d 43 (2003). With respect to what constitutes an arbitrary and unreasonable classification, the Nebraska Supreme Court has stated "[a] legislative classification, in order to be valid, must be based upon some reason of public policy, some substantial difference of situation or circumstances, that would naturally suggest the justice or expediency of diverse legislation with respect to objects to be classified." Gourley v. Nebraska Methodist Health System, Inc., 265 Neb. 918, 938, 663 N.W.2d 43, 65 (2003) (citations omitted). Ultimately, "the analysis under a special legislation inquiry focuses on the Legislature's purpose in creating the class and asks if there is a substantial difference of circumstances to suggest the expediency of diverse legislation." Id. at 939, 663 N.W.2d at 66.

While the University of Nebraska and the State College System may argue that they are different from all other state agencies, having more autonomy due to their constitutionally created governing bodies, and
providing differing services from all other state agencies, we do not believe that is sufficient to separate them for the purposes of a credit card contract relating to the expenditure of state funds. In this regard there are other constitutionally created state offices which could argue they are not substantially different from the University of Nebraska and the State College System for purposes of establishing their own credit card processing. We do not believe that allowing the University of Nebraska and the State College System to contract for credit card processing, separate from the contract entered into by the State Treasurer, passes the test of a "substantial difference of situation or circumstance" under Gourley. For these reasons, we believe 2016 LB 955 to be unconstitutional special legislation.

Conclusion

For the reasons found herein, we believe 2016 LB 955 to be an unconstitutional infringement upon the State Treasurer's core functions. We do not believe that the State Treasurer's duties to supervise the state's banking relationships, which includes entering into contracts for credit card processing services, can be eliminated or diminished by legislative enactment. We also believe 2016 LB 955 to be unconstitutional special legislation as to the University of Nebraska and the State College System.

1 For convenience, we will refer to this grouping of services as "credit card processing services." All references to credit cards and credit card processing also refer to charge cards and debit cards and processing thereof.

2 See Op. Att'y Gen. 98006 at 6. See also State ex rel. State Ry. Comm'n v. Ramsey, 151 Neb. 333, 338, 37 N.W.2d 502, 506 (1949) ("[a] Constitution is intended to meet and be applied to any conditions and circumstances as they arise in the course of the progress of the community. The terms and provisions of constitutions are constantly expanded and enlarged by construction to meet the advancing affairs of men. While the powers granted thereby do not change, they do apply in different periods to all things to which they are in their nature applicable."

3 You have only asked us to opine as to the constitutionality of this bill as it relates to "state funds." As is discussed in Op. Att'y Gen. No. 98006 at 8-12 and Board of Regents of the University of Nebraska v. Exon, 199 Neb. 146 (1977), the University has other funds, which are not "state funds," and for which it is permitted to establish its own banking relationship. We will not discuss those funds herein.

Sincerely,

DOUGLAS J. PETERSON
Attorney General

(Signed) Natalee J. Hart
Assistant Attorney General
AMENDMENT(S) - Print in Journal

Senator Schumacher filed the following amendment to LB1022:
AM2398
(Amendments to Standing Committee amendments, AM2170)
1 1. Strike amendment 6.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Chambers - LB1000
Davis, Groene, Kolowski, Kolterman - LB447

VISITOR(S)

Visitors to the Chamber were 14 members of Project Everlast from District 42; 39 fourth-grade students, teachers, and sponsors from Montclair Elementary, Omaha; and 27 twelfth-grade students, teacher, and sponsors from Burwell.

RECESS

At 11:59 a.m., on a motion by Senator Sullivan, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Coash presiding.

ROLL CALL

The roll was called and all members were present except Senators Kuehn and Schilz who were excused; and Senators Bolz, Craighead, and Watermeier who were excused until they arrive.
BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 938A. Introduced by Smith, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 938, One Hundred Fourth Legislature, Second Session, 2016.

GENERAL FILE

LEGISLATIVE BILL 344. The McCoy amendment, AM2403, found on page 832 and considered in this day's Journal, to the committee amendment, was renewed.

Senator Hansen moved the previous question. The question is, "Shall the debate now close?"

Senator Hansen moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

The motion to cease debate prevailed with 25 ayes, 3 nays, 17 present and not voting, and 4 excused and not voting.

Senator McCoy requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Bloomfield Davis Kintner Mello Seiler
Brasch Ebke Kolterman Murante Sullivan
Coash Fox Larson Scheer Watermeier
Cook Garrett Lindstrom Schnoor
Craighead Groene McCoy Schumacher

Voting in the negative, 16:

Baker Haar, K. Hughes Morfeld
Campbell Hadley Kolowski Pansing Brooks
Chambers Harr, B. Krist Stinner
Gloor Hilkemann McCollister Williams

Present and not voting, 7:

Bolz Friesen Johnson Smith
Crawford Hansen Riepe

Excused and not voting, 3:
The McCoy amendment lost with 23 ayes, 16 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Kolowski offered the following amendment to the committee amendment:

AM2415
(Amendments to Standing Committee amendments, AM2112)

1 1. On page 1, line 19, strike "and such" and insert "except that the
2 levy on such general obligation bonds shall not exceed one cent on each
3 one hundred dollars of taxable valuation annually on all of the taxable
4 property within the district without approval by a majority of registered
5 voters of the district at an election in accordance with the Election Act
6 called by the board of directors and held in conjunction with a statewide
7 primary or general election. Such".

Senator Kolowski moved for a call of the house. The motion prevailed with
22 ayes, 0 nays, and 27 not voting.

Senator Kolowski requested a roll call vote, in reverse order, on his
amendment.

Voting in the affirmative, 28:

Baker  Crawford  Harr, B.  Krist  Smith
Bolz   Friesen  Hilkemann  McCollister  Stinner
Campbell  Gloor  Hughes  Mello  Sullivan
Chambers  Haar, K.  Johnson  Morfeld  Williams
Coash  Hadley  Kolowski  Pansing Brooks
Cook   Hansen  Kolterman  Seiler

Voting in the negative, 3:

Bloomfield  Groene  Kintner

Present and not voting, 14:

Brasch  Ebke  Lindstrom  Riepe  Schumacher
Craighead  Fox  McCoy  Scheer  Watermeier
Davis  Garrett  Murante  Schnoor

Excused and not voting, 4:

Howard  Kuehn  Larson  Schilz
The Kolowski amendment was adopted with 28 ayes, 3 nays, 14 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Committee AM2112, found on page 628 and considered on page 832, as amended, was renewed.

The committee amendment, as amended, was adopted with 25 ayes, 2 nays, 16 present and not voting, and 6 excused and not voting.

Senator Schnoor offered the following amendment:
AM2446
(Amendments to Standing Committee amendments, AM2112)
1 1. On page 2, lines 25 and 31, strike "2025" and insert "2023".

Senator Kintner offered the following amendment to the Schnoor amendment:
FA92
Amend AM2446
Strike 2023 and insert 2021.

SPEAKER HADLEY PRESIDING

Senator Kolowski offered the following motion:
MO196
Unanimous consent to bracket until April 20, 2016.

No objection. So ordered.

COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 842. Placed on General File.

LEGISLATIVE BILL 750. Placed on General File with amendment.
AM2378
1 1. Strike the original sections and insert the following new sections:
3 Section 1. Section 38-101, Revised Statutes Supplement, 2015, is amended to read:
5 38-101 Sections 38-101 to 38-1,141 and section 2 of this act and the following practice acts shall be known and may be cited as the Uniform Credentialing Act:
8 (1) The Advanced Practice Registered Nurse Practice Act;
9 (2) The Alcohol and Drug Counseling Practice Act;
10 (3) The Athletic Training Practice Act;
11 (4) The Audiology and Speech-Language Pathology Practice Act;
12 (5) The Certified Nurse Midwifery Practice Act;
13 (6) The Certified Registered Nurse Anesthetist Practice Act;
(7) The Chiropractic Practice Act;
(8) The Clinical Nurse Specialist Practice Act;
(9) The Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act;
(10) The Dentistry Practice Act;
(11) The Emergency Medical Services Practice Act;
(12) The Environmental Health Specialists Practice Act;
(13) The Funeral Directing and Embalming Practice Act;
(14) The Genetic Counseling Practice Act;
(15) The Hearing Instrument Specialists Practice Act;
(16) The Licensed Practical Nurse-Certified Practice Act;
(17) The Massage Therapy Practice Act;
(18) The Medical Nutrition Therapy Practice Act;
(19) The Medical Radiography Practice Act;
(20) The Medicine and Surgery Practice Act;
(21) The Mental Health Practice Act;
(22) The Nurse Practice Act;
(23) The Nurse Practitioner Practice Act;
(24) The Nursing Home Administrator Practice Act;
(25) The Occupational Therapy Practice Act;
(26) The Optometry Practice Act;
(27) The Perfusion Practice Act;
(28) The Pharmacy Practice Act;
(29) The Physical Therapy Practice Act;
(30) The Podiatry Practice Act;
(31) The Psychology Practice Act;
(32) The Respiratory Care Practice Act;
(33) The Veterinary Medicine and Surgery Practice Act; and

If there is any conflict between any provision of sections 38-101 to 38-1,139 and 38-1,141 and any provision of a practice act, the provision of the practice act shall prevail.

The Revisor of Statutes shall assign the Uniform Credentialing Act, including the practice acts enumerated in subdivisions (1) through (33) of this section, to articles within Chapter 38.

Sec. 2. An individual or a business credentialed pursuant to the Uniform Credentialing Act shall not discriminate or retaliate against any person who has initiated or participated in the making of a report under the act to the department. Such person may maintain an action for any type of relief, including injunctive and declarative relief, permitted by law.

Sec. 3. Section 38-175, Reissue Revised Statutes of Nebraska, is amended to read:

38-175 (1) The department may contract to provide a Licensee Assistance Program to credential holders regulated by the department. The program shall be limited to providing education, referral assistance, and monitoring of compliance with treatment for abuse of, dependence on, or active addiction to alcohol, any controlled substance, or any mind-altering substance and shall be limited to voluntary participation by
(2)(a) Participation in the program shall be confidential, except that if any evaluation by the program determines that the abuse, dependence, or active addiction may be of a nature which constitutes a danger to the public health and safety by the person's continued practice or if the person fails to comply with any term or condition of a treatment plan, the program shall report the same to the director.

(b) Participation in the program shall not preclude the investigation of alleged statutory violations which could result in disciplinary action against the person's credential or criminal action against the person.

(3) Any report from any person or from the program to the department indicating that a credential holder is suffering from abuse of, dependence on, or active addiction to alcohol, any controlled substance, or any mind-altering substance that impairs the ability to practice the profession shall be treated as a complaint against such credential and shall subject such credential holder to discipline under sections 38-186 to 38-1,100.

(4) No person who makes such a report to the program or from the program to the department shall be liable in damages to any person for slander, libel, defamation of character, breach of any privileged communication, or other criminal or civil action of any nature, whether direct or derivative, for making such report or providing information to the program or department in accordance with this section. The identity of any person making such a report or providing information leading to the making of a report shall be confidential.

(5) Any person who contacts the department for information on or assistance in obtaining referral or treatment of himself or herself or any other person credentialed by the department for abuse of, dependence on, or active addiction to alcohol, any controlled substance, or any mind-altering substance that impairs the ability to practice the profession shall be referred to the program. Such inquiries shall not be used by the department as the basis for investigation for disciplinary action, except that such limitation shall not apply to complaints or any other reports or inquiries made to the department concerning persons who may be suffering from abuse of, dependence on, or active addiction to alcohol, any controlled substance, or any mind-altering substance that impairs the ability to practice the profession or when a complaint has been filed or an investigation or disciplinary or other administrative proceeding is in process.

Sec. 4. Section 38-1,106, Reissue Revised Statutes of Nebraska, is amended to read:

38-1,106 (1) Reports under sections 38-1,129 to 38-1,136, complaints, and investigational records of the department shall not be public records, shall not be subject to subpoena or discovery, and shall be inadmissible in evidence in any legal proceeding of any kind or character except a contested case before the department. Such reports, complaints, or records shall be a public record if made part of the record of a contested case before the department. No person, including,
but not limited to, department employees and members of a board, having
access to such reports, complaints, or investigational records shall
disclose such information in violation of this section, except that the
department may exchange such information with law enforcement and other
state licensing agencies as necessary and appropriate in the discharge of
the department's duties and only under circumstances to ensure against
unauthorized access to such information. Violation of this subsection is
a Class I misdemeanor.

(2) Investigational records, reports, and files pertaining to an
application for a credential shall not be a public record until action is
taken to grant or deny the application and may be withheld from
disclosure thereafter under section 84-712.05.

(3) The identity of any person making a report, providing
information leading to the making of a report, or otherwise providing
information to the department, a board, or the Attorney General included
in such reports, complaints, or investigational records shall be
confidential whether or not the record of the investigation becomes a
public record.

Sec. 5. Section 38-1,121, Reissue Revised Statutes of Nebraska, is
amended to read:
A complaint submitted to the department regarding a
credential holder subject to section 38-1,119 and the identity of any
person making the complaint or providing information leading to the
making of the complaint shall be confidential. Such persons making such a complaint shall be immune from criminal or civil liability
of any nature, whether direct or derivative, for filing a complaint or
for disclosure of documents, records, or other information to the
department.

Sec. 6. Section 38-1,126, Revised Statutes Cumulative Supplement,
2014, is amended to read:
A report made to the department under section 38-1,124
or 38-1,125 shall be confidential. The identity of any person making such
report or providing information leading to the making of such report
shall be confidential.

Any person making such a report to the department, except a
person who is self-reporting, shall be completely immune from criminal or
civil liability of any nature, whether direct or derivative, for filing a
report or for disclosure of documents, records, or other information to
the department under section 38-1,124 or 38-1,125.

Persons who are members of committees established under the
Health Care Quality Improvement Act, the Patient Safety Improvement Act,
or section 25-12,123 or witnesses before such committees shall not be
required to report under section 38-1,124 or 38-1,125. Any person who is
a witness before such a committee shall not be excused from reporting
matters of first-hand knowledge that would otherwise be reportable under
section 38-1,124 or 38-1,125 only because he or she attended or testified
before such committee.

Documents from original sources shall not be construed as immune
from discovery or use in actions under section 38-1,125.
10 Sec. 7. Section 38-1,129, Reissue Revised Statutes of Nebraska, is
amended to read:
12 38-1,129 Unless such knowledge or information is based on
13 confidential medical records protected by the confidentiality provisions
14 of the federal Public Health Services Act, 42 U.S.C. 290dd-2, and federal
15 administrative rules and regulations, as such act and rules and
16 regulations existed on January 1, 2007:
17 (1) Any insurer having knowledge of any violation of any of the
18 Uniform Credentialing Act governing the profession of the person being
19 reported whether or not such person is credentialed shall report the
20 facts of such violation as known to such insurer to the department; and
21 (2) All insurers shall cooperate with the department and provide
22 such information as requested by the department concerning any possible
23 violations by any person required to be credentialed whether or not such
24 person is credentialed.
25 The identity of any person making such report on behalf of an
26 insurer or providing information leading to the making of such report
27 shall be confidential.
28 Sec. 8. Section 38-1,130, Reissue Revised Statutes of Nebraska, is
29 amended to read:
30 38-1,130 Any insurer shall report to the department, on a form and
31 in the manner specified by the department by rule and regulation, any
32 facts known to the insurer, including, but not limited to, the identity
33 of the credential holder and consumer, when the insurer:
34 (1) Has reasonable grounds to believe that a person required to be
35 credentialed has committed a violation of the provisions of the Uniform
36 Credentialing Act governing the profession of such person whether or not
37 such person is credentialed;
38 (2) Has made payment due to an adverse judgment, settlement, or
39 award resulting from a professional liability claim against the insurer,
40 a health care facility or health care service as defined in the Health
41 Care Facility Licensure Act, or a person required to be credentialed
42 whether or not such person is credentialed, including settlements made
43 prior to suit in which the consumer releases any professional liability
44 claim against the insurer, health care facility or health care service,
45 or person required to be credentialed, arising out of the acts or
46 omissions of such person;
47 (3) Takes an adverse action affecting the coverage provided by the
48 insurer to a person required to be credentialed, whether or not such
49 person is credentialed, due to alleged incompetence, negligence,
50 unethical or unprofessional conduct, or physical, mental, or chemical
51 impairment. For purposes of this section, adverse action does not include
52 raising rates for professional liability coverage unless it is based upon
53 grounds that would be reportable and no prior report has been made to the
54 department; or
55 (4) Has been requested by the department to provide information.
56 The identity of any person making such report on behalf of an
57 insurer or providing information leading to the making of such report
58 shall be confidential.
28 Sec. 9. Section 38-1,134, Reissue Revised Statutes of Nebraska, is
29 amended to read:
30 38-1,134 To the extent that reports made under section 38-1,129 or
31 38-1,130 contain or relate to privileged communications between consumer
1 and credential holder, such reports shall be treated by the department as
2 privileged communications and shall be considered to be part of the
3 investigational records of the department. Such reports may not be
4 obtained by legal discovery proceedings or otherwise disclosed unless the
5 privilege is waived by the consumer involved or the reports are made part
6 of the record in a contested case under section 38-186, in which case
7 such reports shall only be disclosed to the extent they are made a part
8 of such record. The identity of any person making such report or
9 providing information leading to the making of such report shall be
10 confidential.
11 Sec. 10. Section 71-445, Reissue Revised Statutes of Nebraska, is
12 amended to read:
13 71-445 (1) A health care facility or health care service shall not
14 discriminate or retaliate against a person residing in, served by, or
15 employed at such facility or service who has initiated or participated in
16 any proceeding authorized by the Health Care Facility Licensure Act or
17 who has presented a complaint or provided information to the
18 administrator of such facility or service or the Department of Health and
19 Human Services. Such person may maintain an action for any type of
20 relief, including injunctive and declaratory relief, permitted by law.
21 (2) A health care facility licensed pursuant to the Health Care
22 Facility Licensure Act shall not discriminate or retaliate against any
23 person who has initiated or participated in the making of a report under
24 the Uniform Credentialing Act to the department. Such person may maintain
25 an action for any type of relief, including injunctive and declaratory
26 relief, permitted by law.
27 Sec. 11. Original sections 38-175, 38-1,106, 38-1,121, 38-1,129,
28 38-1,130, 38-1,134, and 71-445, Reissue Revised Statutes of Nebraska,
29 section 38-1,126, Revised Statutes Cumulative Supplement, 2014, and
30 section 38-101, Revised Statutes Supplement, 2015, are repealed.

LEGISLATIVE BILL 816. Placed on General File with amendment.
AM2336
1 1. On page 3, line 5, strike "and potential".

LEGISLATIVE BILL 939. Placed on General File with amendment.
AM2221
1 1. Insert the following new section:
2 Sec. 10. Section 71-7611, Revised Statutes Supplement, 2015, is
3 amended to read:
4 71-7611 (1) The Nebraska Health Care Cash Fund is created. The State
5 Treasurer shall transfer (a) sixty million three hundred thousand dollars
6 on or before July 15, 2014, (b) sixty million three hundred fifty
7 thousand dollars on or before July 15, 2015, (c) sixty million three
8 hundred fifty thousand dollars on or before July 15, 2016, (d) sixty
...on or before July 15, 2017, (e) sixty million three hundred fifty thousand dollars on or before July 15, 2018, and (f) sixty million one hundred thousand dollars on or before every July 15 thereafter from the Nebraska Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust Fund to the Nebraska Health Care Cash Fund, except that such amount shall be reduced by the amount of the unobligated balance in the Nebraska Health Care Cash Fund at the time the transfer is made. The state investment officer upon consultation with the Nebraska Investment Council shall advise the State Treasurer on the amounts to be transferred from the Nebraska Medicaid Intergovernmental Trust Fund and from the Nebraska Tobacco Settlement Trust Fund under this section in order to sustain such transfers in perpetuity. The state investment officer shall report electronically to the Legislature on or before October 1 of every even-numbered year on the sustainability of such transfers. The Nebraska Health Care Cash Fund shall also include money received pursuant to section 77-2602. Except as otherwise provided by law, no more than the amounts specified in this subsection may be appropriated or transferred from the Nebraska Health Care Cash Fund in any fiscal year.

It is the intent of the Legislature that no additional programs are funded through the Nebraska Health Care Cash Fund until funding for all programs with an appropriation from the fund during FY2012-13 are restored to their FY2012-13 levels.

(2) The Legislature may transfer money from the Nebraska Health Care Cash Fund to carry out the purposes of the Nebraska Early Childhood Advantage Act.

(3) Any money in the Nebraska Health Care Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(4) The University of Nebraska and postsecondary educational institutions having colleges of medicine in Nebraska and their affiliated research hospitals in Nebraska, as a condition of receiving any funds appropriated or transferred from the Nebraska Health Care Cash Fund, shall not discriminate against any person on the basis of sexual orientation.

(5) The State Treasurer shall transfer fifty thousand dollars on or before July 15, 2016, from the Nebraska Health Care Cash Fund to the Board of Regents of the University of Nebraska for the University of Nebraska Medical Center. It is the intent of the Legislature that these funds be used by the College of Public Health for workforce training.

On page 2, strike beginning with "any" in line 4 through "programs" in line 5 and insert "the Department of Health and Human Services"; in line 6 after "(2)" insert "(a)"; and in line 8 strike "(a)".

On page 3, line 7, strike "or"; in line 9 after "services" insert ";

(v) Programs established pursuant to section 79-1104; or

(vi) Programs established pursuant to subdivision (4) of section
31 79-2104"; strike beginning with "Departments" in line 10 through
1 "jointly" in line 11 and insert "The department may"; and in line 12
2 strike "departments" and insert "department".
3 4. On page 4, line 4, strike "A" and insert "The"; in line 5 insert
4 "and" after the second comma; strike beginning with the third comma in
5 line 5 through "entities" in line 6; in line 9 strike "a" and insert
6 "the"; in line 14 strike "Departments administering home-visiting
7 programs" and insert "The department"; and in line 29 strike beginning
8 with "December" through "a" and insert "July 1, 2019, and annually
9 thereafter, the".
10 5. On page 5, line 10, strike "departments have" and insert
11 "department has".
12 6. On page 6, line 25, after "act" insert an underscored comma.
13 7. Renumber the remaining section and correct the repealer
14 accordingly.

LEGISLATIVE BILL 952. Placed on General File with amendment.
AM2358
1 1. Strike original section 1 and renumber the remaining sections
2 accordingly.

(Signed) Kathy Campbell, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Nebraska Retirement Systems
Room 1525
Thursday, March 31, 2016 8:00 a.m.

Pamela E. Lancaster - Public Employees Retirement Board
Presentation of the Nebraska Investment Council Annual Report to the
Nebraska Retirement Systems Committee pursuant to section 72-1243(2)
Presentation of the Nebraska Public Employees Retirement Systems Annual
Report to the Nebraska Retirement Systems Committee pursuant to
section 84-1503(3)

(Signed) Mark Kolterman, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 468. Introduced by Garrett, 3;
Crawford, 45.

WHEREAS, Joey Walther and Colton Patrick, sophomores at Bellevue
East High School and members of Future Business Leaders of America
(FBLA), have been holding seminars at local schools to educate young
Nebraskans about the importance of saving money, the job market, and how
the economy affects their lives; and
WHEREAS, according to the Financial Industry Regulatory Authority, 56 percent of people in the United States have no "rainy day" fund; and
WHEREAS, ING Direct and Capital One found that 87 percent of teenagers say they know little to nothing about managing money; and
WHEREAS, teaching young Nebraskans about personal finance and giving them the proper tools for money management is key to their future success; and
WHEREAS, Joey and Colton have named their educational program "Project BEECON" (Business and Economic Education Community Outreach) and will be competing with their program in an annual FBLA competition in April.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature commends Joey Walther and Colton Patrick for educating young Nebraskans about the economy and the importance of saving money.
2. That the Legislature sends Joey Walther and Colton Patrick well wishes on Project BEECON and wishes them success in their future endeavors.
3. That a copy of this resolution be sent to Joey Walther and Colton Patrick.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Baker filed the following amendment to LB722:
AM2435
(Amendments to Standing Committee amendments, AM2126)
1. On page 2, line 29; and page 3, line 11, strike "A" and insert "Beginning on January 1, 2017, a".
2. On page 3, line 7, strike "An" and insert "Beginning on January 1, 2017, an".

MESSAGE(S) FROM THE GOVERNOR

March 7, 2016

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 954e and 1016 were received in my office on March 1, 2016.
These bills were signed and delivered to the Secretary of State on March 7, 2016.
Sincerely,
(Signed) Pete Ricketts
Governor

GENERAL FILE

LEGISLATIVE BILL 1009. Title read. Considered.
Committee AM1960, found on page 522, was offered.

SENATOR SCHEER PRESIDING

The committee amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 934. Title read. Considered.
Committee AM2190, found on page 644, was offered.

Senator Coash offered his amendment, AM2276, found on page 727, to the committee amendment.

The Coash amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 934A. Title read. Considered.
Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 469. Introduced by Hadley, 37.

WHEREAS, the Kearney Catholic High School girls' basketball team won the 2016 Class C-1 Girls' State Basketball Championship; and
WHEREAS, the Kearney Catholic Stars defeated Lincoln Christian High School in the championship game by a score of 39-37; and
WHEREAS, this victory would not have been possible without the remarkable skill and teamwork of Michelle Messbarger, Annie Trettel, Jordan Streit, Olivia Micek, Brooke Eschenbrenner, Kylie Thiele, Ashlynn
Schmaderer, Jaedyn Bosshamer, Morgan Thiele, Gabby Baack, Maddie Squiers, Katelyn Long, Anna Squiers, Madison Shoemaker, and Kayla Lee; and

WHEREAS, the Kearney Catholic Stars' victory was also thanks to the leadership and commitment of Head Coach Rick Petri, Assistant Coaches Dwaine Schmitt, Tim Thiele, and Allie Exstrom, and Volunteer Assistant Coach Hope ReRucha; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Kearney Catholic High School girls' basketball team on winning the 2016 Class C-1 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Kearney Catholic Stars and Head Coach Rick Petri.

Laid over.

COMMITTEE REPORT(S)
Education

LEGISLATIVE BILL 1067. Placed on General File.

(Signed) Kate Sullivan, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Crawford - LB768
Brasch - LB768
Pansing Brooks - LB706

VISITOR(S)

Visitors to the Chamber were 50 fourth-grade students from Rockwell Elementary, Omaha; and members of USSTRATCOM Fellows Program with the University of Nebraska, Omaha.

ADJOURNMENT

At 4:46 p.m., on a motion by Senator Stinner, the Legislature adjourned until 9:00 a.m., Tuesday, March 8, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
THIRTY-NINTH DAY - MARCH 8, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 8, 2016

PRAYER

The prayer was offered by Chaplain Brian High, First Baptist Church, Tekamah.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senator Kuehn who was excused; and Senators Campbell, Craighead, Hansen, Howard, Kolowski, Larson, Mello, and Pansing Brooks who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-eighth day was approved.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 451, 453, 454, 456, and 457 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 451, 453, 454, 456, and 457.

GENERAL FILE

LEGISLATIVE BILL 817. Title read. Considered.

SENATOR KRIST PRESIDING

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.
LEGISLATIVE BILL 1109. Senator Chambers offered the following motion:
MO197
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Chambers moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Chambers requested a record vote on the motion to indefinitely postpone.

Voting in the affirmative, 5:

Cook    Davis    Ebke    Groene    McCoy

Voting in the negative, 34:

Baker    Garrett    Hughes    Mello    Schumacher
Bolz     Gloor     Johnson    Morfeld    Seiler
Campbell Haar, K.    Kintner    Murante    Smith
Coash    Hadley     Kolowski    Riepe    Stinner
Craighead Hansen    Koltermann    Scheer    Watermeier
Fox      Harr, B.    Larson    Schilz    Williams
Friesen  Hilkenmann    Lindstrom    Schnoor

Present and not voting, 8:

Bloomfield  Chambers    Howard    McCollister
Brasch    Crawford    Krist    Sullivan

Excused and not voting, 2:

Kuehn      Pansing Brooks

The Chambers motion to indefinitely postpone failed with 5 ayes, 34 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
MO198
Reconsider the vote taken to indefinitely postpone.

SPEAKER HADLEY PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.
Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 5:

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<tr>
<th>Chambers</th>
<th>Davis</th>
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<td>Haar, K.</td>
<td>Kintner</td>
<td>Morfeld</td>
<td>Seiler</td>
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</table>

Voting in the negative, 32:

| Baker    | Hadley | Koltermann | Murante | Smith |
| Bolz     | Hansen | Krist | Riepe | Stinner |
| Coash    | Harr, B. | Larson | Scheer | Watermeier |
| Friesen  | Hilkemann | Lindstrom | Schilz | Williams |
| Garrett  | Hughes | McCollister | Schnoor | |
| Gloor    | Johnson | Mello | Schumacher | |
| Haar, K. | Kintner | Morfeld | Seiler | |

Present and not voting, 7:

| Bloomfield | Crawford | Howard | Sullivan |
| Brasch     | Fox | Kolowski | |

Excused and not voting, 5:

| Campbell | Cook | Craighead | Kuehn | Pansing Brooks |

The Chambers motion to reconsider failed with 5 ayes, 32 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Title read. Considered.

**SENIOR SCHEER PRESIDING**

Senator Chambers offered the following motion:

MO199
Recommit to the Government, Military and Veterans Affairs Committee.

Senator Chambers withdrew his motion.

Pending.

**COMMITTEE REPORT(S)**

**Revenue**

**LEGISLATIVE BILL 774.** Placed on General File with amendment. AM2422 is available in the Bill Room.
LEGISLATIVE BILL 1051. Placed on General File with amendment.

AM2309

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 77-5715, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 77-5715 (1) For a tier 2, tier 3, tier 4, or tier 5 project,
6 qualified business means any business engaged in:
7 (a) The conducting of research, development, or testing for
8 scientific, agricultural, animal husbandry, food product, or industrial
9 purposes;
10 (b) The performance of data processing, data analysis, or
11 telecommunication, insurance, or financial services. For purposes of this
12 subdivision, financial services includes only financial services provided
13 by any financial institution subject to tax under Chapter 77, article 38,
14 or any person or entity licensed by the Department of Banking and Finance
15 or the federal Securities and Exchange Commission and telecommunication
16 services includes community antenna television service, Internet access,
17 satellite ground station, call center, or telemarketing. For purposes of
18 this subdivision, data analysis means the process of extracting,
19 compiling, and modeling raw data for purposes of obtaining constructive
20 information that can be applied to formulating conclusions, predicting
21 outcomes, or supporting decisions in business, scientific, and social
22 science settings;
23 (c) The assembly, fabrication, manufacture, or processing of
24 tangible personal property;
25 (d) The administrative management of the taxpayer's activities,
26 including headquarter facilities relating to such activities or the
27 administrative management of any of the activities of any business entity
1 or entities in which the taxpayer or a group of its shareholders holds
2 any direct or indirect ownership interest of at least ten percent,
3 including headquarter facilities relating to such activities;
4 (e) The storage, warehousing, distribution, transportation, or sale
5 of tangible personal property;
6 (f) The sale of tangible personal property if the taxpayer derives
7 at least seventy-five percent or more of the sales or revenue
8 attributable to such activities relating to the project from sales to
9 consumers who are not related persons and are located outside the state;
10 (g) The sale of software development services, computer systems
11 design, product testing services, or guidance or surveillance systems
12 design services or the licensing of technology if the taxpayer derives at
13 least seventy-five percent of the sales or revenue attributable to such
14 activities relating to the project from sales or licensing either to
15 customers who are not related persons and located outside the state or to
16 the United States Government, including sales of such services, systems,
17 or products delivered by providing the customer with software or access
18 to software over the Internet or by other electronic means, regardless of
19 whether the software or data accessed by customers is stored on a
20 computer owned by the applicant, the customer, or a third party and
regardless of whether the computer storing the software or data is located at the project;  
(h) The research, development, and maintenance of an Internet web portal. For purposes of this subdivision, Internet web portal means an Internet site that allows users to access, search, and navigate the Internet;  
(i) The research, development, and maintenance of a data center;  
(j) The production of electricity by using one or more sources of renewable energy to produce electricity for sale. For purposes of this subdivision, sources of renewable energy includes, but is not limited to, wind, solar, geothermal, hydroelectric, biomass, and transmutation of elements; or  
(k) Any combination of the activities listed in this subsection.  

For a tier 1 project, qualified business means any business engaged in:  
(a) The conducting of research, development, or testing for scientific, agricultural, animal husbandry, food product, or industrial purposes;  
(b) The assembly, fabrication, manufacture, or processing of tangible personal property;  
(c) The sale of software development services, computer systems design, product testing services, or guidance or surveillance systems design services or the licensing of technology if the taxpayer derives at least seventy-five percent of the sales or revenue attributable to such activities relating to the project from sales or licensing either to customers who are not related persons and are located outside the state or to the United States Government, including sales of such services, systems, or products delivered by providing the customer with software or access to software over the Internet or by other electronic means, regardless of whether the software or data accessed by customers is stored on a computer owned by the applicant, the customer, or a third party and regardless of whether the computer storing the software or data is located at the project; or  
(d) Any combination of activities listed in this subsection.  

For a tier 6 project, qualified business means any business except a business excluded by subsection (4) of this section.  

Except for business activity described in subdivision (1)(f) of this section, qualified business does not include any business activity in which eighty percent or more of the total sales are sales to the ultimate consumer of (a) food prepared for immediate consumption or (b) tangible personal property which is not assembled, fabricated, manufactured, or processed by the taxpayer or used by the purchaser in any of the activities listed in subsection (1) or (2) of this section.  

Sec. 2. Original section 77-5715, Revised Statutes Cumulative Supplement, 2014, is repealed.  
(Signed) Mike Gloor, Chairperson
BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 910A. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 910, One Hundred Fourth Legislature, Second Session, 2016.

AMENDMENT(S) - Print in Journal

Senator Garrett filed the following amendment to LB768:
AM2350
(Amendments to Standing Committee amendments, AM2058)
1 1. On page 7, strike beginning with “and” in line 7 through “weight”
2 in line 9, show as stricken, and insert “, trailers, and semitrailers,
3 except motor vehicles, trailers, and semitrailers registered under
4 section 60-3,198”.
5 2. On page 9, line 11, strike “when it is designed” and insert
6 “beginning January 1, 2017”; in line 22 strike “A” and insert “Beginning
7 January 1, 2017, a”; and in line 27 after “tons” insert “or a commercial
8 truck or truck-tractor with a gross weight of five tons or over”.

Senator Chambers filed the following amendment to LB673:
AM2449
(Amendments to Standing Committee amendments, AM2244)
1 1. On page 1, line 11, after “exists” insert “or the court
2 determines that an appointment outside of the guardian ad litem division
3 would be more appropriate to serve the child's best interests”.
4 2. On page 3, line 28, strike "and if" and insert "unless"; and
5 strike beginning with the underscored comma in line 28 through "division"
6 in line 29 and insert "or the court determines that an appointment
7 outside of the guardian ad litem division would be more appropriate to
8 serve the child's best interests".
9 3. On page 4, line 31, after "experience" insert "as a guardian ad
10 litem for children, including both trial and appellate practice
11 experience, “.
12 4. On page 5, lines 18, after "appointed" insert "outside of the
13 guardian ad litem division"; and in lines 20 through 25 strike the new
14 matter and reinstate the stricken matter.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Schilz has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.
UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Davis, Groene - LB817
McCoy, Riepe, Schnoor, Smith, Stinner - LB768
Kolowski, Larson - LB768

VISITOR(S)

Visitors to the Chamber were Anna Holmquist from Lincoln; members from the Bellevue Chamber of Commerce; 22 members of Girl Scouts Spirit of Nebraska; Senator Krist's sister, niece, and friend, Kate and Teresa Malmberg, and Jace Noble from Papillion; and Rod, Sheila, Karen, and Kayla Livesay from Mount Sterling, IA.

RECESS

At 12:03 p.m., on a motion by Senator Bloomfield, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Hadley presiding.

ROLL CALL

The roll was called and all members were present except Senator Kuehn who was excused; and Senators Bolz, Fox, Hansen, Hughes, Krist, McCollister, Mello, Morfeld, Pansing Brooks, Schilz, Schnoor, and Watermeier who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 1109. Considered.

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 36:
Voting in the negative, 1:

McCoy

Present and not voting, 10:

Bloomfield  Chambers  Crawford  Ebke  Riepe
Brasch  Cook  Davis  Groene  Sullivan

Excused and not voting, 2:

Krist  Kuehn

Advanced to Enrollment and Review Initial with 36 ayes, 1 nay, 10 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 794.** Title read. Considered.

**SENATOR SCHEER PRESIDING**

Senator Chambers offered the following motion:

**MO200**
Indefinitely postpone.

Senator Chambers withdrew his motion.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

**COMMITTEE REPORT(S)**

Judiciary

**LEGISLATIVE BILL 707.** Placed on General File.
**LEGISLATIVE BILL 815.** Placed on General File.
**LEGISLATIVE BILL 971.** Placed on General File.
LEGISLATIVE BILL 847. Placed on General File with amendment.

AM2273
1 1. Strike original section 42 and insert the following new section:
2 Sec. 42. The following section is outright repealed: Section 72-247,
3 Reissue Revised Statutes of Nebraska.
4 2. On page 6, line 5, strike "seventy" and reinstate the stricken
5 "sixty-five".
6 3. On page 11, line 4, strike "immediately" and show as stricken.

(Signed) Les Seiler, Chairperson

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB1109:
FA93
Page 6, line 25 strike the period and insert "which input shall be taken into
consideration by the Board of Regents prior to the hiring of the priority
candidate."

GENERAL FILE

LEGISLATIVE BILL 867. Title read. Considered.

SENATOR COASH PRESIDING

Committee AM1976, found on page 665, was adopted with 29 ayes, 0 nays,
12 present and not voting, and 8 excused and not voting.

Senator Watermeier offered the following amendment:
AM2380
1 1. On page 6, line 28, after "84-907" insert "and the review process
2 required under section 84-905.01".

The Watermeier amendment was adopted with 31 ayes, 0 nays, 10 present
and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 8 present
and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 867A. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 10 present
and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 894. Title read. Considered.

Committee AM1962, found on page 544, was offered.
Senator Coash withdrew his amendments, AM2053 and AM2321, found on pages 543 and 753.

Senator Krist offered the following amendment to the committee amendment:

AM2456

(Amendments to Standing Committee amendments, AM1962)

1 1. Insert the following new section:
2 Sec. 16. Section 43-3503, Revised Statutes Cumulative Supplement, 3 2014, is amended to read:
4 43-3503 (1) It is the intent of the Legislature to encourage detention services for the purpose of enhancing, developing, and expanding the availability of such services to juveniles requiring alternatives to detention nonsecure detention.
5 (2) A county may enhance, develop, or expand alternatives to detention nonsecure detention services as needed with private or public providers. Grants from the Commission Grant Program and aid from the Community-based Juvenile Services Aid Program under the Juvenile Services Act and the federal Juvenile Justice and Delinquency Prevention Act of 1974 may be used to fund alternatives to detention nonsecure detention services. Each county shall routinely review services provided by contract providers and modify services as needed.
6 2. On page 13, lines 14 and 15, strike "least restrict" and insert "cause the least restriction of".
7 3. On page 14, lines 2 through 4, strike the new matter and reinstate the stricken matter; and in lines 7 through 30 strike the new matter and reinstate the stricken matter.
8 4. On page 15, line 6, strike the new matter and reinstate the stricken matter; and in line 7, strike "(3)" and insert "(1), (2),".
9 24 reinstated the stricken "(3)(b)", and insert ", or (4)" before the first 25 "of".
10 5. On page 23, lines 20 and 22, strike "facilities", show as stricken, and insert "programs, services, facilities, and providers"; and in line 22 after "with" insert "the".
11 6. Renumber the remaining sections and correct the repealer accordingly.

The Krist amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

The committee amendment, as amended, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.
LEGISLATIVE BILL 678. Placed on General File with amendment.
AM2431
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 81-885, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 81-885 Sections 81-885 to 81-885.55 and section 3 of this act shall
6 be known and may be cited as the Nebraska Real Estate License Act.
7 Sec. 2. Section 81-885.01, Revised Statutes Supplement, 2015, is
8 amended to read:
9 81-885.01 For purposes of the Nebraska Real Estate License Act,
10 unless the context otherwise requires:
11 (1) Real estate means and includes condominiums and leaseholds, as
12 well as any other interest or estate in land, whether corporeal,
13 incorporeal, freehold, or nonfreehold, and whether the real estate is
14 situated in this state or elsewhere;
15 (2) Broker means any person who, for any form of compensation or
16 consideration or with the intent or expectation of receiving the same
17 from another, negotiates or attempts to negotiate the listing, sale,
18 purchase, exchange, rent, lease, or option for any real estate or
19 improvements thereon, or assists in procuring prospects or holds himself
20 or herself out as a referral agent for the purpose of securing prospects
21 for the listing, sale, purchase, exchange, renting, leasing, or optioning
22 of any real estate or collects rents or attempts to collect rents, gives
23 a broker's price opinion or comparative market analysis, or holds himself
24 or herself out as engaged in any of the foregoing. Broker also includes
25 any person: (a) Employed, by or on behalf of the owner or owners of lots
26 or other parcels of real estate, for any form of compensation or
27 consideration to sell such real estate or any part thereof in lots or
1 parcels or make other disposition thereof; (b) who auctions, offers,
2 attempts, or agrees to auction real estate; or (c) who buys or offers to
3 buy or sell or otherwise deals in options to buy real estate;
4 (3) Associate broker means a person who has a broker's license and
5 who is employed by another broker to participate in any activity
6 described in subdivision (2) of this section;
7 (4) Designated broker means an individual holding a broker's license
8 who has full authority to conduct the real estate activities of a real
9 estate business. In a sole proprietorship, the owner, or broker
10 identified by the owner, shall be the designated broker. In the event the
11 owner identifies the designated broker, the owner shall file a statement
12 with the commission subordinating to the designated broker full authority
13 to conduct the real estate activities of the sole proprietorship. In a
14 partnership, limited liability company, or corporation, the partners,
15 limited liability company members, or board of directors shall identify
16 the designated broker for its real estate business by filing a statement
17 with the commission subordinating to the designated broker full authority
18 to conduct the real estate activities of the partnership, limited
19 liability company, or corporation. The designated broker shall also be
20 responsible for supervising the real estate activities of any associate
21 brokers or salespersons;
22 (5) Inactive broker means an associate broker whose license has been
23 returned to the commission by the licensee's broker, a broker who has
24 requested the commission to place the license on inactive status, a new
25 licensee who has failed to designate an employing broker or have the
26 license issued as an individual broker, or a broker whose license has
27 been placed on inactive status under statute, rule, or regulation;
28 (6) Salesperson means any person, other than an associate broker,
29 who is employed by a broker to participate in any activity described in
30 subdivision (2) of this section;
31 (7) Inactive salesperson means a salesperson whose license has been
1 returned to the commission by the licensee's broker, a salesperson who
2 has requested the commission to place the license on inactive status, a
3 new licensee who has failed to designate an employing broker, or a
4 salesperson whose license has been placed on inactive status under
5 statute, rule, or regulation;
6 (8) Person means and includes individuals, corporations,
7 partnerships, and limited liability companies, except that when referring
8 to a person licensed under the act, it means an individual;
9 (9) Team means two or more persons licensed by the commission who
10 (a) work under the supervision of the same broker, (b) work together on
11 real estate transactions to provide real estate brokerage services, (c)
12 represent themselves to the public as being part of a team, and (d) are
13 designated by a team name;
14 (10) Team leader means any person licensed by the commission and
15 appointed or recognized by his or her broker as the leader for his or her
16 team;
17 (11) Subdivision or subdivided land means any real estate offered
18 for sale and which has been registered under the Interstate Land Sales
19 Full Disclosure Act, 82 Stat. 590 and following, 15 U.S.C. 1701 et seq,
20 and following, as such act existed on January 1, 1973, or real estate
21 located out of this state which is divided or proposed to be divided into
22 twenty-five or more lots, parcels, or units;
23 (12) Subdivider means any person who causes land to be subdivided
24 into a subdivision for himself, herself, or others or who undertakes to
25 develop a subdivision but does not include a public agency or officer
26 authorized by law to create subdivisions;
27 (13) Purchaser means a person who acquires or attempts to acquire
28 or succeeds to an interest in land;
29 (14) Commission means the State Real Estate Commission;
30 (15) Broker's price opinion means an analysis, opinion, or
31 conclusion prepared by a person licensed under the Nebraska Real Estate
1 License Act in the ordinary course of his or her business relating to the
2 price of specified interests in or aspects of identified real estate or
3 identified real property for the purpose of (a) listing, purchase, or
4 sale, (b) originating, extending, renewing, or modifying a loan in a
5 transaction other than a federally related transaction, or (c) real
6 property tax appeals;
7 (16 14) Comparative market analysis means an analysis, opinion, or
8 conclusion prepared by a person licensed under the act in the ordinary
9 course of his or her business relating to the price of specified
10 interests in or aspects of identified real estate or identified real
11 property by comparison to other real property currently or recently in
12 the marketplace for the purpose of (a) listing, purchase, or sale, (b)
13 originating, extending, renewing, or modifying a loan in a transaction
14 other than a federally related transaction, or (c) real property tax
15 appeals;
16 (17 15) Distance education means courses in which instruction does
17 not take place in a traditional classroom setting, but rather through
18 other media by which instructor and student are separated by distance and
19 sometimes by time;
20 (18 16) Regulatory jurisdiction means a state, district, or
21 territory of the United States, a province of Canada or a foreign
22 country, or a political subdivision of a foreign country, which has
23 implemented and administers laws regulating the activities of a broker;
24 (19 17) Federal financial institution regulatory agency means (a)
25 the Board of Governors of the Federal Reserve System, (b) the Federal
26 Deposit Insurance Corporation, (c) the Office of the Comptroller of the
27 Currency, (d) the Office of Thrift Supervision, (e) the National Credit
28 Union Administration, or (f) the successors of any of those agencies; and
29 (20 18) Federally related transaction means a real-estate-related
30 transaction that (a) requires the services of an appraiser and (b) is
31 engaged in, contracted for, or regulated by a federal financial
1 institution regulatory agency.

Sec. 3. A team leader shall be responsible for supervising the real
3 estate activities of his or her team performed under the Nebraska Real
4 Estate License Act subject to the overall supervision by the designated
5 broker of the team leader and team members.

Sec. 4. Section 81-885.24, Reissue Revised Statutes of Nebraska, is
7 amended to read:
8 81-885.24 The commission may, upon its own motion, and shall, upon
9 the sworn complaint in writing of any person, investigate the actions of
10 any broker, associate broker, salesperson, or subdivider, may censure the
11 licensee or certificate holder, revoke or suspend any license or
12 certificate issued under the Nebraska Real Estate License Act, or enter
13 into consent orders, and, alone or in combination with such disciplinary
14 actions, may impose a civil fine on a licensee pursuant to section
15 81-885.10, whenever the license or certificate has been obtained by false
16 or fraudulent representation or the licensee or certificate holder has
17 been found guilty of any of the following unfair trade practices:
18 (1) Refusing because of religion, race, color, national origin,
19 ethnic group, sex, familial status, or disability to show, sell, or rent
20 any real estate for sale or rent to prospective purchasers or renters;
21 (2) Intentionally using advertising which is misleading or
22 inaccurate in any material particular or in any way misrepresents any
(3) Failing to account for and remit any money coming into his or her possession belonging to others;
(4) Commingling the money or other property of his or her principals with his or her own;
(5) Failing to maintain and deposit in a separate trust account all money received by a broker acting in such capacity, or as escrow agent or temporary custodian of the funds of others, in a real estate transaction unless all parties having an interest in the funds have agreed otherwise in writing;
(6) Accepting, giving, or charging any form of undisclosed compensation, consideration, rebate, or direct profit on expenditures made for a principal;
(7) Representing or attempting to represent a real estate broker, other than the employer, without the express knowledge and consent of the employer;
(8) Accepting any form of compensation or consideration by an associate broker or salesperson from anyone other than his or her employing broker without the consent of his or her employing broker;
(9) Acting in the dual capacity of agent and undisclosed principal in any transaction;
(10) Guaranteeing or authorizing any person to guarantee future profits which may result from the resale of real property;
(11) Placing a sign on any property offering it for sale or rent without the written consent of the owner or his or her authorized agent;
(12) Offering real estate for sale or lease without the knowledge and consent of the owner or his or her authorized agent;
(13) Inducing any party to a contract of sale or lease to break such contract for the purpose of substituting, in lieu thereof, a new contract with another principal;
(14) Negotiating a sale, exchange, listing, or lease of real estate directly with an owner or lessor if he or she knows that such owner has a written outstanding listing contract in connection with such property granting an exclusive agency or an exclusive right to sell to another broker or negotiating directly with an owner to withdraw from or break such a listing contract for the purpose of substituting, in lieu thereof, a new listing contract;
(15) Discussing or soliciting a discussion of, with an owner of a property which is exclusively listed with another broker, the terms upon which the broker would accept a future listing upon the expiration of the present listing unless the owner initiates the discussion;
(16) Violating any provision of sections 76-2401 to 76-2430;
(17) Soliciting, selling, or offering for sale real estate by offering free lots or conducting lotteries for the purpose of influencing a purchaser or prospective purchaser of real estate;
(18) Providing any form of compensation or consideration to any person for performing the services of a broker, associate broker, or salesperson who has not first secured his or her license under the
Nebraska Real Estate License Act unless such person is (a) a nonresident citizen and resident of a foreign country which does not license persons conducting the activities of a broker and such person provides reasonable written evidence to the Nebraska broker that he or she is a resident citizen of that foreign country, is not a resident of this country, and conducts the activities of a broker in that foreign country;
17 (19) Failing to include a fixed date of expiration in any written listing agreement and failing to leave a copy of the agreement with the principal;
18 (20) Failing to deliver within a reasonable time a completed and dated copy of any purchase agreement or offer to buy or sell real estate to the purchaser and to the seller;
19 (21) Failing by a broker to deliver to the seller in every real estate transaction, at the time the transaction is consummated, a complete, detailed closing statement showing all of the receipts and disbursements handled by such broker for the seller, failing to deliver to the buyer a complete statement showing all money received in the transaction from such buyer and how and for what the same was disbursed, and failing to retain true copies of such statements in his or her files;
20 (22) Making any substantial misrepresentations;
21 (23) Acting for more than one party in a transaction without the knowledge of all parties for whom he or she acts;
22 (24) Failing by an associate broker or salesperson to place, as soon after receipt as practicable, in the custody of his or her employing broker any deposit money or other money or funds entrusted to him or her by any person dealing with him or her as the representative of his or her licensed broker;
23 (25) Filing a listing contract or any document or instrument purporting to create a lien based on a listing contract for the purpose of casting a cloud upon the title to real estate when no valid claim under the listing contract exists;
24 (26) Violating any rule or regulation adopted and promulgated by the commission in the interest of the public and consistent with the Nebraska Real Estate License Act;
25 (27) Failing by a subdivider, after the original certificate has been issued, to comply with all of the requirements of the Nebraska Real Estate License Act;
26 (28) Conviction of a felony or entering a plea of guilty or nolo contendere to a felony charge by a broker or salesperson;
27 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, whether of the same or of a different character as otherwise specified in this section;
28 (30) Inducing or attempting to induce a person to transfer an interest in real property, whether or not for monetary gain, or discouraging another person from purchasing real property, by representing that (a) a change has occurred or will or may occur in the composition with respect to religion, race, color, national origin, ethnic group, sex, familial status, or disability of the owners or
28 occupants in the block, neighborhood, or area or (b) such change will or
29 may result in the lowering of property values, an increase in criminal or
30 antisocial behavior, or a decline in the quality of schools in the block,
31 neighborhood, or area; 
1 (31) Failing by a team leader to provide a current list of all team
2 members to his or her designated broker;
3 (32) Failing by a designated broker to maintain a record of all team
4 leaders and team members working under him or her;
5 (33) Utilizing advertising which does not prominently display the
6 name under which the designated broker does business as filed with the
7 commission; or
8 (34) Utilizing team advertising or a team name suggesting the team
9 is an independent real estate brokerage.
10 Sec. 5. This act becomes operative on October 1, 2016.
11 Sec. 6. Original sections 81-885 and 81-885.24, Reissue Revised
12 Statutes of Nebraska, and section 81-885.01, Revised Statutes Supplement,
13 2015, are repealed.

(Signed) Jim Scheer, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 470. Introduced by Campbell, 25.

WHEREAS, the Lincoln East High School girls' basketball team won the
2016 Class A Girls' State Basketball Championship; and
WHEREAS, the Lincoln East Spartans defeated the Millard West
Wildcats in the championship game by a score of 48-46; and
WHEREAS, the Spartans were seeded eighth at the beginning of the
tournament but ended the season on a 12-game winning streak; and
WHEREAS, this is the team's first state championship since 2004; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic
achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND
SESSION:
1. That the Legislature congratulates the Lincoln East High School girls'
basketball team on winning the 2016 Class A Girls' State Basketball
Championship.
2. That a copy of this resolution be sent to the Lincoln East High School
girls' basketball team and Coach Dennis Prichard.

Laid over.
BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1067A. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1067, One Hundred Fourth Legislature, Second Session, 2016.

AMENDMENT(S) - Print in Journal

Senator Larson filed the following amendment to LB1105:
AM2384
(Amendments to Standing Committee amendments, AM2029)
1 1. On page 1, line 15, after "The" insert "Director of Agriculture or his or her designee and the"; and strike line 17 and insert "be nonvoting, ex officio members of the board."
2 2. On page 7, strike beginning with the second "a" in line 27 though "premises" in line 28, show the old matter as stricken, and insert "the production of"; and in line 29 after "year" insert "in the aggregate from all physical locations comprising the licensed premises".

GENERAL FILE

LEGISLATIVE BILL 1092. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 467. Title read. Considered.

Committee AM2351, found on page 797, was offered.

Pending.

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE BILL 1038. Placed on General File with amendment. AM2472 is available in the Bill Room.

LEGISLATIVE BILL 961. Indefinitely postponed.

(Signed) Ken Schilz, Chairperson
Senator Smith filed the following amendment to LB977:
AM2478
(Amendments to Standing Committee amendments, AM2318)
1 1. On page 27, line 23, after the first comma insert "not including
2 animal manure, "; and strike beginning with "(f)" in line 28 through "(g)"
3 in line 29 and insert "and (f)".

Senator Krist filed the following amendment to LB1098:
AM2452
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 33-107.01, Reissue Revised Statutes of Nebraska,
4 is amended to read:
5 33-107.01 A legal services fee of six five dollars and twenty-five
6 cents shall be taxed as costs in each case filed in each separate
7 juvenile court and district court, including appeals to such courts, and
8 on each case filed in each county court except those filed in county
9 court pursuant to its jurisdiction under section 25-2802. A legal
10 services fee of six five dollars and twenty-five cents shall be taxed as
11 costs for each appeal and original action filed in the Court of Appeals
12 and the Supreme Court. Such fees shall be remitted to the State Treasurer
13 on forms prescribed by the State Treasurer within ten days after the
14 close of each month for credit to the Legal Aid and Services Fund.
15 Sec. 2. Section 33-107.03, Revised Statutes Cumulative Supplement,
16 2014, is amended to read:
17 33-107.03 In addition to all other court costs assessed according to
18 law, a court automation fee of seven eight dollars shall be taxed as
19 costs for each appeal and original action filed in the Court of Appeals
20 and district court, including appeals to such courts, and for each appeal
21 and original action filed in the Court of Appeals and the Supreme Court.
22 The fees shall be remitted to the State Treasurer on forms prescribed by
23 the State Treasurer within ten days after the end of each month. The
24 State Treasurer shall credit the fees to the Supreme Court Automation
25 Cash Fund.
26 Sec. 3. Original section 33-107.01, Reissue Revised Statutes of
27 Nebraska, and section 33-107.03, Revised Statutes Cumulative Supplement,
1 2014, are repealed.

Senator Krist filed the following amendment to LB1098:
AM2451
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 25-3002, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 25-3002 The Legal Aid and Services Fund is created. Money in the
6 fund shall be used to provide civil legal services to eligible low-income
7 persons. The Commission on Public Advocacy shall distribute all money in
8 the fund periodically in the form of grants to service providers of civil
9 legal services to eligible low-income persons as determined by the
10 commission pursuant to section 25-3004. Any money in the fund available
11 for investment shall be invested by the state investment officer pursuant
12 to the Nebraska Capital Expansion Act and the Nebraska State Funds
13 Investment Act. Any money left in the Legal Aid and Services Fund on
14 December 31 of any year shall be distributed in the following year. The
15 State Treasurer shall transfer three hundred fifty thousand dollars from
16 the General Fund to the Legal Aid and Services Fund on or before October
17 1 of each year beginning in 2016.
18 Sec. 2. Original section 25-3002, Reissue Revised Statutes of
19 Nebraska, is repealed.

ADJOURNMENT

At 4:56 p.m., on a motion by Senator Baker, the Legislature adjourned until
9:00 a.m., Wednesday, March 9, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
FORTIETH DAY - MARCH 9, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 9, 2016

PRAYER

The prayer was offered by Senator Bloomfield.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Coash presiding.

The roll was called and all members were present except Senator Kuehn who was excused; and Senators Cook, Craighead, Davis, Hansen, B. Harr, Hilkemann, Krist, Larson, McCollister, Morfeld, Murante, Schilz, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-ninth day was approved.

COMMITTEE REPORT(S)

Appropriations

LEGISLATIVE BILL 956. Placed on General File with amendment. AM2216 is available in the Bill Room.

LEGISLATIVE BILL 957. Placed on General File with amendment. AM2217 is available in the Bill Room.

LEGISLATIVE BILL 960. Placed on General File with amendment. AM2418 is available in the Bill Room.

(Signed) Heath Mello, Chairperson
BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 960A. Introduced by Smith, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 960, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

COMMITTEE REPORT(S)

Legislative Bill 914. Placed on General File with amendment.

AM2192

1. Strike the original sections and insert the following new sections:

Section 1. Section 3-613, Reissue Revised Statutes of Nebraska, is amended to read:

Section 3-613 Any authority established under sections 3-601 to 3-622 shall have power:

1. To sue and be sued;
2. To have a seal and alter the same at pleasure;
3. To acquire, hold, and dispose of personal property for its corporate purposes;
4. To acquire in the name of the county, by purchase or condemnation, real property or rights or easements therein necessary or convenient for its corporate purposes and, except as may otherwise be provided in such sections, to use the same so long as its corporate existence continues. Such power shall not be exercised by authorities created after September 2, 1973, without further approval until such time as three or more members of the authority have been elected. If the exercise of such power is necessary while three or more appointed members remain on the authority, the appointing body shall approve all proceedings under this subdivision;

5. To make bylaws for the management and regulation of its affairs and, subject to agreements with bondholders, to make rules and regulations for the use of projects and the establishment and collection of rentals, fees, and all other charges for services or commodities sold, furnished, or supplied by such authority. Any person violating such rules shall be guilty of a Class III misdemeanor;

6. To appoint officers, agents, and employees and fix their compensation;

7. To make contracts, leases, and all other instruments necessary
8 or convenient to the corporate purposes of the authority;
9 (9) To design, construct, maintain, operate, improve, and
10 reconstruct, so long as its corporate existence continues, such projects
11 as are necessary and convenient to the maintenance and development of
12 aviation services to and for the county in which such authority is
13 established, including landing fields, heliports, hangars, shops,
14 passenger and freight terminals, control towers, and all facilities
15 necessary or convenient in connection with any such project, to contract
16 for the construction, operation, or maintenance of any parts thereof or
17 for services to be performed thereon, and to rent parts thereof and grant
18 concessions thereon, all on such terms and conditions as the authority
19 may determine. This subdivision shall not be construed to affect the
20 obligation of a lessee to pay taxes if taxes are due under sections
21 77-202, 77-202.11, and 77-202.12;
22 (10) To include in such project, subject to zoning restrictions,
23 space and facilities for any or all of the following: Public recreation;
24 business, trade, or other exhibitions; sporting or athletic events;
25 public meetings; conventions; and all other kinds of assemblages and, in
26 order to obtain additional revenue, space and facilities for business and
27 commercial purposes. Whenever the authority deems it to be in the public
28 interest, the authority may lease any such project or any part or parts
29 thereof or contract for the management and operation thereof or any part
30 or parts thereof. Any such lease or contract may be for such period of
31 years as the authority shall determine. This subdivision shall not be
1 construed to affect the obligation of a lessee to pay taxes if taxes are
2 due under sections 77-202, 77-202.11, and 77-202.12;
3 (11) To charge fees, rentals, and other charges for the use of
4 projects under the jurisdiction of such authority subject to and in
5 accordance with such agreement with bondholders as may be made as
6 hereinafter provided. Subject to contracts with bondholders, all fees,
7 rentals, charges, and other revenue derived from any project shall be
8 applied to the payment of operating, administration, and other necessary
9 expenses of the authority properly chargeable to such project and to the
10 payment of the interest on and principal of bonds or for making sinking-
11 fund payments therefor. Subject to contracts with bondholders, the
12 authority may treat one or more projects as a single enterprise with
13 respect to revenue, expenses, the issuance of bonds, maintenance,
14 operation, or other purposes;
15 (12) To annually request of the county board the amount of tax to be
16 levied for airport purposes subject to section 77-3443, not to exceed
17 three and five-tenths cents on each one hundred dollars of taxable
18 valuation of all the taxable property in such county. Property tax levies
19 for bonds issued by the authority pursuant to section 3-617 are not
20 included in the levy limits established by this subdivision. The
21 governing body shall levy and collect the taxes so requested at the same
22 time and in the same manner as other taxes are levied and collected, and
23 the proceeds of such taxes when due and as collected shall be set aside
24 and deposited in the special account or accounts in which other revenue
25 of the authority is deposited;
26 (13) To construct and maintain under, along, over, or across a
27 project, telephone, telegraph, or electric wires and cables, fuel lines,
28 gas mains, water mains, and other mechanical equipment not inconsistent
29 with the appropriate use of such project, to contract for such
30 construction and to lease the right to construct and use the same, or to
31 use the same on such terms for such period of time and for such
1 consideration as the authority shall determine;
2 (14) To accept grants, loans, or contributions from the United
3 States, the State of Nebraska, any agency or instrumentality of either of
4 them, or the county in which such authority is established and to expend
5 the proceeds thereof for any corporate purposes;
6 (15) To incur debt and issue negotiable bonds and to provide for the
7 rights of the holders thereof;
8 (16) To enter on any lands, waters, and premises for the purposes of
9 making surveys, soundings, and examinations; and
10 (17) To do all things necessary or convenient to carry out the
11 powers expressly conferred on such authorities by sections 3-601 to
12 3-622.
13 Sec. 2. Original section 3-613, Reissue Revised Statutes of
14 Nebraska, is repealed.

(Signed) Mike Gloor, Chairperson

Agriculture

LEGISLATIVE RESOLUTION 378CA. Placed on General File with
amendment.

AM2251
1 1. On page 1, line 18, strike "or any other property rights" and
2 insert "applying any waters of the state to beneficial use, water
3 diversion or appropriation, or any other property rights. Nothing in this
4 section shall be construed to modify or affect any statute enacted by the
5 Legislature or any ordinance adopted by any political subdivision on or
6 before December 31, 2015, or any statute enacted by the Legislature to
7 implement or maintain federally delegated environmental protection
8 programs.
9 (3) If adopted by the electors, this section shall be effective on
10 and after January 1, 2017".

(Signed) Jerry Johnson, Chairperson

MOTION(S) - Confirmation Report(s)

Senator Sullivan moved the adoption of the Education Committee report for
the confirmation of the following appointment(s) found on page 846:

Technical Advisory Committee for Statewide Assessment
Pete Goldschmidt

Voting in the affirmative, 27:

Voting in the negative, 0.

Present and not voting, 8:

Bolz Gloor Hughes McCoy Fox Groene Kintner Stinner

Excused and not voting, 14:

Cook Hansen Krist McCollister Schilz Craighead Harr, B. Kuehn Morfeld Watermeier Davis Hilkemann Larson Murante

The appointment was confirmed with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 846:

Nebraska Educational Telecommunications Commission
Randy Schmailzl

Voting in the affirmative, 28:

Baker Ebke Hadley Mello Seiler Bloomfield Fox Howard Pansing Brooks Smith Brasch Friesen Johnson Riepe Sullivan Campbell Garrett Kolowski Scheer Williams Coash Groene Kolterman Schnoor Crawford Haar, K. Lindstrom Schumacher

Voting in the negative, 0.

Present and not voting, 7:

Bolz Gloor Kintner Stinner Chambers Hughes McCoy

Excused and not voting, 14:
The appointment was confirmed with 28 ayes, 0 nays, 7 present and not voting, and 14 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 866:

- Commission for the Blind and Visually Impaired
  Mark M. Bulger

Voting in the affirmative, 28:

- Baker
- Bloomfield
- Brasch
- Campbell
- Coash
- Crawford

Voting in the negative, 0.

Present and not voting, 8:

- Bolz
- Chambers
- Excused and not voting, 13:
  - Cook
  - Craighead
  - Davis

The appointment was confirmed with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 866:

- Nebraska Rural Health Advisory Commission
  - Mary J. Kent
  - Laeth Nasir
  - Michael A. Sitorius

Voting in the affirmative, 30:
Bake  Ebke  Hadley  Lindstrom  Schnoor  
Bloomfield  Fox  Hilkemann  McCollister  Schumacher  
Brasch  Friesen  Hughes  Mello  Seiler  
Campbell  Garrett  Johnson  Morfeld  Smith  
Coash  Gloor  Kolowski  Pansing  Brooks  Sullivan  
Crawford  Haar, K.  Kolterman  Riepe  Williams  

Voting in the negative, 0.

Present and not voting, 9:

Bolz  Groene  Kintner  Scheer  Stinner  
Chambers  Howard  McCoy  Schilz  

Excused and not voting, 10:

Cook  Davis  Harr, B.  Kuehn  Murante  
Craighead  Hansen  Krist  Larson  Watermeier  

The appointments were confirmed with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 803. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 1 nay, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 1033. Title read. Considered.

Committee AM2048, found on page 601, was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

ANNOUNCEMENT

The Chair announced the birthday of Speaker Hadley.

GENERAL FILE

LEGISLATIVE BILL 467. Committee AM2351, found on page 797 and considered on page 907, was renewed.

The committee amendment was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.
Senator Kolterman withdrew his amendment, AM1865, found on page 400.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

SPARKER HADLEY PRESIDING

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 683. Placed on Final Reading.

LEGISLATIVE BILL 746. Placed on Final Reading.
ST63
The following changes, required to be reported for publication in the Journal, have been made:
1. In the Campbell amendment, AM2381, on page 1, line 24, "Families" has been inserted after "Strengthening".
2. On page 1, the matter beginning with "foster" in line 1 through line 8 has been struck and "children and families; to amend sections 43-532, 43-535, and 43-2502, Reissue Revised Statutes of Nebraska, sections 43-1311.03, 43-1312, 43-2404.01, and 43-4203, Revised Statutes Cumulative Supplement, 2014, and sections 43-272.01, 43-285, and 43-4202, Revised Statutes Supplement, 2015; to adopt the Nebraska Strengthening Families Act; to change reporting requirements for guardians ad litem; to change provisions relating to independent living transition proposals and permanency plans, foster child plans, and comprehensive juvenile services plans; to create the Normalcy Task Force; to change provisions relating to the Nebraska Children's Commission; to state intent to reduce a cash fund appropriation; to eliminate a reporting requirement; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 43-534, Revised Statutes Cumulative Supplement, 2014, and section 50-424, Revised Statutes Supplement, 2015; and to declare an emergency." inserted.

LEGISLATIVE BILL 746A. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 471. Introduced by Ebke, 32.

WHEREAS, Nicholas Martozie, a member of Troop 212 of Crete, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and
WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and
outdoor skills. Throughout his scouting experience, Nicholas has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his service project, Nicholas designed and supervised the creation of a native prairie garden at Grace United Methodist Church in Crete. The garden honors the first Methodist ministers who traveled by horse from church to church; and

WHEREAS, Nicholas, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, leaders of government and industry, artists, scientists, and athletes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Nicholas Martozie on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Nicholas Martozie.

Laid over.

LEGISLATIVE RESOLUTION 472. Introduced by Ebke, 32.

WHEREAS, Riley Owens, a member of Troop 212 of Crete, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout his scouting experience, Riley has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Riley worked on improving his neighborhood park by spreading mulch on the playground, raking leaves, and cleaning the sand volleyball court; and

WHEREAS, Riley, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, leaders of government and industry, artists, scientists, and athletes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Riley Owens on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Riley Owens.

Laid over.
LEGISLATIVE RESOLUTION 473. Introduced by Ebke, 32.

WHEREAS, Jack Dinneen, a member of Troop 359 of Cordova, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout his scouting experience, Jack has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Jack replaced the roofs of the picnic shelter and ball shed at Exeter's city park; and

WHEREAS, Jack, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, leaders of government and industry, artists, scientists, and athletes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Jack Dinneen on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Jack Dinneen.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 910. Title read. Considered.

Committee AM2328, found on page 782, lost with 0 ayes, 26 nays, 16 present and not voting, and 7 excused and not voting.

Senator Bolz offered the following amendment:

AM2477

1. Strike the original sections and insert the following new 2 sections:

3 Section 1. Section 47-901, Revised Statutes Supplement, 2015, is 4 amended to read:

5 47-901 Sections 47-901 to 47-918 and section 4 of this act shall be 6 known and may be cited as the Office of Inspector General of the Nebraska 7 Correctional System Act.

8 Sec. 2. Section 47-903, Revised Statutes Supplement, 2015, is 9 amended to read:

10 47-903 For purposes of the Office of Inspector General of the 11 Nebraska Correctional System Act, the following definitions apply:

12 (1) Administrator means a person charged with administration of a 13 program, an office, or a division of the department or administration of 14 a private agency;
(2) Department means the Department of Correctional Services;
(3) Director means the Director of Correctional Services;
(4) Inspector General means the Inspector General of the Nebraska Correctional System appointed under section 47-904;
(5) Malfeasance means a wrongful act that the actor has no legal right to do or any wrongful conduct that affects, interrupts, or interferes with performance of an official duty;
(6) Management means supervision of subordinate employees;
(7) Misfeasance means the improper performance of some act that a person may lawfully do;
(8) Obstruction means hindering an investigation, preventing an investigation from progressing, stopping or delaying the progress of an investigation, or making the progress of an investigation difficult or slow;
(9) Office means the office of Inspector General of the Nebraska Correctional System and includes the Inspector General and other employees of the office;
(10) Private agency means an entity that contracts with the department or contracts to provide services to another entity that contracts with the department;
(11) Record means any recording in written, audio, electronic transmission, or computer storage form, including, but not limited to, a draft, memorandum, note, report, computer printout, notation, or message, and includes, but is not limited to, medical records, mental health records, case files, clinical records, financial records, and administrative records; and
(12) Office of Parole Administration means the office created pursuant to section 83-1,100.

Sec. 3. Section 47-908, Revised Statutes Supplement, 2015, is amended to read:

47-908 All employees of the department, all employees of the Office of Parole Administration, and all owners, operators, managers, supervisors, and employees of private agencies shall cooperate with the office. Cooperation includes, but is not limited to, the following:

(1) Provision of full access to and production of records and information. Providing access to and producing records and information for the office is not a violation of confidentiality provisions under any statute, rule, or regulation if done in good faith for purposes of an investigation under the Office of Inspector General of the Nebraska Correctional System Act;
(2) Fair and honest disclosure of records and information reasonably requested by the office in the course of an investigation under the act;
(3) Encouraging employees to fully comply with reasonable requests of the office in the course of an investigation under the act;
(4) Prohibition of retaliation by owners, operators, or managers against employees for providing records or information or filing or otherwise making a complaint to the office;
(5) Not requiring employees to gain supervisory approval prior to filing a complaint with or providing records or information to the
6 office;
7 (6) Provision of complete and truthful answers to questions posed by
8 the office in the course of an investigation; and
9 (7) Not willfully interfering with or obstructing the investigation.
10 Sec. 4. The Office of Parole Administration shall provide the
11 Public Counsel and the Inspector General with direct computer access to
12 all computerized records, reports, and documents maintained by the office
13 in connection with administration of the Nebraska parole system, except
14 that access for the Public Counsel and the Inspector General to a
15 parolee’s medical or mental health records shall be subject to the
16 parolee’s consent.
17 Sec. 5. Section 83-1,101, Reissue Revised Statutes of Nebraska, is
18 amended to read:
19 83-1,101 The Director of Correctional Services with the consent of
20 the Board of Parole shall appoint a Parole Administrator. The Parole
21 Administrator, who shall be a person with appropriate experience and
22 training, including, but not limited to, familiarity with the
23 implementation of evidence-based processes for utilizing risk and needs
24 assessments to measure criminal risk factors and specific individual
25 needs in the field of corrections, or with training in relevant
disciplines at a recognized university.
26 Sec. 6. Section 83-4,114, Revised Statutes Supplement, 2015, is
27 amended to read:
28 83-4,114 (1) There shall be no corporal punishment or disciplinary
29 restrictions on diet.
30 (2) Disciplinary restrictions on clothing, bedding, mail,
1 visitations, use of toilets, washbowls, or scheduled showers shall be
2 imposed only for abuse of such privilege or facility and only as
3 authorized by written directives, guidance documents, and operational
4 manuals.
5 (3) No person shall be placed in solitary confinement.
6 (4) The director shall issue an annual report on or before September
7 15 to the Governor and the Clerk of the Legislature. The report to the
8 Clerk of the Legislature shall be issued electronically. For all inmates
9 who were held in restrictive housing during the prior year, the report
10 shall contain the race, gender, age, and length of time each inmate has
11 continuously been held in restrictive housing. The report shall also
12 contain:
13 (a) The number of inmates held in restrictive housing;
14 (b) The reason or reasons each inmate was held in restrictive
15 housing;
16 (c) The number of inmates held in restrictive housing who have been
17 diagnosed with a mental illness or behavioral disorder as defined in
18 section 71-902 and the type of mental illness or behavioral disorder by
19 inmate;
20 (d) The number of inmates who were released from restrictive housing
21 directly to parole or into the general public and the reason for such
22 release;
23 (e) The number of inmates who were placed in restrictive housing for
his or her own safety and the underlying circumstances for each placement;
(f) To the extent reasonably ascertainable, comparable statistics for the nation and each of the states that border Nebraska pertaining to subdivisions (4)(a) through (e) of this section; and
(g) The mean and median length of time for all inmates held in restrictive housing.
(5)(a) There is hereby established within the department a long-term restrictive housing work group. The work group shall consist of:
(i) The director and all deputy directors. The director shall serve as the chairperson of the work group;
(ii) The director of health services within the department;
(iii) The behavioral health administrator within the department;
(iv) Two employees of the department who currently work with inmates held in restrictive housing;
(v) Additional department staff as designated by the director;
and
(vi) Four members as follows appointed by the Governor:
(A) Two representatives from a nonprofit prisoners' rights advocacy group, including at least one former inmate; and
(B) Two mental health professionals independent from the department with particular knowledge of prisons and conditions of confinement.
(b) The work group shall advise the department on policies and procedures related to the proper treatment and care of offenders in long-term restrictive housing.
(c) The director shall convene the work group's first meeting no later than September 15, 2015, and the work group shall meet at least semiannually thereafter. The chairperson shall schedule and convene the work group's meetings.
(d) The director shall provide the work group with quarterly updates on the department's policies related to the work group's subject matter.

Sec. 7. Original section 83-1,101, Reissue Revised Statutes of Nebraska, and sections 47-901, 47-903, 47-908, and 83-4,114, Revised Statutes Supplement, 2015, are repealed.
Sec. 8. Since an emergency exists, this act takes effect when passed and approved according to law.

The Bolz amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Senator Morfeld offered the following amendment:
AM2469
1. Insert the following new section:
Sec. 5. Section 68-1017.02, Revised Statutes Cumulative Supplement, 2014, is amended to read:
68-1017.02 (1)(a) The Department of Health and Human Services shall apply for and utilize to the maximum extent possible, within limits established by the Legislature, any and all appropriate options available to the state under the federal Supplemental Nutrition Assistance Program
8 and regulations adopted under such program to maximize the number of
9 Nebraska residents being served under such program within such limits.
10 The department shall seek to maximize federal funding for such program
11 and minimize the utilization of General Funds for such program and shall
12 employ the personnel necessary to determine the options available to the
13 state and issue the report to the Legislature required by subdivision (b)
14 of this subsection.
15 (b) The department shall submit electronically an annual report to
16 the Health and Human Services Committee of the Legislature by December 1
17 on efforts by the department to carry out the provisions of this
18 subsection. Such report shall provide the committee with all necessary
19 and appropriate information to enable the committee to conduct a
20 meaningful evaluation of such efforts. Such information shall include,
21 but not be limited to, a clear description of various options available
22 to the state under the federal Supplemental Nutrition Assistance Program,
23 the department's evaluation of and any action taken by the department
24 with respect to such options, the number of persons being served under
25 such program, and any and all costs and expenditures associated with such
26 program.
27 (c) The Health and Human Services Committee of the Legislature,
1 after receipt and evaluation of the report required in subdivision (b) of
2 this subsection, shall issue recommendations to the department on any
3 further action necessary by the department to meet the requirements of
4 this section.
5 (2)(a) The department shall develop a state outreach plan to promote
6 access by eligible persons to benefits of the Supplemental Nutrition
7 Assistance Program. The plan shall meet the criteria established by the
8 Food and Nutrition Service of the United States Department of Agriculture
9 for approval of state outreach plans. The Department of Health and Human
10 Services may apply for and accept gifts, grants, and donations to develop
11 and implement the state outreach plan.
12 (b) For purposes of developing and implementing the state outreach
13 plan, the department shall partner with one or more counties or nonprofit
14 organizations. If the department enters into a contract with a nonprofit
15 organization relating to the state outreach plan, the contract may
16 specify that the nonprofit organization is responsible for seeking
17 sufficient gifts, grants, or donations necessary for the development and
18 implementation of the state outreach plan and may additionally specify
19 that any costs to the department associated with the award and management
20 of the contract or the implementation or administration of the state
21 outreach plan shall be paid out of private or federal funds received for
22 development and implementation of the state outreach plan.
23 (c) The department shall submit the state outreach plan to the Food
24 and Nutrition Service of the United States Department of Agriculture for
25 approval on or before August 1, 2011, and shall request any federal
26 matching funds that may be available upon approval of the state outreach
27 plan. It is the intent of the Legislature that the State of Nebraska and
28 the Department of Health and Human Services use any additional public or
29 private funds to offset costs associated with increased caseload

resulting from the implementation of the state outreach plan.

(d) The department shall be exempt from implementing or
1 administering a state outreach plan under this subsection, but not from
2 developing such a plan, if it does not receive private or federal funds
3 sufficient to cover the department's costs associated with the
4 implementation and administration of the plan, including any costs
5 associated with increased caseload resulting from the implementation of
6 the plan.

(3)(a)(i) On or before October 1, 2011, the department shall create
8 a TANF-funded program or policy that, in compliance with federal law,
9 establishes categorical eligibility for federal food assistance benefits
10 pursuant to the Supplemental Nutrition Assistance Program to maximize the
11 number of Nebraska residents being served under such program in a manner
12 that does not increase the current gross income eligibility limit.
13 (ii) Such TANF-funded program or policy shall eliminate all asset
14 limits for eligibility for federal food assistance benefits, except that
15 the total of liquid assets which includes cash on hand and funds in
16 personal checking and savings accounts, money market accounts, and share
17 accounts shall not exceed twenty-five thousand dollars pursuant to the
18 Supplemental Nutrition Assistance Program, as allowed under federal law
19 and under 7 C.F.R. 273.2(j)(2).
20 (iii) This subsection becomes effective only if the department
21 receives funds pursuant to federal participation that may be used to
22 implement this subsection.
23 (b) For purposes of this subsection:
24 (i) Federal law means the federal Food and Nutrition Act of 2008, 7
25 U.S.C. 2011 et seq., and regulations adopted under the act; and
26 (ii) TANF means the federal Temporary Assistance for Needy Families
27 program established in 42 U.S.C. 601 et seq.
28 (4)(a) Within the limits specified in this subsection, the
29 State of Nebraska opts out of the provision of the federal Personal
30 Responsibility and Work Opportunity Reconciliation Act of 1996, as such
31 act existed on January 1, 2009, that eliminates eligibility for the
32 Supplemental Nutrition Assistance Program for any person convicted of a
33 felony involving the possession, use, or distribution of a controlled
34 substance.
35 (b) A person shall be ineligible for Supplemental Nutrition
36 Assistance Program benefits under this subsection if he or she (i) has
37 had three or more felony convictions for the possession or use of a
38 controlled substance or (ii) has been convicted of a felony involving the
39 sale or distribution of a controlled substance or the intent to sell or
40 distribute a controlled substance. A person with one or two felony
41 convictions for the possession or use of a controlled substance shall
42 only be eligible to receive Supplemental Nutrition Assistance Program
43 benefits under this subsection if he or she is participating in or has
44 completed a state-licensed or nationally accredited substance abuse
45 treatment program since the date of conviction. The determination of such
46 participation or completion shall be made by the treatment provider
47 administering the program.
17 Sec. 2. Original section 68-1017.02, Revised Statutes Cumulative Supplement, 2014, is repealed.
19 Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.

Senator Kintner requested a ruling of the Chair on whether the Morfeld amendment is germane to the bill.

The Chair ruled the Morfeld amendment is germane to the bill.

Senator Kintner challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion failed with 7 ayes, 26 nays, 11 present and not voting, and 5 excused and not voting.

The Chair was sustained.

**PRESIDENT FOLEY PRESIDING**

The Morfeld amendment, AM2469, found in this day's Journal, was renewed.

Senator Baker moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Morfeld moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Morfeld requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 35:

<table>
<thead>
<tr>
<th>Baker</th>
<th>Fox</th>
<th>Harr, B.</th>
<th>Krist</th>
<th>Scheer</th>
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<tr>
<td>Bolz</td>
<td>Friesen</td>
<td>Hilkemann</td>
<td>Larson</td>
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<td>Johnson</td>
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<tr>
<td>Davis</td>
<td>Hansen</td>
<td>Kolterman</td>
<td>Pansing</td>
<td>Brooks Williams</td>
</tr>
</tbody>
</table>

Voting in the negative, 5:

| Groene | Kintner | McCoy | Riepe | Schnoor |

Present and not voting, 5:

| Bloomfield | Brasch | Craighead | Murante | Schilz |
Excused and not voting, 4:

Cook Ebke Kuehn Seiler

The Morfeld amendment was adopted with 35 ayes, 5 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 31 ayes, 5 nays, 8 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 910A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 5 nays, 12 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 1093.** Title read. Considered.

Committee AM2391, found on page 832, was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LR458 was adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR458.

**MESSAGE(S) FROM THE GOVERNOR**

March 9, 2016

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 676e, 700, 703, 718, 729e, 734, 735, 753, 758, 776, 778, 786, 798, 807, 811, 840, 859e, 864, 898, 921, 929e, and 1035 were received in my office on March 3, 2016.
These bills were signed and delivered to the Secretary of State on March 9, 2016.

Sincerely,
(Signed) Pete Ricketts
Governor

RESOLUTION(S)

LEGISLATIVE RESOLUTION 474. Introduced by Ebke, 32.

WHEREAS, Michael Coffey, a member of Troop 212 of Crete, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and
WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout his scouting experience, Michael has learned, been tested on, and been recognized for various scouting skills; and
WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council. Michael's service project was the beautification of the Sacred Heart Catholic Cemetery in Crete. Michael cleaned, repaired, and repainted a large Calvary statue, cleaned and painted a statue of Jesus at the main entrance to the cemetery, and scraped and painted two garages at the cemetery; and
WHEREAS, Michael, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, leaders of government and industry, artists, scientists, and athletes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates Michael Coffey on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Michael Coffey.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 886A. Introduced by Davis, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 886, One Hundred Fourth Legislature, Second Session, 2016.
UNANIMOUS CONSENT - Add Cointroducer(s)
Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.
Baker, Krist, Mello, Scheer, Schilz, Seiler, Stinner, Williams - LB886
Brasch, Friesen, Groene, Howard, Smith, Sullivan - LB886
Hansen, Harr, B., Hughes, Kolowski, Larson - LB886
Gloor - LB768

VISITOR(S)
Visitors to the Chamber were David Clements from Omaha; Avery and Jordan Farahbod from Lincoln, and Gholamhosein Farahbod from Iran; Shannon Muhs from Omaha, Amber Pankonin from Lincoln, and Rita Grandgenett from Omaha; volunteer firefighters and EMS from across the state; and Senator Ebke's daughter, Jennifer Craven.

RECESS
At 12:00 p.m., on a motion by Senator Schilz, the Legislature recessed until 1:30 p.m.

AFTER RECESS
The Legislature reconvened at 1:30 p.m., Speaker Hadley presiding.

ROLL CALL
The roll was called and all members were present except Senators Howard and Kuehn who were excused; and Senators Campbell, Davis, Hughes, McCollister, Mello, Seiler, and Watermeier who were excused until they arrive.

COMMITTEE REPORT(S)
Judiciary
LEGISLATIVE BILL 1103. Placed on General File with amendment. AM2394 is available in the Bill Room.
(Signed) Les Seiler, Chairperson

GENERAL FILE
LEGISLATIVE BILL 977. Title read. Considered.
Committee AM2318, found on page 797, was offered.
Senator Smith offered his amendment, AM2478, found on page 908, to the committee amendment.
Senator Smith withdrew and refiled his amendment, AM2478.
Senator Pansing Brooks offered the following amendment to the committee amendment:

(AMendments to Standing Committee amendments, AM2318)

1. On page 9, line 26, after "60-3,118" insert ", except that a
2. maximum of five characters may be used".

The Pansing Brooks amendment was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

SENATOR KRIST PRESIDING

The committee amendment, as amended, was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Senator Smith withdrew his amendment, AM1895, found on page 425.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1105. Title read. Considered.

Committee AM2029, found on page 557, was offered.

Senator Larson offered his amendment, AM2384, found on page 907, to the committee amendment.

The Larson amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 754. Title read. Considered.

Committee AM2103, found on page 662, was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.
LEGISLATIVE BILL 1082. Title read. Considered.

Committee AM2292, found on page 766, was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1082A. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1082, One Hundred Fourth Legislature, Second Session, 2016.

COMMITTEE REPORT(S)

Business and Labor

LEGISLATIVE BILL 133. Indefinitely postponed.
LEGISLATIVE BILL 134. Indefinitely postponed.
LEGISLATIVE BILL 158. Indefinitely postponed.
LEGISLATIVE BILL 251. Indefinitely postponed.
LEGISLATIVE BILL 288. Indefinitely postponed.
LEGISLATIVE BILL 363. Indefinitely postponed.
LEGISLATIVE BILL 388. Indefinitely postponed.
LEGISLATIVE BILL 429. Indefinitely postponed.
LEGISLATIVE BILL 493. Indefinitely postponed.
LEGISLATIVE BILL 555. Indefinitely postponed.
LEGISLATIVE BILL 556. Indefinitely postponed.
LEGISLATIVE BILL 600. Indefinitely postponed.
LEGISLATIVE BILL 611. Indefinitely postponed.
LEGISLATIVE BILL 743. Indefinitely postponed.
LEGISLATIVE BILL 836. Indefinitely postponed.
LEGISLATIVE BILL 850. Indefinitely postponed.
LEGISLATIVE BILL 896. Indefinitely postponed.
LEGISLATIVE BILL 928. Indefinitely postponed.
LEGISLATIVE BILL 933. Indefinitely postponed.
LEGISLATIVE BILL 972. Indefinitely postponed.
LEGISLATIVE BILL 982. Indefinitely postponed.
LEGISLATIVE BILL 1001. Indefinitely postponed.
LEGISLATIVE BILL 1005. Indefinitely postponed.
LEGISLATIVE BILL 1044. Indefinitely postponed.
LEGISLATIVE BILL 1045. Indefinitely postponed.
LEGISLATIVE BILL 1089. Indefinitely postponed.

(Signed) Burke Harr, Chairperson
GENERAL FILE

LEGISLATIVE BILL 906. Title read. Considered.

Committee AM2118, found on page 597, was offered.

Senator Sullivan offered the following amendment to the committee amendment:
AM2487
(Amendments to Standing Committee amendments, AM2118)
1 1. On page 1, line 1, before "degree" insert "the first".

The Sullivan amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

The committee amendment, as amended, was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 730. Placed on Final Reading.

LEGISLATIVE BILL 772. Placed on Final Reading.

ST66
The following changes, required to be reported for publication in the Journal, have been made:
1. In the Lindstrom amendment, AM2196, on page 15, line 15, "to" has been struck and ", 2, 3, 4, 5, 6, 7, 8," inserted.
2. On page 1, the matter beginning "the" in line 1 through line 6 has been struck and "insurance; to amend section 44-4404, Reissue Revised Statutes of Nebraska, and sections 44-2120, 44-2121, 44-2138, and 44-9004, Revised Statutes Cumulative Supplement, 2014; to adopt the Corporate Governance Annual Disclosure Act; to change provisions of the Insurance Holding Company System Act; to define terms; to provide for group-wide supervisors and international insurance groups as prescribed; to change provisions relating to risk retention groups; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.
3. On page 2, line 3, "3 and 4" has been struck and "12 and 13" inserted.
4. On page 3, line 13, "4" has been struck and "13" inserted; and in line 24 "3" has been struck and "12" inserted.
5. On page 10, line 25, "4" has been struck and "13" inserted.

LEGISLATIVE BILL 1059. Placed on Final Reading.
COMMITTEE REPORT(S)
Judiciary

LEGISLATIVE BILL 1106. Placed on General File with amendment. AM2389 is available in the Bill Room.

(Signed) Les Seiler, Chairperson

AMENDMENT(S) - Print in Journal

Senator Morfeld filed the following amendment to LB900:
AM2343
(Amendments to Standing Committee amendments, AM1957)
1 1. On page 8, line 27, after the period insert "The Department of Health and Human Services shall provide administrative support and oversight to the board."
2 2. On page 12, line 29, strike "Director of Motor Vehicles" and insert "chief executive officer for the Department of Health and Human Services".
3 3. On page 13, line 14, strike both occurrences of "Motor Vehicles" and insert "Health and Human Services"; and in line 30 strike "Department of Motor Vehicles".

GENERAL FILE

LEGISLATIVE BILL 745. Title read. Considered.

Senator Chambers offered the following motion:
MO201
Bracket until April 20, 2016.

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 3:

Bloomfield  Chambers  Kintner

Voting in the negative, 29:
Present and not voting, 5:

Friesen  Krist  McCoy  Schumacher  Smith

Excused and not voting, 12:

Bolz  Ebke  Kuehn  Murante
Coash  Garrett  Larson  Scheer
Craighead  Howard  Mello  Watermeier

The Chambers motion to bracket failed with 3 ayes, 29 nays, 5 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 698A. Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 698, One Hundred Fourth Legislature, Second Session, 2016.

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB745:

AM2498

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 37-452, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 37-452 (1) No person shall hunt antelope, elk, or mountain sheep, or
6 mountain lions unless such person is at least twelve years of age, and
7 any person who is twelve through fifteen years of age shall only hunt
8 antelope, elk, or mountain sheep, or mountain lions when supervised by a
9 person nineteen years of age or older having a valid hunting permit.
10 (2) No person shall hunt deer unless such person is at least ten
11 years of age, and any person who is ten through fifteen years of age
12 shall only hunt deer when supervised by a person nineteen years of age or
13 older having a valid hunting permit.
14 (3) A person nineteen years of age or older having a valid hunting
15 permit shall not supervise more than two persons while hunting deer,
16 antelope, elk, or mountain sheep, or mountain lions at the same time.
17 Sec. 2. Original section 37-452, Revised Statutes Cumulative
18 Supplement, 2014, is repealed.
19 Sec. 3. The following section is outright repealed: Section 37-473,
20 Revised Statutes Cumulative Supplement, 2014.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So
ordered.

Kintner - LB975
Ebke, Garrett, Gloor, Haar, K., Morfeld - LB886

VISITOR(S)

Visitors to the Chamber were 52 fourth-grade students from Bryan
Elementary, Lexington; 33 fourth- and fifth-grade students and sponsors
from St. Bernard, Omaha; Larry and Renee Carstenson from Kearney; Evan
and Colton Spatz; Judith Wright from Omaha, Suzanne Nelson from
Lawrence, KS, and Mackenzie Nelson from Washington, D.C.; and Forster
Lee and Jerry Chang of the Taipei Economic and Cultural Office, Denver,
CO.

The Doctor of the Day was Dr. Michelle Sell from Central City.

ADJOURNMENT

At 5:05 p.m., on a motion by Senator Sullivan, the Legislature adjourned
until 9:00 a.m., Thursday, March 10, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
FORTY-FIRST DAY - MARCH 10, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 10, 2016

PRAYER

The prayer was offered by Senator Lindstrom.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senator Scheer who was excused; and Senators Hansen, Kintner, Kolowski, Larson, McCollister, Murante, Schilz, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fortieth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 9, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Bruning Law Group
amazon.com
Heidemann, Lavon L
   Nebraska Farm Bureau Federation (Withdrawn 03/09/2016)
JK Consulting
   Americans for Prosperity
Kolterman, Jessica A.
   JK Consulting
   Nebraska Farm Bureau Federation (Withdrawn 03/09/2016)
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 698A. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

ANNOUNCEMENT

The Chair announced the birthdays of Senator K. Haar and Senator Seiler.

SELECT FILE

LEGISLATIVE BILL 1022. Senator Schumacher offered his amendment, AM2398, found on page 877.

Senator Schumacher moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Schumacher requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Bloomfield  Cook  Ebke  Gloor  Krist  
Campbell  Crawford  Friesen  Groene  Schumacher  
Coash  Davis  Garrett  Haar, K.  

Voting in the negative, 20:

Brasch  Hughes  Larson  Murante  Smith  
Chambers  Johnson  Lindstrom  Riepe  Stinner  
Craighead  Kolowski  McCoy  Schilz  Watermeier  
Hadley  Kolterman  Mello  Seiler  Williams  

Present and not voting, 10:

Baker  Fox  Hilkemann  Kuehn  Morfeld  
Bolz  Hansen  Howard  McCollister  Pansing Brooks  

Excused and not voting, 5:

Harr, B.  Kintner  Scheer  Schnoor  Sullivan
The Schumacher amendment lost with 14 ayes, 20 nays, 10 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

SENATOR COASH PRESIDING

LEGISLATIVE BILL 897. ER173, found on page 743, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 919. ER175, found on page 791, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 919A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 710. ER177, found on page 805, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 722. Senator Baker offered his amendment, AM2435, found on page 888.

The Baker amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 857. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 1082A. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 447. Placed on Final Reading.
LEGISLATIVE BILL 447A. Placed on Final Reading.
LEGISLATIVE BILL 698. Placed on Final Reading.

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Campbell amendment, AM2255, sections 28 and 29 and all amendments thereto have been struck and the following sections inserted:

   Sec. 34. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, and 37 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

   Sec. 35. Original sections 71-516.01, 71-516.02, 71-516.03, 81-2201, 81-2213, 81-2218, 81-2220, 81-2221, and 81-2235, Reissue Revised Statutes of Nebraska, section 71-516.04, Revised Statutes Cumulative Supplement, 2014, and sections 71-401 and 71-403, Revised Statutes Supplement, 2015, are repealed.

2. In the E & R amendments, ER172, amendment 2 has been struck.

3. On page 1, the matter beginning with the second "to" in line 1 through line 2 has been struck and "to amend sections 71-516.01, 71-516.02, 71-516.03, 81-2201, 81-2213, 81-2218, 81-2220, 81-2221, and 81-2235, Reissue Revised Statutes of Nebraska, section 71-516.04, Revised Statutes Cumulative Supplement, 2014, and sections 68-901, 71-401, and 71-403, Revised Statutes Supplement, 2015; to adopt the Home Care Consumer Bill of Rights Act; to provide a penalty; to adopt the Assisting Caregiver Transitions Act; to require that certain providers be subject to a national criminal history record information check as prescribed; to define and redefine terms; to provide for a memory care endorsement under the Health Care Facility Licensure Act; to change provisions of the Alzheimer's Special Care Disclosure Act; to change and eliminate provisions of the Nebraska Community Aging Services Act; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 81-2228, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

LEGISLATIVE BILL 704. Placed on Final Reading.

The following changes, required to be reported for publication in the Journal, have been made:

LEGISLATIVE BILL 830. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 1032. Placed on General File with amendment.

AM2473

1. Insert the following new section:

2. Sec. 10. (1) The Transitional Health Insurance Program Act
3. terminates three years after the date coverage under the waiver begins
4. for newly eligible individuals as described in subsection (2) of section
5. 5 of this act.
6. (2) The department shall provide notice to all newly eligible
7. individuals at the time of enrollment and every six months thereafter
8. regarding the termination date described in subsection (1) of this
9. section. Newly eligible individuals shall also receive notice of the
10. program’s termination date three months and one month prior to such date.
11. (3) Newly eligible individuals have no right to appeal the loss of
12. eligibility under the program as a result of the termination of the
13. Transitional Health Insurance Program Act as provided in this section.
14. 2. On page 2, line 1, strike "11" and insert "12".
15. 3. On page 6, line 25, strike "Following" and insert "Except as
16. provided in section 10 of this act, following".
17. 4. On page 10, line 21, strike "expire on June 30, 2020" and insert
18 "terminate pursuant to section 10 of this act".
19 5. On page 11, line 24, after "(3)" insert "(a)"; after line 27
20 insert the following new subdivision:
21 "(b) The department shall select an independent consultant to
22 analyze the performance measures listed in this section and to analyze
23 revenue generated and savings attributable to the act. Such report shall
24 be provided to the Governor and submitted electronically to the
25 Legislature six months prior to the start of the next legislative session
26 in the third year of implementation of the waiver."; and in line 29
27 strike "to" through "paying" and insert "only to pay".
1 6. On page 12, lines 1 and 2, strike "may utilize money" and insert
2 "shall appropriate sixty-three million dollars"; and in line 2 after
3 "Fund" insert "to the Transitional Health Insurance Program Fund".
4 7. Renumber the remaining sections accordingly.

LEGISLATIVE RESOLUTION 415. Reported to the Legislature for
further consideration.

(Signed) Kathy Campbell, Chairperson

COMMITTEE REPORT(S)
Health and Human Services

The Health and Human Services Committee desires to report favorably upon
the appointment(s) listed below. The Committee suggests the
appointments(s) be confirmed by the Legislature and suggests a record vote.

John A. E. Craig - Nebraska Rural Health Advisory Commission
Rebecca Schroeder - Nebraska Rural Health Advisory Commission
Roger Wells - Nebraska Rural Health Advisory Commission

Aye: 7 Baker, Campbell, Crawford, Fox, Howard, Kolterman, Riepe. Nay:
0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB768:
AM2526
(Amendments to Standing Committee amendments, AM2058)
1 1. On page 5, line 19; page 9, lines 4, 6, 14, 18, 22, and 26; page
2 10, lines 3, 7, 11, 16, 18, 21, 24, and 28; and page 11, lines 7, 9, 11,
3 14, 15, and 21, after "Life" insert "and Freedom of Choice".
4 2. On page 11, strike beginning with the first "as" in line 19
5 through "abortion" in line 20.
RESOLUTION(S)

LEGISLATIVE RESOLUTION 475. Introduced by Larson, 40.

WHEREAS, the Wynot High School girls' basketball team won the 2016 Class D-2 Girls' State Basketball Championship; and
WHEREAS, the Wynot Blue Devils girls' basketball team defeated St. Mary's High School in the championship game by a score of 41-40; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates the Wynot High School girls' basketball team on winning the 2016 Class D-2 Girls' State Basketball Championship.
2. That a copy of this resolution be sent to the Wynot High School girls' basketball team and Coach Steve Wieseler.

Laid over.

LEGISLATIVE RESOLUTION 476. Introduced by Larson, 40.

WHEREAS, the Crofton High School girls' basketball team won the 2016 Class C-2 Girls' State Basketball Championship; and
WHEREAS, the Crofton Warriors girls' basketball team defeated Guardian Angels Central Catholic High School in the championship game by a score of 46-43; and
WHEREAS, this was the Crofton Warriors' fifth consecutive Class C-2 girls' basketball state title; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates the Crofton High School girls' basketball team on winning the 2016 Class C-2 Girls' State Basketball Championship.
2. That a copy of this resolution be sent to the Crofton High School girls' basketball team and Coach Aaron Losing.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 745. Senator Chambers offered the following motion:

MO202
Bracket until April 20, 2016.
Senator Chambers moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 1:

Bloomfield

Voting in the negative, 32:

<table>
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<tr>
<th>Baker</th>
<th>Davis</th>
<th>Hansen</th>
<th>Kolterman</th>
<th>Seiler</th>
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<td>Brasch</td>
<td>Ebke</td>
<td>Harr, B.</td>
<td>Krist</td>
<td>Stinner</td>
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<td>Campbell</td>
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<td>Pansing Brooks</td>
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<td>Crawford</td>
<td>Hadley</td>
<td>Kolowski</td>
<td>Schilz</td>
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</table>

Present and not voting, 6:

| Chambers | Murante | Schumacher |
| McCoy | Riepe | Smith |

Excused and not voting, 10:

| Bolz | Groene | Larson | Mello | Schnoor |
| Garrett | Kintner | Lindstrom | Scheer | Watermeier |

The Chambers motion to bracket failed with 1 aye, 32 nays, 6 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO203
Reconsider the vote taken to bracket.

**SENATOR KRIST PRESIDING**

The Chambers motion to reconsider failed with 1 aye, 25 nays, 12 present and not voting, and 11 excused and not voting.

Pending.
COMMITTEE REPORT(S)
Executive Board

LEGISLATIVE RESOLUTION 455. Reported to the Legislature for further consideration with the following amendment:
AM2521
1 1. Strike the first resolved paragraph and insert:
2 1. The Legislature calls for the Executive Board of the Legislative Council to appoint a special committee to examine issues related to the impacts of climate change on the State of Nebraska and its residents, including assessments of vulnerability, risks, and economic impacts. The committee shall also examine opportunities, including methods of producing food, generating power, or protecting land and water that can be used to adapt and mitigate the impacts of climate change and that will provide jobs and economic benefits to Nebraskans. The committee shall consist of the following members:
11 (a) The chairperson of the Appropriations Committee of the Legislature or his or her designee;
12 (b) The chairperson of the Natural Resources Committee of the Legislature or his or her designee; and
15 (c) Five at-large members of the Legislature appointed by the Executive Board of the Legislative Council.

(Signed) Bob Krist, Chairperson
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1073. Placed on General File.

LEGISLATIVE BILL 874. Placed on General File with amendment.
AM2385
1 1. Strike the original sections and insert the following new sections:
2 Section 1. Section 32-570, Revised Statutes Cumulative Supplement, 2014, is amended to read:
3 32-570 (1) A vacancy in the membership of a school board shall occur as set forth in section 32-560 or in the case of absences, unless excused by a majority of the remaining members of the board, when a member is absent from the district for a continuous period of sixty days at one time or from more than two consecutive regular meetings of the board. The resignation of a member or any other reason for a vacancy shall be made a part of the minutes of the school board. The school board shall give notice of the date the vacancy occurred, the office vacated, and the length of the unexpired term (a) in writing to the election commissioner or county clerk and (b) by a notice published in a newspaper of general circulation in the school district.
16 (2) A person appointed to fill a vacancy on the school board of a Class I school district by the remaining members of the board shall hold office until the beginning of the next school year. A board member of a
19 Class I school district elected to fill a vacancy at a regular or special
20 school district meeting shall serve for the remainder of the unexpired
21 term or until a successor is elected and qualified.
22 (3) Except as provided in subsection (4) of this section, a vacancy
23 in the membership of a school board of a Class II, III, IV, V or VI
24 school district resulting from any cause other than the expiration of a
25 term shall be filled by appointment of a qualified registered voter by
26 the remaining members of the board. If the vacancy occurs in a Class II
27 school district prior to July 1 preceding the general election in the
28 middle of the vacated term, the appointee shall serve until a registered
29 voter is elected at such general election for the remainder of the
30 unexpired term. If the vacancy occurs in a Class III, IV, or VI school
31 district prior to February 1 preceding the general election in the middle
32 of the vacated term, the appointee shall serve until a registered voter
33 is nominated at the next primary election and elected at the following
34 general election for the remainder of the unexpired term. If the vacancy
35 occurs on or after the applicable deadline, the appointment shall be for
36 the remainder of the unexpired term. A registered voter appointed or
37 elected pursuant to this subsection shall meet the same requirements as
38 the member whose office is vacant.
39 (4) Any vacancy in the membership of a school board of a school
40 district described in section 79-549 which does not nominate candidates
41 at a primary election and elect members at the following general election
42 shall be filled by appointment of a qualified registered voter by the
43 remaining members of the board. If the vacancy occurs at least twenty
44 days prior to the first regular caucus to be held during the term that
45 was vacated, the appointee shall serve until a registered voter is
46 nominated and elected to fill the vacancy for the remainder of the term
47 in the manner provided for nomination and election of board members in
48 the district. If the vacancy occurred less than twenty days prior to the
49 first regular caucus and at least twenty days prior to the second regular
50 caucus to be held during the term that was vacated, the appointee shall
51 serve until a registered voter is nominated and elected to fill the
52 vacancy for the remainder of the term in the manner provided for
53 nomination and election of board members in the district. If the vacancy
54 occurred less than twenty days prior to the second regular caucus held
55 during the term that was vacated or after such caucus, the appointment
56 shall be for the remainder of the unexpired term.
57 (5) A vacancy in the membership of a school board of a Class V
58 school district resulting from any cause other than the expiration of a
59 term shall be filled by appointment of a qualified registered voter by
60 the remaining members of the board for the remainder of the unexpired
61 term. A registered voter appointed pursuant to this subsection shall meet
62 the same requirements as the member whose office is vacant.
63 (6) If any school board fails to fill a vacancy on the board, the
64 vacancy may be filled by election at a special election or school
65 district meeting called for that purpose. Such election or meeting shall
66 be called in the same manner and subject to the same procedures as other
67 special elections or school district meetings.
If there are vacancies in the offices of one-half or more of the members of a school board, the Secretary of State shall conduct a special school district election to fill such vacancies.

Sec. 2. Section 32-618, Revised Statutes Cumulative Supplement, 2014, is amended to read:

32-618 (1) The number of signatures of registered voters needed to place the name of a candidate upon the nonpartisan ballot for the general election shall be as follows:

(a) For each nonpartisan office other than members of the Board of Regents of the University of Nebraska and board members of a Class III school district, at least ten percent of the total number of registered voters voting for Governor or President of the United States at the immediately preceding general election in the district or political subdivision in which the officer is to be elected, not to exceed two thousand;

(b) For members of the Board of Regents of the University of Nebraska, at least ten percent of the total number of registered voters voting for Governor or President of the United States at the immediately preceding general election in the regent district in which the officer is to be elected, not to exceed one thousand; and

(c) For board members of a Class III school district, at least twenty percent of the total number of votes cast for the board member receiving the highest number of votes at the immediately preceding general election in the school district.

(2) The number of signatures of registered voters needed to place the name of a candidate for an office upon the partisan ballot for the general election shall be at least ten percent of the registered voters entitled to vote for the office, as follows:

(a) For each partisan office to be filled by the registered voters of the entire state, at least four thousand, and at least seven hundred fifty signatures shall be obtained in each congressional district in the state; and

(b) For each partisan office to be filled by the registered voters of a county or political subdivision, at least twenty percent of the total vote for Governor or President of the United States at the immediately preceding general election within the county or political subdivision, not to exceed two thousand.

The number of signatures shall not be required to exceed one-fourth of the total number of registered voters voting for the office at the immediately preceding general election when the nomination is for a partisan office to be filled by the registered voters of a county.

Sec. 3. Section 32-941, Revised Statutes Supplement, 2015, is amended to read:

32-941 Any registered voter permitted to vote early pursuant to section 32-938 may, not more than one hundred twenty days before any election and not later than the close of business on the second Friday preceding the election, request a ballot for the election to be mailed to a specific address. A registered voter shall request a ballot in writing to the election commissioner or county clerk.
28 in the county where the registered voter has established his or her home
29 and shall indicate his or her residence address, the address to which the
30 ballot is to be mailed if different, and his or her telephone number if
31 available. The registered voter may use the form published by the
1 election commissioner or county clerk pursuant to section 32-808. The
2 registered voter shall sign the request. A registered voter may use a
3 facsimile machine or electronic mail for the submission of a request for
4 a ballot. The election commissioner or county clerk shall include a
5 registration application with the ballots if the person is not
6 registered. Registration applications shall not be mailed after the third
7 Friday preceding the election. If the person is not registered to vote,
8 the registration application shall be returned not later than the closing
9 of the polls on the day of the election. No ballot issued under this
10 section shall be counted unless such registration application is properly
11 completed and processed.
12 Sec. 4. Section 32-947, Revised Statutes Supplement, 2015, is
13 amended to read:
14 32-947 (1) Upon receipt of an application or other request for a
15 ballot to vote early, the election commissioner or county clerk shall
16 determine whether the applicant is a registered voter and is entitled to
17 vote as requested. If the election commissioner or county clerk
18 determines that the applicant is a registered voter entitled to vote
19 early and the application was received not later than the close of
20 business on the second Friday at or before 4 p.m. on the Wednesday
21 preceding the election, the election commissioner or county clerk shall
22 deliver a ballot to the applicant in person or by mail, postage paid. The
23 election commissioner or county clerk or any employee of the election
24 commissioner or county clerk shall write or cause to be affixed his or
25 her customary signature or initials on the ballot.
26 (2) An unsealed identification envelope shall be delivered with the
27 ballot, and upon the back of the envelope shall be printed a form
28 substantially as follows:
29 VOTER’S OATH
30 I, the undersigned voter, declare that the enclosed ballot or
31 ballots contained no voting marks of any kind when I received them, and I
1 caused the ballot or ballots to be marked, enclosed in the identification
2 envelope, and sealed in such envelope.
3 To the best of my knowledge and belief, I declare under penalty of
4 election falsification that:
5 (a) I, .................., am a registered voter
6 in .................. County;
7 (b) I reside in the State of Nebraska at ..................;
8 (c) I have voted the enclosed ballot and am returning it in
9 compliance with Nebraska law; and
10 (d) I have not voted and will not vote in this election except by
11 this ballot.
12 ANY PERSON WHO SIGNS THIS FORM KNOWING THAT ANY OF THE INFORMATION
13 IN THE FORM IS FALSE SHALL BE GUILTY OF ELECTION FALSIFICATION, A CLASS
14 IV FELONY UNDER SECTION 32-1502 OF THE STATUTES OF NEBRASKA. THE PENALTY
FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR UP TO FIVE YEARS OR A FINE
NOT TO EXCEED TEN THOUSAND DOLLARS, OR BOTH.
I also understand that failure to sign below will invalidate my
ballot.
Signature ........................................

(3) If the ballot and identification envelope will be returned by
mail or by someone other than the voter, the election commissioner or
county clerk shall include with the ballot an identification envelope
upon the face of which shall be printed the official title and post
go office address of the election commissioner or county clerk.
(4) The election commissioner or county clerk shall also enclose
with the ballot materials:
(a) A registration application, if the election commissioner or
county clerk has determined that the applicant is not a registered voter
pursuant to section 32-945, with instructions that failure to return the
completed and signed application indicating the residence address as it
appears on the voter's request for a ballot to the election commissioner
or county clerk by the close of the polls on election day will result in
the ballot not being counted;
(b) A registration application and the oath pursuant to section
32-946, if the voter is without a residence address, with instructions
that the residence address of the voter shall be deemed that of the
office of the election commissioner or county clerk of the county of the
voter's prior residence and that failure to return the completed and
signed application and oath to the election commissioner or county clerk
by the close of the polls on election day will result in the ballot not
being counted; or
(c) Written instructions directing the voter to submit a copy of an
identification document pursuant to section 32-318.01 if the voter is
required to present identification under such section and advising the
voter that failure to submit identification to the election commissioner
or county clerk by the close of the polls on election day will result in
the ballot not being counted.
(5) The election commissioner or county clerk may enclose with the
ballot materials a separate return envelope for the voter's use in
returning his or her identification envelope containing the voted ballot,
registration application, and other materials that may be required.
Sec. 5. Section 32-949.01, Revised Statutes Cumulative Supplement,
2014, is amended to read:
If a ballot for early voting is destroyed, spoiled, lost,
or not received by the registered voter, the voter may cast a provisional
ballot pursuant to section 32-915 at the voter's polling place on
election day or may obtain a replacement ballot from the election
commissioner or county clerk by signing a statement verified on oath or
affirmation on a form prescribed by the Secretary of State that the
original ballot for early voting was destroyed, spoiled, lost, or not
received and delivering the statement to the election commissioner or
county clerk. To receive a replacement ballot in person, the voter shall
return the statement to the office of the election commissioner or county
2 clerk by 8 p.m. on the day of the election. To receive a replacement
3 ballot by mail, the voter shall return the statement to such office prior
4 to the close of business on the second Friday preceding fourth business
day before the election. If the election commissioner or county clerk
5 receives a statement meeting the requirements of this section, he or she
6 shall deliver a replacement ballot to the voter if the voter is present
7 in the office or shall mail a replacement ballot to the voter at the
8 address shown on the statement. The election commissioner or county clerk
9 shall keep a record of all replacement ballots issued under this section.
10 Sec. 6. Section 32-953, Revised Statutes Supplement, 2015, is
11 amended to read:
12 32-953 (1) Except as otherwise provided in subsection (2) of this
13 section, the election commissioner or county clerk shall mail the
14 official ballot to all registered voters of the political subdivision or
15 the district or ward of the political subdivision at the addresses
16 appearing on the voter registration register on the same day. The ballots
17 shall be mailed by nonforwardable first-class mail not sooner than the
18 twenty-second twentieth day before the date set for the election and not
19 later than the tenth day before the date set for the election. The
20 election commissioner or county clerk shall include with the ballot an
21 unsealed identification envelope meeting the requirements of subsection
22 (2) of section 32-947 and instructions sufficient to describe the voting
23 process.
24 (2) The election commissioner or county clerk may choose not to mail
25 a ballot to all registered voters who have been sent a notice pursuant to
26 section 32-329 and failed to respond to the notice. If the election
27 commissioner or county clerk chooses not to mail a ballot to such voters,
28 he or she shall mail a notice to all such registered voters explaining
29 how to obtain a ballot and stating the applicable deadlines.
30 Sec. 7. Section 32-1524, Reissue Revised Statutes of Nebraska, is
31 amended to read:
32 32-1524 (1) No judge or clerk of election or precinct or district
33 inspector shall do any electioneering while acting as an election
34 official.
35 (2) No person shall do any electioneering, circulate petitions, or
36 perform any action that involves solicitation within any polling place or
37 any building designated for voters to cast ballots by the election
38 commissioner or county clerk pursuant to the Election Act while the
39 polling place or building is set up for voters to cast ballots or within
40 two hundred feet of any such polling place or building except as
41 otherwise provided in subsection (3) of this section.
42 (3) Subject to any local ordinance, a person may display yard signs
43 on private property within two hundred feet of a polling place or
44 building designated for voters to cast ballots if the property is not
45 under common ownership with the property on which the polling place or
46 building is located.
47 (4) Any person violating this section shall be guilty of a Class V
48 misdemeanor.
49 Sec. 8. Section 32-1527, Reissue Revised Statutes of Nebraska, is
amended to read:
1 32-1527 (1) No voter shall receive an official ballot from any
2 person other than a judge of election, and no person other than a judge
3 of election shall deliver an official ballot to a voter.
4 (2) No voter shall vote or offer to vote any ballot except an
5 official ballot received from a judge of election.
6 (3) No voter shall place any mark upon an official ballot by which
7 it may afterwards be identified as the one voted by him or her.
8 (4) No person shall solicit a voter to show his or her ballot after
9 it is marked to any person in such a way as to reveal the contents
10 thereof or the name of the candidate or candidates for whom he or she has
11 marked his or her vote. This subsection does not prohibit a voter from
12 voluntarily photographing his or her ballot after it is marked and
13 revealing such photograph in a manner that allows the photograph to be
14 viewed by another person, and no person shall solicit a voter to show
15 the same.
16 (5) No person other than a judge of election shall receive from a
17 voter an official ballot prepared for voting.
18 (6) Any person violating this section shall be guilty of a Class V
19 misdemeanor.

Sec. 9. Sections 3, 4, 5, 6, and 10 of this act become operative on
10 June 1, 2016. Sections 1, 2, 7, 8, 9, and 11 of this act become operative
11 three calendar months after the adjournment of this legislative session.
12 The other sections of this act become operative on their effective date.
13 Sec. 10. Original section 32-949.01, Revised Statutes Cumulative
14 Supplement, 2014, and sections 32-941, 32-947, and 32-953, Revised
15 Statutes Supplement, 2015, are repealed.
16 sec. 11. Original sections 32-1524 and 32-1527, Reissue Revised
17 Statutes of Nebraska, and sections 32-570 and 32-618, Revised Statutes
18 Cumulative Supplement, 2014, are repealed.
19 Sec. 12. Since an emergency exists, this act takes effect when
20 passed and approved according to law.

LEGISLATIVE BILL 935. Placed on General File with amendment.
AM2386 is available in the Bill Room.

(Signed) John Murante, Chairperson
Transportation and Telecommunications

LEGISLATIVE BILL 1003. Placed on General File with amendment.
AM2488
1 1. Insert the following new sections:
2 Section 1. Section 86-316, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 86-316 Sections 86-316 to 86-329 and section 3 of this act shall be
5 known and may be cited as the Nebraska Telecommunications Universal
6 Service Fund Act.
7 Sec. 2. Section 86-318, Reissue Revised Statutes of Nebraska, is
amended to read:

For purposes of the Nebraska Telecommunications Universal Service Fund Act, the definitions found in sections 86-319 to 86-322 and section 3 of this act apply.

Sec. 3. Prepaid wireless telecommunications service provider means a wireless telecommunications company whose service must be paid for in advance and is sold in predetermined units or dollars of which the number declines with use in a known amount.

Sec. 8. The Prepaid Wireless Surcharge Act shall terminate on December 31, 2018, unless extended by the Legislature.

2. On page 2, line 20, after "Act" insert ", except that a prepaid wireless telecommunications service provider shall continue to be subject to the audit requirements provided in subdivision (2)(d) of section 86-324".

3. On page 3, line 6, strike "and"; in line 11 strike the period and insert "; and"; and after line 11 insert the following new subdivision: 

"(d) The Department of Revenue shall provide the Public Service Commission with prepaid wireless surcharge calculation and collection data upon request."

4. On page 4, line 23, strike "at the times and" and show as stricken; and in line 24 after the period insert "Sellers shall remit the prepaid wireless surcharges to the Department of Revenue on a monthly basis, except that if a seller (a) collected less than five hundred dollars of prepaid wireless surcharges in the prior year, the seller may remit on an annual basis, or (b) collected more than five hundred dollars but less than one thousand dollars of prepaid wireless surcharges in the prior year, the seller may remit on a quarterly basis."

5. On page 5, line 8, strike "two", show as stricken, and insert "one-half of one".

6. Renumber the remaining sections and correct the repealer accordingly.

(Signed) Jim Smith, Chairperson

Judiciary

LEGISLATIVE BILL 1094. Placed on General File with amendment. AM2337 is available in the Bill Room.

(Signed) Les Seiler, Chairperson

AMENDMENT(S) - Print in Journal

Senator Schilz filed the following amendment to LB881:

AM2543

1 1. On page 3, line 2, strike the new matter and reinstate the stricken matter.
Senator Campbell filed the following amendment to LB1032:

AM2528

(Amendments to Standing Committee amendments, AM2473)

1. On page 1, line 26, strike "and"; and in line 27 after the final 2 quotation mark insert ";"; and in line 30 after 'participants' insert 'and 3 administration".

2. On page 2, line 2, strike "appropriate" and insert "transfer".

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1009. Placed on Select File with amendment. ER179 is available in the Bill Room.

LEGISLATIVE BILL 934. Placed on Select File with amendment. ER178 is available in the Bill Room.

LEGISLATIVE BILL 934A. Placed on Select File.

(Signed) Matt Hansen, Chairperson

VISITOR(S)

Visitors to the Chamber were 21 high school students and teachers from Madison; Graham Ramsden from Creighton University in Omaha; Clayton Anderson, Nebraska's only astronaut visiting from Houston, TX; Frank Partsch, Sarah, Micah, and Noemi Gilbert from Omaha; 115 fourth-grade students from Reeder Elementary, Gretna; Dennis Duncan from Parker, SD; 20 members of Leadership Nebraska City and Nemaha County Leadership from Nebraska City and Auburn; and Senator Seiler's wife and son, Jo Ann and Brad Seiler.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 12:05 p.m., on a motion by Senator Kolowski, the Legislature adjourned until 9:00 a.m., Tuesday, March 15, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
FORTY-SECOND DAY - MARCH 15, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 15, 2016

PRAYER

The prayer was offered by Father Paul Rutten, Bonacum House, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Cook who was excused; and Senators Craighead, K. Haar, Howard, Larson, and Pansing Brooks who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-first day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 817. Placed on Select File.
LEGISLATIVE BILL 1109. Placed on Select File.
LEGISLATIVE BILL 794. Placed on Select File.

LEGISLATIVE BILL 867. Placed on Select File with amendment.
ER180 is available in the Bill Room.

LEGISLATIVE BILL 867A. Placed on Select File.

LEGISLATIVE BILL 894. Placed on Select File with amendment.
ER181 is available in the Bill Room.

LEGISLATIVE BILL 1092. Placed on Select File.
LEGISLATIVE BILL 803. Placed on Select File.
LEGISLATIVE BILL 1033. Placed on Select File with amendment.

ER183

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. The Legislature finds and declares that:
4 (1) In 1999 the United States Supreme Court held in the case of
5 Olmstead v. L.C., 527 U.S. 581, that unjustified segregation of persons
6 with disabilities constitutes discrimination in violation of Title II of
7 the federal Americans with Disabilities Act of 1990. The court held that
8 public entities must provide community-based services to persons with
9 disabilities when (a) such services are appropriate, (b) the affected
10 persons do not oppose community-based services, and (c) community-based
11 services can be reasonably accommodated, taking into account the
12 resources available to the public entity and the needs of others who are
13 receiving disability services from the entity. The court stated that
14 institutional placement of persons who can handle and benefit from
15 community-based services perpetuates unwarranted assumptions that persons
16 so isolated are incapable or unworthy of participating in community life,
17 and that confinement in an institution severely diminishes the everyday
18 life activities of individuals, including family relations, social
19 contacts, work options, economic independence, educational advancement,
20 and cultural enrichment;
21 (2) Many Nebraskans with disabilities live in institutional
22 placements where they are segregated and isolated with diminished
23 opportunities to participate in community life; and
24 (3) The United States Supreme Court further stated in the Olmstead
25 decision that development of (a) a comprehensive, effective working plan
26 for providing services to qualified persons with disabilities in the most
27 integrated community-based settings and (b) a waiting list that moves at
1 a reasonable pace could be important ways for a state to demonstrate its
2 commitment to achieving compliance with the federal Americans with
4 Sec. 2. (1) The Department of Health and Human Services shall
5 develop a comprehensive strategic plan for providing services to
6 qualified persons with disabilities in the most integrated community-
7 based settings pursuant to the Olmstead decision.
8 (2) The department shall (a) convene a team consisting of persons
9 from each of the six divisions of the department to assess components of
10 the strategic plan which may be in development; (b) consult with other
11 state agencies that administer programs serving persons with
12 disabilities; (c) appoint and convene a stakeholder advisory committee to
13 assist in the review and development of the strategic plan, such
14 committee members to include a representative from the State Advisory
15 Committee on Mental Health Services, the Advisory Committee on
16 Developmental Disabilities, the Nebraska Statewide Independent Living
17 Council, the Nebraska Planning Council on Developmental Disabilities, the
18 Division of Rehabilitation Services in the State Department of Education,
19 a housing authority in a city of the first or second class and a housing
20 authority in a city of the primary or metropolitan class, the Assistive
Technology Partnership, the protection and advocacy system for Nebraska, an assisted-living organization, the behavioral health regions, mental health practitioners, developmental disability service providers, an organization that advocates for persons with developmental disabilities, an organization that advocates for persons with mental illness, an organization that advocates for persons with brain injuries, and an area agency on aging, and including two persons with disabilities representing self-advocacy organizations, and, at the department’s discretion, other persons with expertise in programs serving persons with disabilities; (d) determine the need for a consultant to assist with the development of the strategic plan; (e) provide a preliminary progress report to the Legislature and the Governor by December 15, 2016, which includes, but is not limited to, (i) the components of the strategic plan which may be in development and (ii) the department’s recommendation on hiring a consultant; (f) provide a second progress report to the Legislature and the Governor by December 15, 2017; and (g) provide the completed strategic plan to the Legislature by December 15, 2018. The reports and completed plan shall be submitted electronically to the Legislature.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.

LEGISLATIVE BILL 467. Placed on Select File with amendment.

1 1. On page 1, strike lines 2 through 7 and insert “to amend sections 81-2014, 81-2014.01, 81-2017, 81-2026, 81-2027.08, and 81-2041, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions relating to contributions, benefit calculations, benefit adjustments, and DROP participation; to provide for cost-of-living payments as prescribed; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.”.

LEGISLATIVE BILL 910. Placed on Select File with amendment.

1 1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 47-901, Revised Statutes Supplement, 2015, is amended to read:

Section 47-901 Sections 47-901 to 47-918 and section 4 of this act shall be known and may be cited as the Office of Inspector General of the Nebraska Correctional System Act.

Sec. 2. Section 47-903, Revised Statutes Supplement, 2015, is amended to read:

47-903 For purposes of the Office of Inspector General of the Nebraska Correctional System Act, the following definitions apply:

(1) Administrator means a person charged with administration of a program, an office, or a division of the department or administration of a private agency;

(2) Department means the Department of Correctional Services;
(3) Director means the Director of Correctional Services;
(4) Inspector General means the Inspector General of the Nebraska Correctional System appointed under section 47-904;
(5) Malfeasance means a wrongful act that the actor has no legal right to do or any wrongful conduct that affects, interrupts, or interferes with performance of an official duty;
(6) Management means supervision of subordinate employees;
(7) Misfeasance means the improper performance of some act that a person may lawfully do;
(8) Obstruction means hindering an investigation, preventing an investigation from progressing, stopping or delaying the progress of an investigation, or making the progress of an investigation difficult or slow;
(9) Office means the office of Inspector General of the Nebraska Correctional System and includes the Inspector General and other employees of the office;
(10) Office of Parole Administration means the office created pursuant to section 83-1,100;
(11) Private agency means an entity that contracts with the department or contracts to provide services to another entity that contracts with the department; and
(12) Record means any recording in written, audio, electronic transmission, or computer storage form, including, but not limited to, a draft, memorandum, note, report, computer printout, notation, or message, and includes, but is not limited to, medical records, mental health records, case files, clinical records, financial records, and administrative records.

Sec. 3. Section 47-908, Revised Statutes Supplement, 2015, is amended to read:

All employees of the department, all employees of the Office of Parole Administration, and all owners, operators, managers, supervisors, and employees of private agencies shall cooperate with the office. Cooperation includes, but is not limited to, the following:

1. Provision of full access to and production of records and information. Providing access to and producing records and information for the office is not a violation of confidentiality provisions under any statute, rule, or regulation if done in good faith for purposes of an investigation under the Office of Inspector General of the Nebraska Correctional System Act;
2. Fair and honest disclosure of records and information reasonably requested by the office in the course of an investigation under the act;
3. Encouraging employees to fully comply with reasonable requests of the office in the course of an investigation under the act;
4. Prohibition of retaliation by owners, operators, or managers against employees for providing records or information or filing or otherwise making a complaint to the office;
5. Not requiring employees to gain supervisory approval prior to filing a complaint with or providing records or information to the office;
7 (6) Provision of complete and truthful answers to questions posed by
8 the office in the course of an investigation; and
9 (7) Not willfully interfering with or obstructing the investigation.
10 Sec. 4. The Office of Parole Administration shall provide the
11 Public Counsel and the Inspector General with direct computer access to
12 all computerized records, reports, and documents maintained by the office
13 in connection with administration of the Nebraska parole system, except
14 that access for the Public Counsel and the Inspector General to a
15 parolee’s medical or mental health records shall be subject to the
16 parolee’s consent.
17 Sec. 5. Section 68-1017.02, Revised Statutes Cumulative Supplement,
18 2014, is amended to read:
19 68-1017.02 (1)(a) The Department of Health and Human Services shall
20 apply for and utilize to the maximum extent possible, within limits
21 established by the Legislature, any and all appropriate options available
22 to the state under the federal Supplemental Nutrition Assistance Program
23 and regulations adopted under such program to maximize the number of
24 Nebraska residents being served under such program within such limits.
25 The department shall seek to maximize federal funding for such program
26 and minimize the utilization of General Funds for such program and shall
27 employ the personnel necessary to determine the options available to the
28 state and issue the report to the Legislature required by subdivision (b)
29 of this subsection.
30 (b) The department shall submit electronically an annual report to
31 the Health and Human Services Committee of the Legislature by December 1
1 on efforts by the department to carry out the provisions of this
2 subsection. Such report shall provide the committee with all necessary
3 and appropriate information to enable the committee to conduct a
4 meaningful evaluation of such efforts. Such information shall include,
5 but not be limited to, a clear description of various options available
6 to the state under the federal Supplemental Nutrition Assistance Program,
7 the department's evaluation of and any action taken by the department
8 with respect to such options, the number of persons being served under
9 such program, and any and all costs and expenditures associated with such
10 program.
11 (c) The Health and Human Services Committee of the Legislature,
12 after receipt and evaluation of the report required in subdivision (b) of
13 this subsection, shall issue recommendations to the department on any
14 further action necessary by the department to meet the requirements of
15 this section.
16 (2)(a) The department shall develop a state outreach plan to promote
17 access by eligible persons to benefits of the Supplemental Nutrition
18 Assistance Program. The plan shall meet the criteria established by the
19 Food and Nutrition Service of the United States Department of Agriculture
20 for approval of state outreach plans. The Department of Health and Human
21 Services may apply for and accept gifts, grants, and donations to develop
22 and implement the state outreach plan.
23 (b) For purposes of developing and implementing the state outreach
24 plan, the department shall partner with one or more counties or nonprofit
organizations. If the department enters into a contract with a nonprofit organization relating to the state outreach plan, the contract may specify that the nonprofit organization is responsible for seeking sufficient gifts, grants, or donations necessary for the development and implementation of the state outreach plan and may additionally specify that any costs to the department associated with the award and management of the contract or the implementation or administration of the state outreach plan shall be paid out of private or federal funds received for development and implementation of the state outreach plan.

(c) The department shall submit the state outreach plan to the Food and Nutrition Service of the United States Department of Agriculture for approval on or before August 1, 2011, and shall request any federal matching funds that may be available upon approval of the state outreach plan. It is the intent of the Legislature that the State of Nebraska and the Department of Health and Human Services use any additional public or private funds to offset costs associated with increased caseload resulting from the implementation of the state outreach plan.

(d) The department shall be exempt from implementing or administering a state outreach plan under this subsection, but not from developing such a plan, if it does not receive private or federal funds sufficient to cover the department's costs associated with the implementation and administration of the plan, including any costs associated with increased caseload resulting from the implementation of the plan.

(3)(a)(i) On or before October 1, 2011, the department shall create a TANF-funded program or policy that, in compliance with federal law, establishes categorical eligibility for federal food assistance benefits pursuant to the Supplemental Nutrition Assistance Program to maximize the number of Nebraska residents being served under such program in a manner that does not increase the current gross income eligibility limit.

(ii) Such TANF-funded program or policy shall eliminate all asset limits for eligibility for federal food assistance benefits, except that the total of liquid assets which includes cash on hand and funds in personal checking and savings accounts, money market accounts, and share accounts shall not exceed twenty-five thousand dollars pursuant to the Supplemental Nutrition Assistance Program, as allowed under federal law and under 7 C.F.R. 273.2(j)(2).

(iii) This subsection becomes effective only if the department receives funds pursuant to federal participation that may be used to implement this subsection.

(b) For purposes of this subsection:

(i) Federal law means the federal Food and Nutrition Act of 2008, 7 U.S.C. 2011 et seq., and regulations adopted under the act; and

(ii) TANF means the federal Temporary Assistance for Needy Families program established in 42 U.S.C. 601 et seq.

(4) The State of Nebraska opts out of the provision of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as such act existed on January 1, 2009, that eliminates eligibility for the
12 Supplemental Nutrition Assistance Program for any person convicted of a
13 felony involving the possession, use, or distribution of a controlled
14 substance.
15 (b) A person shall be ineligible for Supplemental Nutrition
16 Assistance Program benefits under this subsection if he or she (i) has
17 had three or more felony convictions for the possession or use of a
18 controlled substance or (ii) has been convicted of a felony involving the
19 sale or distribution of a controlled substance or the intent to sell or
20 distribute a controlled substance. A person with one or two felony
21 convictions for the possession or use of a controlled substance shall
22 only be eligible to receive Supplemental Nutrition Assistance Program
23 benefits under this subsection if he or she is participating in or has
24 completed a state licensed or nationally accredited substance abuse
25 treatment program since the date of conviction. The determination of such
26 participation or completion shall be made by the treatment provider
27 administering the program.
28 Sec. 6. Section 83-1,101, Reissue Revised Statutes of Nebraska, is
29 amended to read:
30 83-1,101 The Director of Correctional Services with the consent of
31 the Board of Parole shall appoint a Parole Administrator. The Parole
32 Administrator, who shall be a person with appropriate experience and
33 training, including, but not limited to, familiarity with the
34 implementation of evidence-based processes for utilizing risk and needs
35 assessments to measure criminal risk factors and specific individual
36 needs in the field of corrections, or with training in relevant
37 disciplines at a recognized university.
38 Sec. 7. Section 83-4,114, Revised Statutes Supplement, 2015, is
39 amended to read:
40 83-4,114 (1) There shall be no corporal punishment or disciplinary
41 restrictions on diet.
42 (2) Disciplinary restrictions on clothing, bedding, mail,
43 visitations, use of toilets, washbowls, or scheduled showers shall be
44 imposed only for abuse of such privilege or facility and only as
45 authorized by written directives, guidance documents, and operational
46 manuals.
47 (3) No person shall be placed in solitary confinement.
48 (4) The director shall issue an annual report on or before September
49 15 to the Governor and the Clerk of the Legislature. The report to the
50 Clerk of the Legislature shall be issued electronically. For all inmates
51 who were held in restrictive housing during the prior year, the report
52 shall contain the race, gender, age, and length of time each inmate has
53 continuously been held in restrictive housing. The report shall also
54 contain:
55 (a) The number of inmates held in restrictive housing;
56 (b) The reason or reasons each inmate was held in restrictive
57 housing;
58 (c) The number of inmates held in restrictive housing who have been
59 diagnosed with a mental illness or behavioral disorder as defined in
60 section 71-902 and the type of mental illness or behavioral disorder by
30 inmate;
31 (d) The number of inmates who were released from restrictive housing
directly to parole or into the general public and the reason for such
release;
3 (e) The number of inmates who were placed in restrictive housing for
his or her own safety and the underlying circumstances for each
placement;
6 (f) To the extent reasonably ascertainable, comparable statistics
7 for the nation and each of the states that border Nebraska pertaining to
8 subdivisions (4)(a) through (e) of this section; and
9 (g) The mean and median length of time for all inmates held in
10 restrictive housing.
11 (5)(a) There is hereby established within the department a long-term
12 restrictive housing work group. The work group shall consist of:
13 (i) The director and all deputy directors. The director shall serve
14 as the chairperson of the work group;
15 (ii) The director of health services within the department;
16 (iii) The behavioral health administrator within the department;
17 (iv) Two employees of the department who currently work with
18 inmates held in restrictive housing;
19 (v) Additional department staff as designated by the director;
20 and
21 (vi) Four members as follows appointed by the Governor:
22 (A) Two representatives from a nonprofit prisoners' rights advocacy
group, including at least one former inmate; and
23 (B) Two mental health professionals independent from the department
25 with particular knowledge of prisons and conditions of confinement.
26 (b) The work group shall advise the department on policies and
27 procedures related to the proper treatment and care of offenders in long-
28 term restrictive housing.
29 (c) The director shall convene the work group's first meeting no
30 later than September 15, 2015, and the work group shall meet at least
31 semiannually thereafter. The chairperson shall schedule and convene the
1 work group’s meetings.
2 (d) The director shall provide the work group with quarterly updates
3 on the department’s policies related to the work group’s subject matter.
4 Sec. 8. Original section 83-1,101, Reissue Revised Statutes of
5 Nebraska, section 68-1017.02, Revised Statutes Cumulative Supplement,
6 2014, and sections 47-901, 47-903, 47-908, and 83-4,114, Revised Statutes
7 Supplement, 2015, are repealed.
8 Sec. 9. Since an emergency exists, this act takes effect when
9 passed and approved according to law.
10 2. On page 1, strike beginning with "parole" in line 1 through the
11 semicolon in line 9 and insert "criminal justice; to amend section
12 83-1,101, Reissue Revised Statutes of Nebraska, section 68-1017.02,
13 Revised Statutes Cumulative Supplement, 2014, and sections 47-901,
14 47-903, 47-908, and 83-4,114, Revised Statutes Supplement, 2015; to
15 define a term; to require cooperation by and provide access to
16 information maintained by the Office of Parole Administration as
17 prescribed; to eliminate a provision relating to ineligibility for
18 Supplemental Nutrition Assistance Program benefits relating to certain
19 felons; to change provisions relating to appointment and qualifications
20 of the Parole Administrator; to change reporting requirements and work
21 group membership relating to restrictive housing as prescribed;".

LEGISLATIVE BILL 910A. Placed on Select File.

LEGISLATIVE BILL 1093. Placed on Select File with amendment.
ER188
1 1. On page 1, strike beginning with "public" in line 1 through line
2 6 and insert "economic development; to amend section 81-1210.01, Reissue
3 Revised Statutes of Nebraska, and sections 81-12,160 and 81-12,162,
4 Revised Statutes Supplement, 2015; to redefine a term relating to a grant
5 program for internships; to change the Business Innovation Act; to state
6 findings and require reports relating to the Nebraska Innovation Campus;
7 to repeal the original sections; and to declare an emergency.".

(Signed) Matt Hansen, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 754A. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
aid in carrying out the provisions of Legislative Bill 754, One Hundred

MESSAGE(S) FROM THE GOVERNOR

March 11, 2016

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed
to the Game and Parks Commission:

Patrick Berggren, 1109 South 5th Avenue, Broken Bow, NE 68822

The aforementioned appointee is respectfully submitted for your
consideration. Copies of the certificate and background information are
included for your review.
Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

GENERAL FILE

**LEGISLATIVE BILL 745.** Senator Chambers offered the following motion:

MO204
Bracket until April 20, 2016.

The Chambers motion to bracket failed with 1 aye, 14 nays, 30 present and not voting, and 4 excused and not voting.

Senator Chambers offered the following motion:

MO205
Reconsider the vote taken to bracket.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Senator Chambers asked unanimous consent to withdraw his amendment, AM2498, found on page 934, and replace it with the Brasch substitute amendment, AM2584. No objections. So ordered.

AM2584
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 37-490, Revised Statutes Cumulative Supplement, 4 2014, is amended to read:
5 37-490 No person shall hunt any upland game birds and mallard ducks
6 upon such breeding and controlled shooting area except between September
7 1 and April 15 of each year, except that turkeys may be hunted
8 throughout the open season and dog training or dog trial activities may
9 be permitted as prescribed by rules and regulations of the commission or
10 commission orders.
11 Sec. 2. Original section 37-490, Revised Statutes Cumulative
12 Supplement, 2014, is repealed.

Senator Brasch moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Senator Brasch requested a roll call vote on her amendment.

Voting in the affirmative, 6:

Bloomfield  Chambers  McCoy
Brasch  Larson  Schumacher
Voting in the negative, 28:

Baker  Fox  Hughes  Lindstrom  Seiler
Campbell  Gloor  Johnson  McCollister  Stinner
Coash  Hadley  Kolowski  Mello  Watermeier
Crawford  Hansen  Kolterman  Pansing  Brooks
Davis  Hilkemann  Krist  Scheer
Ebke  Howard  Kuehn  Schilz

Present and not voting, 9:

Bolz  Groene  Murante  Schnoor  Sullivan
Friesen  Harr, B.  Riepe  Smith

Excused and not voting, 6:

Cook  Garrett  Kintner
Craighead  Haar, K.  Morfeld

The Brasch amendment lost with 6 ayes, 28 nays, 9 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

AM2499
1 1. Insert the following new sections:
2 Sec. 15. Section 37-452, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:
4 37-452 (1) No person shall hunt antelope, elk, or mountain sheep, or
5 mountain lions unless such person is at least twelve years of age, and
6 any person who is twelve through fifteen years of age shall only hunt
7 antelope, elk, or mountain sheep, or mountain lions when supervised by a
8 person nineteen years of age or older having a valid hunting permit.
9 (2) No person shall hunt deer unless such person is at least ten
10 years of age, and any person who is ten through fifteen years of age
11 shall only hunt deer when supervised by a person nineteen years of age or
12 older having a valid hunting permit.
13 (3) A person nineteen years of age or older having a valid hunting
14 permit shall not supervise more than two persons while hunting deer,
15 antelope, elk, or mountain sheep, or mountain lions at the same time.
16 Sec. 22. The following section is outright repealed: Section 37-473,
17 Revised Statutes Cumulative Supplement, 2014.
18 2. Renumber the remaining sections and correct the repealer
19 accordingly.
Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Bloomfield  Coash  Hansen  Krist  Schumacher
Brasch      Crawford Kolowski Pansing Brooks Sullivan

Voting in the negative, 16:

Friesen  Koltermann  Riepe  Seiler
Hilkemann Kuehn Scher  Stinner
Hughes  McCollister  Schilz  Watermeier
Johnson  Murante  Schnoor  Williams

Present and not voting, 15:

Baker Craighead Fox Harr, B. McCoy
Campbell Davis Gloor Howard Mello
Chambers Ebke Hadley Lindstrom Smith

Excused and not voting, 8:

Bolz Garrett Haar, K. Larson
Cook Groene Kintner Morfeld

The Chambers amendment lost with 10 ayes, 16 nays, 15 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 459, 460, 461, 462, 465, 466, 467, 468, and 469 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 459, 460, 461, 462, 465, 466, 467, 468, and 469.
LEGISLATIVE BILL 745. Senator Chambers offered the following motion:
MO207
Reconsider the vote taken on AM2499.

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 8:
Bloomfield
Chambers
Kolowski
Pansing Brooks

Voting in the negative, 24:
Coash
Davis
Ebke
Friesen
Garrett

Present and not voting, 13:
Bake
Bolz
Brasch

Excused and not voting, 4:
Cook

The Chambers motion to reconsider failed with 8 ayes, 24 nays, 13 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:
AM2513
1 1. On page 15, lines 16, 18, 21, 22, 23, and 26; and page 16, lines 21, 24, 28, and 30, strike "may", show as stricken, and insert "shall".
2 2. On page 15, line 25, strike "the" and show as stricken.
3 3. On page 16, line 8, after "wildlife" insert "and conservation of habitat"; in line 10 strike "more" and insert "less" and strike "seven" and insert "ten"; in line 11 strike "those"; in line 13 strike "more", 7 show as stricken, and insert "less" and strike "thirty-nine" and insert
8 "fifty"; in line 19 strike "more", show as stricken, and insert "less"
9 and strike "two", show as stricken, and insert "three"; in line 21 strike
10 "more" and insert "less"; in line 24 after "permits" insert "only"; and
11 in line 25 after "as" insert "shall be"
12 4. On page 17, line 2, strike "more", show as stricken, and insert
13 "a greater number of"; in line 3 strike the first "are", show as
14 stricken, and insert "is"; in line 9 strike "twenty-five", show as
15 stricken, and insert "thirty"; in line 10 strike "forty-five", show as
16 stricken, and insert "fifty-nine"; and in line 13 strike "misdemeanor",
17 show as stricken, and insert "felony".

Senator Chambers moved for a call of the house. The motion prevailed with
40 ayes, 0 nays, and 9 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 8:
Bloomfield Crawford Kolowski Pansing Brooks
Chambers Haar, K. Mello Schumacher

Voting in the negative, 26:
Coash Groene Kolterman Riepe Watermeier
Davis Hadley Kuehn Scheer Williams
Ebke Hilkemann Lindstrom Schilz
Fox Hughes McCollister Schnoor
Garrett Johnson Morfeld Seiler
Gloor Kintner Murante Stinner

Present and not voting, 13:
Baker Campbell Hansen Krist Sullivan
Bolz Craighead Harr, B. McCoy
Brasch Friesen Howard Smith

Excused and not voting, 2:
Cook Larson

The Chambers amendment lost with 8 ayes, 26 nays, 13 present and not
voting, and 2 excused and not voting.

Senator McCollister offered the following motion:
MO206
Invoke cloture pursuant to Rule 7, Sec. 10.

The McCollister motion to invoke cloture prevailed with 42 ayes, 2 nays, 3
present and not voting, and 2 excused and not voting.
Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 39:

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<tr>
<th>Baker</th>
<th>Garrett</th>
<th>Howard</th>
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<td>Scheer</td>
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<td>Fox</td>
<td>Hil kemann</td>
<td>Lindstrom</td>
<td>Schilz</td>
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Voting in the negative, 3:

Bloomfield   Chambers   McCoy

Present and not voting, 5:

Bolz   Brasch   Friesen   Krist   Schumacher

Excused and not voting, 2:

Cook   Larson

Advanced to Enrollment and Review Initial with 39 ayes, 3 nays, 5 present and not voting, and 2 excused and not voting.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 710.** Placed on Final Reading.
**LEGISLATIVE BILL 722.** Placed on Final Reading.
**LEGISLATIVE BILL 857.** Placed on Final Reading.
**LEGISLATIVE BILL 897.** Placed on Final Reading.
**LEGISLATIVE BILL 919.** Placed on Final Reading.
**LEGISLATIVE BILL 919A.** Placed on Final Reading.
**LEGISLATIVE BILL 1022.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 977.** Placed on Select File with amendment.

ER189
1 1. In the Standing Committee amendments, AM2318:
2 a. On page 26, line 3, strike the comma;
3 b. On page 27, line 16, strike "in which" and insert "if"; and in
4 line 18 strike the last comma; and
5 c. On page 37, line 19, strike "provided that" and insert "if".
6 2. On page 1, strike beginning with the first "the" in line 1
7 through line 6 and insert "motor vehicles; to amend sections 13-1209,
8 13-1210, 13-1212, 60-3,104.02, 60-4,148, 60-6,144, 60-6,294, and 60-1403,
9 Reissue Revised Statutes of Nebraska, sections 60-3,186, 60-3,202,
10 60-4,131, 60-4,146, 60-4,149, 60-4,150, 60-1438.01, and 60-1505, Revised
11 Statutes Cumulative Supplement, 2014, and sections 60-301, 60-3,104,
12 60-3,130.04, 60-462, 60-601, and 60-6,230, Revised Statutes Supplement,
13 2015; to authorize state financial assistance for capital acquisition
14 costs for public transportation as prescribed; to provide for Breast
15 Cancer Awareness Plates; to change provisions relating to specialty
16 license plates; to change the use of motor vehicle tax proceeds; to
17 provide for placement of taxes and fees in the Vehicle Title and
18 Registration System Replacement and Maintenance Cash Fund as prescribed;
19 to change provisions relating to distribution of the Motor Vehicle Tax
20 Fund; to eliminate obsolete provisions; to provide for electronic
21 issuance of commercial drivers' licenses and electronic application for
22 renewal and replacement of commercial drivers' licenses and CLP-
23 commercial learners' permits; to change provisions relating to the
24 operation of implements of husbandry on highways, use of rotating or
25 flashing blue and amber lights, and powers and duties of the Nebraska
26 Motor Vehicle Industry Licensing Board; to change provisions relating to
27 the Motor Vehicle Industry Regulation Act; to harmonize provisions; to
1 provide operative dates; to repeal the original sections; and to declare
2 an emergency."

LEGISLATIVE BILL 1105. Placed on Select File with amendment.
ER184
1 1. On page 1, strike lines 2 through 6 and insert "53-103.09,
2 53-103.18, 53-103.20, 53-103.41, 53-123.01, 53-124.11, 53-125, 53-129,
3 53-131.01, 53-132, 53-168.06, 53-169, 53-171, 53-175, 53-178, 53-187,
4 53-194.03, and 53-1,100, Reissue Revised Statutes of Nebraska, sections
5 53-123.14, 53-123.17, and 53-124.12, Revised Statutes Cumulative
6 Supplement, 2014, and sections 53-103.44, 53-123.15, 53-124, 53-124.01,
7 and 53-135,"; and after the semicolon in line 20 insert "to change
8 provisions relating to limits on bringing alcoholic liquor into the state
9 for personal consumption; to change a requirement for eligibility to
10 obtain a license;"

LEGISLATIVE BILL 754. Placed on Select File.

LEGISLATIVE BILL 1082. Placed on Select File with amendment.
ER185
1 1. On page 1, lines 7 and 8, strike "to provide bond notification
2 requirements;".
3 2. On page 2, line 13, after the last comma insert "and".
4 3. On page 7, line 20, after "the" insert "federal" and after "Act"
5 insert "of 1978".
LEGISLATIVE BILL 1082A. Placed on Select File.

LEGISLATIVE BILL 906. Placed on Select File with amendment.
ER186
1 1. On page 2, line 1, after "4" insert "of this act".

LEGISLATIVE BILL 698A. Placed on Select File.
(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator B. Harr filed the following amendment to LR378CA:
AM2537
1 1. On page 1, strike lines 7 through 15 and insert the following new
2 subsection:
3 "XV-26 (1) To protect property rights as a vital component of
4 Nebraska's economy, and provide a foundation and stabilizing force to
5 property rights, the property rights of citizens and residents of
6 Nebraska shall be forever guaranteed in this state, and the Legislature
7 shall pass no law which abridges the property rights of citizens and
8 residents of Nebraska".

Senator B. Harr filed the following amendment to LR378CA:
AM2530
1 1. On page 1, lines 14 and 15, strike "compelling state interest"
2 and insert "rational basis".

Senator B. Harr filed the following amendment to LR378CA:
AM2533
1 1. On page 1, line 15, after the period insert "For purposes of this
2 subsection, agricultural technology means the production of machines used
3 on a farm or ranch to aid farming or ranching operations.".

Senator Kolterman filed the following amendment to LB447:
AM2546
(Amendments to Final Reading copy)
1 1. On page 73, line 9, strike "beginning on or after September 1,
2 2007," and show as stricken and after "(i)" insert "(A) beginning on or
3 after September 1, 2007, through August 31, 2016,"; and in line 11 after
4 "year" insert "or (B) beginning on or after September 1, 2016, one
5 hundred two percent of the contributions by the employees for such fiscal
6 year.".

Senator Kuehn filed the following amendment to LR378CA:
AM2586
(Amendments to Standing Committee amendments, AM2251)
1 1. On page 1, line 1, after the first comma insert "line 12, before
2 'Legislature' insert 'Nebraska', and in"; and in lines 5 and 6, before
3 'Legislature' insert 'Nebraska'.
BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 722A. Introduced by Baker, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 722, One Hundred Fourth Legislature, Second Session, 2016.

LEGISLATIVE BILL 1003A. Introduced by Smith, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1003, One Hundred Fourth Legislature, Second Session, 2016.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 477. Introduced by Seiler, 33.

WHEREAS, the Hastings St. Cecilia High School girls' volleyball team won the 2015 Class C-2 Girls' State Volleyball Championship; and
WHEREAS, eighth-ranked Hastings St. Cecilia defeated third-ranked Stanton High School in the championship with scores of 25-13, 25-21, and 25-13; and
WHEREAS, Hastings St. Cecilia defeated fifth-ranked Doniphan-Trumbull High School and fourth-ranked Sutton High School at districts; and
WHEREAS, Hastings St. Cecilia defeated Sutton High School and second-ranked Guardian Angels Central Catholic High School at the state tournament before the championship game against Stanton; and
WHEREAS, first-year volleyball coach Thera Jones and her first-year assistant volleyball coach Bethany Riener rallied their team after suffering eleven regular season losses to win the championship; and
WHEREAS, the Hastings St. Cecilia girls' volleyball team made their fifth straight and twenty-first all-time state tournament appearance at the 2015 championship; and
WHEREAS, the Hastings St. Cecilia girls' volleyball team's dedication and teamwork resulted in their seventh state volleyball championship victory.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Hastings St. Cecilia girls' volleyball team on winning the 2015 Class C-2 Girls' State Volleyball Championship.
2. That a copy of this resolution be sent to Head Coach Thera Jones and her championship team and to Father Tom Brouillette, Superintendent of Hastings St. Cecilia High School.
Laid over.

**COMMITTEE REPORT(S)**

**Revenue**

**LEGISLATIVE BILL 685.** Placed on General File with amendment. AM2475 is available in the Bill Room.

**LEGISLATIVE BILL 884.** Placed on General File with amendment. AM2522 is available in the Bill Room.

**LEGISLATIVE BILL 889.** Placed on General File with amendment. AM2490 is available in the Bill Room.

(Signed) Mike Gloor, Chairperson

**EXECUTIVE BOARD REPORT**

Senator Krist, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committees:

**Election Technology Committee (LR403)**
- Senator Stinner
- Senator Murante
- Senator Hansen
- Senator Hilkemann
- Senator Hughes
- Senator Lindstrom
- Senator Morfeld

**Task Force on Behavioral and Mental Health (LR413)**
- Senator Howard
- Senator Seiler
- Senator Mello
- Senator Bolz
- Senator Crawford
- Senator McCollister
- Senator Scheer

**ACCESSNebraska Oversight Committee of the Legislature (LR418)**
- Senator Davis
- Senator Hansen (Vice Chairperson)
- Senator Howard (Chairperson)
- Senator Kuehn
- Senator McCollister
- Senator Pansing Brooks
- Senator Stinner
The Legislature was at ease from 12:45 p.m. until 1:05 p.m.

SENATOR KRIST PRESIDING

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendments to LB745:

AM2514
1 1. On page 17, lines 23, 25, and 26; and page 18, line 3, strike
2 "more", show as stricken, and insert "less".
3 2. On page 17, line 26, strike "one", show as stricken, and insert
4 "two" and strike "ninety-eight".
5 3. On page 18, line 3, strike "twenty-five", show as stricken, and
6 insert "thirty-nine"; in line 4 strike "forty-five", show as stricken,
7 and insert "sixty"; and in line 8 strike "misdemeanor", show as stricken,
8 and insert "felony".

AM2501
1 1. On page 3, line 8, strike "may", show as stricken, and insert
2 "shall"; and in line 31 strike beginning with "The" through "31", show as
3 stricken, and insert "In acknowledgment of the holiday season, permits
4 shall expire at midnight on December 24".
5 2. On page 4, line 3, strike "made invalid", show as stricken, and
6 insert "rendered void"; in line 7 strike "officer or" and show as
7 stricken; and in line 28 strike beginning with "more" through "three",
8 show the old matter as stricken, and insert "less than twenty".

AM2502
1 1. On page 5, lines 29 and 30, strike "more", show as stricken, and
2 insert "less", and strike the new matter and insert "thirty".
3 2. On page 6, lines 1, 3, 11, 14, 16, 17, 18, and 20, strike "more",
4 show as stricken, and insert "less"; in line 1 strike "fifteen" and
5 insert "thirty"; in line 11 strike "one hundred six" and insert "one
6 hundred fifty"; in line 14 strike "seventy-three" and insert "ninety"; in
7 line 16 strike "twelve" and insert "twenty"; in line 17 strike "twenty-
8 two" and insert "thirty"; in line 18 strike "sixty-six" and insert
9 "eighty"; and in line 20 strike "fifty-" and insert "eighty-".

AM2503
1 1. On page 6, line 31, strike "two", show as stricken, and insert
2 "three".
3 2. On page 7, lines 1, 3, 6, 15, 17, and 20, strike "more", show as
4 stricken, and insert "less"; in line 1 strike "three hundred ninety-six"
5 and insert "four hundred"; in line 15 strike "five" and insert "six"; and 6 in line 23 strike beginning with "Payment" through "sum", show as 7 stricken, and insert "The entire fee shall be paid".

AM2504
1 1. On page 7, line 28, strike "more than five", show as stricken, 2 and insert "less than eight"; and in line 31 strike "need not be", show 3 as stricken, and insert "are not".
4 2. On page 10, lines 4 and 6, strike "who" and show as stricken; in 5 line 8 strike "evidence", show as stricken, and insert "proof"; in line 9 6 strike "request", show as stricken, and insert "obtain"; strike beginning 7 with "and" in line 10 through "amount" in line 11 and show as stricken; 8 in line 14 strike "five", show as stricken, and insert "ten"; in line 19 9 strike "that set", show as stricken, and insert "setting"; in line 20 10 strike "in", show as stricken, and insert "by"; and strike beginning with 11 "constitutes" in line 20 through "evidence" in line 21, show as stricken, 12 and insert "shall constitute proof".

AM2505
1 1. On page 10, line 29, strike "an unexpired", show as stricken, and 2 insert "a valid", and strike "the" and show as stricken; and in line 30 3 strike beginning with "prior" through "animal" in line 31 and show as 4 stricken.
5 2. On page 11, lines 4 and 11, strike "an unexpired", show as 6 stricken, and insert "a valid"; in line 5 strike the first "the" and show 7 as stricken; in line 6 strike beginning with "prior" through "mussel" in 8 line 7 and show as stricken; and in line 12 strike the first "the", show 9 as stricken, and strike beginning with "prior" through "waterfowl" in 10 line 14 and show as stricken.

AM2506
1 1. On page 11, lines 16 and 24, strike "appropriate", show as 2 stricken, and insert "required"; in lines 17 and 25, strike "twenty", 3 show as stricken, and insert "thirty"; in lines 18 and 27, strike 4 "Payment of such", show as stricken, and insert "The entire"; in line 19 5 and lines 27 and 28 strike "made in a lump sum", show as stricken, and 6 insert "paid"; in lines 20 and 29 after "original" insert "stamp"; in 7 lines 21 and 30 strike "more" and insert "less"; and in lines 21 and 30 8 strike beginning with the comma through "commission" in lines 22 and 31 9 and show as stricken.

AM2507
1 1. On page 12, line 2, strike "appropriate", show as stricken, and 2 insert "required"; in line 3 strike "twenty" and insert "thirty"; in line 3 6 strike "Payment of such", show as stricken, and insert "The entire"; in 4 line 6 strike beginning with "made" through "sum" in line 7 and show as 5 stricken; in line 8 after "original" insert "stamp"; and in line 9 strike 6 "more", show as stricken, and insert "less".
AM2508
1 1. On page 12, line 12, strike "appropriate", show as stricken, and
2 insert "required"; in lines 14 and 23 strike "more", show as stricken,
3 and insert "less"; in line 16 strike "Payment of such", show as stricken,
4 and insert "The entire"; and strike "made in a lump sum", show as
5 stricken, and insert "paid"; and in line 18 after "original" insert
6 "stamp".

AM2509
1 1. On page 12, line 25, strike "Payment of such", show as stricken,
2 and insert "The entire"; and strike "made in a lump sum", show as
3 stricken, and insert "paid"; in line 27 after "original" insert "stamp";
4 in line 29 strike "appropriate", show as stricken, and insert "required";
5 and in line 31 strike "more", show as stricken, and insert "less".

AM2510
1 1. On page 13, line 2, strike "Payment of such", show as stricken,
2 and insert "The entire"; in line 3 strike "made in a lump sum", show as
3 stricken, and insert "paid"; in line 13 strike "a showing of" and show as
4 stricken; in line 17 strike "exhibit evidence", show as stricken, and
5 insert "show proof"; in line 20 strike "evidence", show as stricken, and
6 insert "proof"; in line 21 strike "be without", show as stricken, and
7 insert "lack"; in line 24 strike "twenty-five" and insert "thirty"; in
8 line 27 strike "more", show as stricken, and insert "less" and strike
9 "twenty-five" and insert "thirty"; and in line 30 strike "fifteen" and
10 insert "twenty".

AM2511
1 1. On page 14, line 1, strike "fifteen" and insert "twenty"; in line
2 3 strike "more", show as stricken, and insert "less"; in line 4 strike
3 "twenty" and insert "thirty"; in line 11 strike "ten" and insert
4 "twenty"; strike beginning with "and" in line 11 through "stamp" in line
5 12 and show the old matter as stricken; and in line 15 after "than"
6 insert "twice".

AM2512
1 1. On page 14, line 21, after "devise" insert "annual" and strike
2 "in two forms: Annual" and show as stricken; in line 22 after "temporary"
3 insert "permits"; in line 23 strike "may be purchased by any person and"
4 and show as stricken; in line 26 strike "thirty" and insert "fifty" and
5 strike beginning with "and" through "dollars" and show the old matter as
6 stricken; in line 28 strike the new matter and strike "more", show as
7 stricken, and insert "less"; in line 29 strike "forty-five" and insert
8 "fifty"; and in line 31 strike "may be purchased by any person and" and
9 show as stricken.
10 2. On page 15, strike beginning with "less" in line 2 through "not"
11 in line 3; in line 3 strike "more", show as stricken, and insert "less"
12 and strike "seven" and insert "ten"; strike beginning with "less" in line
13 4 through "not" in line 5; in line 5 strike "more", show as stricken, and
14 insert "less" and strike "eight" and insert "twelve".

AM2515
1. On page 18, line 17, strike "twelve" and insert "twenty"; in line 18 strike "not to exceed" and show as stricken; in line 19 strike "more", show as stricken, and insert "less"; in line 20 strike "one", show as stricken, and insert "two"; and in line 21 strike "three", show as stricken, and insert "four".
2. On page 19, line 4, strike "misdemeanor", show as stricken, and insert "felony"; and in line 20 strike "thirty-four" and insert "fifty".
3. On page 20, line 6, strike "III", show as stricken, and insert "I"; and in line 7 strike "misdemeanor", show as stricken, and insert "felony".

AM2516
1. On page 20, line 23; and on page 21, lines 6, 7, and 21, strike "more", show as stricken, and insert "less".
2. On page 20, line 23, strike "thirty-one" and insert "thirty-five"; and in line 24 strike "twenty-six" and insert "fifty".
3. On page 21, line 6, strike "twenty-five" and insert "thirty-five"; in line 7 strike "forty-five" and insert "fifty"; in line 19 after "oath" insert "or affirmation"; in line 21 strike "one", show as stricken, and insert "three"; and in line 26 after the third "the" insert "last four digits of the".

AM2517
1. On page 22, line 7, strike "may", show as stricken, and insert "shall", and strike "it deems", show as stricken, and insert "are"; in lines 15 and 16 strike "more", show as stricken, and insert "less"; in line 15 strike "twenty-three" and insert "thirty"; in line 16 strike "sixty-one" and insert "seventeen"; and in line 21 strike "less", show as stricken, and insert "younger".

AM2518
1. On page 23, line 25, strike "more than thirty-five", show as stricken, and insert "less than forty"; in line 26 strike "two", show as stricken, and insert "three"; and in line 28 strike "more" and insert "less".

GENERAL FILE

LEGISLATIVE BILL 956. Title read. Considered.

Committee AM2216, found on page 911, was offered.
Senator Mello offered the following amendment to the committee amendment:

AM2560

(Amendments to Standing Committee amendments, AM2216)
1 1. Purpose: To shift a one-time expenditure for aid to federally 2 qualified health centers from FY2016-17 to FY2015-16.
3 Amendment:
4 1. On page 7, lines 20 and 21, strike "-0- 1,000,000" and insert 5 "1,000,000 -0-"; and in lines 22 and 25 strike "FY2016-17" and insert 6 "FY2015-16".
7 2. Purpose: To correct a Cash Fund appropriation to the State Racing 8 Commission.
9 Amendment:
10 a. On page 9, lines 6 and 7 strike "960,432 975,165" and insert 11 "25,000 25,000"; and strike lines 8 through 13.
12 b. Purpose: To shift a one-time appropriation increase of $250,000 13 for Adult Education from FY2016-17 to FY2015-16.
14 Amendment:
15 a. On page 15, strike line 2 and insert "GENERAL FUND 16,430,022 16 16,419,448"; and strike line 7 and insert "PROGRAM TOTAL 42,165,759 17 41,560,884"; and 18 b. On page 17, line 5, strike "FY2016-17" and insert "FY2015-16".
19 4. Purpose: To shift a one-time appropriation increase of $250,000 20 for expanded learning opportunity grants from FY2016-17 to FY2015-16.
21 Amendment:
22 a. On page 17, strike line 17 and insert "GENERAL FUND 1,189,807,538 23 1,203,433,823"; strike line 21 and insert "PROGRAM TOTAL 1,503,937,614 24 1,517,563,899"; in line 24 strike "$1,189,557,538" and insert 25 "$1,189,807,538"; and in line 27 strike "$1,203,683,823" and insert 26 "$1,203,433,823"; and 1 b. On page 20, line 30, strike "FY2016-17" and insert "FY2015-16".
2 5. Purpose: To correct a General Fund lapse number.
3 Amendment:
4 a. On page 27, line 3, strike "$73,434,455" and insert 5 "$84,774,997".
6 6. Purpose: To correct an incorrect agency reference.
7 Amendment:
8 a. On page 34, line 13, strike "Nebraska Energy Office" and insert 9 "Department of Administrative Services, Personnel Division".
10 7. Purpose: Shift a one-time $1,000,000 increase in General Fund 11 appropriation recommended for Aid to Community Colleges from FY2016-17 to 12 FY2015-16.
13 Amendment:
14 a. On page 36, strike lines 29 and 30 and insert "GENERAL FUND 15 98,891,562 100,828,308 PROGRAM TOTAL 98,891,562 100,828,308".

SPEAKER HADLEY PRESIDING
The Mello amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 13 present and not voting, and 3 excused and not voting.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 478.** Introduced by Kintner, 2; Watermeier, 1.

WHEREAS, the Lourdes Central Catholic High School boys' basketball team won the 2016 Class D-1 Boys' State Basketball Championship; and

WHEREAS, the Lourdes Knights defeated the Walthill Blujays in the championship game by a score of 61-50; and

WHEREAS, this is the Knight's first state title in boys' basketball; and

WHEREAS, the Knights and their fans also received the 2016 Class D-1 Sportsmanship award.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Lourdes Central Catholic High School boys' basketball team on winning the 2016 Class D-1 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Lourdes Central Catholic High School boys' basketball team and Coach Joe Tynon.

Laid over.

**LEGISLATIVE RESOLUTION 479.** Introduced by Davis, 43; Baker, 30; Bloomfield, 17; Bolz, 29; Brasch, 16; Campbell, 25; Coash, 27; Craighead, 6; Crawford, 45; Ebke, 32; Fox, 7; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Haar, K., 21; Hadley, 37; Hansen, 26; Harr, B., 8; Hilkemann, 4; Howard, 9; Hughes, 44; Johnson, 23; Kintner, 2; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Lindstrom, 18; McCollister, 20; McCoy, 39; Mello, 5; Morfeld, 46; Murante, 49; Pansing Brooks, 28; Riepe, 12; Scheer, 19; Schilz, 47; Schnoor, 15; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Watermeier, 1; Williams, 36.

WHEREAS, Mari Sandoz was a Nebraska author who grew up in the picturesque Sandhills and authored more than 20 books containing some of the most memorable and realistic accounts of pioneers and Native Americans ever written; and

WHEREAS, Mari Sandoz was an internationally acclaimed chronicler of the West and one of Nebraska's most important writers; and
WHEREAS, the Mari Sandoz High Plains Heritage Center at Chadron State College is dedicated to preserving the legacy of Sandoz's writing and the people she wrote about: Native Americans, ranchers, farmers, and the people who settled the High Plains; and
WHEREAS, the Mari Sandoz Heritage Society works to perpetuate and analyze the literary and historical works of Mari Sandoz; and
WHEREAS, the Society holds a writer's workshop every summer and a conference and lecture every fall at the High Plains Heritage Center to further an understanding of Sandoz and her work; and
WHEREAS, March 10, 2016, is the 50th anniversary of Sandoz's death; and
WHEREAS, the Mari Sandoz Heritage Society and the Mari Sandoz High Plains Heritage Center have a display in the lower rotunda of the State Capitol building the week of March 14, 2016, honoring the legacy of Mari Sandoz, her works, and the people depicted in her books.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature recognizes the Mari Sandoz High Plains Heritage Center and the Mari Sandoz Heritage Society for their dedication and efforts to keep Sandoz's legacy alive and to educate Nebraskans and visitors from other states and countries about her life and work and her impact on all Nebraskans.
2. That a copy of this resolution be sent to the Mari Sandoz High Plains Heritage Center and the Mari Sandoz Heritage Society in recognition of their work.

Laid over.

LEGISLATIVE RESOLUTION 480. Introduced by Johnson, 23.

WHEREAS, the Bishop Neumann High School boys' basketball team won the 2016 Class C-1 Boys' State Basketball Championship; and
WHEREAS, the Bishop Neumann Cavaliers defeated the Adams Central Patriots in the championship game by a score of 63-54; and
WHEREAS, this is the Cavaliers' second state title in boys' basketball in the last three seasons; and
WHEREAS, the Cavaliers brought great pride to their school, community, friends, and family as they demonstrated discipline, efficiency, and tenacity throughout the 2015-16 season.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates the Bishop Neumann High School boys' basketball team on winning the 2016 Class C-1 Boys' State Basketball Championship.
2. That a copy of this resolution be sent to the Bishop Neumann High School boys' basketball team and Coach Mike Weiss.
WHEREAS, Brother Mike Wilmot, on behalf of Gesu Housing, has received a 2016 Community Excellence Award in recognition of his excellent work in serving the community; and
WHEREAS, this award, presented by the City of Omaha during the celebration of National Community Development Week, honors contributions to the quality of life and overall health of Omaha neighborhoods; and
WHEREAS, Gesu Housing earned this honor by making home ownership accessible for low and moderate income families in North Omaha; and
WHEREAS, Gesu Housing plays a vital role in addressing poverty and neighborhood decline by building high-quality homes that are energy efficient and affordable.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates Brother Mike Wilmot and Gesu Housing for receiving a 2016 Community Excellence Award.
2. That a copy of this resolution be sent to Brother Mike Wilmot and Gesu Housing.

WHEREAS, Thomas Francis Cavanaugh was a fifth-generation native son of Nebraska; and
WHEREAS, Thomas dedicated his life to public service in Nebraska; and
WHEREAS, Thomas was the longest serving County Clerk/Comptroller in the history of Douglas County; and
WHEREAS, Thomas was nationally recognized for his many innovations and achievements in making government more transparent, accountable, and responsive to the people it serves; and
WHEREAS, Thomas was widely known for his honesty and his stated philosophy of public service, "We work for you"; and
WHEREAS, Thomas died in Omaha on October 23, 2015, surrounded by his loving family; and
WHEREAS, Thomas is survived by his two wonderful daughters, Maeve and Grace.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature recognizes the many important contributions to
public service made by Thomas Francis Cavanaugh for the benefit of all the
people of Nebraska.
2. That the Legislature extends its deepest sympathy to the family of
Thomas Francis Cavanaugh.
3. That a copy of this resolution be sent to the family of Thomas Francis
Cavanaugh.

Laid over.

LEGISLATIVE RESOLUTION 483. Introduced by Kolterman, 24.

PURPOSE: The purpose of this study is to examine the public employees
retirement systems administered by the Public Employees Retirement
Board, including the State Employees Retirement System of the State of
Nebraska, the Retirement System for Nebraska Counties, the School
Employees Retirement System of the State of Nebraska, the Nebraska State
Patrol Retirement System, and the Nebraska Judges Retirement System. The
study may also examine the retirement system established pursuant to the
Class V School Employees Retirement Act.

The study will examine issues as they relate to the funding needs, benefits,
contributions, and the administration of each retirement system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF
THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA,
SECOND SESSION:
1. That the Nebraska Retirement Systems Committee is designated to
conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report
of its findings, together with its recommendations, to the Legislative
Council or Legislature.

Referred to the Executive Board.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 467A. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
aid in carrying out the provisions of Legislative Bill 467, One Hundred
Fourth Legislature, Second Session, 2016; and to declare an emergency.

LEGISLATIVE BILL 768A. Introduced by Garrett, 3.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
aid in carrying out the provisions of Legislative Bill 768, One Hundred
COMMITTEE REPORT(S)
Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Keith Deiml - State Emergency Response Commission
Polly Jorden - State Emergency Response Commission

Aye: 8 Bloomfield, Craighead, Garrett, Groene, Hansen, Larson, McCoy, Murante. Nay: 0. Absent: 0. Present and not voting: 0.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Brian Tessman - State Personnel Board

Aye: 8 Bloomfield, Craighead, Garrett, Groene, Hansen, Larson, McCoy, Murante. Nay: 0. Absent: 0. Present and not voting: 0.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Edward A. Toner - Chief Information Officer

Aye: 8 Bloomfield, Craighead, Garrett, Groene, Hansen, Larson, McCoy, Murante. Nay: 0. Absent: 0. Present and not voting: 0.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Jeffery T. Peetz - Nebraska Accountability and Disclosure Commission

Aye: 8 Bloomfield, Craighead, Garrett, Groene, Hansen, Larson, McCoy, Murante. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) John Murante, Chairperson
AMENDMENT(S) - Print in Journal

Senator Campbell filed the following amendment to LB746A:

AM2583
(AMendments to Final Reading copy)

1. Insert the following new sections:
2. Sec. 3. Laws 2015, LB657, section 10, is amended to read:
3. Sec. 10. AGENCY NO. 3 — LEGISLATIVE COUNCIL
4. Program No. 122 - Legislative Services
5. FY2015-16 FY2016-17
6. GENERAL FUND 9,271,131 9,574,405
7. CASH FUND 60,000 70,000
8. CASH FUND 130,000 130,000
9. FEDERAL FUND est. 39,270 39,270
10. PROGRAM TOTAL 9,370,401 9,683,675
11. PROGRAM TOTAL 9,440,401 9,743,675
12. SALARY LIMIT 6,834,905 7,047,126

13. There is included in the appropriation to this program for FY2015-16
14. $5,000 $75,000 Cash Funds and for FY2016-17 $15,000 $75,000 Cash Funds
15. from the Nebraska Health Care Cash Fund for the purpose of ongoing
16. health-related research and public policy development by the Health and
17. Human Services Committee of the Legislature. Such funds may be used for,
18. but shall not be limited to, hiring temporary legal research assistance,
19. consulting and research contracts, reimbursement for necessary and
20. appropriate expenses incurred in connection with such research and policy
21. development, and actual and necessary travel reimbursement for task
22. forces and committees established to conduct health policy work.
23. The unexpended General Fund appropriation balance existing on June
24. 30, 2015, is hereby reappropriated.
25. Sec. 4. Original Laws 2015, LB657, section 10, is repealed.
26. 2. Renumber the remaining section accordingly.

1. On page 1, line 1, after the semicolon insert "to amend Laws
2. 2015, LB657, section 10;"; and in line 3 after the semicolon insert "to
3. change an appropriation; to repeal the original section;".

Senator Hilkemann filed the following amendments to LB900:

AM2564
(Amendments to Standing Committee amendments, AM1957)

1. On page 1, line 6, strike "nineteen" and insert "one hundred".

AM2565
(Amendments to Standing Committee amendments, AM1957)

1. On page 1, line 6, strike "nineteen" and insert "seventy-five".

AM2566
(Amendments to Standing Committee amendments, AM1957)

1. On page 1, line 6, strike "nineteen" and insert "fifty".
1 1. On page 12, line 4, strike "eight" and insert "sixteen".

AM2570

(Amendments to Standing Committee amendments, AM1957)

1 1. Insert the following new sections:
2 Sec. 11. Section 60-569, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 60-569 Sections 60-501 to 60-569 and section 12 of this act shall be
5 known and may be cited as the Motor Vehicle Safety Responsibility Act.
6 Sec. 12. Every operator of a motorcycle or moped shall have, as part
7 of his or her automobile liability policy or bond, at least one million
8 dollars of medical payments coverage.
9 2. Renumber the remaining sections and correct internal references
10 and the repealer accordingly.

AM2567

(Amendments to Standing Committee amendments, AM1957)

1 1. On page 1, line 9, after the period insert "Each registrant shall
2 provide proof of his or her status as an organ and tissue donor in
3 accordance with section 60-494 and maintain such status during the period
4 of registration.”.

AM2569

(Amendments to Standing Committee amendments, AM1957)

1 1. On page 6, line 29, after "Advisory" insert ", Safety, and Brain
2 Injury Trust"; and in line 30 after "which" insert ", until the effective
3 date of this act".
4 2. On page 7, lines 7, 13, 14, and 19, strike the new matter; after
5 line 7 insert the following new subsection:
6 "(2) Beginning on the effective date of this act, the board shall
7 consist of twelve members. The members shall be the six health care
8 providers as set forth in subsection (1) of this section, plus the
9 following six members appointed by the Governor: One person from a public
10 or private health organization; one person from a disability advisory or
11 planning group within Nebraska; one person from a service provider for
12 individuals with brain injuries; an individual with a brain injury; a
13 family member of an individual with a brain injury; and one person from
14 the general public. The Director of Public Health of the Department of
15 Health and Human Services or his or her designee and the Director of
16 Motor Vehicles or his or her designee shall serve as ex officio
17 members."; in line 8 strike "(2)", show as stricken, and insert "(3)";
18 after line 12 insert the following new subsection:
19 "(4) Of the initial members of the board described under subsection
20 (2) of this section, two shall be appointed for four years, two shall be
21 appointed for three years, and two shall be appointed for two years.
22 Thereafter, each member shall be appointed for a term of four years and
23 until a successor is appointed and qualified."; in line 13 before "If"
24 insert "(5)"; in line 19 before "The" insert "(6)"; and strike lines 26
25 through 31.
26 3. On page 8, strike lines 1 through 27; and in line 30 after "The"
1 insert "Health Advisory, Safety, and".

AM2571
(Amendments to Standing Committee amendments, AM1957)
1 1. Insert the following new sections:
2 Sec. 11. Section 60-569, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 60-569 Sections 60-501 to 60-569 and section 12 of this act shall be
5 known and may be cited as the Motor Vehicle Safety Responsibility Act.
6 Sec. 12. Every operator of a motorcycle or moped shall have platinum
7 plan coverage as his or her health insurance as such plan is established
8 under the federal Patient Protection and Affordable Care Act.
9 2. Renumber the remaining sections and correct internal references
10 and the repealer accordingly.

AM2563
(Amendments to Standing Committee amendments, AM1957)
1 1. On page 1, line 6, strike "six", show as stricken, and insert
2 "one hundred".

NOTICE OF COMMITTEE HEARING(S)
Health and Human Services
Room 2102

Tuesday, March 22, 2016 12:00 p.m.

Debra Parsow - State Board of Health
Jim Trebbien - State Board of Health
Douglas Vander Broek - State Board of Health

Wednesday, March 30, 2016 12:00 p.m.

Diane Jackson - State Board of Health
Wayne Stuberg - State Board of Health

(Signed) Kathy Campbell, Chairperson

GENERAL FILE

LEGISLATIVE BILL 957. Title read. Considered.

Committee AM2217, found on page 911, was adopted with 33 ayes, 1 nay,
12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 1 nay, 8 present
and not voting, and 3 excused and not voting.
LEGISLATIVE BILL 981. Title read. Considered.

SENATOR SCHEER PRESIDING

Committee AM2405, found on page 863, was offered.

Senator B. Harr offered the following amendment to the committee amendment:

AM2582

(Amendments to Standing Committee amendments, AM2405)

1 1. Insert the following new section:

Sec. 3. The following sum of money, or so much thereof as may be required, is hereby appropriated from the General Fund or from other funds as indicated in the state treasury, not otherwise appropriated, for the payment of an indemnification claim which has been settled by the State Claims Board and approved by the district court, which has been settled by the Attorney General in the district court, or in which a court judgment has been entered and which requires the approval of the Legislature for payment.

$230,000.00 for Tort Claim Number 2016-15711, against the State of Nebraska, pay to Nebraska Appleseed Center for Law, 941 O Street, Suite 920, Lincoln, NE 68508-3608, out of the General Fund.

The claim included in this section shall be paid through Program 592 in Agency 65.

For informational purposes only, the appropriation contained in this section and fund source:

<table>
<thead>
<tr>
<th>FUND SOURCE</th>
<th>DOLLAR AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>GENERAL FUND</td>
<td>$230,000.00</td>
</tr>
<tr>
<td>CASH FUND</td>
<td>$0</td>
</tr>
<tr>
<td>REVOLVING FUND</td>
<td>$0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$230,000.00</td>
</tr>
</tbody>
</table>

2. Renumber the remaining sections accordingly.

The B. Harr amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Senator B. Harr offered the following amendment to the committee amendment:

AM2579

(Amendments to Standing Committee amendments, AM2405)

1. On page 5, after line 17, insert the following new paragraph:

"$10,936.86 for Request Number 2016-15423, made by the Lottery Division of the Department of Revenue."

The B. Harr amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.
BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 977A.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 977, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

**AMENDMENT(S) - Print in Journal**

Senator Sullivan filed the following amendment to LB930:
AM2551
(Amendments to Standing Committee amendments, AM2280)
1 1. On page 8, line 2, strike "tests" and insert "test".

Senator Campbell filed the following amendment to LB698A:
AM2593
1 1. Insert the following new sections:
2 Sec. 3. There is hereby appropriated (1) $396,866 from the Nebraska
3 State Patrol Cash Fund for FY2016-17 and (2) $274,470 from the Nebraska
4 State Patrol Cash Fund for FY2017-18 to the Nebraska State Patrol, for
5 Program 100, to aid in carrying out the provisions of Legislative Bill
6 698, One Hundred Fourth Legislature, Second Session, 2016.
7 Total expenditures for permanent and temporary salaries and per
8 diems from funds appropriated in this section shall not exceed $184,732
9 for FY2016-17 or $184,732 for FY2017-18.
10 Sec. 4. Since an emergency exists, this act takes effect when passed
11 and approved according to law.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 484.** Introduced by Schnoor, 15; Bloomfield, 17; Garrett, 3; Gloor, 35; Hadley, 37; Kolowski, 31; Krist, 10; Riepe, 12; Seiler, 33.

WHEREAS, Staff Sergeant Kenneth M. Morrison of the 155th Security Forces Squadron, Nebraska Air National Guard, was named a 2015 Outstanding Airman of the Year; and

WHEREAS, to win this title, Staff Sergeant Morrison competed against Nebraska Air National Guard members from the 155th Air Refueling Wing, the 170th Group from Offutt Air Force Base, and the Joint Force Headquarters; and

WHEREAS, Staff Sergeant Morrison has been exemplary in his leadership and the performance of his duties, and has displayed dedication to self-improvement and community involvement, including running relays across the state in the Miles for Heroes program, which raises money for injured veterans.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND
SESSION:
1. That the Legislature thanks Staff Sergeant Kenneth M. Morrison for his
service and congratulates him on being named a 2015 Outstanding Airman
of the Year.
2. That a copy of this resolution be sent to Staff Sergeant Kenneth M.
Morrison.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 960. Title read. Considered.

Committee AM2418, found on page 911, was adopted with 38 ayes, 0 nays,
9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 4 present
and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 960A. Title read. Considered.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 3 present
and not voting, and 2 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Coash filed the following amendment to LB934:
AM2544
   (Amendments to E and R amendments, ER178)
1 1. Insert the following new sections:
2 Sec. 11. Section 29-4003, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:
4 29-4003 (1)(a) The Sex Offender Registration Act applies to any
5 person who on or after January 1, 1997:
6 (i) Has ever pled guilty to, pled nolo contendere to, or been found
7 guilty of any of the following:
8 (A) Kidnapping of a minor pursuant to section 28-313, except when
9 the person is the parent of the minor and was not convicted of any other
10 offense in this section;
11 (B) False imprisonment of a minor pursuant to section 28-314 or
12 28-315;
13 (C) Sexual assault pursuant to section 28-319 or 28-320;
14 (D) Sexual assault of a child in the second or third degree pursuant
15 to section 28-320.01;
16 (E) Sexual assault of a child in the first degree pursuant to
17 section 28-319.01;
18 (F) Sexual abuse of a vulnerable adult or senior adult pursuant to
19 subdivision (1)(c) of section 28-386;
20 (G) Incest of a minor pursuant to section 28-703;
21 (H) Pandering of a minor pursuant to section 28-802;
22 (I) Visual depiction of sexually explicit conduct of a child
23 pursuant to section 28-1463.03 or 28-1463.05;
24 (J) Knowingly possessing any visual depiction of sexually explicit
25 conduct which has a child as one of its participants or portrayed
26 observers pursuant to section 28-813.01;
1 (K) Criminal child enticement pursuant to section 28-311;
2 (L) Child enticement by means of an electronic communication device
3 pursuant to section 28-320.02;
4 (M) Debauching a minor pursuant to section 28-805; or
5 (N) Attempt, solicitation, aiding or abetting, being an accessory,
6 or conspiracy to commit an offense listed in subdivisions (1)(a)(i)(A)
7 through (1)(a)(i)(M) of this section;
8 (ii) Has ever pled guilty to, pled nolo contendere to, or been found
9 guilty of any offense that is substantially equivalent to a registrable
10 offense under subdivision (1)(a)(i) of this section by any village, town,
11 city, state, territory, commonwealth, or other jurisdiction of the United
12 States, by the United States Government, by court-martial or other
13 military tribunal, or by a foreign jurisdiction, notwithstanding a
14 procedure comparable in effect to that described under section 29-2264 or
15 any other procedure to nullify a conviction other than by pardon;
16 (iii) Is incarcerated in a jail, a penal or correctional facility,
17 or any other public or private institution or is under probation or
18 parole as a result of pleading guilty to or being found guilty of a
19 registrable offense under subdivision (1)(a)(i) or (ii) of this section
20 prior to January 1, 1997; or
21 (iv) Enters the state and is required to register as a sex offender
22 under the laws of another village, town, city, state, territory,
23 commonwealth, or other jurisdiction of the United States.
24 (b) In addition to the registrable offenses under subdivision (1)(a)
25 of this section, the Sex Offender Registration Act applies to any person
26 who on or after January 1, 2010:
27 (I)(A) Except as provided in subdivision (1)(b)(i)(B) of this
28 section, has ever pled guilty to, pled nolo contendere to, or been found
29 guilty of any of the following:
30 (I) Murder in the first degree pursuant to section 28-303;
31 (II) Murder in the second degree pursuant to section 28-304;
1 (III) Manslaughter pursuant to section 28-305;
2 (IV) Assault in the first degree pursuant to section 28-308;
3 (V) Assault in the second degree pursuant to section 28-309;
4 (VI) Assault in the third degree pursuant to section 28-310;
5 (VII) Stalking pursuant to section 28-311.03;
6 (VIII) Violation of section 28-311.08 requiring registration under
7 the act pursuant to subsection (5) of section 28-311.08;
8 (IX) Kidnapping pursuant to section 28-313;
9 (X) False imprisonment pursuant to section 28-314 or 28-315;
10 (XI) Sexual abuse of an inmate or parolee in the first degree
pursuant to section 28-322.02;
(XII) Sexual abuse of an inmate or parolee in the second degree pursuant to section 28-322.03;
(XIII) Sexual abuse of a protected individual pursuant to section 28-322.04;
(XIV) Incest pursuant to section 28-703;
(XV) Child abuse pursuant to subdivision (1)(d) or (e) of section 28-707;
(XVI) Enticement by electronic communication device pursuant to section 28-833; or
(XVII) Attempt, solicitation, aiding or abetting, being an accessory, or conspiracy to commit an offense listed in subdivisions (1)
(b)(i)(A)(I) through (1)(b)(i)(A)(XVI) of this section.
(B) In order for the Sex Offender Registration Act to apply to the offenses listed in subdivisions (1)(b)(i)(A)(I), (II), (III), (IV), (V),
(VI), (VII), (IX), and (X) of this section, a court shall have found that evidence of sexual penetration or sexual contact, as those terms are defined in section 28-318, was present in the record, which shall include consideration of the factual basis for a plea-based conviction and information contained in the presentence report;
(ii) Has ever pled guilty to, pled nolo contendere to, or been found guilty of any offense that is substantially equivalent to a registrable
offense under subdivision (1)(b)(ii) of this section by any village, town, city, state, territory, commonwealth, or other jurisdiction of the United States, by the United States Government, by court-martial or other military tribunal, or by a foreign jurisdiction, notwithstanding a procedure comparable in effect to that described under section 29-2264 or any other procedure to nullify a conviction other than by pardon; or
(iii) Enters the state and is required to register as a sex offender under the laws of another village, town, city, state, territory,
commonwealth, or other jurisdiction of the United States.
(2) A person appealing a conviction of a registrable offense under this section shall be required to comply with the act during the appeals process.
Sec. 12. Section 29-4103, Revised Statutes Cumulative Supplement, 2014, is amended to read:
29-4103 For purposes of the DNA Identification Information Act:
(1) Combined DNA Index System means the Federal Bureau of Investigation’s national DNA identification index system that allows the storage and exchange of DNA records submitted by state and local forensic laboratories;
(2) DNA means deoxyribonucleic acid which is located in the cells 22 and provides an individual’s personal genetic blueprint. DNA encodes genetic information that is the basis of human heredity and forensic identification;
(3) DNA record means the DNA identification information stored in the State DNA Data Base or the Combined DNA Index System which is derived from DNA typing test results;
(4) DNA sample means a blood, tissue, or bodily fluid sample
29 provided by any person covered by the DNA Identification Information Act
30 for analysis or storage, or both;
31 (5) DNA typing tests means the laboratory procedures which evaluate
1 the characteristics of a DNA sample which are of value in establishing
2 the identity of an individual;
3 (6) Law enforcement agency includes a police department, a town
4 marshal, a county sheriff, and the Nebraska State Patrol;
5 (7) Other specified offense means misdemeanor stalking pursuant to
6 sections 28-311.02 to 28-311.05 or false imprisonment in the second
7 degree pursuant to section 28-315 or an attempt, conspiracy, or
8 solicitation to commit stalking pursuant to sections 28-311.02 to
9 28-311.05, false imprisonment in the first degree pursuant to section
10 28-314, false imprisonment in the second degree pursuant to section
11 28-315, knowing and intentional sexual abuse of a vulnerable adult or
12 senior adult pursuant to subdivision (1)(c) of section 28-386, or a
13 violation of the Sex Offender Registration Act pursuant to section
14 29-4011; and
15 (8) Released means any release, parole, furlough, work release,
16 prerelease, or release in any other manner from a prison, a jail, or any
17 other detention facility or institution.
18 Sec. 32. Section 83-174.02, Reissue Revised Statutes of Nebraska, is
19 amended to read:
20 83-174.02 (1) The Department of Correctional Services shall order an
21 evaluation of the following individuals by a mental health professional
22 to determine whether or not the individual is a dangerous sex offender:
23 (a) Individuals who have been convicted of (i) sexual assault of a
24 child in the first degree pursuant to section 28-319.01 or (ii) sexual
25 assault in the first degree pursuant to section 28-319;
26 (b) Individuals who have been convicted of two or more offenses
27 requiring registration as a sex offender under section 29-4003 if one of
28 the convictions was for any of the following offenses: (i) Kidnapping of
29 a minor pursuant to section 28-313, except when the person is the parent
30 of the minor and was not convicted of any other offense; (ii) sexual
31 assault in the first degree pursuant to section 28-319 or sexual assault
1 in the second degree pursuant to section 28-320; (iii) sexual assault of
2 a child pursuant to section 28-320.01; (iv) sexual assault of a child in
3 the first degree pursuant to section 28-319.01; (v) sexual assault of a
4 child in the second or third degree pursuant to section 28-320.01; (vi)
5 sexual assault of a vulnerable adult or senior adult pursuant to
6 subdivision (1)(c) of section 28-386; (vii) incest of a minor pursuant to
7 section 28-703; (viii) visual depiction of sexually explicit conduct of a
8 child pursuant to section 28-1463.03; or (ix) any offense that is
9 substantially equivalent to an offense listed in this section by any
10 state, territory, commonwealth, or other jurisdiction of the United
11 States, by the United States Government, or by court-martial or other
12 military tribunal, notwithstanding a procedure comparable in effect to
13 that described in section 29-2264 or any other procedure to nullify a
14 conviction other than by pardon;
15 (c) Individuals convicted of a sex offense against a minor who have
16 refused to participate in or failed to successfully complete the sex
17 offender treatment program offered by the Department of Correctional
18 Services or the Department of Health and Human Services during the term
19 of incarceration. The failure to successfully complete a treatment
20 program due to time constraints or the unavailability of treatment
21 programming shall not constitute a refusal to participate in treatment;
22 and
23 (d) Individuals convicted of failure to comply with the registration
24 requirements of the Sex Offender Registration Act who have previously
25 been convicted for failure to comply with the registration requirements
26 of the act or a similar registration requirement in another state.
27 (2) The evaluation required by this section shall be ordered at
28 least one hundred eighty days before the scheduled release of the
29 individual. Upon completion of the evaluation, and not later than one
30 hundred fifty days prior to the scheduled release of the individual, the
31 department shall send written notice to the Attorney General, the county
1 attorney of the county where the offender is incarcerated, and the
2 prosecuting county attorney. The notice shall contain an affidavit of the
3 mental health professional describing his or her findings with respect to
4 whether or not the individual is a dangerous sex offender.
5 Sec. 34. Since an emergency exists, this act takes effect when
6 passed and approved according to law.
7 2. On page 2, strike beginning with the comma in line 11 through
8 "adult" in line 12.
9 3. On page 7, line 14; page 13, line 10; page 15, lines 2 and 25;
10 and page 17, lines 5 and 6 and 12, strike "12 to 21" and insert "14 to
11 23".
12 4. On page 11, line 24, strike "14" and insert "16".
13 5. On page 22, lines 1 and 3, strike "and"; in line 1 after the last
14 comma insert "and 83-74.02,"; and in line 3 after the last comma insert
15 "29-4003, and 29-4103,".
16 6. Renumber the remaining sections accordingly.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 901A. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
aid in carrying out the provisions of Legislative Bill 901, One Hundred

LEGISLATIVE BILL 908A. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
aid in carrying out the provisions of Legislative Bill 908, One Hundred
UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Fox - LB990

VISITOR(S)

Visitors to the Chamber were 8 eleventh-grade students and teacher from Seward; 30 fourth-grade students from St. Wenceslaus School, Wahoo; 14 twelfth-grade students and teacher from Wilcox-Hildreth; 140 fourth-grade students from Crete; Senator Hilkemann's wife, Julie, and Mary Cleveland, Diana Waggoner, and Jane Power from Omaha; Delegation members from the Consulate General of Canada: Consul General Jamshed Merchant, Consul Brian Shipley, Political Officer Joel Wessman, Public Affairs Officer Dani Fisher, Sgt. Michael Shortland of the Royal Canadian Mounted Police, and photographer Erin Eppenbaugh; 4 first-, third-, fifth-, and seventh-grade students and sponsor from Ronald Reagan Elementary and Beadle Middle School, Omaha; 20 high school students from Elwood; Aisha Witte from the University of Nebraska College of Law; and Pork Leadership Program participants with the Nebraska Pork Producers Association.

ADJOURNMENT

At 4:55 p.m., on a motion by Senator Davis, the Legislature adjourned until 9:00 a.m., Wednesday, March 16, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
The prayer was offered by Senator Scheer.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Watermeier presiding.

The roll was called and all members were present except Senator Campbell who was excused; and Senators Craighead, Davis, Ebke, Groene, K. Haar, Kolowski, Murante, and Schnoor who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-second day was approved.

MOTION(S) - Confirmation Report(s)

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 942:

- Nebraska Rural Health Advisory Commission
  - John A. E. Craig
  - Rebecca Schroeder
  - Roger Wells

Voting in the affirmative, 31:

Baker  Garrett  Koltermann  Pansing Brooks  Sullivan
Bloomfield  Gloor  Krist  Riepe  Watermeier
Bolz  Hansen  Kuehn  Schilz  Williams
Brasch  Hilkemann  Lindstrom  Schumacher
Crawford  Howard  McCollister  Seiler
Fox  Hughes  McCoy  Smith
Friesen  Johnson  Mello  Stinner
Voting in the negative, 0.

Present and not voting, 9:

Chambers  Cook  Harr, B.  Larson  Scheer  
Coash  Hadley  Kintner  Morfeld

Excused and not voting, 9:

Campbell  Davis  Groene  Kolowski  Schnoor  
Craighead  Ebke  Haar, K.  Murante

The appointments were confirmed with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 467A. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 722A. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 1 nay, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 754A. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 977A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 698A. Senator Crawford offered the Campbell amendment, AM2593, found on page 988.

The Campbell amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.
ANNOUNCEMENT

The Chair announced the birthday of Senator Kolterman.

GENERAL FILE

LEGISLATIVE BILL 843. Title read. Considered.

Committee AM2335, found on page 778, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

SPEAKER HADLEY PRESIDING

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 485. Introduced by Mello, 5.

WHEREAS, National Hispanic Heritage Month was first celebrated in 1989, and grew out of National Hispanic Heritage Week, which was created by a joint resolution of Congress in 1968 and annual proclamations by the President each year since; and

WHEREAS, National Hispanic Heritage Month is observed from September 15 through October 15 and covers the independence days of Chile, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, and Nicaragua, and other cultural and historical holidays including Columbus Day, Día de la Raza (Day of the Race), and Día de Las Américas (Day of the Americas); and

WHEREAS, National Hispanic Heritage Month is a celebration and commemoration of Latin-American and Hispanic history and culture; and

WHEREAS, the Hispanic community in Nebraska has made tremendous contributions in business, education, and civic engagement; and

WHEREAS, Hispanic men and women play an integral role in American society, and it is vitally important that we honor and celebrate their contributions to our culture and to the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature designates September 15 through October 15, 2016, as Hispanic Heritage Month in the State of Nebraska.

2. That Nebraskans are encouraged to come together to recognize, commemorate, and celebrate the Hispanic men and women of Nebraska, past and present, who have worked tirelessly to overcome obstacles of language, culture, and tradition to positively impact American society and become an integral part of our local communities.

3. That Nebraskans are also encouraged to study Hispanic culture and history, recognize Hispanic contributions in their communities, and strive
for appreciation and equality year-round in order to celebrate our past and brighten our future.

Laid over.

**LEGISLATIVE RESOLUTION 486.** Introduced by Mello, 5.

WHEREAS, Cesar Chavez was born on March 31, 1927 on a family farm near Yuma, Arizona; and

WHEREAS, when he was still a young boy, Cesar Chavez's family lost their farm during the Great Depression. Cesar began working with his family as a migrant farm worker, and after eighth grade he quit school to work full-time and help support his family; and

WHEREAS, as a young man, Cesar Chavez went on to serve for two years in the United States Navy. When he was discharged he returned to California and married Helen Fabela, with whom he had eight children; and

WHEREAS, as early as 1949, Cesar Chavez began advocating for civil rights and labor rights for farm workers in California, campaigning for fair wages and better working and living conditions, and fighting the use of child labor; and

WHEREAS, in 1952, he joined the Community Service Organization, where he worked to encourage voter registration and voting among the Latino community and opposed discrimination against Latinos in East Los Angeles. In 1958, he became the national director of the organization; and

WHEREAS, in 1962, Cesar Chavez co-founded the National Farm Workers Association with Dolores Huerta, which would later expand nationally to become the United Farm Workers of America (UFW); and

WHEREAS, Cesar Chavez followed the examples of Dr. Martin Luther King, Jr. and Mahatma Gandhi by leading non-violent protests and boycotts and organizing strikes within the Latino and Filipino communities, resulting in a successful five-year strike by grape-pickers that gained national attention; and

WHEREAS, Cesar Chavez's national and international campaigns led the abolition of the Bracero Program, raised wages for farm workers, led to better working conditions for laborers, created health care coverage for farm workers, brought attention to discrimination faced by farm workers, led to the ban of the short-handled hoe as an unsafe tool, and resulted in collective bargaining agreements that covered tens of thousands of farm workers across the nation; and

WHEREAS, Cesar Chavez used fasting as a peaceful tactic to bring attention to the plight of farm workers in the United States. In 1968 and 1972 he fasted for over three weeks, and in 1988 he fasted for over five weeks to protest the effects of pesticide use on farm workers and their children; and

WHEREAS, Cesar Chavez passed away on April 23, 1993 at the age of 66. More than 50,000 people attended his funeral in California where he was laid to rest at the UFW headquarters in Keene, California; and

WHEREAS, on August 8, 1994, Cesar Chavez was posthumously awarded the Presidential Medal of Freedom by President Bill Clinton.
Several portraits and pictures of Chavez now reside in the National Portrait Gallery in Washington, D.C.; and

WHEREAS, the legacy of Cesar Chavez continues to inspire millions worldwide to work for labor rights, human rights, and civil rights.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature joins numerous states and communities by designating March 31, 2016 as Cesar Chavez Day in Nebraska.
2. That the Nebraska Legislature recognizes the accomplishments and service of farm workers in Nebraska.
3. That Nebraskans are encouraged to participate in community service projects to celebrate Cesar Chavez's life and work.

LEGISLATIVE RESOLUTION 487. Introduced by Fox, 7; Mello, 5.

WHEREAS, the Omaha South High Magnet School boys' basketball team, led by Coach Bruce Chubick, won the 2016 Class A Boys' State Basketball Championship; and

WHEREAS, the South High Packers defeated the Fremont Tigers on Saturday, March 12, in a spirited contest, by a score of 59-50, which saw both teams representing their respective schools to the best of their abilities; and

WHEREAS, the members of the Omaha South basketball team showed great determination and skill throughout their season, finishing with a record of 28-1 and ranked as one of the best teams in the nation by USA Today; and

WHEREAS, Coach Bruce Chubick has set a tremendous example of perseverance and stability throughout his tenure as head coach of the Packers, not missing a game despite suffering a heart attack mid-season; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Omaha South High Magnet School boys' basketball team on winning the 2016 Class A Boys' State Basketball Championship.
2. That a copy of this resolution be sent to the Omaha South High Magnet School boys' basketball team and Coach Bruce Chubick.

Laid over.
LEGISLATIVE RESOLUTION 488. Introduced by Ebke, 32.

WHEREAS, Mark Kroeker, a member of Troop 302 of Fairbury, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout his scouting experience, Mark has been tested on and recognized for these scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project. For his project, Mark organized volunteers to improve the parking lot at Fairbury United Methodist Church and construct a shelving unit for the church's Sunday school program. The parking lot project included painting lines, defining "No Parking" areas, repainting a post protecting the meters to improve its visibility, and adding arrows to help direct traffic flow; and

WHEREAS, Mark, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, leaders of government and industry, artists, scientists, and athletes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Mark Kroeker on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Mark Kroeker.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB889:
AM2572 is available in the Bill Room.

Senator Howard filed the following amendment to LB643:
AM2599 is available in the Bill Room.

Senator Mello filed the following amendment to LB1093:
AM2547
(Amendments to Standing Committee amendments, AM2391)
1 1. Strike section 1 and insert the following new section:
2 Section 1. Section 81-1210.01, Reissue Revised Statutes of Nebraska, 3 is amended to read:
4 81-1210.01 For purposes of sections 81-1210.01 to 81-1210.03:
5 (1) Department means the Department of Economic Development;
6 (2) Internship means employment of a student in a professional or 7 technical position for a limited period of time, by a business in 8 Nebraska, in which the student (a) gains valuable work experience, (b) 9 increases knowledge that assists with career decisionmaking, and (c)
10 assists the business in accelerating short-term business objectives; and
11 (3) Student means any person who:
12 (a) Is in eleventh or twelfth grade in a public or private high
13 school or a school which elects pursuant to section 79-1601 not to meet
14 accreditation or approval requirements in Nebraska;
15 (b a) Is enrolled full-time in a college, university, or other
16 institution of higher education in Nebraska; or
17 (b) Has residency in Nebraska and is enrolled full-time in a
18 college, university, or other institution of higher education in a state
19 other than Nebraska; or
20 (c) Applies for an internship within six months following graduation
21 from (i) a college, university, or other institution of higher education
22 in Nebraska or (ii) a college, university, or other institution of higher
23 education in a state other than Nebraska if such person had residency in
24 Nebraska during his or her enrollment in such college, university, or
25 institution.
26 2. On page 5, strike the new matter in lines 28 through 31.
1 3. On page 6, lines 1 through 3 strike the new matter and reinstate
2 the stricken matter.

GENERAL FILE

LEGISLATIVE BILL 1081. Title read. Considered.

Committee AM2180, found on page 775, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 900. Title read. Considered.

Committee AM1957, found on page 732, was offered.

Senator Morfeld offered his amendment, AM2343, found on page 933, to the committee amendment.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 680A. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 680, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.
UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Fox - LB843

VISITOR(S)

Visitors to the Chamber were 25 students and teachers from the Career Academy of Lincoln; Don and Jodi Daily from Kearney; and Senator Bloomfield's wife, Dee, and Karen and Natalie Kruger.

RECESS

At 11:28 a.m., on a motion by Senator Craighead, the Legislature recessed until 1:00 p.m.

CEREMONIES

The Speaker introduced a group from the Nebraska Association of Former State Legislators.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., Senator Krist presiding.

ROLL CALL

The roll was called and all members were present except Senator Campbell who was excused; and Senators Kolterman, Kuehn, McCoy, Mello, Schumacher, and Watermeier who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 900. The Morfeld amendment, AM2343, found on page 933 and considered in this days Journal, to the committee amendment, was renewed.

Senator Hilkemann offered the following motion:

MO208
Bracket until April 20, 2016.

SENATOR COASH PRESIDING

Senator Bolz moved the previous question. The question is, "Shall the debate now close?"

Senator Bolz moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.
Senator Bolz requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 27:

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Voting in the negative, 5:

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Present and not voting, 14:

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Excused and not voting, 3:

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The motion to cease debate prevailed with 27 ayes, 5 nays, 14 present and not voting, and 3 excused and not voting.

Senator Hilkemann requested a roll call vote on the motion to bracket.

Voting in the affirmative, 17:

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Voting in the negative, 25:

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Present and not voting, 5:

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Excused and not voting, 2:

Campbell McCoy

The Hilkemann motion to bracket failed with 17 ayes, 25 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

SENATOR KRIST PRESIDING

PRESIDENT FOLEY PRESIDING

Pending.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 470, 471, 472, 473, and 474 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 470, 471, 472, 473, and 474.

GENERAL FILE

LEGISLATIVE BILL 900. The Morfeld amendment, AM2343, found on page 933 and considered in this day's Journal, to the committee amendment, was renewed.

Pending.

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE BILL 824. Placed on General File with amendment. AM2611
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 70-1003, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 70-1003 (1) There is hereby established an independent board to be
6 known as the Nebraska Power Review Board to consist of five members, one
7 of whom shall be an engineer, one an attorney, one an accountant, and two
8 laypersons. No person who is or who has within four years preceding his
9 or her appointment been either a director, officer, or employee of any
10 electric utility or an elective state officer shall be eligible for
11 membership on the board. Members of the board shall be appointed by the
12 Governor subject to the approval of the Legislature. Upon expiration of
13 the terms of the members first appointed, the successors shall be
14 appointed for terms of four years. No member of the board shall serve
15 more than two consecutive terms. Any vacancy on the board arising other
16 than from the expiration of a term shall be filled by appointment for the
17 unexpired portion of the term, and any person appointed to fill a vacancy
18 on the board shall be eligible for reappointment for two more consecutive
19 terms. No more than three members of the board shall be registered
20 members of that political party represented by the Governor.
21 (2) Each member of the board shall receive sixty dollars per day for
22 each day actually and necessarily engaged in the performance of his or
23 her duties, but not to exceed six thousand dollars in any one year,
24 except for the member designated to represent the board on the Southwest
25 Power Pool Regional State Committee or its equivalent successor, who
26 shall receive two hundred fifty dollars for each day actually and
27 necessarily engaged in the performance of his or her duties, not to
28 exceed twenty thousand dollars in any one year. If the member designated
29 to represent the board on the Southwest Power Pool Regional State
30 Committee should for any reason no longer serve in that capacity during a
31 year, the pay received while serving in such capacity shall not be used
32 for purposes of calculating the six-thousand-dollar limitation for board
33 members not serving in that capacity. When another board member acts as
34 the proxy for the designated Southwest Power Pool Regional State
35 Committee member, he or she shall receive the same pay as the designated
36 member would have for that activity. Pay received while serving as proxy
37 for such designated member shall not be used for purposes of determining
38 whether the six-thousand-dollar limitation has been met for board members
39 not serving as such designated member. Total pay to board members for
40 activities related to the Southwest Power Pool shall not exceed an
41 aggregate total of twenty-five thousand dollars in any one year. Each
42 member and shall be reimbursed for his or her actual and necessary
43 expenses while so engaged as provided in sections 81-1174 to 81-1177. The
44 board shall have jurisdiction as provided in Chapter 70, article 10.
45 (3 2) The board shall meet promptly after its members have been
46 appointed. They shall elect from their members a chairperson and a vice-
47 chairperson. Decisions of the board shall require the approval of a
48 majority of the members of the board.
49 (4 3) The board shall employ an executive director and may employ
50 such other staff necessary to carry out the duties pursuant to Chapter
51 70, article 10. The executive director shall serve at the pleasure of the
52 board and shall be solely responsible to the board. The executive
53 director shall be responsible for the administrative operations of the
54 board and shall perform such other duties as may be delegated or assigned
55 to him or her by the board. The board may obtain the services of experts
56 and consultants necessary to carry out the board's duties pursuant to
57 Chapter 70, article 10.
58 (5 4) The board shall publish and submit a biennial report with
59 annual data to the Governor, with copies to be filed with the Clerk of
60 the Legislature and with the State Energy Office. The report submitted to
The Clerk of the Legislature shall be submitted electronically. The State Energy Office shall consider the information in the Nebraska Power Review Board's report when the State Energy Office prepares its own reports pursuant to sections 81-1606 and 81-1607. The report of the board shall include:

(a) The assessments for the fiscal year imposed pursuant to section 70-1020;
(b) The gross income totals for each category of the industry and the industry total;
(c) The number of suppliers against whom the assessment is levied, by category and in total;
(d) The projected dollar costs of generation, transmission, and microwave applications, approved and denied;
(e) The actual dollar costs of approved applications upon completion, and a summary of an informational hearing concerning any significant divergence between the projected and actual costs;
(f) A description of Nebraska's current electric system and information on additions to and retirements from the system during the fiscal year, including microwave facilities;
(g) A statistical summary of board activities and an expenditure summary;
(h) A roster of power suppliers in Nebraska and the assessment each paid; and
(i) Appropriately detailed historical and projected electric supply and demand statistics, including information on the total generating capacity owned by Nebraska suppliers and the total peak load demand of the previous year, along with an indication of how the industry will respond to the projected situation.

The board may, in its discretion, hold public hearings concerning the conditions that may indicate that retail competition in the electric industry would benefit Nebraska's citizens and what steps, if any, should be taken to prepare for retail competition in Nebraska's electricity market. In determining whether to hold such hearings, the board shall consider the sufficiency of public interest.

The board may, at any time deemed beneficial by the board, submit a report to the Governor with copies to be filed with the Clerk of the Legislature and the Natural Resources Committee of the Legislature. The report filed with the Clerk of the Legislature and the committee shall be filed electronically. The report may include:

(a) Whether or not a viable regional transmission organization and adequate transmission exist in Nebraska or in a region which includes Nebraska;
(b) Whether or not a viable wholesale electricity market exists in a region which includes Nebraska;
(c) To what extent retail rates have been unbundled in Nebraska;
(d) A comparison of Nebraska's wholesale electricity prices to the prices in the region; and
(e) Any other information the board believes to be beneficial to the Governor, the Legislature, and Nebraska's citizens when considering...
whether retail electric competition would be beneficial, such as, but not limited to, an update on deregulation activities in other states and an update on federal deregulation legislation.

(8) The board may establish working groups of interested parties to assist the board in carrying out the powers set forth in subsections (6) and (7) of this section.

Sec. 2. Original section 70-1003, Revised Statutes Cumulative Supplement, 2014, is repealed.

(Signed) Ken Schilz, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 783A. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 783, One Hundred Fourth Legislature, Second Session, 2016.

LEGISLATIVE BILL 1038A. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1038, One Hundred Fourth Legislature, Second Session, 2016.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Berggren, Patrick - Nebraska Game and Parks Commission - Natural Resources

(Signed) Bob Krist, Chairperson

AMENDMENT(S) - Print in Journal

Senator Howard filed the following amendment to LB235:

AM2577

1 1. In the Standing Committee amendments, strike amendment 3.
2 2. On page 3, line 17, after "is" insert "registered or"; and strike lines 30 and 31 and insert the following new subdivision:
3 "(5)(i) If the kiosk has a physical location, the name and state license number of the provider who will read and interpret the diagnostic information and data shall be prominently displayed on the kiosk.
4 (ii) If the kiosk is an application, the name and state license number of the provider who will read and interpret the diagnostic information and data shall be prominently displayed on the kiosk."
9 information and data shall be displayed on the patient's prescription;".

10 3. On page 4, strike line 1; in line 3 after "provider" insert "if
11 clinically appropriate"; strike beginning with "Any" in line 10 through
12 line 25 and insert "The Uniform Credentialing Act shall apply to any
13 person alleged or believed to have violated the Consumer Protection in
14 Eye Care Act. The department shall investigate potential violations of
15 the Consumer Protection in Eye Care Act according to the procedures of
16 the Uniform Credentialing Act and shall take appropriate action as
17 provided by the Uniform Credentialing Act."; and strike beginning with
18 "(3)" in line 26 through "than" in line 29 and insert "(2) In addition to
19 the remedies, penalties, or relief available under the Uniform
20 Credentialing Act, the department may impose a civil penalty against a
21 person who does not hold a credential under the Uniform Credentialing Act
22 who has violated or attempted to violate the Consumer Protection In Eye
23 Care Act. The civil penalty shall not exceed".

24 4. On page 5, line 4, strike "(4)" and insert "(3)".

Senator Watermeier filed the following amendment to LB867:
AM2548

(Amendments to E and R amendments, ER180)

1 1. Insert the following new section:
2 Sec. 2. Section 83-1,135, Revised Statutes Supplement, 2015, is
3 amended to read:
4 83-1,135 Sections 83-170 to 83-1,135.02 and sections 17 and 18 of
5 this act shall be known and may be cited as the Nebraska Treatment and
6 Corrections Act.

Senator Watermeier filed the following amendment to LB744:
AM2416

(Amendments to Standing Committee amendments, AM2142)

1 1. On page 1, after line 7, insert the following new subsection:
2 "(2)(a) In private adoptions, the birth mother shall be provided
3 independent legal counsel of her choice at the expense of the adoptive
4 parent or parents prior to the execution of a written relinquishment of
5 parental rights, written consent to adoption, or communication and
6 contact agreement under this section.

7 (b) In private and agency adoptions, the birth parent or parents
8 shall be offered, at the expense of the adoptive parent or parents or the
9 agency, at least three hours of professional counseling prior to
10 executing a written relinquishment of parental rights or written consent
11 to adoption. Such relinquishment or consent shall state whether the birth
12 parent or parents received or declined counseling."; in line 8 strike
13 "(2)" and insert "(1)"; in line 14 strike "(3)" and insert "(4)"; in line
14 17 strike "(4)" and insert "(5)"; and in line 23 strike "(5)" and insert
15 "(6)".

2 2. On page 2, line 7, strike "(6)" and insert "(7)"; in line 18
17 strike "(7)" and insert "(8)"; in line 21 strike "6" and insert "(7)";
and in line 22 strike "(8)" and insert "(9)".
19. On page 3, line 4, strike "(9)" and insert "(10)"; and in line 5
strike "(6)" and insert "(7)".

Senator Howard filed the following amendment to LB894:
AM2600
(Amendments to E and R amendments, ER181)
1. On page 2, line 9, strike "Placements" and insert "Except for the
use of manually controlled delayed egress of not more than thirty
seconds, placements".

Senator Krist filed the following amendment to LB894:
AM2610
(Amendments to E and R amendments, ER181)
1. Insert the following new sections:
2. Sec. 14. Section 43-272.01, Revised Statutes Supplement, 2015, is
amended to read:
43-272.01 (1) A guardian ad litem as provided for in subsections (2)
and (3) of section 43-272 shall be appointed when a child is removed from
his or her surroundings pursuant to subdivision (2) or (3) of section
43-248, subsection (2) of section 43-250, or section 43-251. If a county
has a guardian ad litem division created under section 15 of this act,
the court shall appoint the guardian ad litem division unless a conflict
of interest exists. If removal has not occurred, a guardian ad litem
shall be appointed at the commencement of all cases brought under
subsection (3)(a) or (7) of section 43-247 and section 28-707.
(2) In the course of discharging duties as guardian ad litem, the
person so appointed shall consider, but not be limited to, the criteria
provided in this subsection. The guardian ad litem:
(a) Is appointed to stand in lieu of a parent for a protected
juvenile who is the subject of a juvenile court petition, shall be
present at all hearings before the court in such matter unless expressly
excused by the court, and may enter into such stipulations and agreements
concerning adjudication and disposition deemed by him or her to be in the
juvenile's best interests;
(b) Is not appointed to defend the parents or other custodian of the
protected juvenile but shall defend the legal and social interests of
such juvenile. Social interests shall be defined generally as the usual
and reasonable expectations of society for the appropriate parental
custody and protection and quality of life for juveniles without regard
to the socioeconomic status of the parents or other custodians of the
juvenile;
(c) May at any time after the filing of the petition move the court
of jurisdiction to provide medical or psychological treatment or
evaluation as set out in section 43-258. The guardian ad litem shall have
access to all reports resulting from any examination ordered under
section 43-258, and such reports shall be used for evaluating the status
of the protected juvenile;
(d) Shall make every reasonable effort to become familiar with the
10 needs of the protected juvenile which (i) shall include consultation with
11 the juvenile in his or her respective placement within two weeks after
12 the appointment and once every six months thereafter, unless the court
13 approves other methods of consultation as provided in subsection (6) of
14 this section, and inquiry of the most current caseworker, foster parent,
15 or other custodian and (ii) may include inquiry of others directly
16 involved with the juvenile or who may have information or knowledge about
17 the circumstances which brought the juvenile court action or related
18 cases and the development of the juvenile, including biological parents,
19 physicians, psychologists, teachers, and clergy members;
20 (e) May present evidence and witnesses and cross-examine witnesses
21 at all evidentiary hearings. In any proceeding under this section
22 relating to a child of school age, certified copies of school records
23 relating to attendance and academic progress of such child are admissible
24 in evidence;
25 (f) Shall be responsible for making written reports and
26 recommendations to the court at every dispositional, review, or
27 permanency planning hearing regarding the temporary and permanent
28 placement of the protected juvenile, the type and number of contacts with
29 the juvenile, the type and number of contacts with other individuals
30 described in subdivision (d) of this subsection, and any further relevant
31 information on a form prepared by the Supreme Court. As an alternative to
1 the written reports and recommendations, the court may provide the
2 guardian ad litem with a checklist that shall be completed and presented
3 to the court at every dispositional or review hearing. A copy of the
4 written reports and recommendations to the court or a copy of the
5 checklist presented to the court shall also be submitted to the Foster
6 Care Review Office for any juvenile in foster care placement as defined
7 in section 43-1301;
8 (g) Shall consider such other information as is warranted by the
9 nature and circumstances of a particular case; and
10 (h) May file a petition in the juvenile court on behalf of the
11 juvenile, including a supplemental petition as provided in section
12 43-291.
13 (3) Nothing in this section shall operate to limit the discretion of
14 the juvenile court in protecting the best interests of a juvenile who is
15 the subject of a juvenile court petition.
16 (4) For purposes of subdivision (2)(d) of this section, the court
17 may order the expense of such consultation, if any, to be paid by the
18 county in which the juvenile court action is brought or the court may,
19 after notice and hearing, assess the cost of such consultation, if any,
20 in whole or in part to the parents of the juvenile. The ability of the
21 parents to pay and the amount of the payment shall be determined by the
22 court by appropriate examination.
23 (5) The guardian ad litem may be compensated on a per-case
24 appointment system or pursuant to a system of multi-case contracts or may
25 be employed by a guardian ad litem division created pursuant to section
26 15 of this act. If a county creates a guardian ad litem division,
27 guardian ad litem appointments shall be made first from the guardian ad
litem division and if a conflict exists, the court may appoint a guardian
ad litem from outside of the division. Regardless of the method of
compensation, billing hours and expenses for court-appointed guardian ad
litem services shall be submitted to the court for approval and shall be
recorded on a written, itemized billing statement signed by the attorney
responsible for the case. Billing hours and expenses for guardian ad
litem services rendered under a contract for such services shall be
submitted to the entity with whom the guardian ad litem contracts in the
form and manner prescribed by such entity for approval. Case time for
guardian ad litem services shall be scrupulously accounted for by the
attorney responsible for the case. Additionally, in the case of a multi-
lawyer firm or organization retained for guardian ad litem services, the
name of the attorney or attorneys assigned to each guardian ad litem case
shall be recorded.

(6) The guardian ad litem shall meet in person with the juvenile for
purposes of the consultation required by subdivision (2)(d) of this
section unless prohibited or made impracticable by exceptional
circumstances, including, but not limited to, situations in which an
unreasonable geographical distance is involved between the location of
the guardian ad litem and the juvenile. When such exceptional
circumstances exist, the guardian ad litem shall attempt such
consultation by other reasonable means, including, but not limited to, by
telephone or suitable electronic means, if the juvenile is of sufficient
age and capacity to participate in such means of communication and there
are no other barriers preventing such means of communication. If
consultation by telephone or suitable electronic means is not feasible,
the guardian ad litem shall seek direction from the court as to any other
acceptable method by which to accomplish consultation required by
subdivision (2)(d) of this section.

Sec. 15. (1) A county board may create a county guardian ad litem
division to carry out section 43-272.01.

(2) The county board shall appoint a division director for the
guardian ad litem division. The division director shall be an attorney
admitted to practice law in Nebraska with at least five years of Nebraska
juvenile court experience prior to appointment. The division director may
appoint assistant guardians ad litem and other employees as are
reasonably necessary to permit him or her to effectively and competently
fulfill the responsibilities of the division, subject to the approval and
consent of the county board. All assistant guardians ad litem shall be
attorneys admitted to practice law in Nebraska and shall comply with all
requirements of the Supreme Court relating to guardians ad litem.

(3) All assistant guardians ad litem employed by the division shall
devote their full time to the work of the division and shall not engage
in the private practice of law so long as each assistant guardian ad
litem receives the same annual salary as each deputy county attorney of
comparable ability and experience receives in such counties.

(4) The director and any assistant guardian ad litem employed by the
division shall not solicit or accept any fee for representing a child in
a case in which the director or the assistant guardian ad litem is
already acting as the child's court-appointed guardian ad litem.

Sec. 16. Section 43-273, Reissue Revised Statutes of Nebraska, is amended to read:

43-273 Counsel and guardians ad litem appointed as provided in
section 43-272 shall apply to the court before which the proceedings were
had for fees for services performed. The county board shall set a
reasonable hourly rate for services performed. Upon application and
hearing, the court shall review the itemized billing statement submitted
by the attorney pursuant to subsection (5) of section 43-272.01 and make
determination as to the reasonable number of billing hours and amount
of expenses. The court upon hearing the application shall fix reasonable
fees. The county board of the county wherein the proceedings were had
shall allow the account, bill, or claim presented by any attorney or
guardian ad litem for services performed under section 43-272 in the
amount determined by the court. No such account, bill, or claim shall be
allowed by the county board until the amount thereof shall have been
determined by the court.

1.2. Renumber the remaining sections, correct internal references, and
2 correct the repealer accordingly.

GENERAL FILE

LEGISLATIVE BILL 900. The Morfeld amendment, AM2343, found on
page 933 and considered in this day's Journal, to the committee amendment,
was renewed.

SENATOR SCHEER PRESIDING

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 698A. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Education

LEGISLATIVE BILL 883. Indefinitely postponed.

(Signed) Kate Sullivan, Chairperson
LEGISLATIVE BILL 745. Placed on Select File with amendment.  
1. On page 1, line 7, strike "and" and insert a comma and after "applications" insert ", and game breeding and controlled shooting 3 areas".

LEGISLATIVE BILL 956. Placed on Select File with amendment.  
ER192 is available in the Bill Room.

LEGISLATIVE BILL 957. Placed on Select File with amendment.  
1. In the Standing Committee amendments, AM2217:
   a. On page 3, line 24, strike "$5,325,000" and insert "five million three hundred twenty-five thousand dollars";
   b. On page 7, line 4, strike "deposited in" and insert "transferred to";
   c. On page 14, lines 7 and 8, strike the comma.
2. On page 1, strike beginning with "60-1513" in line 1 through line 6 and insert "37-913, 60-1513, 82-316, 82-326, 82-331, 84-1227, 85-419, 85-421, 85-422, 85-423, 85-424, and 85-425, Reissue Revised Statutes of Nebraska, sections 71-5714, 71-8805, and 72-2009, Revised Statutes Cumulative Supplement, 2014, and sections 2-1507, 66-204, 81-3140, 81-3714, and 84-612, Revised Statutes Supplement, 2015; to provide for and change distribution and use of certain funds; to provide for transfers and investment of funds; to create and eliminate funds and programs; to state intent; to change provisions relating to artwork in state buildings and renovation and replacement of university and state college buildings; to eliminate obsolete provisions; to repeal the original sections; to outright repeal sections 37-915, 37-916, 37-917, 37-918, 37-919, 37-920, and 37-921, Revised Statutes Cumulative Supplement, 2014; and to declare and emergency.".

LEGISLATIVE BILL 981. Placed on Select File.

LEGISLATIVE BILL 960. Placed on Select File with amendment.  
1. In the Standing Committee amendment, AM2418:
   a. On page 3, lines 11 and 12, strike "subsection (15) of"; and
   b. On page 5, line 8, strike "Department of Roads" and insert "department"; and in line 28 strike the comma;
   c. On page 7, line 27; and page 9, line 16, strike "alternate" and insert "alternative";
   d. On page 12, lines 14, 17, 22, and 26, strike the semicolon and insert an underscored period;
11 e. On page 15, line 22; and page 16, line 19, strike "is" and insert
12 "was"; and
13 f. On page 18, line 10, strike the comma.
14 2. On page 1, strike lines 6 and 7 and insert "change provisions
15 relating to road and bridge construction projects; to restate intent; to
16 change reporting requirements; to exempt certain projects from public
17 bidding and contracting requirements as prescribed; to provide for a
18 transfer from the Cash Reserve Fund;".

LEGISLATIVE BILL 960A. Placed on Select File.
LEGISLATIVE BILL 467A. Placed on Select File.
LEGISLATIVE BILL 722A. Placed on Select File.
LEGISLATIVE BILL 754A. Placed on Select File.
LEGISLATIVE BILL 977A. Placed on Select File.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Coash filed the following amendment to LB894:
AM2556
(Amendments to E and R amendments, ER181)
1 1. Insert the following new sections:
2 Sec. 16. Section 43-2,119, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 43-2,119 (1) The number of judges of the separate juvenile court in
5 counties which have established a separate juvenile court shall be:
6 (a) Two judges in counties having seventy-five thousand inhabitants
7 but less than two hundred thousand inhabitants;
8 (b) Four judges in counties having at least two hundred thousand
9 inhabitants but less than four hundred thousand inhabitants; and
10 (c) Six Five judges in counties having four hundred thousand
11 inhabitants or more.
12 (2) The senior judge in point of service as a juvenile court judge
13 shall be the presiding judge. The judges shall rotate the office of
14 presiding judge every three years unless the judges agree to another
15 system.
16 Sec. 24. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
17 15, 17, 18, 19, 20, 21, 22, 23, and 25 of this act become operative three
18 calendar months after adjournment of this legislative session. The other
19 sections of this act become operative on their effective date.
20 Sec. 26. Original section 43-2,119, Reissue Revised Statutes of
21 Nebraska, is repealed.
22 Sec. 27. Since an emergency exists, this act takes effect when
23 passed and approved according to law.
24 2. Renumber the remaining sections accordingly.

Senator Mello filed the following amendment to LB1012:
AM2602 is available in the Bill Room.
Senator Coash filed the following amendment to LB894:

AM2616 (Amendments to E and R amendments, ER181)

1. On page 27, line 23, after the semicolon insert "facility staffing levels at the time of confinement;".
2. On page 28, line 2, after the semicolon insert "facility staffing levels at the time of each confinement;".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 489. Introduced by Crawford, 45.

PURPOSE: The purpose of this interim study is to examine issues related to housing authorities. The issues addressed by this study shall include, but not be limited to, a review of the Nebraska Housing Agency Act and a review of federal statutes, rules, and regulations affecting housing authorities in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee is designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall, upon the conclusion of its study, make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 490. Introduced by Crawford, 45.

PURPOSE: The purpose of this interim study is to examine the enforcement of state and local building codes. The issues addressed by this interim study shall include, but not be limited to:

1. A review of the role of the state in enforcing the state building code and the Nebraska Energy Code;
2. A review of the role of political subdivisions in enforcing the state building code, the Nebraska Energy Code, and local building and energy codes;
3. A review of the number of political subdivisions that have adopted local building or energy codes;
4. A review of the number of political subdivisions that employ local code inspectors;
5. An examination of the remedies available to a property owner when the owner's home or business does not meet the applicable building or energy code; and
6. An examination of the potential consequences for political subdivisions if they fail to enforce their local building or energy code.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purpose of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 491. Introduced by Seiler, 33.

WHEREAS, the Hastings St. Cecilia High School boys' basketball team won the 2016 Class C-2 Boys' State Basketball Championship; and
WHEREAS, the Hastings St. Cecilia Bluehawks defeated the Elmwood-Murdock Knights in the Class C-2 championship game by a score of 57-38; and
WHEREAS, the Bluehawks defeated the Battle Creek Braves in the quarterfinals by 12 points and the Amherst Broncos in an exciting overtime semifinals game by 6 points; and
WHEREAS, the senior members of the Hastings St. Cecilia boys' basketball team finished their final season together as state champions after beginning their basketball careers in the fifth grade; and
WHEREAS, the 2016 victory is the seventh state title for the St. Cecilia boys' basketball team and the team's eighth trip to the state finals in school history; and
WHEREAS, the Bluehawks were the only boys' basketball team to win back-to-back championships in 2016.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Hastings St. Cecilia High School boys' basketball team on winning the 2016 Class C-2 Boys' State Basketball Championship.
2. That a copy of this resolution be sent to Head Coach Kevin Asher and his championship team and to Father Tom Brouillette, Superintendent of Hastings St. Cecilia High School.

Laid over.

VISITOR(S)

Visitors to the Chamber were Homer Buell from Bassett; and 29 twelfth-grade students and teacher from Bertrand.

The Doctor of the Day was Dr. Michael Keralis from Lincoln.
ADJOURNMENT

At 4:55 p.m., on a motion by Senator Kuehn, the Legislature adjourned until 9:00 a.m., Thursday, March 17, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
FORTY-FOURTH DAY - MARCH 17, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

FORTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 17, 2016

PRAYER

The prayer was offered by Pastor Mike Wing, Grace Community Bible Church, North Platte.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Campbell who was excused; and Senators Craighead, Friesen, Hansen, B. Harr, Krist, Larson, McCollister, McCoy, Mello, Morfeld, Pansing Brooks, Schilz, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-third day was approved.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 492. Introduced by Harr, B., 8.

WHEREAS, Father George Sullivan is a native son of Nebraska and has been active in the Omaha community for many years; and

WHEREAS, Father Sullivan graduated from Creighton Preparatory School in 1962. He received his juris doctorate degree from Creighton Law School in 1981 and became a member of the Nebraska Bar Association. The following year, Father Sullivan became the President of Creighton Preparatory School and served until 1988; and

WHEREAS, in 2015, Father Sullivan celebrated his 40th year as an ordained priest in the Society of Jesus. He has been active with Irish Charities of Nebraska and has served on the Priests' Council of the Archdiocese of Nebraska; and

WHEREAS, Father Sullivan received the Thomas F. Cavanaugh Lifetime Achievement Award from the Omaha-Douglas County Irish American Public Officials Association; and
WHEREAS, Father Sullivan is recognized as the Grand Marshal for the 2016 Omaha St. Patrick's Day Celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Father George Sullivan for his achievements and contributions.
2. That the Legislature designates March 17, 2016, as Father George Sullivan Day in the State of Nebraska.
3. That a copy of this resolution be sent to Father George Sullivan.

Laid over.

ATTORNEY GENERAL’S OPINION

Opinion 16-006

SUBJECT: Whether the Child Welfare Services Protection Act Proposed Under LB 975, as Amended, Violates State or Federal Law

REQUESTED BY: Senator Mark Kolterman
Nebraska Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
Dave Bydalek, Chief Deputy Attorney General

INTRODUCTION

LB 975, as amended by AM2308, proposes adoption of the Child Placement Services Preservation Act [the "Act"]. The Act seeks to provide faith-based child placement agencies (FBCPAs) with the ability to perform the child placement services of recruitment, training and supporting of foster family homes, while maintaining their sincerely held religious beliefs, without the threat of adverse action against them. AM2308, § 2(4).

Specifically, § 5 of the proposed legislation states:

To the fullest extent permitted by state and federal law, the state shall not take an adverse action against a child-placing agency because the agency declines to provide or facilitate a child placement service that conflicts with the child-placing agency's sincerely held religious beliefs.

You have presented a series of legal questions about whether such language complies with both constitutional and federal regulatory guidelines. In order to properly analyze the legal questions presented, it is necessary to understand how the Nebraska Department of Health and Human Services (HHS) utilizes child-placing agencies (CPAs). Accordingly, we begin our discussion with background information pertaining to the manner in which HHS contracts with CPAs to provide
foster care services for children and families.

BACKGROUND

CPAs are utilized by HHS for the primary purposes of recruiting, retaining, and supporting foster care families. In providing these services, HHS contracts with both secular and faith-based CPAs. As part of that contract, the CPAs understand that the purpose of their service is to provide Agency Supported Foster Care (ASFC) services for children and families of the State of Nebraska.1

The Subawards are normally entered into on a yearly basis and can be terminated at any time based upon mutual consent or by either party for any reason upon submission of a 90-day notice. The Subaward provides that HHS has final authority in all decisions pertaining to child welfare services, and further provides that HHS may immediately terminate the agreement if the CPA fails to perform its obligations under the subaward. The Subaward does have an antidiscrimination provision found in paragraph IV(c), but that provision relates only to employment practices by the CPAs under federal and state employment law.

The Subaward specifically notes in IV(v), titled "Independent Entity," that CPAs serve as an independent entity and that neither the CPA nor its employees shall, for any purpose, be deemed employees of HHS. A CPA shall employ and direct such personnel as it requires to perform its obligations under the Subaward, exercising full authority over its personnel in complying with all laws recognized in the employment relationship, both federal, state, county, and municipal.

The Subaward contains a "Service Attachment" which sets forth both definitions and expectations for performance by CPAs. It also includes details about reporting requirements, staff credentials, established payment rates and other details regarding the day to day services that are provided by foster care families associated with a CPA. The Service Attachment specifically defines three important terms regarding the duties performed by CPAs. Those duties are recruitment, retention, and support of foster families or prospective foster families.

With respect to recruitment, the Service Attachment provides, in pertinent part:

Recruitment of agency supported foster families is defined as active and ongoing efforts to solicit families who are invested in meeting the unique needs of children and youth served by DHHS. Recruitment includes undertaking targeted and diligent efforts to locate foster families for specific children upon request by DHHS. Recruitment efforts will include engaging communities across the state through outreach and education activities to increase awareness of the need for foster parents who reflect the ethnic and racial diversity of the children
served by DHHS. Recruitment activities may include: organizing special events, speaking engagements, advertising, and networking, etc.

The Service Attachment defines "retention" as

keeping both prospective and current foster, adoptive, and kinship families interested and invested in accepting placement of foster children by treating people well, meeting their needs, and providing encouragement and individualized support beginning with pre-service training continuing through post-placement services.

In providing recruitment and retention services, the CPAs are to develop, in collaboration with local HHS staff, a Foster Care Recruitment and Retention Plan that is reflective of the types of foster care homes needed, as well as the ethnic and racial diversity of children served in the service area. The plan must identify specific strategies designed to support and improve the retention of foster care families. The plan must also include time lines for strategy, implementation, and a specific measurable goal for increasing the number of newly licensed foster care families provided by the CPA.

Finally, the Service Attachment defines "support" as

being readily accessible and responsive to foster families in meeting their needs and intervening as necessary to stabilize crisis episodes and prevent placement disruptions. Support includes providing face-to-face visits to the foster parent's home a minimum of one time per month, and more frequently as needed based on the needs of the foster parent and or the child as determined by the Child and Adolescent Needs and Strengths (CANS) Tool or the Family Strength and Needs Assessment (FSNA) Tool. More frequent phone calls may be necessary to maintain communication and develop ongoing rapport.

Although the Subaward and Service Attachment describe the relationship between HHS and CPAs, ultimately, Neb. Rev. Stat. § 43-285 (Supp. 2015) provides that the care of the juvenile and all placement responsibilities ultimately stay with HHS in determining issues such as care, placement, medical services, psychiatric services, training, and expenditures on behalf of each juvenile committed to HHS.

ANALYSIS

Your request letter presents several questions as to whether LB 975, and AM 2308, properly contain language protecting a faith-based CPA from any adverse action if, in recruiting, selecting, training, and support of foster care families, it incorporates its sincerely held religious beliefs. Furthermore, you ask whether providing such protection from adverse action exposes HHS to significant loss of federal funding that is utilized by HHS in making payment to its CPAs and its overall foster care system.
A. Whether child-placing agencies, in providing services related to the placement of children, would be considered state actors.

You have inquired whether CPAs, in providing services for developing foster homes for the placement of children, would be considered state actors. As noted previously, HHS enters into Subawards with numerous CPAs to recruit, train and retain foster home families and services to children in need. The question raised is whether, in contracting with the State to provide these services and homes, CPAs are performing a "public function" to the extent that they should be treated as state actors. This question is important because if the CPAs are state actors, then they must comply with all the "state shall" mandates found in the U.S. Constitution. This would include the equal protection and due process obligations found in the Fourteenth Amendment. Conversely, if CPAs are private, rather than state actors, they are not subject to constitutional mandates.

The Fourteenth Amendment protections are triggered only in the presence of state action and a private entity acting on its own cannot deprive a citizen of Fourteenth Amendment rights. See, e.g., \textit{Flagg Brothers Inc. v. Brooks}, 436 U.S. 149, 156 (1978) ("[M]ost rights secured by the Constitution are protected only against infringement by governments"). The Supreme Court stated in \textit{United States v. Morrison}, 529 U.S. 598, 621 (2000), that the Fourteenth Amendment "erects no shield against merely private conduct, however discriminatory or wrongful." (quoting \textit{Shelley v. Kraemer}, 334 U.S. 1, 13 (1948)). The Constitution protects against government action, not action by a private corporation or citizens. See \textit{Rendell-Baker v. Kohn}, 457 U.S. 830, 837 (1982) (stating "the Fourteenth amendment, which prohibits the state from denying federal constitutional rights and guarantees due process, applies to acts of the states, not to acts of private parties or entities").

The U.S. Supreme Court has developed a "close nexus test" to determine whether actions taken by otherwise private entities are state action. In applying this test, the Supreme Court looks at a broad spectrum of information. The close nexus analysis is inherently fact specific. The Supreme Court has consistently emphasized that the state actor analysis focuses on the precise activity at issue. See \textit{Brentwood Academy v. Tennessee Secondary School Athletic Association}, 531 U.S. 288, 295 (2001) (noting a private entity can be said to have engaged in state action only "when it can be said that the State is responsible for the specific conduct of which the plaintiff complains"); see also \textit{Am. Mfrs. Mut. Ins. Co. v. Sullivan}, 526 U.S. 40, 51 (1991) (noting that the "state actor" inquiry "begins by identifying the specific conduct of which the plaintiff complains") (internal citations omitted); \textit{Blum v. Yaretsky}, 457 U.S. 991, 1003-04 (1982) ("Faithful adherence to the 'state action' requirement . . . requires careful attention to the gravamen of the plaintiff's complaint . . . . [C]onstitutional standards are invoked only when it can be said that the State is responsible for the specific conduct of which plaintiff complains"); \textit{Jackson v. Metro.}
Edison Co., 419 U.S. 345, 351 (1974) ("the inquiry must be whether there is a sufficiently close nexus between the State and the challenged action of the regulated entity so that the action of the latter may be fairly treated as that of the State itself.") (emphasis added).

A close nexus between the state and a private actor exists if the state has exercised a coercive power or has provided encouragement for the aggrieved action. Specifically, the Court has held that

state action requires both an alleged constitutional deprivation "caused by the exercise of some right or privilege created by the State or by a rule of conduct imposed by the State or by a person for whom the State is responsible," and that "the party charged with the deprivation must be a person who may fairly be said to be a state actor."


While AM2308 involves the area of foster care, the state actor versus private actor analysis has arisen in a broad range of cases where government and private spheres have intertwined. Case law reveals that the mere presence of a state-funded contract and regulatory scheme is not dispositive of the state action issue. For example, in Rendell-Baker, the Supreme Court held that the decisions of a private nonprofit school to discharge employees could not be attributed to the State even though the school received public funds, was subject to public regulation, served a function the State was legislatively obligated to provide, and contracted with the State to provide such services. The Court in Rendell-Baker did not attribute the school's decisions to fire the employees to the State even though public funds accounted for as much as 99% of the school's operating budget. The Court reasoned that despite such pervasive regulation, it was "not sufficient to make a decision to discharge, made by private management, state action." 457 U.S. at 842. The Court further held that even though the school was performing a public function, that fact alone did not end the state actor analysis. Rather, the relevant question "is not simply whether a private group is serving a 'public function'...[T]he question is whether the function performed has been 'traditionally the exclusive prerogative of the State.'" Id. (emphasis in original) (quoting Jackson, 419 U.S. at 353).

In Jackson v. Metro. Edison Co., a customer brought suit against a privately owned and operated utility corporation. The company had a state license to do business in Pennsylvania and was highly regulated. The customer contended the company was a state actor and had violated her civil rights by shutting off her electric service without due process. The Supreme Court found the actions of the private utility company, though subject to "extensive and detailed" regulation, were not imputable to the State. "The mere fact that a business is subject to state regulation does not by itself convert its action into that of the State for purposes of the Fourteenth Amendment." 419 U.S. at 350. There was no coercive imposition by the
state that led the company to shut off the electricity, and thus, no state action.

An instructive case in state actor analysis involving social services is *Lown v. Salvation Army*, 393 F. Supp. 2d 223 (S.D.N.Y 2005). In *Lown*, the court held that the Salvation Army, a religious corporation, did not waive its Title VII ministerial exemption when it accepted government-funded contracts to perform secular social services in the area of government-mandated custodial care for children, including foster care and adoption services. Alluding to *Rendell-Baker, Brentwood Academy* and several of the other cases cited above, the court held that the plaintiffs failed to prove that the state had any role in the development of the Salvation Army's personnel policies. 393 F. Supp. 2d at 243. Instructive in the court's analysis was the fact that employees delivering social services did not act under the control of the government. There was no evidence "that any government agents held positions of authority within the hierarchy of the Salvation Army," or that the employees received public employee benefits for their services. The court held the Salvation Army was thus not a state actor. Id. at 244.

Another case involving the state actor issue in the context of foster care is *Leshko v. Servis*, 423 F.3d 337 (3rd Cir. 2005). In this case, the foster child, Karen Leshko, was severely burned while living with her foster parents after having been removed from the custody of her natural mother. Upon reaching the age of majority, Leshko sued the foster parents and the governmental entities for depriving her of her Fourteenth Amendment right to be free from physical harm. In discussing whether the administration of foster care services has been traditionally the exclusive prerogative of the State, the court stated:

No aspect of providing care to foster children in Pennsylvania has ever been the exclusive province of the government. Even today, while removing children from their homes and placing them with other caregivers arguably are exclusively governmental functions in Pennsylvania, the hands-on care may be tendered by families, private organizations, or public agencies. 423 F.3d at 343.

In dismissing the plaintiff's case, the court noted that the traditionally exclusive public function requirement is a "rigorous standard" that is "rarely satisfied." Subsequently, there was not a close nexus between the State and the challenged action such that the private behavior could be attributed to the State itself. 423 F.3d at 346.

Numerous courts have adopted the reasoning proffered in *Lown* and *Leshko*. See *Johnson v. Rodrigues*, 293 F.3d 1196 (10th Cir. 2002) (private adoption care center did not perform functions traditionally reserved exclusively to the state and, as there was "no close union" between Utah and the private adoption center, there could be no action under color of state law). *Milburn by Milburn v. Anne Arundel Cnty. Dep't of Soc. Servs.*, 871 F.2d 474, 479 (4th Cir. 1989) ("The care of foster children is not traditionally
the exclusive prerogative of the State..."; *Rayburn ex rel. Rayburn v. Hogue*, 241 F.3d 1341, 1347 (11th Cir. 2001) (affirming district court finding that public function test was not met because "the [S]tate exercised no encouragement of the Hogue's actions, nor is foster care traditionally an exclusive [S]tate prerogative.") (alterations in original); *Phelan ex rel. Phelan v. Torres*, 843 F. Supp. 2d 259, 271 (E.D.N.Y. 2011) ("[F]oster care agencies do not perform a function that has been 'traditionally exclusively reserved to the State.'") (emphasis in original, citing *Jackson*, 419 U.S. at 352).

A common theme in cases that have otherwise found private entities to be state actors is an extremely direct relationship between the state and the challenged action of the entity. For example, in *Brentwood Academy*, the Supreme Court held that an interscholastic high school athletic association's regulatory activity was state action because of the entwinement of public officials within the association. The factors which drove the Court's decision included: public school representatives comprised 84% of the voting membership of the governing council; employees of the association were given state pensions; and Tennessee Board of Education Members were ex officio members of the governing council of the organization. 531 U.S. at 291.

In *Americans United for the Separation of Church and State v. Prison Fellowship Ministries Inc.*, 509 F.3d 406 (8th Cir. 2007), the Eighth Circuit addressed a challenge to the State's funding of a religious rehabilitation program run within the State of Iowa's prison system. The court concluded that Iowa had provided financial aid to the program, but also had given Prison Fellowship access to state corrections facilities; allowed the organization 24-hour power to incarcerate, treat, and discipline inmates; and provided "privileges in contracts with the organization." This led the court to conclude that Prison Fellowship was a state actor. 509 F.3d at 423.²

To undertake a "close nexus" analysis on AM2308 and its application to FBCPAs, it is necessary to determine, with particularity, the specific conduct which allegedly violates the Constitution, and scrutinize whether that conduct can be attributed to the State. We have reviewed the materials you provided to our office, as well as the transcript of the legislative hearing, contracts between the state and CPAs, and all pertinent statutes and regulations.

First, we are aware of concerns that LB 975 may possibly violate the Constitution by allowing FBCPAs to refuse to provide services to a child in need of foster care based on the child's religion or religious beliefs. We note that the plain language of AM2308 would clearly prohibit such action, as it would be in contravention of state and federal law for FBCPAs to discriminate against a beneficiary (the foster child).³ Also, as several FBCPAs testified at the hearing that they would not refuse to provide services to a foster child based on the child's religion or religious beliefs, it would appear to us that such a concern is not well-founded, at least based on
Second, we understand that concerns have been raised that FBCPAs will refuse to recruit prospective foster parents based on the religion or religious beliefs of those prospective foster parents (i.e., they will not assent to the FBCPA's statement of faith or religious mission). A corollary concern is that FBCPAs will not align with LGBT foster parents, or individuals living outside of traditional marital arrangements. The question, then, is whether a refusal to recruit based on the aforementioned reasons can reasonably be attributed to the State. As noted in the Background section, the Service Attachment to the Subaward between HHS and the CPA provides that recruitment "is defined as active and ongoing efforts to solicit families who are invested in meeting the unique needs of children and youth served by DHHS." Recruitment involves a variety of activities, including "organizing special events, speaking engagements, advertising, and networking." The particulars of how these recruiting goals are accomplished appears to remain largely in control of the respective CPAs. There is no indication that the State of Nebraska intrudes to any substantial degree in that process.

Moreover, a review of the materials reveals no particular facts from which to conclude a close nexus exists between CPAs and the recruitment of foster families. For example, there are no facts showing that the State has any representation on the boards of CPAs, or that CPA employees are treated as state employees. Likewise, there is nothing to suggest that CPAs utilize state property in furtherance of recruiting efforts. We think it is significant that HHS has no responsibility to monitor and regulate the foster parents until after a placement is made. And, as for placement, there is no mandate whereby a CPA is required to place any particular child in need of a foster home. "An action taken by a private entity with the mere approval or acquiescence of the state is not a state action." American Mfrs., 526 U.S. at 52. In our view, the fact that the State of Nebraska allows CPAs to recruit prospective foster care families who affirm the religiously motivated mission of those organizations does not rise to the level of making CPAs state actors.

B. Whether AM2308 violates Executive Orders No. 13279 or No. 13559.

During the legislative hearing before the Judiciary Committee, some committee members expressed concern that FBCPAs were "violating federal law." These concerns involved Executive Order 13279, signed in 2002 by President Bush and affirmed later by President Obama in Executive Order 13559. As Executive Order 13279 was substantively left unchanged by Executive Order 13559, references in the remainder of this opinion will be to Executive Order 13279 (hereinafter "EO 13279").

On January 29, 2001, President Bush created the White House Office of Faith-Based and Community Initiatives (FBCI) within the Executive Office
of the President. Later that year, he signed EO 13279, which expounded upon the principles outlined in the FBCI. These policies have since been replicated in all regulations and guidance materials relating to the FBCI, and the FBCI's regulations now affect nearly all federal funding streams for social services.

EO 13279 is entitled "Equal Protection of the Laws for Faith-Based and Community Organizations," and it declared that the government should provide a level playing field in federally funded grant programs by allowing religious and secular groups to compete for grants. Specifically, the preamble of the order indicates that it is intended to provide guidance to Federal agencies and to ensure "equal protection of the laws for faith-based and community organizations...so that they may better meet social needs in America's communities..." (EO 13279, § 2). The overarching theme of the order is thus one of equality, or even-handedness, between secular and faith-based organizations (hereinafter "FBOs") which utilize federal funding to address social welfare concerns.

Section 2 sets forth the "Fundamental Principles and Policymaking Criteria" which are to guide Federal agencies. In pertinent part, this section provides:

- FBOs must be able to compete on an equal footing for financial assistance;
- No FBO should be discriminated against because of its religion/religious belief;
- Consistent with the Free Exercise Clause and the Free Speech Clause of the Constitution, FBOs should be eligible to compete for and fully participate in such programs "without impairing their independence, autonomy, expression, or religious character."
- An FBO "may retain its independence and may continue to carry out its mission, including the definition, development, practice, and expression of its religious beliefs."
- A participating FBO "may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its organization's mission statements and other chartering or governing documents."

In addition to the accommodation of the religious nature and mission of the FBOs prescribed in the EO, Section 2 subjects FBOs to certain prohibitions. For example:

- The order prohibits FBOs from discriminating against program beneficiaries or potential beneficiaries on the basis of religion or religious belief.
- FBOs that receive direct government funding cannot use those funds on "inherently religious activities, such as worship, religious instruction, and proselytization," which need to be separated by time or space from the government-funded activities.
Participation by a beneficiary in an inherently religious activity must be voluntary and cannot be supported by Federal financial assistance. (emphasis added).

Foster care and adoption services are intended to provide needed assistance to children. Prospective foster parents stand in the position of cooperators in the provision of that assistance, not as beneficiaries. Given the breadth of the relevant EO (i.e., its application to nearly every social service program administered by the Federal Government), "beneficiaries" is most properly understood as taking on the plain meaning of those intended to be assisted by the particular program or service at issue. With respect to foster care and adoption, Title IV-E's statement of purpose is to assist states in providing foster care and adoption services "for children" (42 U.S.C. § 670) (emphasis added). This is naturally consistent with AM2308's expressed intent, which is to preserve the work of FBOs "[i]n order to serve the best interests of the children of this state[.]" (AM2308, § 2(2)) (emphasis added).

The Subaward agreement between CPAs and HHS provides that it is "designed to meet the complex needs of the children who have experienced trauma, abuse, neglect and other serious issues which require out of home placement." (Agreement p.16). In other words, the benefits of these contracts are designed to serve the foster children.

This plain meaning is confirmed by the source language of the Charitable Choice provisions found in the EO. The content of the EOs promulgated by Presidents Bush and Obama is nearly identical to that contained in the original Charitable Choice provisions adopted by President Clinton in 1996, 1998, and 2000, and applied only to three specific programs (TANF, Community Block Grants, and SAMHSA, respectively). This includes the statutory language expressed in 42 U.S.C. § 604a, where we find practical guidance for determining the scope of the meaning of "beneficiary."

42 U.S.C. § 604a(e)(1) provides the right of an "individual" who objects to the religious character of an FBO social service program to be referred to an alternative provider. The subsequent presidential orders contained a substantially similar protection for a "beneficiary[,]" (See, e.g., EO No. 13559, Sec. 2(h)(i)). But the older statute – again, the basis of the language in the subsequent orders – includes additional clarification of the meaning of "individual." First, the heading of 42 U.S.C. § 604a(e) confirms that an "individual" is indeed a "beneficiary" (even though only the latter term was carried over in the presidential orders). More specifically, the heading states: "Rights of beneficiaries of assistance[.]" (42 U.S.C. § 604a(e)) (emphasis added). The section further proceeds to provide for the rights of "individuals." (emphasis added) Then in 42 U.S.C. § 604(a)(e)(2), the statute provides that "[a]n individual described in this paragraph is an individual who receives, applies for, or requests to apply for, assistance" under the programs provided for in the statute (i.e., Titles I, II, and IV-A of the Social Security Act). (42 U.S.C. § 604(a)(e)(2)) (emphasis added). In
other words, the source language for the Charitable Choice provisions now at issue (i.e., the meaning of "beneficiary" in the later EOs) effectively defines "beneficiary" to be the one receiving or seeking assistance—not the one seeking to assist. This is consistent with the plain meaning of "beneficiary" with respect to foster care and adoption services, where it is the children who are most plainly said to receive assistance, and the foster parents who are mostly plainly said to assist.

Application of Executive Order 13279 to AM2308.

The language of AM2308 is consistent with the language and intent of EO 13279. It allows FBCPAs to compete with other CPAs without requiring them to compromise their sincerely held religious beliefs. Specifically, it allows FBCPAs to decide how to recruit and train prospective foster care families who affirm the FBCPAs' religious beliefs. The prohibitions contained in EO 13279 address delivery of needed services to the beneficiaries or potential beneficiaries, which, pursuant to AM2308, are the foster children. Therefore, the FBCPAs could not force children to attend any "inherently religious" activity.

However, a FBCPA would be allowed to recruit and train foster families that satisfy the FBCPAs' religious requirements. Once the child is placed in that family, EO 13279 would prohibit the FBCPA or the foster family from forcing the foster child, as the beneficiary, from participating in religious activities. Our review of AM2308 shows it to be consistent with the stated purpose of EO 13279.

EO 13279 has the force of law only to the extent it requires agencies of the Federal Government to allocate financial assistance for a broad range of social service programs to FBOs on an equal basis as non-faith-based organizations. It is evident that President Bush promulgated the order with the explicit purpose of applying it to nearly all social service programs. The order is nearly identical to the "Charitable Choice" protections for faith-based organizations that had previously been enacted under President Clinton and codified in statute with respect to the administration of TANF funds, Community Service Block Grants, and the Substance Abuse and Mental Health Services Act. (See, e.g., 42 U.S.C. § 604a).

Furthermore, EO 13279 called for and was implemented by a series of administrative regulations, including 45 C.F.R. § 87.2, which governs the formula and block grant administration of "any . . . program" administered by the Federal Department of Health and Human Services, including federal payments for adoption and foster care services pursuant to Title IV-E of the Social Security Act. Consistent with the directive of the Executive Order, however, the regulatory provisions do not create any substantive or procedural right of judicial review, but provide only for the "internal management" of said social service funds. (See EO 13279, § 7).
The "Fundamental Principles" contained in both EOs state that "[t]he Nation's social service capacity will benefit if all eligible organizations, including faith-based . . . organizations, are able to compete on an equal footing for Federal financial assistance used to support social service programs." (EO 13559, § 2(b)). The express purpose is to encourage FBOs to receive federal financial services in the administration of social service programs while maintaining their "religious character" and "carry[ing] out" their "mission, including the definition, practice, and expression of [their] religious beliefs . . . ." (Id., § 87.2(d)).

To read "beneficiary" to include foster parents would likely lead to an absurd result, given the purposes of the EOs. That is, the orders are intended to increase the number of FBOs that participate in the provision of social service programs with the help of federal financial assistance. To read "beneficiary" to include prospective parents in the context of adoption and foster care services would likely lead to a decrease in the aid provided by FBOs in that field, given the salience of family structure to various systems of religious belief. In other words, it strains credulity to assume that reading "beneficiary" to include "prospective parents" in the adoption and foster care context would not place a significant burden on a number of FBOs and effectively force them to close operations. We believe this result would be irrational in light of the express purposes of the EOs, and thus counsels against such a broad meaning of the term "beneficiary."

C. Whether AM2308 violates 42 U.S.C. § 1996b, § 2000d, 45 C.F.R. § 80.3(b), or 45 C.F.R. § 260.34.

You have asked whether AM2308 violates 42 U.S.C. § 1996d, 45 C.F.R. § 80.3(b), or 45 C.F.R. § 260.34. For the reasons set forth below, the answer to this question is no.


This federal statutory provision states that a "person or government that is involved in adoption and foster care placements" may not discriminate against prospective adoption and foster care parents on the basis of the parents' or the child's race, color, or national origin. See 42 U.S.C. § 1996b(1)(A)-(B). However, AM2308 expressly applies only "to the . . . extent permitted by state and federal law," and thus it incorporates by reference all federal restrictions on the otherwise broad discretion of FBCPAs. Therefore, by its own terms, AM2308 is inoperable with respect to any matter on which there is a valid law to the contrary. This would include the prohibition on CPAs discriminating in "child placement services" on the basis of race, color, or national origin, even if said limitation violated a sincerely held religious belief.

Similarly, this provision states that "[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." See 42 U.S.C. § 2000d. As a provision of federal statute, it is incorporated by reference into AM2308, which therefore cannot be understood to authorize any CPA to discriminate against any person on the basis of race, color, or national origin, even if such limitation violated a sincerely held religious belief.

45 C.F.R. § 80.3(b).

Section 80.3 of the Code of Federal Regulations essentially implements 42 U.S.C. § 2000d by prohibiting discrimination on the basis of race, color, or national origin against any person under nearly any program administered by the Federal Department of Health and Human Services. See 45 C.F.R. § 80.3(a). Section 80.3(b) specifically prohibits any "recipient under any program" from "directly or through contractual or other arrangements" discriminating on the basis of race, color, or national origin, see 45 C.F.R. § 80.3(b) (emphasis added), making clear that such restrictions apply to FBCPAs that contract with the state.

But again, AM2308 is subject to any contravening federal law. Thus, any right framed by AM2308 in absolute terms is at the same time, by the very terms of AM2308, limited by federal restrictions, including the provisions of 45 C.F.R. § 80.3 prohibiting discrimination on the basis of race, color, or national origin.

45 C.F.R. § 260.34.

45 C.F.R. § 260.34 applies to the Charitable Choice provisions in the application of TANF. TANF funding is utilized by the Nebraska DHHS-Division of Children and Family Services to pay for some child welfare services that are provided by CPAs (both secular and faith-based CPAs). CPAs do not receive TANF funding directly.

This funding is thus subject to 45 C.F.R. § 260.34. Section 260.34(f) prohibits discrimination against a "TANF applicant or recipient on the basis of religion" – in lieu of discrimination against "a beneficiary" as described by EO 13279. Insofar as TANF applies to foster care and adoption services, the beneficiary of these funds remains the child. Thus, AM2308 does not violate this provision because it is only directed towards the religious beliefs of the CPAs as it selects foster families, and not the foster children as beneficiaries.

D. Whether AM2308 puts Nebraska at risk of losing federal funding under 45 C.F.R. § 80.8(a).
You have asked whether AM2308 puts Nebraska at risk of losing federal funds under 45 C.F.R. § 80.8(a). For the reasons outlined below, the answer to this question is no.

45 C.F.R. § 80.8(a) provides for possible suspension or termination of federal financial assistance only for violations of "this regulation." The nondiscrimination provisions of the regulation are contained in 45 C.F.R. § 80.3(b) and pertain to race-based discrimination. AM2308 makes a religious exception for FBCPAs consistent with EO 13279 and in all other purposes is subject to these limitations and thus does not put the state at any risk of losing federal funds under 45 C.F.R. § 80.8(a).

E. Whether AM2308 is consistent with the Free Exercise Clause of the U.S. Constitution and art. 1, § 4 of the Nebraska Constitution.

In our response to question B., we noted that one of the fundamental principles underlying the EO is that, "[c]onsistent with the Free Exercise Clause and the Free Speech Clause of the Constitution, FBOs should be eligible to compete for and fully participate in [federally funded] programs 'without impairing their independence, autonomy, expression, or religious character.'" (EO 13279, § 2). AM2308 is also consistent with the Free Exercise Clause because it helps ensure, like the EO, that FBCPAs are positioned on equal footing with non-religious agencies in Nebraska. This position is supported by significant precedent.

The Supreme Court has held that there is nothing constitutionally suspect about government accommodation of religious organizations in their dealing and interactions with the government. Making such accommodations "follows the best of our traditions." Zorach v. Clausen, 343 U.S. 306, 314 (1952). Courts "have long recognized that the government may (and sometimes must) accommodate religious practices and that it may do so without violating the Establishment Clause." Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints v. Amos, 483 U.S. 327, 334 (1987).

Neb. Const. art. I, § 4 adopts the same standard as the Federal Free Exercise Clause. In re Interest of Anaya, 276 Neb. 825, 758 N.W.2d 10 (2008). The Nebraska Constitution also contains a "conscience clause" which is consistent with the intent of AM2308. It provides:

All persons have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences. No person shall be compelled to attend, erect or support any place of worship against his consent, and no preference shall be given by law to any religious society, nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious beliefs; but nothing herein shall be construed to
dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the Legislature to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction. (emphasis added).

Based on our review, AM2308 is consistent with these provisions of the Federal and State Constitutions.

F. Whether AM2308 violates the Establishment Clause of the U.S. Constitution or art. I, § 4 of the Nebraska Constitution.

At the outset, we note that AM2308 does not create a new scheme under which, for the first time, FBCPAs are able to compete for foster care and adoption recruitment and placement services. FBCPAs presently compete for government funding to provide such services. Assuming for the sake of argument that an Establishment Clause action was commenced against the State of Nebraska for simply allowing FBCPAs to compete with secular, non-religiously motivated CPAs, the chance of succeeding under such a legal theory would be, in our view, remote.

Pursuant to such a theory, the Establishment Clause would presumably prohibit the State from working with any religious state actor. Indeed, the logical conclusion of such a determination could have the result of precluding any religiously motivated CPA from contracting with the State as foster or adoption agencies. This outcome has no basis in our constitutional traditions. Indeed, across the nation, governmental entities regularly contract with faith-based child-welfare agencies, and that is the express contemplation of federal law and the Bush/Obama Charitable Choice Executive Orders.

Moreover, Establishment Clause claims would theoretically need to be aimed at specific actions having the effect of impermissible government advancement of religion. For example, such claims would need to allege that services provided with public funds were in and of themselves religious (i.e., inherently religious); that FBCPAs were discriminating against beneficiaries based on religion; or that a particular FBCPA was chosen because of its religious nature.

Alleged government establishments of religion are evaluated under the general framework set forth in Lemon v. Kurtzman, 403 U.S. 602 (1971), as later modified in Agostini v. Felton, 521 U.S. 203 (1997). Under Agostini, a law does not violate the Establishment Clause if: (1) it has a secular purpose; and (2) its principal or primary effect neither advances nor inhibits religion. 521 U.S. at 233-34. The factors considered in evaluating the "effects" prong are whether the law results in government indoctrination, whether the law defines recipients with respect to religion, and whether the government is excessively entangled with religion. Id.
Secular purpose

Nebraska's policy of funding foster care and adoptive placements and services is clearly not motivated by a wholly religious purpose. In fact, in reviewing the "Agency Supported Foster Care Subaward" agreements between the State of Nebraska and Nebraska CPAs, the stated purpose of such funding is "[t]o provide Agency Supported Foster Care (ASFC) services for children and families of the State of Nebraska." (Subaward at 1). This stated policy has no religious consideration.

As for AM2308, its stated purpose is "to secure safe and loving foster and adoptive homes for children in need by protecting child-placing agencies against adverse action by the state." Committee Records on LB 975, 104th Leg., 2d Sess. 18 (Introducer's Statement of Intent) (Feb. 17, 2016). The bill allows and will encourage HHS to continue its practice of contracting with a diverse array of CPAs, some of which are guided by their religious faith, to serve children in need. This stated purpose is consistent with the EOs issued by Presidents Bush and Obama, a policy which fosters accommodation of religiously oriented social service providers.

Principal or primary effect which neither advances nor inhibits religion

Once again, a perusal of the Subaward agreements reveals no design to advance religious objectives. Likewise, AM2308 portrays no intent to advance religious tenets in the administration of services to foster care and adoptive social service organizations. In fact, by the plain wording of the amendment, these organizations are constrained from proselytizing or utilizing funding for any inherently religious purpose, and may not discriminate against the beneficiaries of such services based on religion or religious belief.

Excessive entanglement

Finally, allowing FBCPAs to compete on an equal footing with secular CPAs does not create an excessive entanglement. Such a policy arguably alleviates this tension because it strikes a balance between the countervailing principles of the Free Exercise and the Establishment Clauses of the Constitution. Just as governments are prohibited from making any law establishing religion, they are likewise prevented from prohibiting the free exercise of religion. In turn, AM2308 alleviates, to the extent permitted by state and federal law, government interference with the ability of Nebraska FBCPAs to carry out their religious missions in the process of recruiting and training potential foster parents.

Under the facts and information presented to us at this time, we conclude that AM2308 does not invoke Establishment Clause concerns.

G. Whether AM2308 violates the Equal Protection Clause of the
U.S. Constitution or art. 1, § 3 of the Nebraska Constitution.

Our determination that CPAs are not state actors is dispositive of the question of whether AM2308 violates equal protection considerations. We concur with a North Dakota Attorney General Opinion regarding the constitutionality of a North Dakota bill providing similar protections to those included in AM2308. The opinion states:

A child placing agency's decision not to perform or participate in a particular placement would be a decision made by the agency and not the state. Under SB 2188 the state would remain completely neutral regarding that decision. Accordingly, a child-placing agency would not be a state actor when deciding whether to perform or participate in a placement. (2003 ND Op Atty Gen L-18 (NDAG), 2003 WL 1829244 *7).

Such state neutrality would alleviate any equal protection concerns. Pursuant to the information provided to our office and our review of AM2308, we cannot say that AM2308 violates equal protection.

CONCLUSION

Based on the foregoing, we conclude that: (1) child-placing agencies are likely not state actors; (2) AM2308 does not violate Executive Orders 13279 or 13559; (3) AM2308 does not violate 42 U.S.C. §§ 1996b and 2000d, 45 C.F.R. § 80.3(b), or 45 C.F.R. § 260.34; (4) Nebraska is not likely to lose federal funding under 45 C.F.R. § 80.8(a) if AM2308 is enacted; (5) AM 2308 is consistent with the Free Exercise Clause of the U.S. Constitution and Article 1, § 4 of the Nebraska Constitution; and (6) AM2308 does not violate the Establishment Clause or the Equal Protection Clause of the U.S. Constitution.

1 http://dhhs.ne.gov/children_family_services/SubGrants/Forms/AllItems.aspx (Link to copies of Subawards with attachments for the years 2014-2015 and 2015-2016 under the category Agency Supported Foster Care).

2 We have reviewed the Pennsylvania federal district court cases referenced during the Committee hearing on LB 975 addressing the state actor issue. Harris ex rel. Litz v. Lehigh Cnty. Office of Children & Youth Servs., 418 F. Supp. 2d 643 (E.D. Pa. 2005); Donlan v. Ridge, 58 F. Supp. 2d 604, 609 (E.D. Pa. 1999). In both cases, the court rejected claims that private foster care agencies were not state actors on the ground that the agencies were authorized to remove children from their homes, which is traditionally a function within the exclusive prerogative of the State. 418 F. Supp. 2d at 651, 58 F. Supp. 2d at 609. These cases are inapposite because, as shown in the Subaward and attachments, CPAs in Nebraska do not maintain the exclusive prerogative of the state to remove children from homes.
We deal at length with the question of the meaning of beneficiary below in our response to your second question.

An Executive Order, in and of itself, does not have the force of law. In *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952), the Supreme Court announced, with regard to Presidential Executive Orders, that "[t]he President's power, if any, to issue the order must stem either from an act of Congress or from the Constitution itself." 343 U.S. at 585. When such orders are issued pursuant to "an express or implied authorization from Congress, [the President] exercises not only his powers but also those delegated by Congress." *Dames & Moore v. Regan*, 453 U.S. 654, 668 (1981). "In such a case the executive action 'would be supported by the strongest of presumptions and the widest latitude of judicial interpretation, and the burden of persuasion would rest heavily upon any who might attack it.'" *Id.* (quoting *Youngstown Sheet & Tube Co.*, 343 U.S. at 637). The authority of Executive Order 13279 is derived from the Free Exercise Clause of the U.S. Constitution.

This qualifier effectively means: "Unless otherwise prohibited by state and federal law . . ."

Even if AM2308 did not expressly cede to supervening federal restrictions, the Supremacy Clause of the U.S. Constitution would automatically apply the federal restrictions against otherwise conflicting state-law rights. See U.S. Const. art. VI, para. 2. But AM2308's express language stating the same effectively incorporates by reference into the meaning of the state statute itself any conflicting-and thus limiting-restrictions of federal law.

Very truly yours,

DOUGLAS J. PETERSON
Attorney General

(Signed) Dave Bydalek
Chief Deputy Attorney General

pc Patrick J. O'Donnell
Clerk of the Nebraska Legislature

07-1021-29

**MOTION(S) - Confirmation Report(s)**

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 983:

- State Emergency Response Commission
  - Keith Deiml
  - Polly Jordening

Voting in the affirmative, 27:
The appointments were confirmed with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 983:

State Personnel Board
  Brian Tessman

Voting in the affirmative, 29:

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Voting in the negative, 0.

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Voting in the negative, 0.

Present and not voting, 9:

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<td>Coash</td>
<td>Haar, K.</td>
<td>Morfeld</td>
<td>Schnoor</td>
<td>Williams</td>
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<td>Cook</td>
<td>Hughes</td>
<td>Pansing</td>
<td>Brooks</td>
<td>Schumacher</td>
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Excused and not voting, 11:
The appointment was confirmed with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 983:

Chief Information Officer
   Edward A. Toner

Voting in the affirmative, 27:

Baker  Davis  Hadley  Lindstrom  Seiler
Bloomfield  Ebke  Hilkemann  Murante  Smith
Bolz  Fox  Howard  Pansing Brooks Watermeier
Brasch  Garrett  Kintner  Scheer
Cook  Gloor  Kolterman  Schnoor
Crawford  Groene  Kuehn  Schumacher

Voting in the negative, 0.

Present and not voting, 12:

Chambers  Hughes  McCoy  Schilz
Coash  Johnson  Morfeld  Stinner
Haar, K.  Kolowski  Riepe  Williams

Excused and not voting, 10:

Campbell  Friesen  Harr, B.  Larson  Mello
Craighead  Hansen  Krist  McCollister  Sullivan

The appointment was confirmed with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 983:

Nebraska Accountability and Disclosure Commission
   Jeffery T. Peetz

Voting in the affirmative, 30:
Voting in the negative, 0.

Present and not voting, 10:

Chambers Haar, K. Johnson Kolowski Smith
Coash Hughes Kintner Morfeld Williams

Excused and not voting, 9:

Campbell Hansen Krist McCollister Sullivan
Friesen Harr, B. Larson Mello

The appointment was confirmed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 722A. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 900. The Morfeld amendment, AM2343, found on page 933 and considered on pages 1001, 1002, 1004, and 1012, to the committee amendment, was renewed.

SPEAKER HADLEY PRESIDING

Senator Bloomfield offered the following motion:

MO209 Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Bloomfield moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Bloomfield requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 30:
Baker Ebke Hughes Lindstrom Schilz
Bloomfield Fox Kintner McCoy Schnoor
Brasch Friesen Koltermann Mello Schumacher
Chambers Garrett Krist Morfeld Smith
Coash Groene Kuehn Murante Stinner
Davis Harr, B. Larson Scheer Sullivan

Voting in the negative, 17:

Bolz Gloor Hilkemann McCollister Williams
Cook Haar, K. Howard Riepe
Craighead Hadley Johnson Seiler
Crawford Hansen Kolowski Watermeier

Excused and not voting, 2:

Campbell Pansing Brooks

The Bloomfield motion to invoke cloture failed with 30 ayes, 17 nays, and 2 excused and not voting.

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 803. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1033. ER183, found on page 956, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 83. ER176, found on page 805, was adopted.

Senator Kintner requested a machine vote on the advancement of the bill.

Senator Cook moved for a call of the house. The motion prevailed with 39 ayes, 1 nay, and 9 not voting.

Senator Kintner requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Baker Crawford Hansen Krist Pansing Brooks
Bolz Davis Harr, B. Larson Seiler
Chambers Gloor Howard McCollister Stinner
Cook Haar, K. Kolowski Mello Sullivan
Craighead Hadley Koltermann Morfeld Williams
Voting in the negative, 13:

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<thead>
<tr>
<th>Bloomfield</th>
<th>Friesen</th>
<th>Johnson</th>
<th>McCoy</th>
<th>Schumacher</th>
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Present and not voting, 10:

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<th>Lindstrom</th>
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<td>Ebke</td>
<td>Hilkemann</td>
<td>Murante</td>
<td>Schilz</td>
<td>Watermeier</td>
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Excused and not voting, 1:

Campbell

Advanced to Enrollment and Review for Engrossment with 25 ayes, 13 nays, 10 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 1009.** ER179, found on page 953, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 934.** ER178, found on page 953, was adopted.

Senator Coash offered his amendment, AM2544, found on page 989.

The Coash amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 934A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 817.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1109.** Senator Chambers withdrew his amendment, FA93, found on page 899.

Senator Chambers offered the following motion:

MO210
Bracket until April 20, 2016.

Senator Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.
Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 3:

Cook  Davis  McCoy

Voting in the negative, 32:

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<th>Baker</th>
<th>Garrett</th>
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<td>Friesen</td>
<td>Hughes</td>
<td>McCollister</td>
<td>Seiler</td>
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</tbody>
</table>

Present and not voting, 7:

Brasch  Crawford  Howard  Schilz
Chambers  Ebke  Krist

Excused and not voting, 7:

Campbell  Harr, B.  Morfeld  Sullivan
Groene  Kolowski  Pansing Brooks

The Chambers motion to bracket failed with 3 ayes, 32 nays, 7 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 843.** Placed on Select File with amendment.

ER195

1 1. On page 1, strike beginning with "sections" in line 1 through 2 line 5 and insert "section 81-2010.03, Reissue Revised Statutes of 3 Nebraska, section 28-801, Revised Statutes Cumulative Supplement, 2014, 4 and sections 81-1415, 81-1416, and 81-1423, Revised Statutes Supplement, 5 2015; to provide immunity from prosecution for prostitution; to transfer, 6 change, and eliminate provisions relating to payment for sexual assault 7 forensic medical examinations; to create a fund and a program; to provide 8 for an administrator; to harmonize provisions; to provide operative 9 dates; to repeal the original sections; and to outright repeal sections 10 13-607 and 13-608, Reissue Revised Statutes of Nebraska.".
LEGISLATIVE BILL 1081. Placed on Select File with amendment.

ER194

1 1. On page 7, line 16, after "to" insert "section".

(Signed) Matt Hansen, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1098A. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1098, One Hundred Fourth Legislature, Second Session, 2016.

LEGISLATIVE BILL 1105A. Introduced by Larson, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1105, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

AMENDMENT(S) - Print in Journal

Senator Gloor filed the following amendment to LB958:

AM2617

1 1. Strike the original sections and insert the following new sections:

3 Section 1. Section 13-520, Revised Statutes Supplement, 2015, is amended to read:

5 13-520 The limitations in section 13-519 shall not apply to (1) restricted funds budgeted for capital improvements, (2) restricted funds expended from a qualified sinking fund for acquisition or replacement of tangible personal property with a useful life of five years or more, (3) restricted funds pledged to retire bonded indebtedness, used by a public airport to retire interest-free loans from the Department of Aeronautics in lieu of bonded indebtedness at a lower cost to the public airport, or used to pay other financial instruments that are approved and agreed to before July 1, 1999, in the same manner as bonds by a governing body created under section 35-501, (4) restricted funds budgeted in support of a service which is the subject of an agreement or a modification of an existing agreement whether operated by one of the parties to the agreement or by an independent joint entity or joint public agency, (5) restricted funds budgeted to pay for repairs to infrastructure damaged by a natural disaster which is declared a disaster emergency pursuant to the Emergency Management Act, (6) restricted funds budgeted to pay for judgments, except judgments or orders from the Commission of Industrial Relations, obtained against a governmental unit which require or obligate a governmental unit to pay such judgment, to the extent such judgment is
not paid by liability insurance coverage of a governmental unit or a pool
of funds maintained by the governmental unit to self-insure against such
liabilities, or (7) the dollar amount by which restricted funds budgeted
by a natural resources district to administer and implement ground water
management activities and integrated management activities under the
Nebraska Ground Water Management and Protection Act exceed its restricted
funds budgeted to administer and implement ground water management
activities and integrated management activities for FY2003-04.

Sec. 2. Section 13-521, Reissue Revised Statutes of Nebraska, is
amended to read:

13-521 (1) A governmental unit may choose not to increase its total
of restricted funds by the full amount allowed by law in a particular
year. In such cases, the governmental unit may carry forward to future
budget years the amount of unused restricted funds authority as limited
by subsection (2) of this section. The governmental unit shall calculate
its unused restricted funds authority and submit an accounting of such
amount with the budget documents for that year. Such unused restricted
funds authority may then be used in later years for increases in the
total of restricted funds allowed by law. Any unused budget authority
existing on April 8, 1998, by reason of any prior law may be used for
increases in restricted funds authority.

(2) For any budget adopted by a community college for a fiscal year
beginning on or after July 1, 2016, the governing body may use such
unused restricted funds authority in an amount that does not exceed three
percent of the budget of restricted funds minus the exclusions in section
13-520 for the immediately prior fiscal year.

Sec. 3. Section 77-4212, Revised Statutes Cumulative Supplement,
2014, is amended to read:

77-4212 (1) For tax year 2007, the amount of relief granted under
the Property Tax Credit Act shall be one hundred five million dollars.
For tax year 2008, the amount of relief granted under the act shall be
one hundred fifteen million dollars. It is the intent of the Legislature
to fund the Property Tax Credit Act for tax years after tax year 2008
using available revenue. For tax year 2016 and each tax year thereafter,
it is the intent of the Legislature to sufficiently fund the Property Tax
Credit Act so as to increase the total amount of credits for agricultural
land and horticultural land above the 2015 credit level and to maintain
the total amount of credits for all other real property at the 2015
credit level. The relief shall be in the form of a property tax credit
which appears on the property tax statement.

(2) To determine the amount of the property tax credit, the county
treasurer shall multiply the amount disbursed to the county under
subsection (4) of this section by the ratio of the credit allocation real
property valuation of the parcel to the total credit allocation real
property valuation in the county. The amount determined shall be the
property tax credit for the property.

(3) If the real property owner qualifies for a homestead exemption
under sections 77-3501 to 77-3529, the owner shall also be qualified for
the relief provided in the act to the extent of any remaining liability
after calculation of the relief provided by the homestead exemption. If the credit results in a property tax liability on the homestead that is less than zero, the amount of the credit which cannot be used by the taxpayer shall be returned to the State Treasurer by July 1 of the year the amount disbursed to the county was disbursed. The State Treasurer shall immediately credit any funds returned under this section to the Property Tax Credit Cash Fund.

(4) The amount disbursed to each county shall be equal to the amount available for disbursement determined under subsection (1) of this section multiplied by the ratio of the credit allocation real property valuation in the county to the credit allocation real property valuation in the state. By September 15, the Property Tax Administrator shall determine the amount to be disbursed under this subsection to each county and certify such amounts to the State Treasurer and to each county. The disbursements to the counties shall occur in two equal payments, the first on or before January 31 and the second on or before April 1. After retaining one percent of the receipts for costs, the county treasurer shall allocate the remaining receipts to each taxing unit based on its share of the credits granted to all taxpayers in the taxing unit levying taxes on taxable property in the tax district in which the real property is located in the same proportion that the levy of such taxing unit bears to the total levy on taxable property of all the taxing units in the tax district in which the real property is located.

(5) For purposes of this section, credit allocation valuation means the taxable value for all real property except agricultural land and horticultural land, one hundred thirty-three percent of taxable value for agricultural land and horticultural land that is not subject to special valuation, and one hundred thirty-three percent of taxable value for agricultural land and horticultural land that is subject to special valuation.

(6) The State Treasurer shall transfer from the General Fund to the Property Tax Credit Cash Fund one hundred five million dollars by August 1, 2007, and one hundred fifteen million dollars by August 1, 2008.

(7) The Legislature shall have the power to transfer funds from the Property Tax Credit Cash Fund to the General Fund.

Sec. 4. Original section 13-521, Reissue Revised Statutes of Nebraska, section 77-4212, Revised Statutes Cumulative Supplement, 2014, and section 13-520, Revised Statutes Supplement, 2015, are repealed.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.

Senator B. Harr filed the following amendment to LB465:

AM2628

(Amendments to Standing Committee amendments, AM802)

1 1. On page 1, line 7, strike "2016" and insert "2017".
Senator Johnson filed the following amendment to LR378CA:
AM2562
(Amendments to Standing Committee amendments, AM2251)

1. Strike amendment 1 and insert the following new amendment:

   XV-26 (1) The citizens and lawful residents of Nebraska shall have
   the right to engage in farming and ranching practices in Nebraska,
   including the right to employ agricultural technologies and animal
   husbandry and livestock production practices.

   (2) This section shall not be construed to modify any provision of
   law relating to trespass, eminent domain, dominance of mineral interests,
   easements, rights of way, or any other property right. This section shall
   not be construed to modify, limit, or preclude legislation, regulation,
   or administration of laws, rules, and regulations by the appropriate
   state or local authorities for water quality or quantity purposes, for
   resource conservation and management, for implementation or maintenance
   of federally delegated environmental protection programs, for air or land
   pollution controls, or for land use regulation.

NOTICE OF COMMITTEE HEARING(S)
Revenue
Room 1524
Thursday, March 24, 2016 2:00 p.m.
AM2617 to LB958
(Signed) Mike Gloor, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion 16-007


REQUESTED BY: Senator Mike Groene
Nebraska Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
L. Jay Bartel, Assistant Attorney General
INTRODUCTION

LB 717 contains several provisions relating to property taxation. Section 1 of the bill amends the definition of "actual value" of real property for tax purposes by eliminating specific reference to this term meaning the "market value of real property in the ordinary course of trade." LB 717, § 1. Section 2, as amended by AM1842, would provide that, for the real property "assessment occurring as of January 1, 2016, the assessed value shall be based on the physical characteristics of the property, to include land use, as of January 1, 2016, and reflect the value the property had, or would have had, on January 1, 2015." LB 717, § 2. Section 3 amends Neb. Rev. Stat. § 77-1327 (Cum. Supp. 2014), the statute providing for the development of a sales file by the Property Tax Administrator ["PTA"] and development of assessment ratio studies by the PTA based on the sales file by removing reference to those studies being used to analyze the level "of value" for purposes of §§ 77-5017 and 79-1016, leaving their use only to analyze the "level and quality of assessment" for those purposes. LB 717, § 3. Section 4 of LB 717 amends Neb. Rev. Stat. § 77-5023, the statute providing for adjustments by the Tax Equalization and Review Commission ["TERC"] increasing or decreasing the value of a class or subclass of property so all property falls within the acceptable range for statewide equalization purposes. Specifically, § 4 proposes to amend § 77-5023(2), under which "[a]n acceptable range is the percentage of variation from a standard of valuation as measured by an established indicator of central tendency." This subsection would be amended by adding that "[t]he measure of central tendency shall be determined using sales under subsection (2) of section 77-1327 occurring five years preceding the assessment date, excluding the sales which constitute the lowest twenty percent of assessment ratios, for all classes or subclasses of real property." LB 717, § 4. The language establishing the acceptable ranges of value for agricultural and horticultural land, land receiving special valuation, or all other real property, would be altered to refer to ranges for the "level of assessment", eliminating current language referring to the percentage "of actual value" or "special valuation". Id. Subsections (3) through (5) of § 77-5023 would be amended to eliminate references to increases or decreases to the "level of value" to the midpoint of an acceptable range, replacing the term "value" with "assessment." Id. Sections 5 and 6, which amend § 77-5026 concerning TERC's notice of proposed adjustments and § 77-5027 relating to annual reports prepared by the PTA and provided to the TERC, similarly replace references to the level of "value" with the term "level of assessment". LB 717, §§ 5, 6.

In your request letter, you state that "LB 717 puts in statute that all classes of property would be assessed uniformly over a five year history of comparable sales allowing for a larger statistically accurate sample size, replacing the present method, found in Department of Revenue rules, based on a three year history for agricultural and commercial properties and two years for residential sales." You further state that "the bill trims the 20% sales with the lowest valuation to sale price ratio (present assessment over sale price) to proportionally reflect the definition of value as 'assessment' as
defined in LB 717." You state "[t]his trim also balances the currently ongoing trimming of high valuation to sales price ratio, occurring when county assessors trim certain transactions not considered at arm's length such as between family members or neighbors." Noting the requirement of uniform and proportionate taxation of real property in Neb. Const. art. VIII, §1(1), and the authorization for the Legislature to "prescribe standards and methods for the determination of the value of real property at uniform and proportionate values" in Neb. Const. art. VIII, § 1(6), you assert that "LB 717 redefines in statute the legislative definition of value by striking 'market value' which at present cannot accurately be determined by the present system....", and that "LB 717 gives an accurate definition of value as a product of an assessment." You ask for our opinion as to whether LB 717 complies with the requirement of uniform and proportionate taxation of property in art. VIII, § 1.

ANALYSIS


Neb. Const. art. VIII, § 1(1) provides: "Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchise as defined by the Legislature except as otherwise provided in or permitted by this Constitution;..." Subsection (4) of art. VIII, § 1, provides:

[T]he Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural and horticultural land which results in values that are uniform and proportionate with all other real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land;... Neb. Const. art. VIII, § 1(4).

In addition, "the Legislature may prescribe standards and methods for the determination of the value of real property at uniform and proportionate values." Neb. Const. art. VIII, § 1(6).

Neb. Rev. Stat. § 77-201(1) (2009) provides that, except for agricultural land and horticultural land, agricultural land and horticultural land subject to special valuation, and historically significant real property, "all real property in this state, not expressly exempt therefrom, shall be subject to taxation and shall be valued at its actual value." Agricultural land and horticultural land, as well as agricultural land and horticultural land qualifying for special valuation, is "subject to taxation, and shall be valued at seventy-five percent" of its actual or special value. Neb. Rev. Stat. § 77-202(2) and (3) (2009). "Actual value" is defined in Neb. Rev. Stat. § 77-112 (2009), which provides:
Actual value of real property for purposes of taxation means the market value of real property in the ordinary course of trade. Actual value may be determined using professionally accepted mass appraisal methods, including, but not limited to, the (1) sales comparison approach using the guidelines in section 77-1371, (2) income approach, and (3) cost approach. Actual value is the most probable price expressed in terms of money that a property will bring if exposed for sale in the open market, or in an arm's length transaction, between a willing buyer and willing seller, both of whom are knowledgeable concerning all the uses to which the real property is adapted and for which the real property is capable of being used. In analyzing the uses and restrictions applicable to real property, the analysis shall include a consideration of the full description of the physical characteristics of the real property and an identification of the property rights being valued.

With respect to assessment of real property taxes, Neb. Rev. Stat. § 77-1301(1) (Cum. Supp. 2014) provides: "All real property in this state subject to taxation shall be assessed as of January 1 at 12:01 a.m., which assessment shall be used as a basis of taxation until the next assessment."

II. Nebraska Case Law Discussing the Constitutional Requirement of Uniform and Proportionate Taxation.


"While absolute uniformity of approach may not be possible, there must be a reasonable attempt at uniformity." County of Sarpy v. State Bd. of Equal., 185 Neb. 760, 765, 178 N.W.2d 765, 769 (1970). "[I]n dealing with the intangible concepts of valuation and uniformity", a "mathematically precise result" can never be reached. Carpenter, 178 Neb. at 619, 134 N.W.2d at 278. "Approximation, both as to value and uniformity, is all that can be accomplished." Id. "[S]ubstantial compliance with the requirements of equality and uniformity in taxation laid down by the federal and State
Constitutions is all that is required and...such provisions are satisfied when
designed and manifest departures from the rule are avoided." Id. (emphasis
in original).

III. Potential Uniformity Clause Violations Created by LB 717.

In analyzing whether LB 717 contains provisions which may violate the
uniformity clause, three principal areas of concern arise. The first is the
"freezing" of 2016 assessed values at the level of assessed value for 2015.
The second is the apparent attempt to redefine "actual value" to mean
something different than "market value". The third is establishment of
statutory criteria for determining if classes of property fall within the
acceptable range of value by requiring use of a measure of central tendency
based on five years of sales data with exclusion of the lowest twenty percent
of assessment ratios.

A. "Freeze" of 2016 Assessed Values at the 2015 Level.

Section 2, as amended by AM1842, would provide that, for the real
property "assessment occurring as of January 1, 2016, the assessed value
shall be based on the physical characteristics of the property, to include land
use, as of January 1, 2016, and reflect the value the property had, or would
have had, on January 1, 2015." LB 717, § 2. The bill originally proposed
using the assessed value of real property on January 1, 2015, as the assessed
value for January 1, 2016. AM1842, by providing that assessed value as of
January 1, 2016, is to be based on the physical characteristics of the
property, including land use, as of that date, while reflecting the value the
property had or would have had on January 1, 2015, is intended to address
the issue of non-uniform valuation created by the original subsection 2,
which precluded the ability to change assessed values based on changes
occurring to property subsequent to January 1, 2015, such as the addition of
improvements.

Another uniformity issue, however, remains. If assessed values for 2016
are held to the assessed values used for 2015, no increase or decrease can be
made which would reflect any changes in the actual value of real property
during 2015 (other than those resulting from physical changes). Property
within the same class or subclass may increase or decrease in value during
the year, to varying degrees. Other property in the same class may remain at
relatively the same value. By holding values, similar property in the same
class may end up being under-valued or over-valued relative to other
property. While the limited one-year period may reduce this effect, a lack of
uniform and proportionate treatment of similar properties in the same class
may result from holding values for 2016 at the 2015 level. Limiting the
period to a single year may not be facially unconstitutional, but could, as
applied, lead to non-uniform taxation as to particular classes or subclasses of
Sup. Ct. 2009) (Statutes permitting indefinite use of a base year method of
valuation for property tax purposes did not facially violate Uniformity
Clause of the State Constitution, but statutes violated Uniformity Clause as applied in county).

B. Amendment to the Definition of "Actual Value".

In addition, it appears the bill, by striking the language "market value of real property in the ordinary course of trade" from the definition of "actual value" in § 77-112, somehow intends to remove consideration of "market value" as the standard of value for real property assessment. Even with this language stricken from § 77-112, the definition of "actual value" retains "market value" as the standard. The definition continues to define actual value as the "value determined using professional accepted mass appraisal methods, including, but not limited to, the (1) sales comparison approach using the guidelines in section 77-1371, (2) income approach, and (3) cost approach." LB 717, § 2. Further, it retains the language in § 77-112 providing that "[a]ctual value is the most probable price expressed in terms of money that a property will bring if exposed for sale in the open market, or in an arm's length transaction, between a willing buyer and willing seller, both of whom are knowledgeable concerning all the uses to which the real property is adapted and for which the real property is capable of being used." Id. This language is the quintessential definition of "market" or "fair market" value. See, e.g., Tech One Associates v. Board of Property Assessment, Appeals and Review, 617 Pa. 439, 465, 53 A.2d 685, 700 (Pa. 2012) ("Market value is 'a price which a purchaser, willing but not obliged to buy, would pay an owner willing, but not obligated to sell, taking into consideration all use[s] to which the property is adapted and might in reason be applied.'" (quoting Deitch Co. v. Board of Property Assessment, Appeals and Review, 417 Pa. 213, 217-18, 209 A.2d 397, 400 (1965)); Cascade Court Ltd. Partnership v. Noble, 105 Wash. App. 563, 567, 20 P.3d 997, 1000 (Wash. Ct. App. 2001) ("Market value means the amount of money which a purchaser willing, but not obliged, to buy would pay an owner willing, but not obligated, to sell, taking into consideration all uses to which the property is adapted and might in reason be applied.'" (quoting Mason Cty. Overtaxed, Inc. v. Mason Cty., 62 Wash.2d 677, 683-84, 384 P.2d 352 (Wash. 1963)).

The Nebraska Supreme Court has consistently recognized that "[f]or purposes of taxation, the terms actual value, market value, and fair market value mean the same thing." Richards v. Thayer Cty. Bd. of Equal., 178 Neb. 537, 540, 134 N.W.2d 56, 58 (1965). Accord Xerox Corp. v. Karnes, 217 Neb. 728, 732-33, 350 N.W.2d 566, 569 (1984); Gage Cty. v. State Bd. of Equal., 185 Neb. 749, 751, 178 N.W.2d 759, 762 (1970). This is consistent with the generally recognized rule that "[t]he true or actual value of property has been defined as its market value." 84 C.J.S. Taxation § 571 (2015). An earlier version of § 77-112 defining "actual value" listed "market value in the ordinary course of trade" as an element of a "formula" for determining actual value, which Justice McCown noted was "not an element but essentially the same as the 'actual value' which is to be determined." Carpenter, 178 Neb. at 631, 134 N.W.2d at 284 (McCown, J., dissenting).
Accordingly, in our view, LB 717 does not change the standard of value in § 77-112, and the standard still equates to "market value". The Constitution does permit the Legislature to "prescribe standards and methods for the determination of the value of real property at uniform and proportionate values." Neb. Const. art. VIII, § 1(6). This language authorizes the establishment of standards and methods to determine value, which historically has been interpreted to be actual value, which means the same as market value or fair market value. The Legislature may certainly adopt methods to achieve that standard, and has done so in § 77-112. The statement of intent for LB 717 indicates the bill "would strike confusing language defining valuation as Market value and thus allow the legislature to define valuations over a period of time instead of a single date in time." Committee Records on LB 717, 104th Leg., 2nd Sess., Introducer's Statement of Intent 2 (Feb. 4, 2016). Enforcement of the uniform and proportionate requirement depends on adherence to an ascertainable standard of value. Historically, actual value has been understood to be the equivalent of market value or fair market value, and has served as the standard to judge compliance with the uniformity clause. To the extent § 2 of LB 717 represents an attempt to undo that understanding, we question if it can be squared with the constitutional mandate that real property be taxed "by valuation uniformly and proportionately."

C. Requiring Use of Five Years of Sales Data and Exclusion of the Twenty Percent of Sales With the Lowest Assessment Ratio in Calculating the Measure of Central Tendency Used to Determine Whether Values Fall Within the Acceptable Range.

Section 4 of LB 717 amends § 77-5023, the statute providing for adjustments by the TERC increasing or decreasing the value of a class or subclass of property so all property falls within the acceptable range for statewide equalization purposes. Section 4 proposes to amend § 77-5023(2), under which "[a]n acceptable range is the percentage of variation from a standard of valuation as measured by an established indicator of central tendency." This subsection would be amended by adding that "[t]he measure of central tendency shall be determined using sales under subsection (2) of section 77-1327 occurring five years preceding the assessment date, excluding the sales which constitute the lowest twenty percent of assessment ratios, for all classes or subclasses of real property." LB 717, § 4.

As noted in your request letter, the Department of Revenue ["Department"] has adopted regulations regarding calculation of "the measures of central tendency and other statistical indicators of the quality of assessment, such as the coefficient of dispersion and price related differential, of all or a class or subclass of property." 350 N.A.C. § 12.003.07. The regulations establish a study period of two years for residential property, and three years for commercial property and agricultural and horticultural land. 350 N.A.C. § 12.003.07A(1)-(3). A longer or shorter study period may be used when the data developed for
these periods does not "accurately reflect the value for a county and where the change in the length of the study period will enhance the Department's ability to determine a county's level of value." 350 N.A.C. § 12.003.07A(4). "To the extent possible, sales outside the established time period will be adjusted to the mid-point of the established time period." 350 N.A.C. § 12.003.08.

The Department's regulations are consistent with recognized standards for ratio studies. The standards generally recognize that the period from which sales are drawn "should be as short as possible, no more than one year." International Association of Assessing Officers, Standard on Ratio Studies at 10 ¶ 4.4 (April 2013) ["IAAO Standard"]. The IAAO Standard recognizes, however, that "[a] longer period may be required to produce a representative sample…." Id. "To develop an adequate sample size, the sales used in a ratio can span a period of as long as five years provided there have been no significant economic shifts or changes to property characteristics and sales prices have been adjusted for time as necessary." Id. The two and three year periods adopted in the Department's regulations are consistent with the IAAO Standard, and are no doubt based on a determination that these time periods are appropriate to provide a representative sample of sales for the various property classes throughout the state.

The IAAO Standard also addresses the "trimming" of "outlier ratios." IAAO Standard at 12 ¶ 5.2. "Outlier ratios are very low or very high ratios as compared with other ratios in the sample." Id. If outlier ratios are identified, they should be removed or "trimmed" in developing the sample. IAAO Standard Appendix B. Outlier Trimming Guidelines at 53 ¶ B.3. "However, trimming of outliers using arbitrary limits, for example, eliminating all ratios less than 50 percent or greater than 150 percent, tends to distort results and should not be employed." Id.

The use of five years of sales data under § 4 of LB 717 may be questionable, as it is not apparent that use of data for this length of time is necessary to provide a representative sample of sales. The IAAO Standard, however, indicates a five year sales period can be appropriate, which may depend on the type or class of property to which it is applied. The Department's regulations currently permit deviation from the two and three year sales data periods when necessary to accurately determine the level of value. If five years of sales data is used, however, the IAAO Standard provides time adjustments of the sales data may be necessary.

While the five year sales period alone may not be unreasonable, requiring that the lowest twenty percent of ratios be excluded is more problematic. The IAAO Standard provides that "outlier" ratios should be trimmed, but the lowest ratios are not necessarily "outliers". There appears to be no sound basis to automatically remove the lowest twenty percent of ratios.
It thus appears that the use of five years of sales, when combined with elimination of the lowest twenty percent of ratios, will create a lack of uniformity among property in the various classes in relation to market value. The values of residential, commercial, and agricultural property will necessarily increase or decrease at different rates, and ultimately the use of the extended period of sales and removal of low ratio sales will create disparities in the valuation and assessment of property in the same class relative to market value.

This disparity can be illustrated using the data provided by the Department attached to your opinion request. For example, the data related to dryland shows a 2016 projected change increasing the statewide average by 4.12 percent to bring the average to 75 percent, the level of value for the agricultural land class. Utilizing the 2016 five year sales data and twenty percent trim for 2016, however, results in a 25.42 percent decrease in the statewide average. This would effectively reduce the statewide average level of value for this subclass to approximately 54 percent. The data related to grassland shows a 2016 projected change increasing the statewide average by 18.43 percent to bring the average to 75 percent. Utilizing the 2016 five year sales data and twenty percent trim, however, results in a 31.61 percent decrease in the statewide average, effectively reducing the statewide average level of value for this subclass to approximately 42 percent. The resulting disparity in average values between these subclasses of agricultural land indicates a lack of uniformity relative to actual or market value between these subclasses, when all agricultural land must be valued uniformly and proportionately.

"Real property taxes may not be equalized by merely classifying property and then arbitrarily applying a given value to all properties of that classification." Warner v. Bd. of Equal., 214 Neb. 730, 733, 335 N.W.2d 556, 577-58 (1983). "The mere fact that a formula is devised, by which property is nonuniformly and disproportionately assessed, does not satisfy the constitutional requirements." Id., 335 N.W.2d at 558. See also Carpenter, 178 Neb. at 632, 134 N.W.2d at 284 ("[T]he Legislature cannot set an arbitrary formula or standard which does not reasonably reflect 'actual value' or 'fair market value.' " (McCown, J., dissenting). The formula prescribed in LB 717 would appear to arbitrarily value property and would likely result in nonuniform and disproportionate taxation of property in the same class, in violation of art. VIII, § 1.

CONCLUSION

We conclude that the "freeze" of 2016 assessed values of real property at 2015 levels may result in a lack of uniformity among property in the same class in violation of Neb. Const. art. VIII, § 1. Further, the bill does not alter the definition of "actual value" in § 77-112 as "market value", and we question whether, if that is the intent, an ascertainable standard or method of value is established consistent with Neb. Const. art. VIII, § 1(6); given the historic understanding that "actual value" and "market value" are
synonymous. Finally, establishment of a five year sales period, when combined with exclusion of the lowest twenty percent of ratios for purposes of determining the measure of central tendency under § 77-5023(2), would appear to result in property within the same class being assessed at values that are not uniform and proportionate relative to their market value. Accordingly, it is our opinion that these provisions of LB 717 are likely unconstitutional.

1 Prior to 1992, art. VIII, § 1, required uniform taxation of "all tangible property and franchises." A constitutional amendment approved by the voters in 1992 replaced this requirement with the current language requiring taxes to be "levied by valuation uniformly and proportionately upon all real property and franchise…." Neb. Const. art. VIII, § 1 (1), as amended by 1992 Neb. Laws, LR 219 CA, § 1.

2 The Legislature also is authorized to "enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses." Neb. Const. art. VIII, § 1(5). Pursuant to this so-called "Greenbelt amendment", the Legislature has exercised this power by providing for the special valuation of certain lands used for agricultural or horticultural purposes. Neb. Rev. Stat. §§ 77-1344 to 77-1347.01 (2009 and Cum. Supp. 2014).

3 That is not to suggest that the Legislature may not establish a particular method to value a class of property other than market value which may be appropriate for that classification. For example, we have concluded the Legislature could provide that the value of agricultural land and horticultural land be determined on the basis of its earning capacity rather than as a percentage of market value. Op. Att'y Gen. No. 01013 (April 5, 2001). Our conclusion was based on the separate classification of agricultural land and horticultural land authorized under Neb. Const. art. VIII, § 1(4), and the rational basis to employ an earning capacity method of value for the taxation of agricultural land and horticultural land, provided it resulted in uniform and proportionate valuation within the class of agricultural land and horticultural land. LB 717, however, proposes no such alternative valuation for the class of agricultural land and horticultural land.

4 Section 77-1327, which provides for development of the sales file by the PTA, provides a county assessor's determination regarding the qualification of a sales will not be overturned unless, after Department review, it is determined by county assessor's decision is incorrect. Neb. Rev. Stat. § 77-1327(2) (Cum. Supp. 2014). The Department has adopted regulations regarding the inclusion of sales in the sales file, including review of a county assessor's determination "whether the sale is qualified or non-qualified for inclusion in the sales file as an arm's length transaction." 350
N.A.C. § 12.003.03C. Sales that are not based on arms-length transactions are to be excluded from the sales file.

Very truly yours,
DOUGLAS J. PETERSON
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

pc Patrick J. O'Donnell
Clerk of the Nebraska Legislature

07-1010-29

VISITOR(S)

Visitors to the Chamber were Senator Groene's wife, Barb, and Donna Tryon from North Platte; Senator Hadley's wife, Marilyn, from Kearney, Radim Krupala and Jaroslav Magnovsky from Opava, Czech Republic, and Jerry Fox from Kearney; 25 eighth-grade students from Logan Fontenelle School, Bellevue; 43 fourth-grade students and teachers from Avery Elementary, Bellevue; 19 twelfth-grade students and teacher from Southwest High School, Bartley; members of the Delta Kappa Gamma Society International Key Women Educators organization from across the state; 85 fourth-grade students from Gretna Elementary; and Joni Albrecht from Thurston.

EASE

The Legislature was at ease from 12:13 p.m. until 12:35 p.m.

SENATOR SCHEER PRESIDING

SELECT FILE

LEGISLATIVE BILL 1109. Senator Chambers offered the following motion:
MO211
Reconsider the vote taken to bracket.

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 5:
Voting in the negative, 31:

Baker Hansen Krist Pansing Brooks Smith
Bolz Hilkemann Kuehn Riepe Stinner
Craighead Hughes Lindstrom Scheer Williams
Fox Johnson McCollister Schilz
Friesen Kintner Mello Schnoor
Gloor Kolowski Morfeld Schumacher
Haar, K. Kolterman Murante Seiler

Present and not voting, 4:

Bloomfield Brasch Howard Sullivan

Excused and not voting, 9:

Campbell Garrett Hadley Larson Watermeier
Coash Groene Harr, B. McCoy

The Chambers motion to reconsider failed with 5 ayes, 31 nays, 4 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:
FA94
Strike section 1.

SENATOR LINDSTROM PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Cook

Voting in the negative, 33:
The Chambers amendment lost with 1 aye, 33 nays, 7 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO212
Reconsider the vote taken on FA94.

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 4:

Chambers  Cook  Davis  Groene

Voting in the negative, 34:

Baker  Friesen  Johnson  Mello  Schnoor
Bolz  Gloor  Kolowski  Morfeld  Schumacher
Brasch  Haar, K.  Kolterman  Murante  Smeer
Coash  Hadley  Kuehn  Riepe  Stinner
Craighead  Harr, B.  Lindstrom  Scheer
Crawford  Hilkemann  McCollister  Schilz

Present and not voting, 5:

Bloomfield  Ebke  Hansen  Howard  Sullivan
Excused and not voting, 6:

Cam Campbell  Kintner  McCoy
Garrett  Larson  Watermeier

The Chambers motion to reconsider failed with 4 ayes, 34 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

**COMMITTEE REPORT(S)**
Enrollment and Review

**LEGISLATIVE BILL 722A.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Morfeld filed the following amendment to LB586:
AM2639
(Amendments to Standing Committee amendments, AM289)
1 1. On page 1, line 12, strike "any", show as stricken, and insert
2 "a".

**SELECT FILE**

**LEGISLATIVE BILL 1109.** Senator Chambers offered the following amendment:
FA95
Page 2, lines 23-26, strike and show as stricken; renumber.

**SPEAKER HADLEY PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 2:

Cook  Groene

Voting in the negative, 32:
The Chambers amendment lost with 2 ayes, 32 nays, 6 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
MO213
Reconsider the vote taken on FA95.

Senator Murante offered the following motion:
MO214
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Murante moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Murante requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 37:

Baker   Haar, K.   Kintner   Morfeld   Seiler
Bolz    Hadley    Kolowski  Murante  Smith
Coash   Hansen   Kolterman Pansing Brooks Stinner
Craighead Harr, B. Krist     Riepe      Watermeier
Fox     Hilkemann Kuehn    Scheer    Williams
Friesen Howard    Lindstrom Schilz
Garrett Hughes    McCollister Schnoor
Gloor    Johnson  Mello    Schumacher

Voting in the negative, 8:

Bake    Rool  Johnson Pansing Brooks Smith
Bolz    Haar, K. Kolterman Riepe Stinner
Brasch  Hadley    Kuehn    Scheer Watermeier
Coash   Hansen   Lindstrom Schilz Williams
Crawford Harr, B. McCollister Schnoor
Fox     Hilkemann Morfeld  Schumacher
Friesen Hughes    Murante  Seiler

Present and not voting, 6:

Chambers Howard    Krist
Davis    Kolowski  Sullivan

Excused and not voting, 9:

Bloomfield Craighead Garrett Larson Mello
Campbell Ebke  Kintner McCoy

The Chambers amendment lost with 2 ayes, 32 nays, 6 present and not voting, and 9 excused and not voting.
Brasch        Cook        Davis        Groene
Chambers      Crawford    Ebke        Sullivan

Present and not voting, 1:

Bloomfield

Excused and not voting, 3:

Campbell     Larson       McCoy

The Murante motion to invoke cloture prevailed with 37 ayes, 8 nays, 1
present and not voting, and 3 excused and not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 4:

Chambers     Cook        Davis        Groene

Voting in the negative, 40:

Baker        Friesen     Howard      Lindstrom    Schilz
Bloomfield   Garrett     Hughes      McCollister   Schnoor
Bolz         Gloor       Johnson     Mello        Schumacher
Brasch        Haar, K.   Kintner     Morfeld      Seiler
Coash        Hadley      Kolowski    Murante      Smith
Craighead    Hansen      Koltermann  Pansing      Stinner
Crawford     Harr, B.    Krist       Riepe        Watermeier
Fox          Hilkemann   Kuehn      Scheer       Williams

Present and not voting, 2:

Ebke         Sullivan

Excused and not voting, 3:

Campbell     Larson       McCoy

The Chambers motion to reconsider failed with 4 ayes, 40 nays, 2 present
and not voting, and 3 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 36:
Voting in the negative, 8:

Bloomfield Chambers Davis Groene
Brasch Cook Ebke Sullivan

Present and not voting, 2:

Crawford Riepe

Excused and not voting, 3:

Campbell Larson McCoy

Advanced to Enrollment and Review for Engrossment with 36 ayes, 8 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**AMENDMENT(S) - Print in Journal**

Senator Smith filed the following amendment to LB977:

AM2623

(Amendments to Standing Committee amendments, AM2318)

1. Insert the following new sections:

2 Sec. 4. Section 23-187, Revised Statutes Supplement, 2015, is amended to read:

4 23-187 (1) In addition to the powers granted by section 23-104, a county may, in the manner specified by sections 23-187 to 23-193, regulate the following subjects by ordinance:

7 (a) Parking of motor vehicles on public roads, highways, and rights-of-way as it pertains to snow removal for and access by emergency vehicles to areas within the county;

10 (b) Motor vehicles as defined in section 60-339 that are abandoned on public or private property;

12 (c) Low-speed vehicles as described and operated pursuant to section 60-6,380;

14 (d) Golf car vehicles as described and operated pursuant to section 60-6,381;

16 (e) Graffiti on public or private property;

17 (f) False alarms from electronic security systems that result in
requests for emergency response from law enforcement or other emergency responders;

(2) For the enforcement of any ordinance authorized by this section, a county may impose fines, forfeitures, or penalties and provide for the recovery, collection, and enforcement of such fines, forfeitures, or penalties. A county may also authorize such other measures for the enforcement of ordinances as may be necessary and proper. A fine enacted pursuant to this section shall not exceed five hundred dollars for each offense.

Sec. 21. Section 60-681, Reissue Revised Statutes of Nebraska, is amended to read:

Local authorities may by ordinance or resolution prohibit the operation of vehicles upon any highway or impose restrictions as to the weight of vehicles, for a total period not to exceed one hundred eighty days in any one calendar year, when operated upon any highway under the jurisdiction of and for the maintenance of which such local authorities are responsible whenever any such highway by reason of deterioration, rain, snow, or other climatic condition will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weight thereof reduced. Such local authorities enacting any such ordinance or resolution shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution at each end of that portion of any highway affected thereby, and the ordinance or resolution shall not be effective until such signs are erected and maintained.

Local authorities may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles or impose limitations as to the weight thereof on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

2. On page 27, line 14, after "60-6,294" insert "but shall be subject to any ordinances or resolutions enacted by local authorities pursuant to section 60-681".

3. Renumber the remaining sections and correct internal references accordingly.

4. Correct the operative date and repealer sections so the sections added by this legislative bill become operative three calendar months after the adjournment of this legislative session.
RESOLUTION(S)

LEGISLATIVE RESOLUTION 493. Introduced by Scheer, 19.

PURPOSE: The purpose of this resolution is to study whether the Nebraska Appraisal Management Company Registration Act should be updated. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Real Property Appraiser Board and should consider the input of interested persons as the committee deems necessary or appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 754. Senator Garrett offered the following amendment:
AM2625
(Amendments to Standing Committee amendments, AM2103)
1 1. Insert the following new sections:
2 Sec. 7. Section 55-401, Reissue Revised Statutes of Nebraska, is amended to read:
3 55-401 Sections 55-401 to 55-480 and section 10 of this act shall be known and may be cited as the Nebraska Code of Military Justice.
4 Sec. 8. Section 55-402, Reissue Revised Statutes of Nebraska, is amended to read:
5 55-402 As used in the Nebraska Code of Military Justice sections 55-401 to 55-480, unless the context otherwise requires:
6 (1) Military forces shall mean the National Guard, also called the Nebraska National Guard and also hereinafter referred to as the Army National Guard and Air National Guard, and in addition thereto, the militia when called into active service of this state;
7 (2) Officer shall mean a commissioned officer including a commissioned warrant officer;
8 (3) Superior officer shall mean an officer superior in rank or command;
9 (4) Enlisted person shall mean any person who is serving in an enlisted grade in any military force;
10 (5) Accuser shall mean a person who signs and swears to charges, to any person who directs that charges nominally be signed and sworn by
another, and to any other person who has an interest other than an
official interest in prosecution of the accused;
(6) Military judge shall mean an official of court-martial detailed
in accordance with section 55-422; and
(7) Code shall mean the Nebraska Code of Military Justice provisions
of sections 55-401 to 55-480.
Sec. 9. Section 55-416, Reissue Revised Statutes of Nebraska, is
amended to read:
55-416 (1) Under such regulations as the Governor may prescribe,
limitations may be placed on the powers granted by this section with
respect to the kind and amount of punishment authorized, the categories
of commanding officers and warrant officers exercising command authorized
to exercise those powers, the applicability of the code sections 55-401
to 55-480 to an accused who demands trial by court-martial, but
punishment may not be imposed upon any member of the military forces
under this section if the member has, before the imposition of such
punishment, demanded trial by court-martial in lieu of such punishment.
Under similar regulations, rules may be prescribed with respect to the
suspension of punishments authorized hereunder.
(2) Subject to subsection (1) of this section, any commanding
officer may, in addition to or in lieu of admonition or reprimand, impose
one or more of the following disciplinary punishments for minor offenses
without the intervention of a court-martial:
(a) Upon officers of his or her command:
(i) Restriction to certain specified limits, with or without
suspension from duty, for not more than ten consecutive days; or
(ii) If imposed by a general officer in command, arrest in quarters
for not more than fourteen consecutive days; forfeiture of not more than
one-half of one month's pay per month for two months; restriction to
certain specified limits, with or without suspension from duty, for not
more than fourteen consecutive days; or detention of not more than one-
half of one month's pay per month for three months; and
(b) Upon other personnel of his or her command:
(i) Correctional custody for not more than seven consecutive days;
(ii) Forfeiture of not more than seven days' pay;
(iii) Reduction to the next inferior pay grade, if the grade from
which demoted is within the promotion authority of the officer imposing
the reduction or any officer subordinate to the one who imposes the
reduction;
(iv) Extra duties, including fatigue or other duties, for not more
than ten consecutive days;
(v) Restriction to certain specified limits, with or without
suspension from duty, for not more than ten consecutive days;
(vi) Detention of not more than fourteen days' pay; or
(vii) If imposed by an officer of the grade of major or above,
correctional custody for not more than fourteen consecutive days;
forfeiture of not more than one-half of one month's pay per month for two
months; reduction to the lowest or any intermediate pay grade, if the
grade from which demoted is within the promotion authority of the officer
imposing the reduction or any officer subordinate to the one who imposes
the reduction, but an enlisted member in a pay grade above E-4 may not be
reduced more than two pay grades; extra duties, including fatigue or
other duties, for not more than fourteen consecutive days; restrictions
to certain specified limits, with or without suspension from duty, for
not more than fourteen consecutive days; or detention of not more than
one-half of one month's pay per month for three months.

Detention of pay shall be for a stated period, but if the offender's
term of service expires earlier, the detention shall terminate upon that
expiration. No two or more of the punishments of arrest in quarters,
correctional custody, extra duties, and restriction may be combined to
run consecutively in the maximum amount imposable for each. Whenever any
of those punishments are combined to run consecutively, there must be an
apportionment. In addition, forfeiture of pay may not be combined with
detention of pay without an apportionment. For the purposes of this
subsection, correctional custody is the physical restraint of a person
during duty or nonduty hours and may include extra duties, fatigue
duties, or hard labor. If practicable, correctional custody will not be
served in immediate association with persons awaiting trial or held in
confinement pursuant to trial by court-martial.

(3) An officer in charge may impose upon enlisted members assigned
to the unit of which he or she is in charge such of the punishments
authorized under subsection (2)(b) of this section as the Governor may
specifically prescribe by regulation.

(4) The officer who imposes the punishment authorized in subsection
(2) of this section, or his or her successor in command, may, at any
time, suspend probationally any part or amount of the unexecuted
punishment imposed and may suspend probationally a reduction in grade or
a forfeiture imposed under subsection (2) of this section, whether or not
executed. In addition, he or she may, at any time, remit or mitigate any
part or amount of the unexecuted punishment imposed and may set aside in
whole or in part the punishment, whether executed or unexecuted, and
restore all rights, privileges, and property affected. He or she may also
mitigate reduction in grade to forfeiture or detention of pay. When
mitigating:

(a) Arrest in quarters to restriction;
(b) Confinement on bread and water or diminished rations to
    correctional custody;
(c) Correctional custody or confinement on bread and water or
    diminished rations to extra duties or restriction, or both; or
(d) Extra duties to restriction, the mitigated punishment shall not
    be for a greater period than the punishment mitigated. When mitigating
    forfeiture of pay to detention of pay, the amount of the detention shall
    not be greater than the amount of the forfeiture. When mitigating
    reduction in grade to forfeiture or detention of pay, the amount of the
    forfeiture or detention shall not be greater than the amount that could
    have been imposed initially under this section by the officer who imposed
    the punishment mitigated.

(5) A person punished under this section who considers his or her
punishment unjust or disproportionate to the offense may, through the proper channel, appeal to the next superior authority. The appeal shall be promptly forwarded and decided, but the person punished may in the meantime be required to undergo the punishment adjudged. The superior authority may exercise the same powers with respect to the punishment imposed as may be exercised under subsection (4) of this section by the officer who imposed the punishment. Before acting on an appeal from a punishment of:

(a) Arrest in quarters for more than seven days;
(b) Correctional custody for more than seven days;
(c) Forfeiture of more than seven days' pay;
(d) Reduction of one or more pay grades from the fourth or a higher pay grade;
(e) Extra duties for more than ten days;
(f) Restriction for more than ten days; or
(g) Detention of more than fourteen days' pay, the authority who is to act on the appeal shall refer the case to a judge advocate for consideration and advice, and may so refer the case upon appeal from any punishment imposed under subsection (2) of this section.

(6) The imposition and enforcement of disciplinary punishment under this section for any act or omission is not a bar to trial by court-martial for a serious crime or offense growing out of the same act or omission, and not properly punishable under this section; but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

(7) The Governor may, by regulation, prescribe the form of records to be kept of proceedings under this section and may also prescribe that certain categories of those proceedings shall be in writing.

(8) Any punishment authorized by this section which is measured in terms of days shall, when served in a status other than annual field training, be construed to mean consecutive active service days.

Sec. 10. (1) Any commanding officer, with regard to enlisted members, and any general officer, with regard to officers, may issue summarized administrative discipline for minor offenses. A minor offense shall be any offense which, under the Uniform Code of Military Justice of the United States, 10 U.S.C. chapter 47, or other military or civilian law or military custom, has a maximum penalty of confinement for one year or less.

(2) In accordance with subsection (1) of this section, any commanding officer or general officer, after consultation with a duly appointed judge advocate in the Nebraska National Guard, may impose one or more of the following disciplinary actions for minor offenses without the intervention of a court-martial:

(a) Upon officers:
(i) Restriction to certain specified limits, with or without suspension from duty, for up to seven days; or
(ii) Forfeiture of pay for up to one day; and
(b) Upon enlisted personnel:
   (i) Restriction to certain specified limits, with or without
       suspension from duty, for not more than seven consecutive days;
   (ii) Forfeiture of pay for up to one day; or
   (iii) Extra duty not to exceed ten days.

(3) Consecutive summarized administrative discipline for the same
offense or incident is not authorized.

(4) The officer who imposes the summarized administrative discipline
as provided in subsection (2) of this section, or a successor in command,
may, at any time, suspend probationally any part or amount of the
unexecuted discipline imposed. In addition, the officer or successor in
command may, at any time, remit or mitigate any part or amount of the
unexecuted discipline imposed and may set aside in whole or in part the
discipline, whether executed or unexecuted, and restore all rights,
privileges, and property affected.

(5) A person disciplined under this section who considers his or her
discipline unjust or disproportionate to the offense may, within twenty-
four hours of the announcement of findings and through the proper
channel, appeal to the next superior authority or general officer. The
appeal and record of the hearing shall be promptly forwarded and decided,
but the person disciplined may in the meantime be required to undergo the
discipline adjudged. The superior authority or general officer may
exercise the same powers with respect to the discipline imposed as may be
exercised under subsection (4) of this section by the officer who imposed
the discipline. No appeal may be taken beyond the Adjutant General, and
if the Adjutant General proposed the discipline under this section, the
person may request reconsideration by the Adjutant General. Only one
appeal or request for reconsideration shall be permitted.

(6) The imposition and enforcement of summarized administrative
discipline under this section for any act or omission is not a bar to
trial by court-martial for a serious crime or offense growing out of the
same act or omission and not properly punishable under this section. The
fact that summarized administrative discipline has been enforced may be
shown by the accused upon trial, and when so shown shall be considered in
determining the measure of punishment to be adjudged in the event of a
finding of guilty.

(7) Any summarized administrative discipline authorized by this
section shall be executed within one year of the imposition of the
discipline during any one or more periods of military duty.

(8) The enlisted member or officer shall be given twenty-four hours
written notice of the intent to impose summarized administrative
discipline under this section. Such notice shall include:
   (a) The offense committed;
   (b) A brief, written summary of the information upon which the
       allegations are based and notice that the enlisted member or officer may
       examine the statements and evidence;
   (c) The possible disciplinary actions;
   (d) An explanation that the rules of evidence do not apply at the
       hearing and that any testimony or evidence deemed relevant may be
(e) The date, time, and location of the hearing; and

(f) The enlisted member’s or officer's rights, which shall include:

(i) Twenty-four hour notice of the hearing and twenty-four hours to prepare for the hearing, which time shall run concurrently;

(ii) The right to appear personally before the officer proposing the summarized administrative discipline or the officer's delegate if the officer proposing the discipline is unavailable. The officer proposing such discipline must render findings based upon the record prepared by the delegate;

(iii) To be advised that he or she shall not be compelled to give evidence against himself or herself;

(iv) Notice as prescribed in this subsection;

(v) Examining the evidence presented or considered by the officer proposing the discipline;

(vi) Presenting matters in defense, extenuation, and mitigation orally, in writing, or both;

(vii) Presenting witnesses that are reasonably available. A witness is not reasonably available if his or her presence would unreasonably delay the hearing, there is a cost to the government, or military duty precludes a military member’s participation in the opinion of such military member’s commander;

(viii) Consultation prior to the hearing with a trial defense attorney appointed in the Nebraska National Guard, if he or she is reasonably available. A trial defense attorney is not reasonably available if his or her presence would unreasonably delay the hearing, there is a cost to the government, or military duties or civilian employment precludes such trial defense attorney's participation, in the opinion of such trial defense attorney. Consultation with the trial defense attorney may be through personal contact, telephonic communication, or other electronic means available at no cost to the government;

(ix) To have an open hearing; and

(x) To waive in writing or at the hearing any or all of the enlisted member’s or officer's rights.

(9) After considering the evidence, the officer proposing the discipline shall (a) announce the findings in writing with regard to each allegation, (b) inform the enlisted member or officer of the discipline imposed, if any, and (c) advise the enlisted member or officer of his or her right to appeal.

(10) The Adjutant General may adopt and promulgate regulations or policies to implement this section.

Sec. 11. Section 55-418, Reissue Revised Statutes of Nebraska, is amended to read:

55-418 A court-martial as defined in the code sections 55-401 to 55-480 shall have jurisdiction to try persons subject to the this code for any offense defined and made punishable by the code sections 55-401 to 55-480 and may, under such limitations and regulations as the Governor may prescribe, adjudge any of the following penalties:
24 (1) Confinement at hard labor for not more than six months;
25 (2) Hard labor without confinement for not more than three months;
26 (3) Forfeitures or detentions of pay not exceeding two-thirds pay per month for six months;
28 (4) Bad conduct discharge;
29 (5) Dishonorable discharge;
30 (6) Reprimand; or
31 (7) Reduction of noncommissioned officers to the ranks, and to combine any two or more of such punishments in the sentence imposed.

Sec. 12. Section 55-419, Reissue Revised Statutes of Nebraska, is amended to read:

55-419 The jurisdiction of a court-martial is limited to the trial of persons accused of military offenses as described in the code sections 55-401 to 55-480. Persons subject to the code sections 55-401 to 55-480 who are accused of offenses cognizable by the civil courts of this state or any other state where the military forces are present in that state may, upon accusation, be promptly surrendered to civil authorities for disposition, urgencies of the service considered. If the person subject to the code sections 55-401 to 55-480 is accused of both a military offense under the code sections 55-401 to 55-480 and a civil offense by the civil authorities, he or she shall be released to the civil authorities if the crime for which he or she is accused by the civil authorities carries a penalty in excess of the maximum penalty provided by the code sections 55-401 to 55-480.

Sec. 13. Section 55-427, Reissue Revised Statutes of Nebraska, is amended to read:

55-427 A person charged with any offense is not liable to be tried by court-martial or punished under section 55-416 or section 10 of this act if the offense was committed more than two years before the receipt of sworn charges and specifications by an officer exercising court-martial jurisdiction as set forth in the code sections 55-401 to 55-480.

Sec. 14. Section 55-428, Reissue Revised Statutes of Nebraska, is amended to read:

55-428 (1) Any person not subject to the code sections 55-401 to 55-480 who:
(a) Has been duly subpoenaed to appear as a witness before a court-martial, military commission, court of inquiry, or any other military court or board, or before any military or civil officer designated to take a deposition to be read in evidence before such a court, commission, or board;
(b) Has been duly paid or tendered the fees of a witness at the rates allowed to witnesses attending the district courts of the State of Nebraska and mileage at the rate provided in section 81-1176 for state employees; and
(c) Willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or to produce any evidence which that person may have been legally subpoenaed to produce, is guilty of a Class II misdemeanor.

2 The Attorney General of Nebraska, upon the certification of the
11 facts to him or her by the military court, commission, or board shall
12 file an information against and prosecute any person violating this
13 section.
14 (3) The fees and mileage of witnesses shall be advanced or paid out
15 of the appropriations for the compensation of witnesses.
16 Sec. 15. Section 55-452, Reissue Revised Statutes of Nebraska, is
17 amended to read:
18 55-452 (1) An act done with specific intent to commit an offense
19 under the code sections 55-401 to 55-480, amounting to more than mere
20 preparation and tending, even though failing, to effect its commission is
21 an attempt to commit that offense.
22 (2) Any person subject to the this code who attempts to commit any
23 offense punishable by the this code shall be punished as a court-martial
24 may direct, unless otherwise specifically prescribed.
25 (3) Any person subject to the this code may be convicted of an
26 attempt to commit an offense although it appears on the trial that the
27 offense was consummated.
28 Sec. 16. Original sections 55-401, 55-402, 55-416, 55-418, 55-419,
29 55-427, 55-428, and 55-452, Reissue Revised Statutes of Nebraska, are
30 repealed.

The Garrett amendment was adopted with 30 ayes, 1 nay, 14 present and not
voting, and 4 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 40 ayes, 1 nay, 4
present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 754A. Advanced to Enrollment and Review for
Engrossment.

LEGISLATIVE BILL 1082. ER185, found on page 970, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1082A. Senator Schilz offered the following
amendment:

AM2620
1 1. Strike the original section and insert the following new section:
2 Section 1. There is hereby appropriated (1) $250 from the Oil and
3 Gas Conservation Fund and $750 from federal funds for FY2016-17 and (2)
4 $250 from the Oil and Gas Conservation Fund and $750 from federal funds
5 for FY2017-18 to the Nebraska Oil and Gas Conservation Commission, for
6 Program 335, to aid in carrying out the provisions of Legislative Bill
7 1082, One Hundred Fourth Legislature, Second Session, 2016.
8 Total expenditures for permanent and temporary salaries and per
9 diems from funds appropriated in this section shall not exceed $1,000 for
10 FY2016-17 or $1,000 for FY2017-18.
The Schilz amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 906.** ER186, found on page 971, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 794.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 867.** ER180, found on page 955, was adopted.

Senator Watermeier offered his amendment, AM2548, found on page 1008.

The Watermeier amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 867A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 894.** ER181, found on page 955, was adopted.

Senator Howard offered her amendment, AM2600, found on page 1009.

The Howard amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Senator Krist offered his amendment, AM2610, found on page 1009.

Senator Chambers offered the following amendment to the Krist amendment:

AM2630

(Amendments to AM2610)

1. On page 1, line 10, after "exists" insert "or the court"
2. determines that an appointment outside of the guardian ad litem division
3. would be more appropriate to serve the child's best interests".
4. On page 3, line 28, strike "and if" and insert "unless"; and
5. strike beginning with the underscored comma in line 28 through "division"
6. in line 29 and insert "or the court determines that an appointment"
7. outside of the guardian ad litem division would be more appropriate to
8. serve the child's best interests".
9. On page 4, line 31, after "experience" insert "as a guardian ad
10. litem for children, including both trial and appellate practice
11. experience.".
On page 5, lines 18, after "appointed" insert "outside of the guardian ad litem division"; and in lines 20 through 26 strike the new matter and reinstate the stricken matter.

The Chambers amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

The Krist amendment, as amended, was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Senator Coash withdrew his amendment, AM2556, found on page 1014.

Senator Coash offered his amendment, AM2616, found on page 1015.

The Coash amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Senator Coash offered the following amendment:

AM2621

(Amendments to E and R amendments, ER181)

1. Insert the following new sections:

Sec. 16. Section 43-2,119, Reissue Revised Statutes of Nebraska, is amended to read:

43-2,119 (1) The number of judges of the separate juvenile court in counties which have established a separate juvenile court shall be:

(a) Two judges in counties having seventy-five thousand inhabitants but less than two hundred thousand inhabitants;

(b) Four judges in counties having at least two hundred thousand inhabitants but less than four hundred thousand inhabitants; and

(c) Six judges in counties having four hundred thousand inhabitants or more.

(2) The senior judge in point of service as a juvenile court judge shall be the presiding judge. The judges shall rotate the office of presiding judge every three years unless the judges agree to another system.

Sec. 24. Sections 24 and 26 become operative on July 1, 2017. The other sections of this act become operative on their effective date.

Sec. 26. Original section 43-2,119, Reissue Revised Statutes of Nebraska, is repealed.

2. Renumber the remaining sections accordingly.

Senator Chambers offered the following motion:

MO215

Recommit to the Judiciary Committee.

Senator Chambers withdrew his motion.

Senator Coash withdrew his amendment, AM2621.
Pending.

COMMITTEE REPORT(S)
Education

LEGISLATIVE BILL 959. Placed on General File with amendment. AM2622 is available in the Bill Room.

(Signed) Kate Sullivan, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 494. Introduced by Murante, 49.

WHEREAS, the Gretna High School boys' basketball team won the 2016 Class B Boys' State Basketball Championship; and
WHEREAS, the Gretna Dragons defeated the Scottsbluff Bearcats in the championship game by a score of 52-33; and
WHEREAS, this is the Dragons' first state title in boys' basketball since 1982; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates the Gretna High School boys' basketball team on winning the 2016 Class B Boys' State Basketball Championship.
2. That a copy of this resolution be sent to the Gretna High School boys' basketball team and Coach Brad Feeken.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Groene filed the following amendment to LB910:
AM2624
(Amendments to E & R amendments, ER182)
1 1. On page 6, line 8, strike the new matter and reinstate the
2 stricken matter; and after line 27 insert the following new subdivision:
3 *(b) A person with one or more felony convictions for the possession
4 or use of a controlled substance shall only be eligible to receive
5 Supplemental Nutrition Assistance Program benefits under this subsection
6 if he or she (i) is participating in or has completed a state-licensed or
7 nationally accredited substance abuse treatment program since the date of
8 his or her most recent conviction or (ii) voluntarily submits to a drug
9 test, verified by a laboratory approved by the Department of Health and
10 Human Services, the results of which test are negative with respect to
11 any illegal substances prior to receiving Supplemental Nutrition
Assistance Program benefits and continues to agree to drug tests at random intervals thereafter, no less than every six months. The determination of participation or completion of such a substance abuse treatment program or negative drug test results shall be certified by the treatment provider administering the program or the laboratory verifying the drug test to the department.

(c) A person shall be ineligible for Supplemental Nutrition Assistance Program benefits under this subsection if he or she has been convicted of a felony involving the sale or distribution of a controlled substance.

Senator Schumacher filed the following amendment to LB894:

(AMENDMENTS TO E AND R AMENDMENTS, ER181)

1 1. Strike section 1.
2 2. On page 15, line 13, after the period insert "Whether such counsel shall be provided at the cost of the county shall be determined as provided in subsection (1) of section 43-272."
3 3. On page 18, lines 8 through 29, strike the new matter and reinstate the stricken matter.
4 4. On page 19, lines 19 and 20, strike the new matter and reinstate 8 the stricken matter.
5 5. On page 20, strike lines 6 and 7; in line 8 strike "(4)" and 10 insert "(3)"; and in line 10 strike "(5)" and insert "(4)".
6 6. Renumber the remaining sections, correct internal references, and 12 correct the repealer accordingly.

Senator Morfeld filed the following amendment to LB1093:

(AMENDMENTS TO STANDING COMMITTEE AMENDMENTS, AM2391)

1 1. Insert the following new sections:
2 Section 1. Section 50-501, Reissue Revised Statutes of Nebraska, is amended to read:
4 50-501  (1) The Legislature recognizes the importance of biotechnology and the role that biotechnology plays in the economic well-being of the State of Nebraska. The Natural Resources Committee of the Legislature shall be responsible for the development of a statewide strategic plan for biotechnology in Nebraska. The plan shall include a baseline review and assessment of the potential in the biotechnology economy in Nebraska and a strategic plan for the state’s efforts in creating wealth and jobs in the biotechnology economy. The plan shall address strategies for developing the biotechnology economy and shall include, but not be limited to, research, testing, agricultural feedstock and chemicals, drugs and other pharmaceuticals, medical materials, medical laboratories, and advanced biofuels. The plan shall estimate the wealth and the number of jobs that may be generated from expanding the biotechnology economy.
6 (2) The Natural Resources Committee of the Legislature, in consultation with the Executive Board of the Legislature, shall
(1) The Bioscience Steering Committee is created. The committee shall consist of the chairperson of the Revenue Committee of the Legislature or his or her designee, the chairperson of the Appropriations Committee or his or her designee, and three members of the Legislature selected by the Executive Board of the Legislative Council. The executive board shall appoint a chairperson and vice-chairperson of the committee. (2) The committee shall conduct a study to measure the impact of the bioscience economy in Nebraska and prepare a strategic plan for growing the bioscience economy in Nebraska. The strategic plan shall report on any progress or remaining work since the last study conducted on the bioscience industry. The strategic plan shall further propose strategies for developing the bioscience economy and shall include, but not be limited to, strategies to (a) stimulate job growth in the fields of science, technology, and engineering throughout Nebraska, (b) encourage individuals and organizations engaged in the biotechnology businesses to locate and expand in Nebraska, (c) capture and commercialize technology that is discovered and developed in Nebraska, (d) grow Nebraska’s investment capital market and incentivize investment in life science start-up companies, and (e) develop Nebraska’s biotechnology workforce in cooperation with higher education institutions. The strategic plan shall estimate the wealth and number of jobs generated from expanding the bioscience economy. (3) The committee, in consultation with the executive board, shall commission a nonprofit corporation to provide research, analysis, and recommendations to the committee for the development of the study and strategic plan. The nonprofit corporation shall be incorporated pursuant to the Nebraska Nonprofit Corporation Act, shall be organized exclusively for nonprofit purposes within the meaning of section 501(c)(6) of the Internal Revenue Code as defined in section 49-801.01, shall be engaged in activities to facilitate and promote the growth of life sciences within Nebraska, shall be dedicated to the development and growth of the biotechnology economy, and shall agree to remit one hundred thousand dollars to the State Treasurer for credit to the Biotechnology Development Cash Fund for the research required by this section. The nonprofit corporation shall retain such consultation services as required for assistance in providing research, analysis, and recommendations. The nonprofit corporation shall present its research, analysis, and recommendations to the committee by September 30, 2010.
in activities to facilitate and promote the growth of life sciences within Nebraska, and shall be dedicated to the development and growth of the bioscience economy.

(4) The committee shall prepare and present electronically to the Legislature a statewide strategic plan for the bioscience economy during the One Hundred Fifth Legislature, First Session, for consideration by the Legislature.

(5)(a) The Biotechnology Development Cash Fund is created. The Natural Resources Committee shall use money in the fund shall be used to commission the nonprofit corporation and provide access to resources necessary for developing the study and strategic plan.

(b) The fund may receive gifts, bequests, grants, or other contributions or donations from public or private entities. Within five days after the State Treasurer receives one hundred thousand dollars from the nonprofit corporation for credit to the fund, the State Treasurer shall transfer one hundred thousand dollars from the General Fund to the Biotechnology Development Cash Fund. It is the intent of the Legislature to appropriate two hundred thousand dollars to the fund for fiscal year 2009-10. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(5) For purposes of this section:

(a) Biotechnology means the technological application that uses biological systems, living organisms, or derivatives of biological systems or living organisms to make or modify products or processes for specific use; and

(b) Biotechnology economy means economic activity derived from scientific and research activity focused on understanding mechanisms and processes at the genetic and molecular levels and the application of the mechanisms and processes to industrial processes.

Sec. 6. Sections 1 and 8 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 8. Original section 50-501, Reissue Revised Statutes of Nebraska, is repealed.

2. Renumber the remaining sections and correct internal references accordingly.

Senator Mello filed the following amendment to LB835:

AM2605

(Amendments to Standing Committee amendments, AM2138)

1. Renumber sections 15, 16, 17, 18, and 19 as sections 19, 15, 16, 17, and 18, respectively.

2. On page 1, line 5, strike "15," and insert "19 of this act"; in lines 12 and 13 strike the new matter; after line 15 insert the following new subdivision:

   "(2) Credit report has the same meaning as consumer report as defined in 15 U.S.C. 1681a(d);"; in line 16 strike "(2)", show as stricken, and insert "(3)"; in line 19 after "stored" insert ". File does
9 not include a record”; in line 20 strike "(3)", show as stricken, and 10 insert "(4)”; and in line 25 strike "(4)" and insert "(5)".
11 3. On page 2, line 4, strike "(5)" and insert "(6)”; in line 7 12 strike "(6)" and insert "(7)”; in line 18 strike "section 8-2617" and 13 insert "the Credit Report Protection Act"; in lines 21, 24, and 25 strike 14 "file" and insert "credit report”; and in line 26 strike "(7)" and insert 15 "(8)".
16 4. On page 3, line 4, strike "(8)" and insert "(9)”; in line 11 17 strike "(9)" and insert "(10)”; in line 23 strike "on his or her file"; 18 and in line 30 strike "and".
19 5. On page 4, line 2, after the semicolon insert "and"; in line 5 20 strike "(C)" and insert "(iii)”; in line 9 strike "subsection" and insert 21 "subdivision”; in line 12 strike "subsection (1) of"; in line 13 strike 22 "on the file of" and insert "for"; and in line 31 after "request" insert 23 "under section 8-2603".
24 6. On page 5, line 7, after "request" insert "under section 8-2603"; 25 in line 15 after "freeze" insert "under section 8-2603"; and in lines 21 26 and 22 strike the new matter and reinstate the stricken matter.
1 7. On page 5, line 23; page 6, line 5; page 7, line 14; and page 8, 2 line 25, after "freeze" insert "placed under section 8-2603".
3 8. On page 7, lines 23 and 24, strike "file" and insert "credit 4 report”; and in line 27 after "freeze" insert "placed under section 4 of 5 this act".
6 9. On page 8, line 2, after "(a)" insert "(i)”; in lines 3 and 9 7 strike "(i)" and insert "(A)”; in lines 6 and 11 strike "(ii)" and insert 8 "(B)”; in line 8 strike "(b)" and insert "(ii)”; in line 13 strike "(c)" 9 and insert "(b)”; in line 15 strike "subdivision (1) of"; and in line 18 10 strike "on his or her file".
11 10. On page 9, strike beginning with "Except" in line 5 through line 12 7; strike beginning with "in" in line 8 through the comma in line 9 and 13 insert "of three dollars”; and in line 20 strike "file" and insert 14 "credit report".
15 11. On page 12, line 11, strike "on a file" and show as stricken and 16 after "8-2603" insert "or section 4 of this act".
17 12. On page 13, line 21, strike the first comma and insert "or" and 18 strike "or representative"; in line 24 strike the comma and insert 19 "or"; and in line 25 strike "or representative".
20 13. On page 13, line 31, strike "1 to 21" and insert "1, 2, 3, 4, 5, 21 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21."

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Kintner - LB817
Hansen - LB516
Brasch, Cook, Craighead, Crawford, Ebke, Howard, Sullivan - LB843
VISITOR(S)

Visitors to the Chamber were 40 fourth-grade students from Franklin Elementary, Omaha; Emily Muth of OPPD from Omaha; and 9 students and teacher from the University of Nebraska Lincoln Power Leadership Influence Class.

The Doctor of the Day was Dr. Dawn Ommen from Papillion.

ADJOURNMENT

At 5:07 p.m., on a motion by Senator B. Harr, the Legislature adjourned until 9:00 a.m., Friday, March 18, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
FORTY-FIFTH DAY - MARCH 18, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

FORTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 18, 2016

PRAYER

The prayer was offered by Pastor Brian Johnson, First Presbyterian Church, Norfolk.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators B. Harr, and McCoy who were excused; and Senators Bolz, Craighead, Gloor, Hadley, Morfeld, Murante, and Pansing Brooks who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fourth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 17, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Herrmann, Jessica
    Platte Institute for Economic Research (Withdrawn 03/17/2016)
JK Consulting
    Renovate America, Inc.
Kelley & Jerram, PC, LLO
    Guardian Tax Partners
Nowka & Edwards
    Nebraska State Dairy Association
Schmit, Loran of Schmit Industries, Inc.
    KAAPA Ethanol, LLC
Yaki, Michael
    Renovate America, Inc.
REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at: http://www.nebraskalegislature.gov/agencies/view.php

GENERAL FILE

LEGISLATIVE BILL 1105A. Title read. Considered.
Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1092. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 467. ER187, found on page 957, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 467A. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 790. Title read. Considered.
Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 909. Title read. Considered.
Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 731. Title read. Considered.
Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 814. Title read. Considered.
Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.
LEGISLATIVE BILL 814A. Title read. Considered.
Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 784. Title read. Considered.
Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 942. Title read. Considered.
Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 726. Title read. Considered.
Committee AM1882, found on page 488, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.
Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 813. Title read. Considered.
Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 924. Title read. Considered.
Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 770. Title read. Considered.
Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 770A. Title read. Considered.
Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 875. Title read. Considered.
Committee AM1919, found on page 544, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.
Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.
LEGISLATIVE BILL 948. Title read. Considered.

Committee AM2014, found on page 544, was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 725. Title read. Considered.

Committee AM2011, found on page 558, was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 680. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 680A. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 823. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 865. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1002. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1086. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.
LEGISLATIVE BILL 567. Title read. Considered.

Committee AM1899, found on page 599, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 684. Title read. Considered.

Committee AM1985, found on page 600, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 887. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 736. Title read. Considered.

Committee AM2074, found on page 629, was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 679. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 891. Title read. Considered.

Committee AM2095, found on page 653, was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 881. Title read. Considered.

Senator Schilz offered his amendment, AM2543, found on page 952.

The Schilz amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.
LEGISLATIVE BILL 1101. Title read. Considered.

SENATOR KRIST PRESIDING

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1080. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 899. Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

COMMITTEE REPORT(S)
Judiciary

LEGISLATIVE BILL 990. Placed on General File with amendment.
AM2484
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Sections 1 to 9 of this act shall be known and may be
4 cited as the Fetal Dignity Protection Act.
5 Sec. 2. For purposes of the Fetal Dignity Protection Act:
6 (1) Human fetal tissue means tissue or cells obtained from a dead
7 human embryo or fetus after a spontaneous or induced abortion or after a
8 stillbirth; and
9 (2) Valuable consideration does not include reasonable payments
10 associated with the transportation, implantation, processing,
11 preservation, quality control, or storage of human fetal tissue.
12 Sec. 3. It shall be unlawful for any person acting within this
13 state to knowingly acquire, receive, or otherwise transfer any human
14 fetal tissue for valuable consideration.
15 Sec. 4. The Department of Health and Human Services shall adopt and
16 promulgate rules and regulations to require all facilities authorized to
17 perform any procedure that results in the recovery of human fetal tissue
18 to limit the disposition of the human fetal tissue to burial, cremation,
19 hospital-type incineration, or donation for research with the consent of
20 the woman involved in the procedure.
21 Sec. 5. Any person who performs any procedure that results in the
22 recovery of human fetal tissue in this state shall file monthly reports
23 with the Department of Health and Human Services as to the disposition of
24 the recovered human fetal tissue. Any corporation or other entity that
25 employs or engages as independent contractors one or more persons to
26 perform any procedure that results in the recovery of human fetal tissue
27 shall file monthly reports with the department as to the disposition of
human fetal tissue recovered in any procedure performed by all persons
employed or engaged as an independent contractor by such corporation or
entity. A person required to file a report under this section has an
affirmative duty to ensure that any report filed on his or her behalf is
accurate and complete. All reports under this section shall exclude the
name and all identifying information as to the woman involved in the
procedure that resulted in the recovery of human fetal tissue.
Sec. 6. The Department of Health and Human Services shall create a
form for reporting the disposition of human fetal tissue pursuant to
section 5 of this act. The department shall make all reports filed
pursuant to such section available for public inspection. The department
may adopt and promulgate rules and regulations as necessary to carry out
its responsibilities under the Fetal Dignity Protection Act.
Sec. 7. Failure to comply with the Fetal Dignity Protection Act is
a violation of the professional standards of any person holding a
professional license.
Sec. 8. The Attorney General may seek an injunction against any
person, corporation, or entity that has willfully and materially violated
the Fetal Dignity Protection Act. The injunction may prevent the
performance of any procedure that results in the recovery of human fetal
tissue.
Sec. 9. If any provision, word, phrase, or clause of the Fetal
Dignity Protection Act or the application thereof to any person or
circumstance is held invalid, such invalidity shall not affect the
provisions, words, phrases, clauses, or applications of the act which can
be given effect without the invalid provision, word, phrase, clause, or
application and to this end, the provisions, words, phrases, and clauses
of the act are declared to be severable.
Sec. 10. Section 38-2021, Revised Statutes Cumulative Supplement,
2014, is amended to read:
38-2021 Unprofessional conduct means any departure from or failure
to conform to the standards of acceptable and prevailing practice of
medicine and surgery or the ethics of the profession, regardless of
whether a person, patient, or entity is injured, or conduct that is
likely to deceive or defraud the public or is detrimental to the public
interest, including, but not limited to:
(1) Performance by a physician of an abortion as defined in
subdivision (1) of section 28-326 under circumstances when he or she will
not be available for a period of at least forty-eight hours for
postoperative care unless such postoperative care is delegated to and
accepted by another physician;
(2) Performing an abortion upon a minor without having satisfied the
requirements of sections 71-6901 to 71-6911;
(3) The intentional and knowing performance of a partial-birth
abortion as defined in subdivision (7) of section 28-326, unless such
procedure is necessary to save the life of the mother whose life is
endangered by a physical disorder, physical illness, or physical injury,
including a life-endangering physical condition caused by or arising from
the pregnancy itself.
19 (4) Performance by a physician of an abortion in violation of the
20 Pain-Capable Unborn Child Protection Act; and
21 (5) Violation by a physician of the Fetal Dignity Protection Act.
22 Sec. 11. Original section 38-2021, Revised Statutes Cumulative
23 Supplement, 2014, is repealed.

(Signed) Les Seiler, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 83. Placed on Final Reading.
LEGISLATIVE BILL 803. Placed on Final Reading.

LEGISLATIVE BILL 1009. Placed on Final Reading.
ST70
The following changes, required to be reported for publication in the Journal, have been made:
   1. In the E and R amendments, ER179, on page 11, line 21, "(1)(q)" has been struck and "(1)(g)" inserted.

LEGISLATIVE BILL 1033. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Mello filed the following amendment to LB956:
AM2614
(Amendments to E & R amendments, ER192)
1 1. Purpose: The Department of Correctional Services received funding
2 for parole staff training and parolee treatment. In FY2016-17, Adult
3 Parole Administration moves from the Department of Correctional Services
4 to the Board of Parole. The funding for parole staff training and parolee
5 treatment is therefore moved from the Department of Correctional Services
6 to the Board of Parole in FY2016-17.
7 Amendment:
8 a. Insert the following new section:
9 Sec. 39. Laws 2015, LB598A, section 5, is amended to read:
10 Sec. 5. There is hereby appropriated (1) $463,522 from the General
11 Fund and $-0- from the Parole Program Cash Fund for FY2015-16 and (2)
12 $6,200,975 $5,500,975 from the General Fund and $455,873 from the Parole
13 Program Cash Fund for FY2016-17 to the Board of Pardons and Board of
14 Parole, for Program 358, to aid in carrying out the provisions of
15 Legislative Bill 598, One Hundred Fourth Legislature, First Session,
16 2015.
17 Total expenditures for permanent and temporary salaries and per
18 diems from funds appropriated in this section shall not exceed $323,794
19 for FY2015-16 or $2,957,608 for FY2016-17.
There is included in the appropriation to this program for FY2015-16 $100,000 in General Funds which shall only be used by the Board of Parole to develop and implement a strategic plan to transition the supervision of the Office of Parole Administration from the Department of Correctional Services to the Board of Parole. For the purposes of developing such a plan, the Board of Parole shall, on or before January 1, 2016, hire a transition plan director and any staff as allowed under subsection (2) of section 83-188 to assist such director in the transition.

b. On page 55, lines 22 and 31, before "Laws" insert "Laws 2015, LB598A, section 5."

c. Renumber the remaining sections and correct internal references accordingly.

2. Purpose: Transfer general funds from the Medicaid program for the Department of Health and Human Services to administer the Medicaid in Public Schools program.

Amendment:

a. On page 5, line 15, strike "4,343,884" and insert "4,588,884"; and in line 17 strike "7,217,762" and insert "7,462,762";

b. On page 26, line 24, strike "849,662,179" and insert "849,417,179"; and in line 28 strike "2,114,420,250" and insert "2,114,175,250"; and

c. On page 27, line 10, strike "$849,662,179" and insert "$849,417,179".

3. Purpose: To insert the cap on transfers within the Department of Health and Human Services.

Amendment:

a. On page 26, line 8, strike "the portion" and insert "an amount not to exceed ten million dollars".

4. Purpose: The Department of Correctional Services received funding for parole staff training and parolee treatment. In FY2016-17, Adult Parole Administration moves from the Department of Correctional Services to the Board of Parole. The funding for parole staff training and parolee treatment is therefore moved from the Department of Correctional Services to the Board of Parole in FY2016-17.

Amendment:

a. On page 50, line 14, strike "203,142,037" and insert "202,442,037"; and in line 19 strike "225,966,872" and insert "225,266,872".

5. Purpose: Laws 2015, LB598, will move Adult Parole Administration from the Department of Correctional Services to the Board of Parole on July 1, 2016. The "A" bill did not include language that would allow for the unspent and unobligated General Fund appropriations in the Department of Correctional Services to be reappropriated to the Board of Parole. The following language would allow for this reappropriation.

Amendment:

a. On page 54, after line 11, insert: "The unexpended General Fund appropriation balance existing on June 30, 2016, less certified encumbrances, in Program 389 - Adult Parole
12 Administration, is hereby reappropriated to Agency No. 15 — Board of
13 Pardons and Board of Parole. Program 358 - Board of Parole.”.
14 6. Purpose: Add intent language.
15 Amendment:
16 a. On page 39, after line 13 insert:
17 "It is the intent of the Legislature that the Nebraska Tourism
18 Commission establish criteria for the evaluation and ranking of potential
19 large-scale tourism projects that would have a significant economic
20 impact on a local, regional, and statewide basis. The criteria shall take
21 into consideration how projects may be prioritized to maximize geographic
22 diversity, methods to evaluate the natural, cultural, and historical
23 value of projects, and how to best assess the potential of projects to
24 attract visitors from outside the state. The commission shall
25 electronically submit a report to the Appropriations Committee of the
26 Legislature not later than December 31, 2016, summarizing the development
27 of the criteria and how the criteria would best be applied and utilized
28 by the commission.”.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 495. Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Howard, 9; Hughes, 44; McCollister, 20.

PURPOSE: The purpose of this interim study is to examine state law governing cities of the second class and villages in Chapter 17 of the Nebraska statutes. The goal of the study is to update and modernize the statutes governing cities of the second class and villages through the elimination of obsolete, antiquated, and duplicative statutory language.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purpose of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 496. Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Howard, 9; Hughes, 44; McCollister, 20.

PURPOSE: The purpose of this resolution is to examine any issues within the jurisdiction of the Urban Affairs Committee of the Legislature that may arise during the interim.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purpose of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 549A. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 549, One Hundred Fourth Legislature, Second Session, 2016.

MESSAGE(S) FROM THE GOVERNOR

March 16, 2016

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Accountability and Disclosure Commission:

Douglas Hegarty, 8120 Pacific Street, Omaha, NE 68114
Jeffery Davis, 822 N. 8th Street, Beatrice, NE 68310

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures
GENERAL FILE

LEGISLATIVE BILL 895. Title read. Considered.
Committee AM2159, found on page 686, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.
Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1039. Title read. Considered.
Committee AM2172, found on page 686, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.
Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 677. Title read. Considered.
Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 978. Title read. Considered.
Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 877. Title read. Considered.
Committee AM2104, found on page 694, was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.
Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 1050. Title read. Considered.
Committee AM2237, found on page 697, was adopted with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.
Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 1075. Title read. Considered.
Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.
LEGISLATIVE BILL 973. Title read. Considered.

Committee AM2001, found on page 731, was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 712. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 902. Title read. Considered.

Committee AM2287, found on page 733, was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 694. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 908. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 908A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1010. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 913. Title read. Considered.

Committee AM2374, found on page 860, was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.
LEGISLATIVE BILL 1011. Title read. Considered.
Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE RESOLUTION 381. Read. Considered.
Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 783. Title read. Considered.
Committee AM2357, found on page 866, was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.
Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 783A. Title read. Considered.
Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 842. Title read. Considered.
Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 4 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 750. Title read. Considered.
Committee AM2378, found on page 880, was adopted with 36 ayes, 0 nays, 3 present and not voting, and 10 excused and not voting.
Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 816. Title read. Considered.
Committee AM2336, found on page 885, was adopted with 34 ayes, 0 nays, 5 present and not voting, and 10 excused and not voting.
Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 5 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 952. Title read. Considered.
Committee AM2358, found on page 887, was adopted with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.
Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.
LEGISLATIVE BILL 678. Title read. Considered.

Committee AM2431, found on page 901, was adopted with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 1066. Placed on General File with amendment. AM2640 is available in the Bill Room.

(Signed) Kate Sullivan, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1032A. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1032, One Hundred Fourth Legislature, Second Session, 2016; and to reduce appropriations.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 497. Introduced by Watermeier, 1.

WHEREAS, Nebraska is home to one of the world's largest and richest sources of superalloy materials such as niobium, scandium, and titanium, located in Johnson County near Elk Creek; and

WHEREAS, these superalloy materials are needed in a broad array of industries, including clean energy, energy efficiency, automotive, aerospace, defense, construction, and medicine; and

WHEREAS, scandium is particularly vital to clean energy technologies such as high-efficiency solid oxide fuel cells and has important applications in aviation and transportation that can significantly reduce fuel consumption and associated air emissions; and

WHEREAS, the Elk Creek Superalloy Materials Project will help further diversify Nebraska's economy into critical and strategic material manufacturing and position the state as a global leader in the innovative manufacture of these vital materials; and

WHEREAS, NioCorp Developments Ltd. has been working intensely for several years to prepare the Elk Creek Project for commercial operation; and

WHEREAS, the Elk Creek Project is forecast to create up to 1,200 jobs during its multi-year construction period, up to 400 permanent, high-paying,
high-skill jobs when fully operational, and an average annual payroll of approximately $20 million; and
WHEREAS, these Nebraska superalloy materials will help our nation reduce its current 100 percent dependence upon foreign producers for niobium and scandium, which have important current and potential national defense applications; and
WHEREAS, the United States Department of Defense is so concerned about maintaining adequate supplies of niobium for national defense that it is now purchasing niobium at taxpayer expense from foreign producers for storage in the national defense stockpile; and
WHEREAS, the Elk Creek Project will produce these critical and strategic materials in a safe, efficient, and environmentally responsible manner.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND
SESSION:
1. That the Legislature supports the advancement of the Elk Creek Superalloy Materials Project into commercial operation.
2. That a copy of this resolution be sent to NioCorp Developments Ltd.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Stinner filed the following amendment to LB774:
AM2648
(Amendments to Standing Committee amendments, AM2422)
1 1. Insert the following new section:
2 Section 1. Section 3-613, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 3-613 Any authority established under sections 3-601 to 3-622 shall
5 have power:
6 (1) To sue and be sued;
7 (2) To have a seal and alter the same at pleasure;
8 (3) To acquire, hold, and dispose of personal property for its
9 corporate purposes;
10 (4) To acquire in the name of the county, by purchase or
11 condemnation, real property or rights or easements therein necessary or
12 convenient for its corporate purposes and, except as may otherwise be
13 provided in such sections, to use the same so long as its corporate
14 existence continues. Such power shall not be exercised by authorities
15 created after September 2, 1973, without further approval until such time
16 as three or more members of the authority have been elected. If the
17 exercise of such power is necessary while three or more appointed members
18 remain on the authority, the appointing body shall approve all
19 proceedings under this subdivision;
20 (5) To make bylaws for the management and regulation of its affairs
21 and, subject to agreements with bondholders, to make rules and
22 regulations for the use of projects and the establishment and collection
23 of rentals, fees, and all other charges for services or commodities sold,
24 furnished, or supplied by such authority. Any person violating such rules
25 shall be guilty of a Class III misdemeanor;
26 (6) With the consent of the county, to use the services of agents,
1 employees, and facilities of the county, for which the authority may
2 reimburse the county a proper proportion of the compensation or cost
3 thereof, and also to use the services of the county attorney as legal
4 advisor to the authority;
5 (7) To appoint officers, agents, and employees and fix their
6 compensation;
7 (8) To make contracts, leases, and all other instruments necessary
8 or convenient to the corporate purposes of the authority;
9 (9) To design, construct, maintain, operate, improve, and
10 reconstruct, so long as its corporate existence continues, such projects
11 as are necessary and convenient to the maintenance and development of
12 aviation services to and for the county in which such authority is
13 established, including landing fields, heliports, hangars, shops,
14 passenger and freight terminals, control towers, and all facilities
15 necessary or convenient in connection with any such project, to contract
16 for the construction, operation, or maintenance of any parts thereof or
17 for services to be performed thereon, and to rent parts thereof and grant
18 concessions thereon, all on such terms and conditions as the authority
19 may determine. This subdivision shall not be construed to affect the
20 obligation of a lessee to pay taxes if taxes are due under sections
21 77-202, 77-202.11, and 77-202.12;
22 (10) To include in such project, subject to zoning restrictions,
23 space and facilities for any or all of the following: Public recreation;
24 business, trade, or other exhibitions; sporting or athletic events;
25 public meetings; conventions; and all other kinds of assemblages and, in
26 order to obtain additional revenue, space and facilities for business and
27 commercial purposes. Whenever the authority deems it to be in the public
28 interest, the authority may lease any such project or any part or parts
29 thereof or contract for the management and operation thereof or any part
30 or parts thereof. Any such lease or contract may be for such period of
31 years as the authority shall determine. This subdivision shall not be
1 construed to affect the obligation of a lessee to pay taxes if taxes are
2 due under sections 77-202, 77-202.11, and 77-202.12;
3 (11) To charge fees, rentals, and other charges for the use of
4 projects under the jurisdiction of such authority subject to and in
5 accordance with such agreement with bondholders as may be made as
6 hereinafter provided. Subject to contracts with bondholders, all fees,
7 rentals, charges, and other revenue derived from any project shall be
8 applied to the payment of operating, administration, and other necessary
9 expenses of the authority properly chargeable to such project and to the
10 payment of the interest on and principal of bonds or for making sinking-
11 fund payments therefor. Subject to contracts with bondholders, the
12 authority may treat one or more projects as a single enterprise with
13 respect to revenue, expenses, the issuance of bonds, maintenance,
14 operation, or other purposes;
15 (12) To annually request of the county board the amount of tax to be
16 levied for airport purposes subject to section 77-3443, not to exceed
17 three and five-tenths cents on each one hundred dollars of taxable
18 valuation of all the taxable property in such county. Property tax levies
19 for bonds issued by the authority pursuant to section 3-617 are not
20 included in the levy limits established by this subdivision. The
21 governing body shall levy and collect the taxes so requested at the same
22 time and in the same manner as other taxes are levied and collected, and
23 the proceeds of such taxes when due and as collected shall be set aside
24 and deposited in the special account or accounts in which other revenue
25 of the authority is deposited;
26 (13) To construct and maintain under, along, over, or across a
27 project, telephone, telegraph, or electric wires and cables, fuel lines,
28 gas mains, water mains, and other mechanical equipment not inconsistent
29 with the appropriate use of such project, to contract for such
30 construction and to lease the right to construct and use the same, or to
31 use the same on such terms for such period of time and for such
1 consideration as the authority shall determine;
2 (14) To accept grants, loans, or contributions from the United
3 States, the State of Nebraska, any agency or instrumentality of either of
4 them, or the county in which such authority is established and to expend
5 the proceeds thereof for any corporate purposes;
6 (15) To incur debt and issue negotiable bonds and to provide for the
7 rights of the holders thereof;
8 (16) To enter on any lands, waters, and premises for the purposes of
9 making surveys, soundings, and examinations; and
10 (17) To do all things necessary or convenient to carry out the
11 powers expressly conferred on such authorities by sections 3-601 to
12 3-622.
13 2. Renumber the remaining sections and correct internal references
14 accordingly.
15 3. Correct the operative date and repealer sections so that the
16 section added by this amendment becomes operative three calendar months
17 after the adjournment of this legislative session.

Senator Mello filed the following amendment to LB1081:
AM2606
1 1. Insert the following new sections:
2 Sec. 3. Section 68-1708, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:
4 68-1708 Sections 68-1708 to 68-1735.03 68-1735.04 shall be known and
5 may be cited as the Welfare Reform Act.
6 Sec. 5. Section 68-1721, Revised Statutes Cumulative Supplement,
7 2014, is amended to read:
8 68-1721 (1) Under the self-sufficiency contract developed under
9 section 68-1719, the principal wage earner and other nonexempt members of
10 the applicant family shall be required to participate in one or more of
11 the following approved activities, including, but not limited to,
12 education, job skills training, work experience, job search, or
13 employment.
14 (2) Education shall consist of the general education development
15 program, high school, Adult Basic Education, English as a Second
16 Language, postsecondary education, or other education programs approved
17 in the contract.
18 (3) Job skills training shall include vocational training in
19 technical job skills and equivalent knowledge. Activities shall consist
20 of formalized, technical job skills training, apprenticeships, on-the-job
21 training, or training in the operation of a microbusiness enterprise. The
22 types of training, apprenticeships, or training positions may include,
23 but need not be limited to, the ability to provide services such as home
24 repairs, automobile repairs, respite care, foster care, personal care,
25 and child care. Job skills training shall be prioritized and approved for
26 occupations that facilitate economic self-sufficiency.
27 (4) The purpose of work experience shall be to improve the
1 employability of applicants by providing work experience and training to
2 assist them to move promptly into regular public or private employment.
3 Work experience shall mean unpaid work in a public, private, for-profit,
4 or nonprofit business or organization. Work experience placements shall
5 take into account the individual's prior training, skills, and
6 experience. A placement shall not exceed six months.
7 (5) Job search shall assist adult members of recipient families in
8 finding their own jobs. The emphasis shall be placed on teaching the
9 individual to take responsibility for his or her own job development and
10 placement.
11 (6) Employment shall consist of work for pay. The employment may be
12 full-time or part-time but shall be adequate to help the recipient family
13 reach economic self-sufficiency.
14 (7) For purposes of creating the self-sufficiency contract and
15 meeting the applicant's work activity requirement, an applicant shall be
16 allowed to engage in vocational training that leads to an associate
17 degree, a diploma, or a certificate for a minimum of twenty hours per
18 week for up to thirty-six months. This subsection terminates on December
19 31, 2016.
20 Sec. 8. The following section is outright repealed: Section
22 2. Renumber the remaining sections and amend the repealer
23 accordingly.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So
ordered.

Campbell - LB843
VISITOR(S)

Visitors to the Chamber were Dennis, Linda, Ella, and Todd Quigley from Bassett; 42 fourth-grade students from Yutan; Senator Sullivan's daughter and granddaughters, Mollie, Clara, and Norah Morrow from Albion; 11 fourth-grade students and teachers from St. John Lutheran School, Battle Creek; and Senator Williams' wife, Susan, daughter-in-law, Meredith Williams, and twin grandchildren, Reid and Joelle.

The Doctor of the Day was Dr. Jason L. Bespalec from Geneva.

ADJOURNMENT

At 12:27 p.m., on a motion by Senator Kuehn, the Legislature adjourned until 9:00 a.m., Monday, March 21, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature
FORTY-SIXTH DAY - MARCH 21, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 21, 2016

PRAYER

The prayer was offered by Pastor Donna Goltry, Westridge United Methodist and Trinity United Churches, Madison.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Krist and McCoy who were excused; and Senators Coash, Craighead, K. Haar, Larson, McCollister, and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fifth day was approved.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 467. Placed on Final Reading.
LEGISLATIVE BILL 467A. Placed on Final Reading.

LEGISLATIVE BILL 754. Placed on Final Reading.
ST69
The following changes, required to be reported for publication in the Journal, have been made:
1. On page 1, the matter beginning with "create" in line 1 through line 3 has been struck and "amend sections 55-401, 55-402, 55-416, 55-418, 55-419, 55-427, 55-428, and 55-452, Reissue Revised Statutes of Nebraska; to create the Commission on Military and Veteran Affairs; to provide for membership, terms, duties, expenses, and staff; to require a report; to authorize summary discipline under the Nebraska Code of Military Justice for minor offenses as prescribed; to change certain references to the code; to harmonize provisions; and to repeal the original sections." inserted.
LEGISLATIVE BILL 754A. Placed on Final Reading.
LEGISLATIVE BILL 794. Placed on Final Reading.
LEGISLATIVE BILL 817. Placed on Final Reading.

LEGISLATIVE BILL 867. Placed on Final Reading.
ST68
The following changes, required to be reported for publication in the Journal, have been made:
1. In the E & R amendments, ER180:
   a. On page 3, line 10, "4" has been struck and "5" inserted;
   b. On page 7, line 7; page 10, line 2; and page 11, line 30; page 12, lines 21 and 31; page 13, line 23; and page 14, line 9, "5" has been struck and "6" inserted;
   c. On page 14, line 16, "2, 4, and 5" has been struck and "3, 5, and 6" inserted; and
   d. On page 15, line 15, "section 83-173.03" has been struck and "sections 83-173.03 and 83-1,135" inserted.
2. On page 1, line 4, "section 83-173.03" has been struck and "sections 83-173.03 and 83-1,135" inserted.

LEGISLATIVE BILL 867A. Placed on Final Reading.
LEGISLATIVE BILL 906. Placed on Final Reading.

LEGISLATIVE BILL 934. Placed on Final Reading.
ST67
The following changes, required to be reported for publication in the Journal, have been made:
1. In the Coash amendment, AM2544:
   a. Amendment 5 has been struck; and
   b. On page 7, line 7, "the second" has been inserted after "through".
2. In the E and R amendments, ER178, on page 22, lines 1 and 8, "and 30-2636" has been struck and "30-2636, and 83-174.02" inserted; in lines 3 and 9 "29-4003, 29-4103," has been inserted after "29-110,"; in line 20 "and" has been struck; and in line 21 "; and to declare an emergency" has been inserted after "sections".

LEGISLATIVE BILL 934A. Placed on Final Reading.
LEGISLATIVE BILL 1082. Placed on Final Reading.
LEGISLATIVE BILL 1082A. Placed on Final Reading.
LEGISLATIVE BILL 1092. Placed on Final Reading.
LEGISLATIVE BILL 1109. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson
RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 475 and 476 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 475 and 476.

SELECT FILE

LEGISLATIVE BILL 956. ER192, found on page 1013, was adopted.

Senator Mello offered his amendment, AM2614, found on page 1088.

The Mello amendment was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Senator Mello offered the following amendment:
AM2657
(Amendments to E & R amendments, ER192)
1 1. On page 10, line 17, strike "CASH" and insert "GENERAL".

SPEAKER HADLEY PRESIDING

The Mello amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Senator Chambers offered the following motion:
MO216
Recommit to the Appropriations Committee.

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator Chambers requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 0.

Voting in the negative, 42:
Present and not voting, 1:
Chambers

Excused and not voting, 6:

Krist McCoy Scheer
Larson Murante Sullivan

The Chambers motion to recommit to committee failed with 0 ayes, 42 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
MO217
Reconsider the vote to recommit to committee.

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 2:

Harr, B. Schumacher

Voting in the negative, 41:

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Present and not voting, 1:

Chambers

Excused and not voting, 5:

Craighead  Krist  McCoy  Murante  Sullivan

The Chambers motion to reconsider failed with 2 ayes, 41 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
MO218
Bracket until April 20, 2016.

Senator Chambers moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 0.

Voting in the negative, 44:

Baker  Ebke  Hilkemann  Lindstrom  Schnoor
Bloomfield  Friesen  Howard  McCollister  Schumacher
Boz  Garrett  Hughes  Mello  Seiler
Campbell  Gloor  Johnson  Morfeld  Smith
Coash  Groene  Kintner  Murante  Stinner
Cook  Haar, K.  Kolowski  Pansing  Brooks  Sullivan
Craghead  Hadley  Kolterman  Riepe  Watermeier
Crawford  Hansen  Kuehn  Scheer  Williams
Davis  Harr, B.  Larson  Schilz

Present and not voting, 1:

Chambers

Excused and not voting, 4:

Brasch  Fox  Krist  McCoy

The Chambers motion to bracket failed with 0 ayes, 44 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.
Senator Chambers offered the following motion:

MO219
Reconsider the vote taken to bracket.

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 3:

Bloomfield Chambers Kintner

Voting in the negative, 42:

Baker Ebke Hilkemann Mello Seiler
Bolz Fox Howard Morfeld Smith
Brasch Friesen Hughes Murante Stinner
Campbell Garrett Johnson Pansing Brooks Sullivan
Coash Gloor Kolowski Riepe Watermeier
Cook Groene Kolterman Scheer Williams
Craighead Haar, K. Kuehn Schilz
Crawford Hadley Larson Schnoor
Davis Hansen Lindstrom Schumacher

Excused and not voting, 4:

Harr, B. Krist McCollister McCoy

The Chambers motion to reconsider failed with 3 ayes, 42 nays, and 4 excused and not voting.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 498. Introduced by Johnson, 23.

PURPOSE: The purpose of this interim study is to examine the Nebraska Right to Farm Act. In examining the act, the study committee should:
(1) Review the purposes of the act;
(2) Compile an analysis of the case law interpreting the act and the history of the act's application in Nebraska; and
(3) Compare the provisions of the act with similar statutes from other states and review the case law interpreting those statutes. In particular, the study committee should examine case law that defines the scope of protections offered by other states' laws and case law addressing the constitutionality of such laws.
The study committee should also examine whether the Nebraska Right to Farm Act should be amended to reflect changes in farming practices that are resulting from changing market conditions, advances in farming technology, and innovations in cropping and livestock husbandry. The study committee should examine whether the act should be amended to address the conflicts and issues arising from these changing farm practices and to afford reasonable protections for such practices.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 499.** Introduced by Campbell, 25.

PURPOSE: The purpose of this resolution is to examine any issues within the jurisdiction of the Health and Human Services Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**COMMITTEE REPORT(S)**

Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

LeRoy Gerrard - Board of Public Roads Classifications and Standards
Lisa Kramer - Board of Public Roads Classifications and Standards
Darold Tagge - Board of Public Roads Classifications and Standards

Aye: 8 Brasch, Davis, Friesen, Garrett, McCoy, Murante, Seiler, Smith.
Nay: 0. Absent: 0. Present and not voting: 0.
Senator B. Harr filed the following amendment to LB889:
AM2637

(Amendments to Standing Committee amendments, AM2490)

1. Insert the following new section:

Sec. 13. Section 77-5715, Revised Statutes Cumulative Supplement, 2014, is amended to read:

77-5715 (1) For a tier 2, tier 3, tier 4, or tier 5 project,
qualified business means any business engaged in:
6 (a) The conducting of research, development, or testing for
7 scientific, agricultural, animal husbandry, food product, or industrial
8 purposes;
9 (b) The performance of data processing, medical data analysis, or
10 telecommunication, insurance, or financial services. For purposes of this
11 subdivision, financial services includes only financial services provided
12 by any financial institution subject to tax under Chapter 77, article 38,
13 or any person or entity licensed by the Department of Banking and Finance
14 or the federal Securities and Exchange Commission and telecommunication
services includes community antenna television service, Internet access,
16 satellite ground station, call center, or telemarketing. For purposes of
17 this subdivision, medical data analysis includes only medical data
18 analysis performed by a business which derives at least seventy-five
19 percent of the sales or revenue attributable to such activities relating
to the project from sales to the United States Government;
20 (c) The assembly, fabrication, manufacture, or processing of
21 tangible personal property;
22 (d) The administrative management of the taxpayer's activities,
23 including headquarter facilities relating to such activities or the
24 administrative management of any of the activities of any business entity
25 or entities in which the taxpayer or a group of its shareholders holds
1 any direct or indirect ownership interest of at least ten percent,
2 including headquarter facilities relating to such activities;
3 (e) The storage, warehousing, distribution, transportation, or sale
4 of tangible personal property;
5 (f) The sale of tangible personal property if the taxpayer derives
6 at least seventy-five percent or more of the sales or revenue
7 attributable to such activities relating to the project from sales to
8 consumers who are not related persons and are located outside the state;
9 (g) The sale of software development services, computer systems
10 design, product testing services, or guidance or surveillance systems
11 design services or the licensing of technology if the taxpayer derives at
12 least seventy-five percent of the sales or revenue attributable to such
13 activities relating to the project from sales or licensing either to
14 customers who are not related persons and located outside the state or to
15 the United States Government, including sales of such services, systems,
16 or products delivered by providing the customer with software or access
to software over the Internet or by other electronic means, regardless of
whether the software or data accessed by customers is stored on a
computer owned by the applicant, the customer, or a third party and
regardless of whether the computer storing the software or data is
located at the project;
(h) The research, development, and maintenance of an Internet web
portal. For purposes of this subdivision, Internet web portal means an
Internet site that allows users to access, search, and navigate the
Internet;
(i) The research, development, and maintenance of a data center;
(j) The production of electricity by using one or more sources of
renewable energy to produce electricity for sale. For purposes of this
subdivision, sources of renewable energy includes, but is not limited to,
wind, solar, geothermal, hydroelectric, biomass, and transmutation of
elements; or
(k) Any combination of the activities listed in this subsection.
(2) For a tier 1 project, qualified business means any business
engaged in:
(a) The conducting of research, development, or testing for
scientific, agricultural, animal husbandry, food product, or industrial
purposes;
(b) The assembly, fabrication, manufacture, or processing of
tangible personal property;
(c) The sale of software development services, computer systems
design, product testing services, or guidance or surveillance systems
design services or the licensing of technology if the taxpayer derives at
least seventy-five percent of the sales or revenue attributable to such
activities relating to the project from sales or licensing either to
customers who are not related persons and are located outside the state
or to the United States Government, including sales of such services,
systems, or products delivered by providing the customer with software or
access to software over the Internet or by other electronic means,
regardless of whether the software or data accessed by customers is
stored on a computer owned by the applicant, the customer, or a third
party and regardless of whether the computer storing the software or data
is located at the project; or
(d) Any combination of activities listed in this subsection.
(3) For a tier 6 project, qualified business means any business
except a business excluded by subsection (4) of this section.
(4) Except for business activity described in subdivision (1)(f) of
this section, qualified business does not include any business activity
in which eighty percent or more of the total sales are sales to the
ultimate consumer of (a) food prepared for immediate consumption or (b)
tangible personal property which is not assembled, fabricated,
manufactured, or processed by the taxpayer or used by the purchaser in
any of the activities listed in subsection (1) or (2) of this section.
2. Renumber the remaining section and correct the repealer
accordingly.
LEGISLATIVE BILL 975. Placed on General File with amendment.
AM2667
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Sections 1 to 7 of this act shall be known and may be
4 cited as the Child Placement Services Preservation Act.
5 Sec. 2. The Legislature finds and declares that:
6 (1) The State of Nebraska has a critical need to find and retain
7 safe, loving, and supportive homes for children, especially because the
8 number of children needing foster care and adoption placement outnumber
9 the homes available for placement;
10 (2) In order to serve the best interests of the children of this
11 state, the State of Nebraska has a longstanding public-private
12 partnership with a diverse group of faith-based and non-faith-based
13 organizations that work side by side to find and retain safe, loving, and
14 supportive homes for children. Significantly, faith-based organizations
15 have a lengthy history of providing child placement services which
16 predate government involvement;
17 (3) Having as many qualified child-placing agencies in Nebraska as
18 possible is a substantial benefit to the children of Nebraska who are in
19 need of these placement services and to all of the citizens of Nebraska
20 because the more qualified agencies taking part in this process there
21 are, the greater the likelihood that permanent placement can be achieved
22 for each child; and
23 (4) In order to preserve the support that child-placing agencies
24 offer children and families, the government should not take adverse
25 action against child-placing agencies based on their sincerely held
26 religious beliefs.
27 Sec. 3. For purposes of the Child Placement Services Preservation
1 Act:
2 (1) Adverse action includes, but is not limited to, denying a child-
3 placing agency's application for funding, refusing to renew an agency's
4 funding, canceling an agency's funding, declining to enter into a
5 contract with an agency, refusing to renew a contract with an agency,
6 canceling a contract with an agency, denying issuance of a license to an
7 agency, refusing to renew an agency's license, canceling an agency's
8 license, taking an enforcement action against an agency, treating an
9 agency less favorably than similarly situated agencies in regard to
10 participation in a government program, or taking any other action that
11 materially alters the terms or conditions of an agency's funding,
12 contract, or license;
13 (2) Child placement service means arranging the placement of
14 children with foster care and adoptive parents, including placement,
15 promoting foster care and adoption, and recruiting, screening, and
16 training the foster care and adoptive parents;
17 (3) Child-placing agency or agency has the same meaning as in
18 section 71-1926;
19 (4) Department means the Department of Health and Human Services;
20 and
21 (5) State includes the state, its agencies, and its political
22 subdivisions.
23 Sec. 4. (1) To the fullest extent permitted by state and federal
24 law, a child-placing agency shall not be required to provide or
25 facilitate any child placement service if the service conflicts with, or
26 provide or facilitate any child placement service under circumstances
27 that conflict with, the child-placing agency’s sincerely held religious
28 beliefs.
29 (2) If a child-placing agency declines to provide or facilitate any
30 child placement service under subsection (1) of this section, the child-
31 placing agency shall promptly provide the person seeking such service
1 with at least one of the following:
2 (a) Contact information for another child-placing agency that is
3 capable of providing the declined service;
4 (b) A list of other child-placing agencies capable of providing the
5 declined service which includes contact information for such agencies; or
6 (c) A link to a web page on the department’s web site that includes
7 a list of other child-placing agencies capable of providing the declined
8 service and contact information for the agencies.
9 Sec. 5. To the fullest extent permitted by state and federal law,
10 the state shall not take an adverse action against a child-placing agency
11 because the agency declines to provide or facilitate a child placement
12 service that conflicts with the child-placing agency’s sincerely held
13 religious beliefs.
14 Sec. 6. A child-placing agency aggrieved by a violation of section
15 5 of this act may assert that violation as a defense in any
16 administrative or judicial proceeding.
17 Sec. 7. The Child Placement Services Preservation Act shall be
18 construed liberally so as to effectuate its purposes.
19 Sec. 8. If any section in this act or any part of any section is
20 declared invalid or unconstitutional, the declaration shall not affect
21 the validity or constitutionality of the remaining portions.

(Signed) Les Seiler, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 1105A. Placed on Select File with amendment.
ER198
1 1. On page 2, line 2, after "the" insert "Nebraska".

LEGISLATIVE BILL 790. Placed on Select File with amendment.
ER209
1 1. On page 2, line 21, strike "and".
LEGISLATIVE BILL 909. Placed on Select File with amendment.
ER199
1 1. On page 1, strike beginning with the first "change" in line 5
2 through "number" in line 9 and insert "eliminate provisions relating to
3 penalties; to provide for administrative fees; to state intent; to
4 provide for remittance of certain fees; to eliminate requirements for
5 social security numbers on applications as prescribed".
6 2. On page 9, line 29; and page 10, lines 10 and 11 and 14 and 15,
7 strike "sections 54-1701 to 54-1711", show as stricken, and insert "the
8 Nebraska Livestock Dealer Licensing Act".

LEGISLATIVE BILL 731. Placed on Select File with amendment.
ER208
1 1. On page 14, line 27, after "and" insert "subdivision".
2 2. On page 15, lines 8 and 20, strike "subdivision", show as
3 stricken, and insert "subdivisions".

LEGISLATIVE BILL 814. Placed on Select File.
LEGISLATIVE BILL 814A. Placed on Select File.
LEGISLATIVE BILL 784. Placed on Select File.

LEGISLATIVE BILL 942. Placed on Select File with amendment.
ER196
1 1. On page 4, line 7, after the first comma insert "a".
2 2. On page 4, line 15; and page 5, line 6, strike "sections 87-401
3 to 87-410", show as stricken, and insert "the Franchise Practices Act".
4 3. On page 5, line 4, after "cancellation" insert an underscored
5 comma; in line 7 after "cancel" insert an underscored comma; in line 16
6 after the first comma insert "the"; and in line 22 strike "subsection"
7 and insert "act".

LEGISLATIVE BILL 726. Placed on Select File with amendment.
ER197
1 1. Strike the original section and all amendments thereto and insert
2 the following new section:
3 Section 1. (1) For purposes of this section, eligible institution
4 means a publicly funded postsecondary educational institution located in
5 Nebraska.
6 (2) Beginning with school year 2017-18, an eligible institution that
7 receives federal education loan information for a student enrolled in the
8 eligible institution shall provide the following to such student annually
9 prior to the student accepting a federal education loan:
10 (a) An estimate of the total dollar amount of federal education
11 loans taken out by the student at the time the information is provided;
12 (b) For the dollar amount of federal education loans that the
13 student has taken out at the time the information is provided, an
14 estimate of (i) the potential total payoff amount, including principal
15 and interest, or a range within which the total payoff amount may fall,
16 (ii) the monthly repayment amounts, including principal and interest,
that a typical borrower may incur, and (iii) the number of years used in
determining the potential total payoff amount, and information on how the
student can access online repayment calculators. Such information may
include a statement that the estimates and ranges are general in nature
and not meant as a guarantee or promise of the actual amounts; and
(c) The percentage of the aggregate borrowing limit the student has
reached at the time the information is provided.

(3) An eligible institution does not incur liability for any
information provided pursuant to subsection (2) of this section.

LEGISLATIVE BILL 813. Placed on Select File.

LEGISLATIVE BILL 924. Placed on Select File with amendment.

ER202
1 1. On page 2, line 8, strike the comma.
2 2. On page 3, line 6, after the first comma insert "the".

LEGISLATIVE BILL 770. Placed on Select File.
LEGISLATIVE BILL 770A. Placed on Select File.
LEGISLATIVE BILL 875. Placed on Select File.
LEGISLATIVE BILL 948. Placed on Select File.
LEGISLATIVE BILL 725. Placed on Select File.
LEGISLATIVE BILL 680. Placed on Select File.
LEGISLATIVE BILL 680A. Placed on Select File.

LEGISLATIVE BILL 823. Placed on Select File with amendment.
ER201
1 1. On page 3, line 2, strike "fifteen" and insert "one thousand
2 five".

LEGISLATIVE BILL 865. Placed on Select File.

LEGISLATIVE BILL 1002. Placed on Select File with amendment.
ER200
1 1. On page 1, strike beginning with "change" in line 2 through
2 "mission" in line 3 and insert "authorize educational service unit boards
3 to pay membership dues in associations of school boards as prescribed".

LEGISLATIVE BILL 1086. Placed on Select File.

(Signed) Matt Hansen, Chairperson

The Chair declared the call raised.
VISITOR(S)

Visitors to the Chamber were 20 fourth-grade students from Cornerstone Christian School, Bellevue; and 50 fourth-grade students from Wilber-Clatonia.

EASE

The Legislature was at ease from 12:12 p.m. until 12:40 p.m.

MOTION - Adjournment

Senator Chambers moved to adjourn until 9:00 a.m., March 22, 2016.

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Senator Chambers requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 3:

Chambers    Howard    Kintner

Voting in the negative, 40:

Baker       Davis     Hansen    Lindstrom    Schnoor
Bolz        Ebke      Hilkemann Mello       Schumacher
Brasch       Fox      Hughes     Morfeld    Seiler
Campbell    Friesen    Johnson   Murante    Smith
Coash       Garrett   Kolowski  Pansing  Brooks  Stinner
Cook         Gloor     Kolterman Riepe      Sullivan
Craighead  Groene    Kuehn     Scheer     Watermeier
Crawford     Hadley   Larson     Schilz     Williams

Present and not voting, 1:

Bloomfield

Absent and not voting, 1:

Haar, K.

Excused and not voting, 4:

Harr, B.    Krist     McCollister McCoy

The Chambers motion to adjourn failed with 3 ayes, 40 nays, 1 present and not voting, 1 absent and not voting, and 4 excused and not voting.
The Chair declared the call raised.

**SELECT FILE**

**LEGISLATIVE BILL 956.** Senator Chambers offered the following amendment:
FA97
Strike section 1.

**SENATOR COASH PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 2 nays, and 23 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

<table>
<thead>
<tr>
<th>Senator</th>
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<tr>
<td>Chambers</td>
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Voting in the negative, 42:

<table>
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<tr>
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<tr>
<td>Baker</td>
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<td>Bloomfield</td>
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<td>Bolz</td>
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<td>Brasch</td>
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<td>Cook</td>
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<td>Crawford</td>
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<td>Davis</td>
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Excused and not voting, 6:

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<tbody>
<tr>
<td>Craighead</td>
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<tr>
<td>Groene</td>
</tr>
</tbody>
</table>

The Chambers amendment lost with 1 aye, 42 nays, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:
FA98
Strike section 2.

Senator Chambers withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 957. ER191, found on page 1013, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 981. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 960. ER193, found on page 1013, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 960A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 843. ER195, found on page 1043, was adopted.

Senator B. Harr offered the following amendment:

AM2670 (Amendments to Standing Committee amendments, AM2335)

1 1. On page 2, strike beginning with "law" in line 5 though the comma
2 in line 6, show as stricken, and insert "court determines".

SPEAKER HADLEY PRESIDING

Senator B. Harr withdrew his amendment.

Senator B. Harr offered the following amendment:

AM2665 (Amendments to Standing Committee amendments, AM2335)

1 1. On page 2, after line 18, insert the following new subsection:
2 "(6)(a) A person charged with a violation of this section may file a
3 motion to dismiss the charge if the charge was the result of the person
4 having been a trafficking victim as defined in section 28-830. The motion
5 shall be in writing, describe the supporting evidence with particularity,
6 and include copies of any documents showing that the moving party is
7 entitled to relief under this subsection.
8 (b) The court shall hold a hearing on the motion, except that the
9 court may dismiss a motion without a hearing if the court finds that the
10 motion fails to assert a claim for which relief may be granted.
11 (c) The court shall grant the motion if it finds by a preponderance
12 of the evidence that:
13 (i) The moving party was charged with prostitution in violation of
14 this section; and
15 (ii) The charge was obtained as a result of the moving party's
16 having been a trafficking victim as defined in section 28-830.
17 (d) If the motion is granted, the court shall dismiss the charge.
"

SENATOR SCHEER PRESIDING
The B. Harr amendment was adopted with 32 ayes, 1 nay, 10 present and not voting, and 6 excused and not voting.

Senator Coash offered the following amendment:
FA100
Amend AM2335
On page 2, line 5, insert after "officer" the words "or judge".

Senator Coash withdrew his amendment.

Senator Coash offered the following amendment:
FA101
Amend AM2335
Page 2, line 9, after "person" add "shall be released by the arresting officer"
Line 10 after "for"; strike "a" and add "the" and on line 9 strike from "shall" to line 10 through "prosecution".

**SPEAKER HADLEY PRESIDING**

Senator B, Harr moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator B. Harr requested a roll call vote on the Coash amendment.

Voting in the affirmative, 22:

- Bloomfield
- Groene
- Johnson
- Riepe
- Watermeier
- Chambers
- Hadley
- Kintner
- Scheer
- Williams
- Coash
- Harr, B.
- Kolowski
- Schumacher
- Ebke
- Hilkemann
- Lindstrom
- Seiler
- Gloor
- Hughes
- McCollister
- Stinner

Voting in the negative, 8:

- Crawford
- Garrett
- Morfeld
- Schnoor
- Fox
- Haar, K.
- Pansing
- Brooks
- Sullivan

Present and not voting, 15:

- Baker
- Campbell
- Friesen
- Kuehn
- Murante
- Bolz
- Cook
- Hansen
- Larson
- Schilz
- Brasch
- Craighead
- Howard
- Mello
- Smith

Excused and not voting, 4:

- Davis
- Kolterman
- Krist
- McCoy

The Coash amendment lost with 22 ayes, 8 nays, 15 present and not voting, and 4 excused and not voting.
The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

**AMENDMENT(S) - Print in Journal**

Senator Kolowski filed the following amendment to LB902:

AM2671

(Amendments to Standing Committee amendments, AM2287)

1. On page 1, line 25, strike the two commas.
2. On page 3, strike beginning with "Up" in line 17 through the period in line 19; and in line 22 after the period insert "The State Energy Office may use the fund for necessary costs in the administration of the act up to an amount not exceeding ten percent of the fund annually."

Senator Larson filed the following amendment to LB83:

AM2672

(Amendments to Final Reading copy)

1. Insert the following new sections:
2. Section 1. Sections 1 to 11 of this act shall be known and may be cited as the Workplace Privacy Act.
3. Sec. 2. For purposes of the Workplace Privacy Act:
4. (1) Adverse action means the discharge of an employee, a threat against an employee, or any other form of discrimination against an employee that negatively affects the employee’s employment, including actions that affect the employee’s compensation, work location, rights, immunities, promotions, privileges, or other terms and conditions of employment;
5. (2) Applicant means a prospective employee applying for employment;
6. (3) Electronic communication device means a cellular telephone, personal digital assistant, electronic device with mobile data access, laptop computer, pager, broadband personal communication device, two-way messaging device, electronic game, or portable computing device;
7. (4) Employee means an individual employed by an employer;
8. (5) Employer means a public or nonpublic entity or an individual engaged in a business, an industry, a profession, a trade, or other enterprise in the state, including any agent, representative, or designee acting directly or indirectly in the interest of such an employer; and
9. (6)(a) Personal Internet account means an individual’s online account that requires login information in order to access or control the account.
10. (b) Personal Internet account does not include:
11. (i) An online account that an employer or educational institution supplies or pays for, except when the employer or educational institution pays only for additional features or enhancements to the online account; or
12. (ii) An online account that is used exclusively for a business purpose of the employer.
Sec. 3. No employer shall:
(1) Require or request that an employee or applicant provide or
disclose any user name or password or any other related account
information in order to gain access to the employee’s or applicant's
personal Internet account by way of an electronic communication device;
(2) Require or request that an employee or applicant log into a
personal Internet account by way of an electronic communication device in
the presence of the employer in a manner that enables the employer to
observe the contents of the employee’s or applicant’s personal Internet
account or provides the employer access to the employee's or applicant's
personal Internet account;
(3) Require an employee or applicant to add anyone, including the
employer, to the list of contacts associated with the employee's or
applicant’s personal Internet account or require or otherwise coerce an
employee or applicant to change the settings on the employee's or
applicant's personal Internet account which affects the ability of others
to view the content of such account; or
(4) Take adverse action against, fail to hire, or otherwise penalize
an employee or applicant for failure to provide or disclose any of the
information or to take any of the actions specified in subdivisions (1)
through (3) of this section.
Sec. 4. An employer shall not require an employee or applicant to
waive or limit any protection granted under the Workplace Privacy Act as
a condition of continued employment or of applying for or receiving an
offer of employment. Any agreement to waive any right or protection under
the act is against the public policy of this state and is void and
unenforceable.
Sec. 5. An employer shall not retaliate or discriminate against an
employee or applicant because the employee or applicant:
(1) Files a complaint under the Workplace Privacy Act; or
(2) Testifies, assists, or participates in an investigation,
proceeding, or action concerning a violation of the act.
Sec. 6. An employee shall not download or transfer an employer's
private proprietary information or private financial data to a personal
Internet account without authorization from the employer. This section
shall not apply if the proprietary information or the financial data is
otherwise disclosed by the employer to the public pursuant to other
provisions of law or practice.
Sec. 7. Nothing in the Workplace Privacy Act limits an employer's
right to:
(1) Promulgate and maintain lawful workplace policies governing the
use of the employer's electronic equipment, including policies regarding
Internet use and personal Internet account use;
(2) Request or require an employee or applicant to disclose access
information to the employer to gain access to or operate:
(a) An electronic communication device supplied by or paid for in
whole or in part by the employer; or
(b) An account or service provided by the employer, obtained by
virtue of the employee's employment relationship with the employer, or
used for the employer's business purposes;
(3) Restrict or prohibit an employee's access to certain web sites
while using an electronic communication device supplied by or paid for in
whole or in part by the employer or while using an employer's network or
resources, to the extent permissible under applicable laws;
(4) Monitor, review, access, or block electronic data stored on an
electronic communication device supplied by or paid for in whole or in
part by the employer or stored on an employer's network, to the extent
permissible under applicable laws;
(5) Access information about an employee or applicant that is in the
public domain or is otherwise obtained in compliance with the Workplace
Privacy Act;
(6) Conduct an investigation or require an employee to cooperate in
an investigation under any of the following circumstances:
(a) If the employer has specific information about potentially
wrongful activity taking place on the employee's personal Internet
account, for the purpose of ensuring compliance with applicable laws,
regulatory requirements, or prohibitions against work-related employee
misconduct; or
(b) If the employer has specific information about an unauthorized
download or transfer of the employer's private proprietary information,
private financial data, or other confidential information to an
employee's personal Internet account;
(7) Take adverse action against an employee for downloading or
transferring an employer's private proprietary information or private
financial data to a personal Internet account without the employer's
authorization;
(8) Comply with requirements to screen employees or applicants
before hiring or to monitor or retain employee communications that are
established by state or federal law or by a self-regulatory organization
as defined in 15 U.S.C. 78c(a)(26), as such section existed on January 1,
2016; or
(9) Comply with a law enforcement investigation conducted by a law
enforcement agency.
Sec. 8. Nothing in the Workplace Privacy Act limits a law
enforcement agency's right to screen employees or applicants in
connection with a law enforcement employment application or a law
enforcement officer conduct investigation.
Sec. 9. (1) The Workplace Privacy Act does not create a duty for an
employer to search or monitor the activity of a personal Internet
account.
(2) An employer is not liable under the act for failure to request
or require that an employee or applicant grant access to, allow
observation of, or disclose information that allows access to or
observation of the employee's or applicant's personal Internet account.
Sec. 10. If an employer inadvertently learns the user name,
password, or other means of access to an employee's or applicant's
personal Internet account through the use of otherwise lawful technology
that monitors the employer's computer network or employer-provided
10 electronic communication devices for service quality or security
purposes, the employer is not liable for obtaining the information, but
the employer shall not use the information to access the employee's or
applicant's personal Internet account or share the information with
anyone. The employer shall delete such information as soon as
practicable.
16 Sec. 11. Upon violation of the Workplace Privacy Act, an aggrieved
employee or applicant may, in addition to any other available remedy,
institute a civil action within one year after the date of the alleged
violation or the discovery of the alleged violation, whichever is later.
The employee or applicant shall file an action directly in the district
court of the county where such alleged violation occurred. The district
court shall docket and try such case as any other civil action, and any
successful complainant shall be entitled to appropriate relief, including
temporary or permanent injunctive relief, general and special damages,
reasonable attorney's fees, and costs.
26 Sec. 13. 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.
29 2. On page 1, strike beginning with "wages" in line 1 through line 3
and insert "employment; to amend section 48-1220, Reissue Revised
Statutes of Nebraska; to adopt the Workplace Privacy Act; to redefine a
term relating to wages and sex discrimination; to provide severability;
and to repeal the original section.”.
3 3. Renumber the remaining sections accordingly.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR497 was referred to the Reference Committee.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

**LB/LR Committee**

**L R497 Natural Resources**

(Signed) Bob Krist, Chairperson
Executive Board

COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 567.** Placed on Select File with amendment.

ER207
1 1. On page 1, strike beginning with "sections" in line 1 through
2 line 5 and insert "section 38-2871, Revised Statutes Cumulative
3 Supplement, 2014; to change provisions relating to transfer of
4 prescription refill information; to provide for forwarding original
5 prescriptions as prescribed; and to repeal the original section.".

LEGISLATIVE BILL 684. Placed on Select File with amendment.
ER206
1 1. On page 1, line 3, after "studies" insert "and medical
2 histories".
3 2. On page 4, line 23, after "child" insert an underscored comma.

LEGISLATIVE BILL 887. Placed on Select File.

LEGISLATIVE BILL 736. Placed on Select File with amendment.
ER215
1 1. On page 1, strike beginning with "define" in line 5 through line
2 8 and insert "provide, change, and eliminate definitions; to change
3 provisions relating to power purchase agreements and community-based
4 energy development projects; to eliminate annual statements as
5 prescribed; to harmonize provisions; and to repeal the original
6 sections.".
7 2. On page 3, line 31, after "under" insert "the Business
8 Corporation Act or".

LEGISLATIVE BILL 679. Placed on Select File.

LEGISLATIVE BILL 891. Placed on Select File.

LEGISLATIVE BILL 881. Placed on Select File.

LEGISLATIVE BILL 1101. Placed on Select File with amendment.
ER203
1 1. On page 2, line 9, strike "(1)" and insert "(a)"; in line 11
2 strike "(2)" and insert "(b)"; in line 15 strike "(3)" and insert "(c)";
3 in line 18 strike "(4)" and insert "(d)"; and in line 20 strike "(5)" and
4 insert "(e)".

LEGISLATIVE BILL 1080. Placed on Select File with amendment.
ER204
1 1. On page 3, line 11, strike the comma.

LEGISLATIVE BILL 899. Placed on Select File with amendment.
ER205
1 1. On page 1, line 5, strike "; to harmonize provisions" and insert
2 "and eliminate requirements relating to public water systems".
3 2. On page 5, line 22, strike "sections" and insert "section".

LEGISLATIVE BILL 895. Placed on Select File.

LEGISLATIVE BILL 1039. Placed on Select File.
LEGISLATIVE BILL 677. Placed on Select File with amendment.
1 1. On page 1, line 3, strike "veterans".

LEGISLATIVE BILL 978. Placed on Select File.

LEGISLATIVE BILL 877. Placed on Select File with amendment.
1 1. On page 1, strike beginning with "a" in line 2 through 2 "commissions" in line 4 and insert "provisions relating to reviewing and 3 commenting on proposed subdivision plats in certain counties as 4 prescribed".

LEGISLATIVE BILL 1050. Placed on Select File.

LEGISLATIVE BILL 1075. Placed on Select File.

LEGISLATIVE BILL 973. Placed on Select File with amendment.
1 1. Strike the original sections and all amendments thereto and 2 insert the following new sections:
3 Section 1. Section 48-437, Revised Statutes Cumulative Supplement, 4 2014, is amended to read:
5 48-437 (1) No person, firm, or corporation, or agent of such person, 6 firm, or corporation, shall require or permit any employee, except an 7 authorized and qualified person, to perform and no person, except an 8 authorized and qualified person, shall perform any function within the 9 distances from overhead high voltage conductors prohibited by sections 10 48-436 to 48-442; or enter upon any land, building, or other premises, 11 and there to engage in any excavation, demolition, construction, repair, 12 or other operations, or to erect, install, operate, or store in or upon 13 such premises any tools, machinery, equipment, materials, or structures, 14 including house-moving, well-drilling, pile-driving, or hoisting 15 equipment, within the distances from overhead high voltage conductors 16 prohibited by sections 48-436 to 48-442, unless and until danger from 17 accidental contact with such high voltage conductors has been effectively 18 guarded against in the manner prescribed in sections 48-436 to 48-442.
19 (2)(a) No person except an authorized and qualified person shall 20 manipulate overhead high voltage conductors or other components, 21 including the poles and other structures, of an electric utility. Under 22 no circumstances shall an authorized and qualified person work on the 23 electrical system of an electric utility that he or she is not employed 24 by unless written authorization has been obtained from such electric 25 utility. This subsection shall not be construed to apply to activities 26 performed by an authorized and qualified person employed by an electric 27 utility on the electrical system of another electric utility when the 1 nonowning or nonoperating electric utility has a written agreement with 2 the owning and operating electric utility (i) (a) providing for the joint 3 use of or interconnection of the electrical systems of both the electric 4 utilities or (ii) (b) approving authorized and qualified persons employed
by the nonowning or nonoperating electric utility to work on the
electrical system of the owning or operating electric utility on an
ongoing basis.
(b) Any person, firm, or corporation, or any employee thereof,
vviolating any provisions of this subsection shall be guilty of a Class II
misdemeanor.
Sec. 2. Section 48-442, Reissue Revised Statutes of Nebraska, is
amended to read:
48-442 Except as provided in subdivision (2)(b) of section 48-437,
any person, firm, or corporation, or any employee thereof, violating
any provisions of sections 48-436 to 48-442 shall be guilty of a Class V
misdemeanor. Each day's failure to comply with any of the provisions of
sections 48-436 to 48-442 shall constitute a separate violation.
Sec. 3. Section 60-6,288.01, Revised Statutes Cumulative Supplement,
2014, is amended to read:
60-6,288.01 (1) Any person moving a building or an object that, in
combination with the transporting vehicle, is over fifteen feet, six
inches high or wider than the roadway on a county or township road shall
notify the local authority and the electric utility responsible for the
infrastructure, including poles, wires, substations, and underground
residential distribution cable boxes adjacent to or crossing the roadway
along the route over which such building or object is being transported.
Notification shall be made at least ten days prior to the move.
Notification shall specifically describe the transporting vehicle, the
width, length, height, and weight of the building or object to be moved,
the route to be used, and the date and hours during which the building or
object will be transported. Complying with the notification requirement
of this section does not exempt the person from complying with any other
federal, state, or local authority permit or notification requirements.
(2) Proof of the notification required under subsection (1) of this
section must be carried by any person moving a building or an object as
described in this section.
(3) Any person who fails to comply with the notification
requirements of this section shall be guilty of a Class II misdemeanor.
Sec. 4. Section 60-6,291, Revised Statutes Cumulative Supplement,
2014, is amended to read:
60-6,291 Except as provided in subsection (3) of section
60-6,288.01, any person who violates any provision of sections
60-6,288 to 60-6,290 or who drives, moves, causes, or knowingly permits
3 to be moved on any highway any vehicle or vehicles which exceed the
4 limitations as to width, length, or height as provided in such sections
5 for which a penalty is not elsewhere provided shall be guilty of a Class
6 III misdemeanor.
Sec. 5. Section 60-6,299, Revised Statutes Cumulative Supplement,
2014, is amended to read:
60-6,299 (1) The Department of Roads may issue permits for vehicles
moving a building or objects requiring specialized moving dollies. Such
permits shall allow the vehicles transporting buildings or objects
requiring specialized dollies to operate on highways under the
jurisdiction of the department, excluding any portion of the National System of Interstate and Defense Highways. Such permit shall specify the maximum allowable width, length, height, and weight of the building to be transported, the route to be used, and the hours during which such building or object may be transported. Such permit shall clearly state that the applicant is not authorized to manipulate overhead high voltage lines or conductors or other such components, including electric utility poles, and that the applicant shall be guilty of a Class II misdemeanor for any violation of this section or of the notification requirements of section 60-6,288.01. Any vehicle moving a building or object requiring specialized moving dollies shall be escorted by another vehicle or vehicles in the manner determined by the department. Such vehicles shall travel at a speed which is not in excess of five miles per hour when carrying loads which are in excess of the maximum gross weight specified by law by more than twenty-five percent. The permit shall not be issued for travel on a state highway containing a bridge or structure which is structurally inadequate to carry such building or object as determined by the department. The department may prescribe conditions of operation of such vehicle when necessary to assure against damage to the road foundations, surfaces, or structures and require such security as may be deemed necessary to compensate for any injury to any roadway or road structure.

(2) The application for any such permit shall (a) specifically describe the vehicle, (b) specifically describe the load to be moved, (c) include a signed affirmation under oath that, for any load sixteen feet high or higher, the applicant has contacted any and all electric utilities that have high voltage conductors and infrastructure that cross over the roadway affected by the move and made arrangements with such utilities for the safe movement of the load under any high voltage conductors owned by such electric utilities, and (d) whenever possible, describe the particular highways for which the permit is requested. The company or individual shall maintain a copy of the permit in each vehicle moving a building or object requiring specialized moving dollies which shall be open to inspection by any peace officer, carrier enforcement officer, or authorized agent of any authority granting such permit. The fee for such permit shall be ten dollars.

(3) The department shall adopt and promulgate rules and regulations governing the issuance of the permits. Such rules and regulations shall include, but not be limited to, driver qualifications, equipment selection, hours of operation, weather conditions, road conditions, determination of any damage caused to highways or bridges, cutting or trimming of trees, removal or relocation of signs or other property of the state, raising or lowering of electric supply and communication lines, and such other safety considerations as the department deems necessary.

(4) Any person who violates the terms of a permit issued pursuant to this section or otherwise violates this section shall be guilty of a Class II misdemeanor.

Sec. 6. Original section 48-442, Reissue Revised Statutes of
10 Nebraska, and sections 48-437, 60-6,288.01, 60-6,291, and 60-6,299, 11 Revised Statutes Cumulative Supplement, 2014, are repealed.  
12 2. On page 1, line 3, before "and" insert "60-6,291,"; in line 5  
13 after "permits" insert "and notification requirements"; and in line 7  
14 after the semicolon insert "to harmonize provisions;".

LEGISLATIVE BILL 712. Placed on Select File.  
LEGISLATIVE BILL 902. Placed on Select File.  
LEGISLATIVE BILL 694. Placed on Select File.  
LEGISLATIVE BILL 908. Placed on Select File.  
LEGISLATIVE BILL 908A. Placed on Select File.  
LEGISLATIVE BILL 1010. Placed on Select File.  
LEGISLATIVE BILL 913. Placed on Select File.  
LEGISLATIVE BILL 1011. Placed on Select File.  

LEGISLATIVE RESOLUTION 381. Placed on Select File.  

(Signed) Matt Hansen, Chairperson

NOTICE OF COMMITTEE HEARING(S)  
Health and Human Services  
Room 2102

Wednesday, March 30, 2016 12:00 p.m.  
Michael Hansen - State Board of Health  

(Signed) Kathy Campbell, Chairperson  
General Affairs  
Room 1510

Thursday, March 31, 2016 8:30 a.m.  
James D. Patterson - Nebraska Commission on Problem Gambling  
Mark Canada - Nebraska Commission on Problem Gambling  
Susan Lutz - Nebraska Commission on Problem Gambling  

(Signed) Tyson Larson, Chairperson
RESOLUTION(S)

LEGISLATIVE RESOLUTION 500. Introduced by Mello, 5; Cook, 13; Craighead, 6; Crawford, 45; Gloor, 35; Haar, K., 21; Lindstrom, 18; McCollister, 20; Scheer, 19; Williams, 36.

WHEREAS, Earth Day is April 22, 2016; and
WHEREAS, Earth Day was founded by United States Senator Gaylord Nelson as an environmental teach-in held on April 22, 1970; and
WHEREAS, Earth Day has evolved into the largest civic observance in the world with more than one billion people participating in Earth Day activities; and
WHEREAS, Earth Day is a reminder that everyone can play a part in improving their environment and maintaining responsible stewardship over the only planet we have; and
WHEREAS, the Earth Day Network works with over 50,000 partners in 196 countries to broaden, diversify, and mobilize the global environmental movement to encourage citizens to remember the importance of protecting and conserving our natural resources and environment; and
WHEREAS, the Earth Day Network provides civic engagement opportunities at the local, state, national, and global levels.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature designates April 22, 2016, as Earth Day in the State of Nebraska.
2. That on this day, Nebraskans are encouraged to join the millions of other Earth Day participants in recycling, volunteering, and taking part in minimum-waste and sustainable initiatives.
3. That Nebraskans are also encouraged to continue to take part in activities that promote ecological sustainability in their communities year-round to ensure healthy environments for future generations.

Laid over.

SELECT FILE

LEGISLATIVE BILL 1081. ER194, found on page 1044, was adopted.

Senator Mello offered his amendment, AM2606, found on page 1098.

The Mello amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 894. Senator Schumacher offered his amendment, AM2629, found on page 1076.
Senator Pansing Brooks offered the following amendment to the Schumacher amendment:

**AMENDMENTS TO AM2629**

1 1. Strike amendments 3 and 5 and insert the following new amendment:
2 "3. On page 18, line 10, insert an underscored period after
3 'juvenile'; and reinstate the stricken matter beginning with 'The' in
4 line 14 through line 29.'.
5 2. Renumber the remaining amendment accordingly.

Senator Murante moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Pansing Brooks amendment was adopted with 26 ayes, 7 nays, 12 present and not voting, and 4 excused and not voting.

Pending.

**AMENDMENT(S) - Print in Journal**

Senator Chambers filed the following amendment to LB975:

**AM2658**

(Amendments to Standing Committee amendments, AM2667)

1 1. Insert the following new section:
2 Section 1. It is the policy of the State of Nebraska to recognize,
3 protect, and hold inviolate the sacred, god-given right of any person to
4 discriminate in any and every manner against any person or persons based
5 on sincerely held religious beliefs. The assertion of such sincerely held
6 religious beliefs, standing alone, is sufficient to entitle such believer
7 to invoke the protection and immunity granted by this section and the
8 sincerity of such beliefs may not be challenged in any judicial or other
9 proceeding whatsoever. This religion-based immunity is absolute.
10 God Bless America!
11 2. Renumber the remaining sections and correct internal references
12 accordingly.

Senator Chambers filed the following amendment to LB975:

**AM2659**

(Amendments to Standing Committee amendments, AM2667)

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. The Legislature hereby asserts, declares, proclaims, and
4 avows that each, every, and all members of the so-called LGBT Community
5 (lesbian, gay, bisexual, and transgender) are, for purposes of law,
6 neither "persons," "residents," nor "citizens" in the same manner and to
7 the same extent as are any and all others who are not members of such
8 Community.
9 Sec. 2. Being beyond the pale for purposes of law, members of such
10 LGBT Community have no rights under law which any nonmember of such
11 Community is bound to respect. (See Dred Scott decision written by
12 Supreme Court Chief Justice Roger B. Taney.)
13 Sec. 3. Members of such LGBT Community have two privileges:
14 (a) To return to the closet and stay out of sight; and
15 (b) To remain silent.
16 Sec. 4. God is Love!
17 Sec. 5. God Bless America!

Senator Chambers filed the following amendment to LB975:
AM2660
(Amendments to Standing Committee amendments, AM2667)
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA,
4 SECOND SESSION, RESOLVE THAT:
5 Section 1. At the general election in November 2016 the following
6 proposed amendment to the Constitution of Nebraska shall be submitted to
7 the electors of the State of Nebraska for approval or rejection:
8 To add a new section 31 to Article I:
9 I-31 (1) America is a Christian Nation.
10 (2) It being true that Christianity is synonymous with intolerance
11 and discrimination based on sincerely held religious beliefs and that
12 freedom of religion is guaranteed by the First Amendment to the
13 Constitution of the United States, the Legislature shall enact no law
14 that in any manner impedes or prohibits any person, group, or
15 organization from discriminating in any form, fashion, or manner
16 whatsoever against any person, group, or organization when such
17 discrimination is based on sincerely held religious beliefs. The
18 assertion of such beliefs, standing alone, is sufficient to satisfy the
19 requirements of this section and may not be challenged in any judicial or
20 other proceedings of any kind whatsoever. This guarantee is absolute.
21 (3) Any purported law enacted by the Legislature in contravention of
22 subsection (2) of this section is void ab initio. Any person in any
23 manner aggrieved as a result of any such void enactment shall be entitled
24 to lawyer fees and octuple damages.
25 (4) Any member of the Legislature who votes to enact such a void
26 proposal shall be amenable to impeachment.
1 (5) Appropriate articles of impeachment shall be drafted by twelve
2 judges of the district court selected at random by the Chief Justice of
3 the Supreme Court and shall be tried by the Supreme Court in the manner
4 set forth in this Constitution for impeachment of all civil officers.
5 (6) If a majority of the members of the Legislature shall be
6 impeached, convicted, and removed from office, the Legislature if in
7 session shall be immediately adjourned sine die and shall remain out of
8 session until after the Secretary of State shall provide for the election
9 of new members in districts represented by members who have been removed
from office. Such election shall be held on the first Tuesday following
the ninetieth day from the date of removal of the last affected member.
No primary election shall be held but only a general election shall be
held, at which the person receiving the highest number of votes in each
district shall be declared the winner by the Secretary of State who shall
certify the election results and notify each person who was elected.
(7) The Secretary of State shall notify the remaining members of the
Legislature who were not removed and the newly elected members of the
date when the Legislature shall convene for the purpose of organizing
itself in the manner of prior Legislatures and proceeding to function as
the duly constituted Legislature of the state as set forth in this
Constitution.
(8) The date of the convening of the Legislature shall be the first
Tuesday after the thirtieth day following the notification of the members
by the Secretary of State as required by subsection (7) of this section.
Sec. 2. The proposed amendment shall be submitted to the electors
in the manner prescribed by the Constitution of Nebraska, Article XVI,
section 1, with the following ballot language:
A constitutional amendment to guarantee the right to discriminate on
the basis of sincerely held religious beliefs, provide for impeachment of
members of the Legislature who vote to enact a proposal violating such
right, and provide procedures for replacing impeached members in certain
cases.
For
Against.
Senator Chambers filed the following amendment to LB975:
AM2661
(Amendments to Standing Committee amendments, AM2667)
1. Strike the original sections and all amendments thereto and
insert the following new sections:
Section 1. A person, group, or organization shall be immune from any
action by the state or any political subdivision for any act or acts of
discrimination of any type or kind whatsoever against any person, group,
or organization if such discrimination is based on sincerely held
religious beliefs. The assertion of such beliefs, standing alone, is
sufficient to satisfy the requirements of this section and may not be
challenged in any judicial or other proceedings of any kind whatsoever.
This immunity is absolute.
Sec. 2. Any person, group, or organization shall be granted absolute
immunity from any action by the state or any political subdivision for
any act or acts of discrimination of any type or kind whatsoever against
any other person, group, or organization if such person, group, or
organization prior to committing any act or acts of discrimination
against any other person, group, or organization has obtained from the
Secretary of State a license denominated LICENSE TO DISCRIMINATE bearing
the official Seal of the State of Nebraska and valid for one year from
the date of purchase.
Sec. 3. The cost of such license shall be determined by the
Secretary of State based on reasonable administrative costs of the program but in no case shall the cost exceed thirty-three dollars. If the maximum cost of thirty-three dollars fails to cover reasonable administrative costs as determined by the Secretary of State, the Legislature shall make a deficit appropriation to the Office of Secretary of State earmarked to erase such deficit and denominated "Deficit Appropriation to the LICENSE TO DISCRIMINATE PROGRAM" which is hereby created and into which shall be deposited all revenue derived from sale of licenses herein described.

Sec. 4. Any person holding a valid LICENSE TO DISCRIMINATE who develops sincerely held religious beliefs which lead to the necessity to discriminate against any person, group, or organization in order to conform to such newly acquired sincerely held religious beliefs shall be entitled to claim from the Office of Secretary of State a prorated refund of the cost paid for such license calculated on the basis of how much time remained for such license to be valid on the date such license holder came into possession of such sincerely held religious beliefs on which said discrimination is grounded. Such prorated refund shall be made, no questions asked. Such person holding such newly acquired sincerely held religious beliefs shall thenceforth be entitled to the immunity granted by section 1 of this act.

Senator Schumacher filed the following amendment to LB910:

AM2651

(Amendments to E and R amendments, ER182)

1 1. Insert the following new section:
2 Sec. 6. Section 83-173.03, Revised Statutes Supplement, 2015, is amended to read:
3 83-173.03 (1) Beginning July 1, 2016, no inmate shall be held in restrictive housing unless done in the least restrictive manner consistent with maintaining order in the facility and pursuant to rules and regulations adopted and promulgated by the department pursuant to the Administrative Procedure Act.
4 (2) Any inmate placed in restrictive housing may, on or after the ninetieth day of his or her confinement, seek a review of the decision to place him or her in restrictive housing. The review shall be conducted by the district court of the county in which the correctional facility in which the inmate is confined is located. A district judge may appoint a magistrate to conduct the review. The district judge may hold further proceedings with respect to the review or enter an order based upon recommendations of the magistrate.
5 (3 2) The department shall adopt and promulgate rules and regulations pursuant to the Administrative Procedure Act establishing levels of restrictive housing as may be necessary to administer the correctional system. Rules and regulations shall establish behavior, conditions, and mental health status under which an inmate may be placed in each confinement level as well as procedures for making such determinations. Rules and regulations shall also provide for individualized transition plans, developed with the active participation of inmates, the correctional facility, the district court, and mental health professionals.
25 of the committed offender, for each confinement level back to the general
26 population or to society.
1 (4 3) Rules and regulations may authorize the director to issue
2 written directives, guidance documents, and operational manuals not
3 inconsistent with law and rules and regulations. Such directives,
4 guidance documents, and operational manuals shall be made available to
5 the public in the same manner that rules and regulations are made
6 available unless the safety and security of a correctional facility
7 institution would be placed at imminent and substantial risk by such
8 publication. If any directive, guidance document, or operational manual
9 is not made available to the public, notice shall be given to the deputy
10 public counsel for corrections and to the Inspector General of the
11 Nebraska Correctional System. The notice shall identify all documents not
12 publicly available by title, number of pages, and date adopted. All
13 directives, guidance documents, and operational manuals shall be made
14 available to any member of the Legislature upon request. Security manuals
15 shall be made available to the Legislature for inspection upon request,
16 but shall not be copied or removed from secure locations as designated by
17 the director.
18 2. On page 8, after line 2, insert the following new subdivision:
19 "(e) The number of inmates who were released from restrictive
20 housing based upon an order of a district judge under subsection (2) of
21 section 83-173.03;"; in line 3 strike "(e)", show as stricken, and insert
22 "(f)"; in line 6 strike "(f)", show as stricken, and insert "(g)"; and in
23 line 9 strike "(g)", show as stricken, and insert "(h)."
24 3. Renumbe the remaining sections and correct the repealer
25 accordingly.

Senator Larson filed the following amendment to LB1105:
AM2634
   (Amendments to Standing Committee amendments, AM2029)
1 1. On page 17, line 30; page 20, line 6; and page 30, line 24,
2 strike "Class G" and insert "Class J".

Senator Hughes filed the following amendment to LB894:
AM2666
   (Amendments to E&R amendments, ER181)
1 1. On page 18, line 10, after "juvenile" insert ", after his or her
2 first appearance if the matter leading to such appearance has not been
3 resolved pursuant to a juvenile pretrial diversion program established
4 pursuant to section 43-260.02".

MOTION - Print in Journal

Senator Watermeier filed the following motion to LR497:
MO220
Withdraw resolution.
LEGISLATIVE BILL 861. Placed on General File.

(Signed) Les Seiler, Chairperson

MESSAGE(S) FROM THE GOVERNOR

March 16, 2016

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska State Fair Board:

Harry Hoch, 2417 Cottonwood Road, Grand Island, NE 68801

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosures

March 18, 2016

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Natural Resources Commission:

Joel Christensen, 5909 South 119 Street, Omaha, NE 68137
Scott Smathers, 6140 South Richland Cr., Lincoln, NE 68516
Brian Barels, 6375 Country Club Drive, Columbus, NE 68601
Thomas Knutson, 102 Custer, St. Paul, NE 66873
Stanley A. Clouse, 4907 Linden Drive Place, Kearney, NE 68847
Contingent upon your approval, the following individuals are being appointed to the Nebraska Natural Resources Commission:

Chad Wright, 451 Glenhaven Drive, Lincoln, NE 68505
Brad B. Dunbar, 16131 Bedford Avenue, Omaha, NE 68116

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosures

RESOLUTION(S)

LEGISLATIVE RESOLUTION 501. Introduced by Mello, 5; Baker, 30; Bloomfield, 17; Bolz, 29; Brasch, 16; Campbell, 25; Coash, 27; Cook, 13; Craighead, 6; Crawford, 45; Davis, 43; Ebke, 32; Fox, 7; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Haar, K., 21; Hadley, 37; Hansen, 26; Harr, B., 8; Hilkemann, 4; Howard, 9; Hughes, 44; Johnson, 23; Kintner, 2; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; McCollister, 20; Morfeld, 46; Murante, 49; Pansing Brooks, 28; Riepe, 12; Scheer, 19; Schilz, 47; Schnoor, 15; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Watermeier, 1; Williams, 36.

WHEREAS, the Council of State Governments, founded in 1933, is the nation's only organization serving all three branches of state government; and
WHEREAS, the Council of State Governments is a region-based forum that fosters the exchange of insights and ideas to help state officials shape public policy; and
WHEREAS, the Council offers unparalleled regional, national, and international opportunities to network, develop leaders, collaborate, and create problem-solving partnerships; and
WHEREAS, the Council champions excellence in state governments to advance the common good; and
WHEREAS, the values of the Council of State Governments are to pursue the priorities of its member states; be nonpartisan and inclusive; engage leaders from all three branches of state government; have a regional focus, a national presence, and a global reach; be a respected and trusted source for best practices and policy expertise; convene leader to leader interactions and foster leadership development; facilitate multistate solutions; zealously advocate for the states in our federal system of government; adhere to the highest ethical standards; respect diversity and act with civility; and partner and collaborate with others; and
WHEREAS, Senator Beau McCoy is the first Nebraska state senator to serve as national chair of the Council of State Governments since Senator C. Petrus Peterson in 1945; and

WHEREAS, Senator McCoy serves as co-chair of the Council's National Conference Committee and has previously served as chair of the 21st Century Foundation and co-chair of the Associates Advisory Committee; and

WHEREAS, Senator McCoy serves as a member of the Council's Governing Board, Executive Committee, Leadership Council, Finance Committee, International Committee, and Interbranch Affairs Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes Senator Beau McCoy for his service as the 2014 Midwestern Legislative Conference Chair, and the 2016 National Chair of the Council of State Governments.

2. That a copy of this resolution be given to Senator Beau McCoy.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1083. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 742. Title read. Considered.

Senator Hansen offered the following amendment:

AM2649

1 1. Strike original sections 9 and 10 and insert the following new sections:

2 Sec. 9. Section 23-2503, Reissue Revised Statutes of Nebraska, is amended to read:

3 23-2503 In any county having a population of three hundred thousand inhabitants or more as determined by the most recent federal decennial census, there shall be a Civil Service Commission which shall be formed as provided in sections 23-2501 to 23-2516. A county shall comply with this section within six months after a determination that the population has reached three hundred thousand inhabitants or more as determined by the most recent federal decennial census within ninety days of May 21, 1971.

4 Sec. 10. Section 23-2518, Reissue Revised Statutes of Nebraska, is amended to read:

5 23-2518 For purposes of the County Civil Service Act:

6 (1) Appointing authority means elected officials and appointed department directors authorized to make appointments in the county service;
19 (2) Board of county commissioners means the board of commissioners of any county with a population of one hundred fifty thousand to three hundred thousand inhabitants as determined by the most recent federal decennial census;
20 (3) Classified service means the positions in the county service to which the act applies;
21 (4) County personnel officer means the employee designated by the board of county commissioners to administer the act;
22 (5) Department means a functional unit of the county government headed by an elected official or established by the board of county commissioners;
23 (6) Deputy means an individual who serves as the first assistant to and at the pleasure of an elected official;
24 (7) Elected official means an officer elected by the popular vote of the people and known as the county attorney, public defender, county sheriff, county treasurer, clerk of the district court, register of deeds, county clerk, county assessor, and county surveyor;
25 (8) Internal Revenue Code means the Internal Revenue Code as defined in section 49-801.01;
26 (9) Political subdivision means a village, city of the second class, city of the first class, city of the primary class, city of the metropolitan class, county, school district, public power district, or any other unit of local government including entities created pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act. Political subdivision does not include a contractor with the county;
27 (10) State means the State of Nebraska;
28 (11) Straight-time rate of pay means the rate of pay in effect on the date of transfer of employees stated in the resolution by the county board requesting the transfer; and
29 (12) Transferred employee means an employee of the state or a political subdivision transferred to the county pursuant to a request for such transfer made by the county under section 23-2518.01.

The Hansen amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 837. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 465. Title read. Considered.

Committee AM802, found on page 807, First Session, 2015, was offered.

Senator B. Harr offered his amendment, AM2628, found on page 1046, to the committee amendment.
The B. Harr amendment was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 465A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

**AMENDMENT(S) - Print in Journal**

Senator Garrett filed the following amendment to LB1038:

AM2688 is available in the Bill Room.

**VISITOR(S)**

Visitors to the Chamber were 54 fourth-grade students from Skinner Magnet Center, Omaha; and 55 fourth-grade students from Jefferson Elementary, Norfolk.

The Doctor of the Day was Dr. Karina Chiari from Omaha.

**MOTION - Adjournment**

Senator Craighead moved to adjourn until 9:00 a.m., Tuesday, March 22, 2016.

Senator Hughes requested a machine vote on the motion to adjourn.

The Craighead motion to adjourn prevailed with 21 ayes, 16 nays, 6 present and not voting, and 6 excused and not voting, and at 6:56 p.m., the Legislature adjourned until 9:00 a.m., Tuesday, March 22, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
FORTY-SEVENTH DAY - MARCH 22, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 22, 2016

PRAYER

The prayer was offered by Pastor Raymond Wicks, First Baptist Church, Plattsmouth.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Campbell, Coash, B. Harr, Howard, and Mello who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 477, 478, 479, 480, 481, 482, and 484 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 477, 478, 479, 480, 481, 482, and 484.

MOTION - Withdraw LR497

Senator Watermeier offered his motion, MO220, found on page 1132, to withdraw LR497.

The Watermeier motion to withdraw the resolution prevailed with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.
SELECT FILE

LEGISLATIVE BILL 790. ER209, found on page 1111, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 909. ER199, found on page 1112, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 731. ER208, found on page 1112, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 814. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 814A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 784. Considered.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 942. ER196, found on page 1112, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 726. ER197, found on page 1112, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 813. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 924. ER202, found on page 1113, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 770. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 770A. Considered.

SENATOR KRIST PRESIDING
Advanced to Enrollment and Review for Engrossment.
**LEGISLATIVE BILL 875.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 948.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 725.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 680.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 680A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 823.** ER201, found on page 1113, was adopted. Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 865.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1002.** ER200, found on page 1113, was adopted. Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1086.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 567.** ER207, found on page 1121, was adopted. Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 684.** ER206, found on page 1122, was adopted. Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 887.** Advanced to Enrollment and Review for Engrossment.

**SENATOR COASH PRESIDING**

**LEGISLATIVE BILL 736.** ER215, found on page 1122, was adopted.

Senator Friesen offered the following amendment:

AM2668

1 1. Insert the following new section:
Sec. 6. Section 77-2704.57, Revised Statutes Cumulative Supplement, 2014, is amended to read:

77-2704.57 (1) Sales and use tax shall not be imposed on the gross receipts from the sale, lease, or rental of personal property for use in a C-BED project or community-based energy development project. This exemption shall be conditioned upon filing requirements for the exemption as imposed by the Tax Commissioner. The requirements imposed by the Tax Commissioner shall be related to ensuring that the property purchased qualifies for the exemption. The Tax Commissioner may require the filing of the documents showing compliance with section 70-1907, the organization of the project, the distribution of the payments, the power purchase agreements, the project pro forma, articles of incorporation, operating agreements, and any amendments or changes to these documents during the life of the power purchase agreement.

(2) The Tax Commissioner shall notify an electric supplier utility that has a power purchase agreement with a C-BED project if there is a change in project ownership which makes the project no longer eligible as a C-BED project. Purchase of a C-BED project by an electric supplier utility prior to the end of the power purchase agreement disqualifies the C-BED project for the exemption, but the Department of Revenue may not recover the amount of the sales and use tax that was not paid by the project prior to the purchase.

For purposes of this section, the terms (a) C-BED project or community-based energy development project, (b) electric supplier, (c) gross power purchase agreement payments, (d) payments to the local community, and (e) qualified owner have the definitions found in section 70-1903.

The Department of Revenue may examine the actual payments and the distribution of the payments to determine if the projected distributions were met. If the payment distributions to qualified owners do not meet the requirements of this section, the department may recover the amount of the sales or use tax that was not paid by the project at any time up until the end of three years after the end of the power purchase agreement.

At any time prior to the end of the power purchase agreements, the project may voluntarily surrender the exemption granted by the Tax Commissioner and pay the amount of sales and use tax that would otherwise have been due.

The amount of the tax due under either subsection (4) or (5) of this section shall be increased by interest at the rate specified in section 45-104.02, as such rate may from time to time be adjusted, from the date the tax would have been due if no exemption was granted until the date paid.

On page 5, line 22, strike "section 70-1904" and insert "sections 70-1904 and 77-2704.57".

Renumber the remaining section accordingly.

The Friesen amendment was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.
Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 679.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 891.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 881.** Senator Schilz offered the following amendment:

AM2669

1 1. On page 2, lines 5 and 6, strike "designed to reduce energy consumption" and show as stricken.

The Schilz amendment was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 894.** Senator Krist offered the following motion:

MO221

Bracket until April 20, 2016.

**SPEAKER HADLEY PRESIDING**

Senator Krist withdrew his motion to bracket.

Senator Schumacher asked unanimous consent to withdraw his amendment, AM2629, found on page 1076 and considered on page 1127, as amended. No objections. So ordered.

Senator Hughes withdrew his amendment, AM2666, found on page 1132.

Senator Krist offered the following amendment:

AM2700

(Amendments to E and R amendments, ER181)

1 1. Strike section 1.
2 2. On page 15, line 13, after the period insert "Whether such counsel shall be provided at the cost of the county shall be determined as provided in subsection (1) of section 43-272."
3 3. On page 18, line 8, strike "When", show as stricken, and insert "(a) In counties having a population of less than one hundred fifty thousand inhabitants, when"; in lines 8 through 29 strike the new matter and reinstate the stricken matter; and after line 29 insert the following new subdivision:
4 10 "(b) In counties having a population of one hundred fifty thousand or more inhabitants, when any juvenile court petition is filed alleging jurisdiction of a juvenile pursuant to subdivision (1), (2), (3)(b), or (4) of section 43-247, counsel shall be appointed for such juvenile. The
court shall inform such juvenile and his or her parent or guardian of
such juvenile's right to counsel at county expense if none of them is
able to afford counsel. If the juvenile or his or her parent or guardian
desires to have counsel appointed for such juvenile, or the parent or
guardian of such juvenile cannot be located, and the court ascertains
that none of such persons are able to afford an attorney, the court shall
forthwith appoint an attorney to represent such juvenile for all
proceedings before the juvenile court, except that if an attorney is
appointed to represent such juvenile and the court later determines that
a parent of such juvenile is able to afford an attorney, the court shall
order such parent or juvenile to pay for services of the attorney to be
collected in the same manner as provided by section 43-290. If the parent
willfully refuses to pay any such sum, the court may commit him or her
for contempt, and execution may issue at the request of the appointed
attorney or the county attorney or by the court without a request.

On page 19, lines 19 and 20, strike the new matter and reinstate
the stricken matter.

On page 20, line 6, after "juvenile" insert "represented by an
attorney".

Renumber the remaining sections, correct internal references, and
correct the repealer accordingly.

Senator Murante moved the previous question. The question is, "Shall the
debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not
voting.

Senator Krist moved for a call of the house. The motion prevailed with 37
ayes, 0 nays, and 12 not voting.

Senator Krist requested a roll call vote on his amendment.

Voting in the affirmative, 33:

Baker  Groene  Kintner  McCollister  Schumacher
Cook  Haar, K.  Kolowski  Mello  Seiler
Craighead  Hadley  Kolterman  Morfeld  Smith
Crawford  Hansen  Krist  Murante  Stinner
Davis  Hilkemann  Kuehn  Pansing Brooks Watermeier
Friesen  Howard  Larson  Riepe
Gloor  Hughes  Lindstrom  Scheer

Voting in the negative, 7:

Bloomfield  Brasch  Schilz  Sullivan
Bolz  Chambers  Schnoor

Present and not voting, 7:
Excused and not voting, 2:

Ebke Johnson

The Krist amendment was adopted with 33 ayes, 7 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Hansen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

Senator Bloomfield requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 33 ayes, 1 nay, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 910. ER182, found on page 957, was adopted.

Senator Groene offered his amendment, AM2624, found on page 1075.

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 783. Placed on Select File with amendment. ER219
1 1. In the Standing Committee amendments, AM2357:
2 a. On page 2, line 2, after the second "district" insert "as"; in
3 line 3 strike "which receives" and insert "receiving"; and in line 10
4 strike "section"; show as stricken, and insert "sections";
5 b. On page 5, line 22, after "vehicles" insert "or public power
6 district motor vehicles";
7 c. On page 7, line 27, after "vehicle" insert "or public power
8 district motor vehicle"; and in line 30 strike the comma and show as
9 stricken; and
10 d. On page 9, line 11, strike the comma; and in line 26 strike
11 "section 12 of this act" and insert "this section".
12 2. On page 1, line 2, after the second comma insert "60-3,101.".

LEGISLATIVE BILL 783A. Placed on Select File.
LEGISLATIVE BILL 842. Placed on Select File with amendment.
ER217
1 1. On page 1, line 3, strike "redefine" and insert "define".
2 2. On page 4, lines 5 and 7 and 8, strike "school of barbering".
3 show as stricken, and insert "barber school or college".

LEGISLATIVE BILL 750. Placed on Select File with amendment.
ER210
1 1. In the Standing Committee amendments, AM2378, on page 2, line 26,
2 strike "declarative" and insert "declaratory".
3 2. On page 1, strike lines 2 through 8 and insert "sections 38-175,
4 38-1,106, 38-1,121, 38-1,129, 38-1,130, 38-1,134, and 71-445, Reissue
5 Revised Statutes of Nebraska, section 38-1,126, Revised Statutes
6 Cumulative Supplement, 2014, and section 38-101, Revised Statutes
7 Supplement, 2015; to prohibit discrimination and retaliation for making
8 reports under the act as prescribed; to provide for confidentiality of
9 persons involved in making reports under the act as prescribed; to
10 harmonize provisions; and to repeal the original sections.".

LEGISLATIVE BILL 816. Placed on Select File.

LEGISLATIVE BILL 952. Placed on Select File with amendment.
ER213
1 1. On page 1, strike beginning with "to" in line 2 through the
2 semicolon in line 4.

LEGISLATIVE BILL 678. Placed on Select File with amendment.
ER212
1 1. On page 1, strike lines 2 through 5 and insert "amend sections
2 81-885 and 81-885.24, Reissue Revised Statutes of Nebraska, and section
3 81-885.01, Revised Statutes Supplement, 2015; to define and redefine
4 terms; to provide duties for a team leader as prescribed; to provide
5 unfair trade practices;".

(Signed) Matt Hansen, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1083A. Introduced by Williams, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
aid in carrying out the provisions of Legislative Bill 1083, One Hundred
LEGISLATIVE RESOLUTION 502. Introduced by Stinner, 48.

PURPOSE: The purpose of this resolution is to study the use of revolving funds within the Department of Administrative Services (DAS). Revolving funds are used to account for the financing of goods or services provided by one state agency to another on a cost-reimbursement basis. DAS has the statutory responsibility to provide centralized services to state agencies, boards, and commissions. Excluding the University of Nebraska and the Nebraska State College System, DAS accounts for 90.4 percent of all state revolving fund expenditures. This study shall include the following:

1. A history of revolving fund expenditures and revenue for each revolving fund within DAS;
2. A history of revolving fund balances for each revolving fund within DAS and the rationale for the levels of those balances; and
3. An explanation of how fee structures are determined for each of the activities or centralized services within DAS that are paid for with revolving funds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 503. Introduced by Krist, 10.

WHEREAS, Ryan Dahlke, a member of Troop 60 of Papillion, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout his scouting experience, Ryan has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Ryan bought and installed a telescoping flag pole for First Baptist Church of Bellevue. Ryan also constructed a large wooden cross that can be attached to the pole for special holidays such as Christmas and Easter; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and
WHEREAS, Ryan, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, leaders of government and industry, artists, scientists, and athletes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates Ryan Dahlke on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Ryan Dahlke.

Laid over.

LEGISLATIVE RESOLUTION 504. Introduced by Murante, 49.

PURPOSE: The purpose of this resolution is to examine the numerous deadlines involved in the election process. The study committee should examine how these deadlines work together, whether these deadlines are set appropriately, and any other issues related to election deadlines. In conducting this study, the study committee should seek the assistance of the Secretary of State and should consider the input of other interested persons as the committee deems necessary and beneficial.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 505. Introduced by Murante, 49.

WHEREAS, Simon Thor Gissler, a member of Troop 405 of the Mid-America Council, Soaring Eagle District, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and
WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout his scouting experience, Simon has learned, been tested on, and been recognized for various scouting skills; and
WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council. Simon has gone above and beyond, earning 38 merit badges. For his community service project, Simon led several other Scouts in the construction of 20 platform birdfeeders for the Gretna Community Living
Center, and researched and produced a birdwatcher's guide about local birds for the Center's residents; and

WHEREAS, Simon has participated in the Cub and then Boy Scouts since he was in first grade, and continues in Scouting as a freshman at the University of Nebraska-Lincoln by participating in the Venturing program. As a Boy Scout, Simon traveled to the 2010 National Scout Jamboree in Virginia, to Boundary Waters Canoe Area Wilderness in northern Minnesota, to Philmont Scout Ranch in New Mexico, and to several summer camps in Nebraska, Colorado, South Dakota, and Wisconsin. Simon also served as Youth Staff at the National Youth Leadership Training program at Little Sioux Scout Ranch in Iowa, including as Senior Patrol Leader; and

WHEREAS, Simon, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, leaders of government and industry, artists, scientists, and athletes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Simon Thor Gissler on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Simon Thor Gissler.

Laid over.

LEGISLATIVE RESOLUTION 506. Introduced by Seiler, 33; Chambers, 11; Coash, 27; Ebke, 32; Krist, 10; Mello, 5; Morfeld, 46; Smith, 14; Williams, 36.

PURPOSE: The purpose of this resolution is to examine the efficacy of testing and monitoring programs, particularly the 24/7 sobriety program, in reducing recidivism for driving under the influence (DUI) and controlled substance offenses and to develop recommendations regarding the expansion of such programs throughout the state. The study committee is encouraged to work with the Transportation and Telecommunications Committee of the Legislature to examine the issues involved in this study.

The study shall examine, but not be limited to, the following issues:

(1) How 24/7 sobriety programs in Douglas County are currently being used to monitor repeat DUI offenders;

(2) Current success rates for dealing with repeat DUI offenders through 24/7 sobriety monitoring programs in Nebraska and other states;

(3) Statewide expansion of 24/7 sobriety programs across Nebraska, issues and costs associated with such an expansion, and any available funding to offset such costs; and

(4) Statutory changes necessary to implement a statewide 24/7 sobriety program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Barels, Brian - Nebraska Natural Resources Commission - Natural Resources
Christensen, Joel - Nebraska Natural Resources Commission - Natural Resources
Clouse, Stanley A. - Nebraska Natural Resources Commission - Natural Resources
Davis, Jeffery - Nebraska Accountability and Disclosure Commission - Government, Military and Veterans Affairs
Dunbar, Brad B. - Nebraska Natural Resources Commission - Natural Resources
Hegarty, Douglas - Nebraska Accountability and Disclosure Commission - Government, Military and Veterans Affairs
Hoch, Harry - Nebraska State Fair Board - Agriculture
Knutson, Thomas - Nebraska Natural Resources Commission - Natural Resources
Smathers, Scott - Nebraska Natural Resources Commission - Natural Resources
Wright, Chad - Nebraska Natural Resources Commission - Natural Resources

(Signed) Bob Krist, Chairperson
Executive Board

AMENDMENT(S) - Print in Journal

Senator Krist filed the following amendment to LB710:
FA103
Strike the enacting clause.

VISITOR(S)

Visitors to the Chamber were 38 fourth-grade students from Malcolm; 40 fourth-grade students from Johnson County Central School, Cook; 3rd grade student, Andrew Callison, from Bellevue; and members of TeenPact Leadership Schools from across the state.
The Legislature was at ease from 12:05 p.m. until 12:30 p.m.

SENATOR KRIST PRESIDING

SELECT FILE

LEGISLATIVE BILL 910. The Groene amendment, AM2624, found on page 1075 and considered in this day's Journal, was renewed.

Senator Hansen moved the previous question. The question is, "Shall the debate now close?"

Senator Hansen moved for a call of the house. The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Senator Hansen requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 34:

Baker         Davis          Harr, B.    McCollister    Seiler
Bolz          Fox            Howard       Mello         Smith
Chambers      Garrett        Johnson      Morfeld       Stinner
Coash         Gloor          Kolterman   Murante       Sullivan
Cook          Haar, K.       Krist        Pansing       Brooks       Watermeier
Craighead     Hadley         Larson       Scheer        Williams
Crawford      Hansen         Lindstrom   Schilz

Voting in the negative, 9:

Bloomfield    Groene         Kintner     McCoy          Schnoor
Brasch         Hughes         Kuehn       Riepe

Present and not voting, 4:

Ebke           Friesen        Hilkemann   Schumacher

Excused and not voting, 2:

Campbell       Kolowski

The motion to cease debate prevailed with 34 ayes, 9 nays, 4 present and not voting, and 2 excused and not voting.

Senator Groene requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 16:
Voting in the negative, 18:

Baker       Cook       Hadley       McCollister       Sullivan
Bolz        Crawford   Harr, B.       Morfeld           Williams
Chambers    Gloor      Howard       Pansing Brooks
Coash       Haar, K.   Krist        Seiler

Present and not voting, 13:

Bloomfield  Hilkemann  Larson       Scheer           Stinner
Friesen     Johnson    Lindstrom    Schumacher
Hansen       Koltermann Mello        Smith

Excused and not voting, 2:

Campbell    Kolowski

The Groene amendment lost with 16 ayes, 18 nays, 13 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Bloomfield offered the following motion:
MO223
Reconsider the vote taken on AM2624.

SENIOR COASH PRESIDING

Senator Bolz moved the previous question. The question is, "Shall the debate now close?"

Senator Bolz moved for a call of the house. The motion prevailed with 23 ayes, 3 nays, and 23 not voting.

Senator Bolz requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 34:
FORTY-SEVENTH DAY - MARCH 22, 2016

Voting in the negative, 11:
Bloomfield Davis Friesen Groene Kintner Riepe
Brasch Friesen Kuehn Kolterman Riepe Schnoor
Craighead Hughes McCollister McCooper

Present and not voting, 2:
Groene Kolterman

Excused and not voting, 2:
Campbell Larson

The motion to cease debate prevailed with 34 ayes, 11 nays, 2 present and not voting, and 2 excused and not voting.

Senator Bloomfield requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 23:
Bloomfield Davis Friesen Groene Hilkemann Hughes Kintner Kolterman Kuehn Lindsrom McCoy McCooper Mcollister Schilz Schnoor Schumacher

Voting in the negative, 22:
Baker Crawford Egbe Hansen Harr, B. McCollister Mello Morfeld McCooper Morfeld Pansing Brooks Kolowski Krist Seiler Sullivan

Present and not voting, 2:
Sheer Smith

Excused and not voting, 2:
The Bloomfield motion to reconsider failed with 23 ayes, 22 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 507.** Introduced by Davis, 43; Bolz, 29; Campbell, 25; Cook, 13; Mello, 5.

PURPOSE: The purpose of this interim study is to examine the development of a public notification system to broadcast alerts when vulnerable adults go missing. Numerous states have instituted such programs, which are generally referred to as "Silver Alerts" or "Missing Person Advisories." Such alerts are designed to locate vulnerable adults whose health and safety are at risk while they remain missing. The Alzheimer's State Plan Subcommittee of the Aging Nebraskans Task Force has identified the need for such a system to locate missing persons with Alzheimer's disease or dementia.

The study shall include, but not be limited to, an examination of the following issues:

1. Identifying criteria and procedures that law enforcement agencies should use when instituting an alert;
2. Identifying eligibility criteria to determine which vulnerable adults should be included in the alert system, such as a specific age or diagnosis of cognitive impairment;
3. Determining who should be eligible to file a report of a missing vulnerable adult, such as spouses, legal custodians, or agencies;
4. Considering protocols to verify that a vulnerable adult is actually missing;
5. Determining how such alerts should be broadcast, such as via media reports, recorded calls, or highway signs;
6. Identifying potential community and statewide partners that are available to assist in developing and executing such an alert system; and
7. Determining whether the existing AMBER Alert System could be expanded to include additional types of missing persons.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.
LEGISLATIVE RESOLUTION 508. Introduced by Harr, B., 8.

PURPOSE: The purpose of this resolution is to study possible changes to the Nebraska Model Business Corporation Act. In particular, the study should include a review of amendments to the American Bar Association's Model Business Corporation Act which have been adopted or proposed since Nebraska adopted the act.

In order to carry out the purposes of this resolution, the study committee shall consider the input of interested persons, including the practicing bar, as the committee deems necessary and beneficial.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 509. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to study the funding history, programs, and services offered by the Cooperative Extension Service of the University of Nebraska. The Smith-Lever Act of 1914 established a system of cooperative extension services connected to land-grant universities in order to inform citizens about current developments in agriculture, home economics, public policy and government, leadership, 4-H activities, and economic development. Extension services are found throughout Nebraska in 83 county or multi-county offices that serve all 93 counties, and at four Research and Extension Centers across the state.

This study shall examine the following:
(1) The funding history of extension services in Nebraska, including federal, state, and county contributions;
(2) A history of programs and services offered;
(3) A history of funding for such programs and services;
(4) The number of staff employed by the Cooperative Extension Service by area or location; and
(5) A history of the funding of, and the programs and services offered by, the Rural Futures Institute at the University of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

NOTICE OF COMMITTEE HEARING(S)
Nebraska Retirement Systems
Room 1525
Tuesday, April 5, 2016 8:00 a.m.
Omaha Public Power District Briefing
(Signed) Mark Kolterman, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 843. Placed on Final Reading.
ST72
The following changes, required to be reported for publication in the Journal, have been made:
1. In the E & R amendments, ER195, on page 1, line 5, "to provide for a motion to dismiss a prostitution charge as prescribed;" has been inserted after the second semicolon.

LEGISLATIVE BILL 956. Placed on Final Reading.
ST71
The following changes, required to be reported for publication in the Journal, have been made:
1. In the E & R amendments, ER192:
a. Section 44 has been renumbered as section 39 and the remaining sections renumbered accordingly; and
b. On page 2, line 9, "72" has been struck and "73" inserted.

LEGISLATIVE BILL 957. Placed on Final Reading.
LEGISLATIVE BILL 960. Placed on Final Reading.
LEGISLATIVE BILL 960A. Placed on Final Reading.
LEGISLATIVE BILL 981. Placed on Final Reading.

LEGISLATIVE BILL 1081. Placed on Final Reading.
ST73
The following changes, required to be reported for publication in the Journal, have been made:
1. On page 1, line 1, "sections 68-1708 and 68-1721, Revised Statutes Cumulative Supplement, 2014, and" has been inserted after "amend"; in line 4 "to eliminate termination dates relating to self-sufficiency contracts;" has
been inserted after the first semicolon and "and" has been struck; and in line 5 ";"; and to outright repeal section 68-1735.04, Revised Statutes Cumulative Supplement, 2014" has been inserted after "sections".
2. On page 9, line 6, "sections 68-1708 and 68-1721, Revised Statutes Cumulative Supplement, 2014, and" has been inserted after "Original".

(Signed) Matt Hansen, Chairperson

ANNOUNCEMENT(S)

The Task Force on Behavioral and Mental Health (LR413) elected Senator Bolz as Chairperson and Senator Howard as Vice Chairperson.

AMENDMENT(S) - Print in Journal

Senator K. Haar filed the following amendment to LB824:
AM2353 is available in the Bill Room.

Senator Kuehn filed the following amendment to LR378CA:
AM2638
(Amendments to Standing Committee amendments, AM2251)
1 1. On page 1, line 3, after the period insert paragraphing and
2 "(3)"; in line 5 strike "or any ordinance adopted by any political
3 subdivision"; in line 8 after the period insert "Nothing in this section
4 shall be construed to modify or affect the jurisdiction of any political
5 subdivision of the state."; and in line 9 strike "(3)" and insert "(4)".

SELECT FILE

LEGISLATIVE BILL 910. Senator Schumacher asked unanimous consent
to withdraw his amendment, AM2651, found on page 1131, and replace it
with his substitute amendment, AM2715. No objections. So ordered.
AM2715
(Amendments to E & R amendments, ER182)
1 1. Insert the following new section:
2 Sec. 6. Section 83-173.03, Revised Statutes Supplement, 2015, is
3 amended to read:
4 83-173.03 (1) Beginning July 1, 2016, no inmate shall be held in
5 restrictive housing unless done in the least restrictive manner
6 consistent with maintaining order in the facility and pursuant to rules
7 and regulations adopted and promulgated by the department pursuant to the
8 Administrative Procedure Act.
9 (2) Any inmate confined in restrictive housing may, after the
10 ninetieth day in a calendar year of his or her confinement and after the
11 effective date of this act, seek a review of the decision to place him or
12 her in restrictive housing. The review shall be conducted by the district
13 court of the county in which the correctional facility in which the
14 inmate is confined is located. A district judge may appoint a special
15 master to conduct the review. The district judge may hold further
proceedings with respect to the review or enter an order based upon recommendations of the special master.

(3) The department shall adopt and promulgate rules and regulations pursuant to the Administrative Procedure Act establishing levels of restrictive housing as may be necessary to administer the correctional system. Rules and regulations shall establish behavior, conditions, and mental health status under which an inmate may be placed in each confinement level as well as procedures for making such determinations. Rules and regulations shall also provide for individualized transition plans, developed with the active participation of the committed offender, for each confinement level back to the general population or to society.

(4) Rules and regulations may authorize the director to issue written directives, guidance documents, and operational manuals not inconsistent with law and rules and regulations. Such directives, guidance documents, and operational manuals shall be made available to the public in the same manner that rules and regulations are made available unless the safety and security of a correctional facility would be placed at imminent and substantial risk by such publication. If any directive, guidance document, or operational manual is not made available to the public, notice shall be given to the deputy public counsel for corrections and to the Inspector General of the Nebraska Correctional System. The notice shall identify all documents not publicly available by title, number of pages, and date adopted. All directives, guidance documents, and operational manuals shall be made available to any member of the Legislature upon request. Security manuals shall be made available to the Legislature for inspection upon request, but shall not be copied or removed from secure locations as designated by the director.

2. On page 8, after line 2, insert the following new subdivision:

"(e) The number of inmates who were released from restrictive housing based upon an order of a district judge under subsection (2) of section 83-173.03;" in line 3 strike "(e)", show as stricken, and insert "(f)"; in line 6 strike "(f)", show as stricken, and insert "(g)"; and in line 9 strike "(g)", show as stricken, and insert "(h)".

3. Renumber the remaining sections and correct the repealer accordingly.

SENATOR WATERMEIER PRESIDING

SPEAKER HADLEY PRESIDING

Senator Bolz offered the following motion:

MO224 Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Bolz moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.
Senator Bolz requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 28:

Baker  Davis  Harr, B.  McCollister  Seiler
Campbell Garrett Hilkemann Mello Stinner
Chambers Gloor Howard Morfeld Sullivan
Coash Haar, K. Kolowski Pansing Brooks Williams
Cook Hadley Krist Schilz
Crawford Hansen Larson Schumacher

Voting in the negative, 15:

Craighead Groene Kintner Lindstrom Riepe
Fox Hughes Koltermann McCoy Schnoor
Friesen Johnson Kuehn Murante Watermeier

Present and not voting, 4:

Bloomfield Bolz Brasch Smith

Excused and not voting, 2:

Ebke Scheer

The Bolz motion to invoke cloture failed with 28 ayes, 15 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 1093.** ER188, found on page 963, was adopted.

Senator Mello offered his amendment, AM2547, found on page 1000.

The Mello amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Senator Morfeld offered his amendment, AM2632, found on page 1076.

The Morfeld amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 977.** ER189, found on page 969, was adopted.

Senator Smith withdrew his amendment, AM2478, found on page 908 and considered on page 929.
Senator Smith offered his amendment, AM2623, found on page 1063.

The Smith amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Senator Chambers offered the following amendment:
FA104
Page 2, line 22, strike "may" and insert "shall".

SENATOR KRIST PRESIDING

The Chambers amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Senator Chambers offered the following amendment:
FA105
Strike section 1.

Senator Chambers withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 977A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1105.** ER184, found on page 970, was adopted.

Senator Larson withdrew his amendment, AM1927, found on page 473.

Senator Larson offered his amendment, AM2634, found on page 1132.

The Larson amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1105A.** ER198, found on page 1111, was adopted.

Advanced to Enrollment and Review for Engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 938.** Title read. Considered.

Committee AM2356, found on page 836, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Senator Smith withdrew his amendment, AM2301, found on page 717.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.
LEGISLATIVE BILL 938A. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 774. Title read. Considered.

Committee AM2422, found on page 893, was offered.

Senator Stinner offered his amendment, AM2648, found on page 1096, to the committee amendment.

The Stinner amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

COMMITTEE REPORT(S)
Judiciary

LEGISLATIVE BILL 1000. Placed on General File with amendment.
AM2704
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. For purposes of sections 1 to 3 of this act, unless the
4 context otherwise requires:
5 (1) Body-worn camera means a device worn by a peace officer in
6 uniform which has the capability to record both audio and video of an
7 interaction between a peace officer and a member of the public but does
8 not include any device used by a plain clothes officer;
9 (2) Commission means the Nebraska Commission on Law Enforcement and
10 Criminal Justice;
11 (3) Law enforcement agency means an agency or department of this
12 state or of any political subdivision of this state which is responsible
13 for the prevention and detection of crime, the enforcement of the penal,
14 traffic, or highway laws of this state or any political subdivision of
15 this state, and the enforcement of arrest warrants. Law enforcement
16 agency includes a police department, an office of a town marshal, an
17 office of a county sheriff, the Nebraska State Patrol, and any department
18 to which a deputy state sheriff is assigned as provided in section
19 84-106; and
20 (4) Peace officer means any officer or employee of a law enforcement
21 agency authorized by law to make arrests.
22 Sec. 2. (1) On or before December 1, 2016, the commission shall
23 develop and distribute a model body-worn camera policy that includes the
procedures and provisions required by section 3 of this act. Any law
enforcement agency required to adopt a policy under this section that
does not develop and adopt its own policy shall adopt the model body-worn
camera policy developed by the commission.
1 (2)(a) Any law enforcement agency which uses body-worn cameras as of
the effective date of this act shall, on or before January 1, 2017, adopt
a written body-worn camera policy. Such policy shall include procedures
and provisions in conformance with the minimum standards set forth in the
model body-worn camera policy developed by the commission, and may
include any other procedures and provisions the law enforcement agency
deems appropriate.
8 (b) Beginning January 1, 2017, any law enforcement agency which uses
body-worn cameras shall, prior to commencing such use, adopt a written
body-worn camera policy. Such policy shall include procedures and
provisions in conformance with the minimum standards set forth in the
model body-worn camera policy developed by the commission, and may
include any other procedures and provisions the law enforcement agency
deems appropriate.
15 (3) The head of a law enforcement agency required to adopt a policy
under this section shall provide a copy of such policy to the commission
within three months of such policy's adoption.
18 (4) On or before January 1, 2018, and each January 1 thereafter,
when any law enforcement agency required to adopt a policy under this
section has made any change to its policy in the preceding year, the head
of such agency shall provide an updated copy of such policy to the
commission.
23 Sec. 3. A body-worn camera policy required by section 2 of this act
shall include provisions which govern the use of body-worn cameras by
peace officers and the retention and disposition of recordings created
with such cameras by law enforcement agencies. Such body-worn camera
policy shall include, but not be limited to:
28 (1) A requirement that training be provided to any peace officer who
will use a body-worn camera and to any other employee who will come into
contact with video or audio data recorded by a body-worn camera;
31 (2) A requirement that recordings created by body-worn cameras shall
be retained for a minimum period of ninety days from the date of
recording. Such recordings shall be retained for more than ninety days if
required by the following circumstances:
4 (a) Upon notice to the law enforcement agency of a criminal or civil
court proceeding in which the recording may have evidentiary value or in
which the recording is otherwise involved, the recording shall be
retained until final judgment has been entered in the proceeding;
8 (b) Upon notice to the law enforcement agency of a disciplinary
proceeding against an employee of the agency in which the recording may
have evidentiary value or in which the recording is otherwise involved,
the recording shall be retained until a final determination has been made
in such proceeding; and
13 (c) If the recording is part of a criminal investigation that has
not resulted in an arrest or prosecution, the recording shall be retained
(3) A procedure governing the destruction of recordings after the retention period described in subdivision (2) of this section has elapsed.

Sec. 4. (1) On or before January 1, 2017, the Nebraska State Patrol, each county sheriff, each city or village police department, and any other law enforcement agency in this state which conducts eyewitness suspect identifications shall adopt a written policy governing eyewitness suspect identifications and provide a copy of such policy to the Nebraska Commission on Law Enforcement and Criminal Justice. The policy shall include the minimum standards developed by the commission relating to the following: (a) Standards which describe the administration of a lineup, (b) procedures governing the instructions given by a peace officer to an eyewitness, and (c) procedures for documentation of the eyewitness's level of certainty of an identification.

(2) The Nebraska Commission on Law Enforcement and Criminal Justice shall distribute a standard model written policy on suspect identification by eyewitnesses. Any law enforcement agency described in subsection (1) of this section which fails to adopt its own policy as required by this section shall adopt the commission's standard model written policy.

Sec. 5. Section 29-1401, Revised Statutes Cumulative Supplement, 2014, is amended to read:

29-1401 (1) The district courts are hereby vested with power to call grand juries.

(2) A grand jury may be called and summoned in the manner provided by law on such day of a regular term of the district court in each year in each county of the state as the district court may direct and at such other times and upon such notice as the district court may deem necessary.

(3) District courts shall call a grand jury in each case that a petition meets the requirements of section 32-628, includes a recital as to the reason for requesting the convening of the grand jury and a specific reference to the statute or statutes which are alleged to have been violated, and is signed not more than ninety days prior to the date of filing under section 29-1401.02 by not less than ten percent of the registered voters of the county who cast votes for the office of Governor in such county at the most recent general election held for such office.

(4) District courts shall call a grand jury in each case upon certification by the county coroner or coroner's physician that a person has died while being appréhended by or while in the custody of a law enforcement officer or detention personnel. In each case subject to this subsection:

(a) Law enforcement personnel from the jurisdiction in which the death occurred shall immediately secure the scene, preserve all evidence, and investigate the matter as in any other homicide. The case shall be treated as an open, ongoing matter until all evidence, reports, and other relevant material which has been assembled are transferred to a prosecuting attorney selected pursuant to subdivision (b) of this
subsection; and
(b) The county attorney or a member of his or her staff shall be the
prosecuting attorney. Except as provided in subdivision (d) of this
subsection, the prosecuting attorney shall, as soon as practicable,
select a team of three peace officers trained to investigate homicides.
At least two of such investigators shall be from agencies other than the
agency under which the death occurred. The team shall examine all
evidence concerning the cause of death and present the findings of its
investigation to the prosecuting attorney;
(c b) A grand jury shall be impaneled within thirty days after the
certification by the county coroner or coroner's physician, unless the
court extends such time period upon the showing of a compelling reason;
and
(d) In those cases in which the death has been certified by a
licensed practicing physician to be from natural causes, the county
attorney or a member of his or her staff may present such finding to a
grand jury without selecting a three-member team of peace officers to
investigate.
Sec. 6. Section 29-1404, Reissue Revised Statutes of Nebraska, is
amended to read:
29-1404 (1) Except as provided in subsection (2) of this section,
when the foreperson shall be appointed, an oath or
affirmation shall be administered to him or her in the following words:
Saving yourself and fellow jurors, you, as foreperson of this
grand inquest, shall diligently inquire and true presentment make, of all
such matters and things as shall be given you in charge or otherwise come
to your knowledge, touching the present service. The counsel of the
state, your own and your fellows, you shall keep secret, unless called on
in a court of justice to make disclosures. You shall present no person
through malice, hatred, or ill will, nor shall you leave any person
unpresented through fear, favor, or affection, or for any reward or hope
thereof; but in all your presentments you shall present the truth, the
whole truth, and nothing but the truth, according to the best of your
skill and understanding.
(2) For grand juries impaneled pursuant to subsection (4) of section
29-1401, when the foreperson shall be appointed, an oath or affirmation
shall be administered to him or her in the following words: Saving
yourself and fellow jurors, you, as foreperson of this grand inquest,
shall diligently inquire and true presentment make, of all such matters
and things as shall be given you in charge or otherwise come to your
knowledge, touching the present service. The counsel of the state, your
own and your fellows, you shall keep secret during the course of the
impaneled grand jury's investigation and deliberations, unless called on
in a court of justice to make disclosures. You shall present no person
through malice, hatred, or ill will, nor shall you leave any person
unpresented through fear, favor, or affection, or for any reward or hope
thereof; but in all your presentments you shall present the truth, the
whole truth, and nothing but the truth, according to the best of your
skill and understanding.
20 Sec. 7. Section 29-1406, Reissue Revised Statutes of Nebraska, is
21 amended to read:
22 29-1406 (1) The grand jury, after being sworn, shall be charged as
23 to their duty by the judge, who shall call their attention particularly
24 to the obligation of secrecy which their oaths impose, and to such
25 offenses as he or she is by law required to specially charge.
26 (2) Upon impanelment of each grand jury, the court shall give to
27 such grand jury adequate and reasonable written notice of and shall
28 assure that the grand jury reasonably understands the nature of:
29 (a) Its duty to inquire into offenses against the criminal laws of
30 the State of Nebraska alleged to have been committed or, in the case of a
31 grand jury impaneled pursuant to subsection (4) of section 29-1401, its
1 duty to inquire into offenses against the criminal laws of the State of
2 Nebraska regarding the death of a person who has died while being
3 apprehended or while in the custody of a law enforcement officer or
4 detention personnel;
5 (b) Its right to call and interrogate witnesses;
6 (c) Its right to request the production of documents or other
7 evidence;
8 (d) The subject matter of the investigation and the criminal
9 statutes or other statutes involved, if these are known at the time the
10 grand jury is impaneled;
11 (e) The duty of the grand jury by an affirmative vote of twelve or
12 more members of the grand jury to determine, based on the evidence
13 presented before it, whether or not there is probable cause for finding
14 indictments and to determine the violations to be included in any such
15 indictments; and
16 (f) The requirement that the grand jury may not return an indictment
17 in cases of perjury unless at least two witnesses to the same fact
18 present evidence establishing probable cause to return such an
19 indictment; and-
20 (g) In the case of a grand jury impaneled pursuant to subsection (4)
21 of section 29-1401, if the grand jury returns a no true bill:
22 (i) The grand jury shall create a grand jury report with the
23 assistance of the prosecuting attorney. The grand jury report shall
24 briefly provide an explanation of the grand jury's findings and any
25 recommendations the grand jury determines to be appropriate based upon
26 the grand jury's investigation and deliberations; and
27 (ii) The no true bill and the grand jury report shall be filed with
28 the court, where they shall be available for public review, along with
29 the grand jury transcript provided for in subdivision (2)(b) of section
30 29-1407.01.

31 Sec. 8. Section 29-1407.01, Reissue Revised Statutes of Nebraska, is
1 amended to read:
2 29-1407.01 (1) A certified or authorized reporter shall be present
3 at all grand jury sessions. All grand jury proceedings and testimony from
4 commencement to adjournment shall be reported.
5 (2)(a) Except as provided in subdivision (2)(b) of this section, the
6 reporter's notes and any transcripts which may be prepared shall be
7 preserved, sealed, and filed with the court. No release or destruction of
8 the notes or transcripts shall occur without prior court approval.
9 (b) In the case of a grand jury impaneled pursuant to subsection (4)
10 of section 29-1401, a transcript, including any exhibits of the grand
11 jury proceedings, shall be prepared at court expense and shall be filed
12 with the court where it shall be available for public review. Such
13 transcript shall not include the names of grand jurors or their
14 deliberations.
15 (3 2) Upon application by the prosecutor, or by any witness after
16 notice to the prosecutor, the court, for good cause, may enter an order
17 to furnish to that witness a transcript of his or her own grand jury
18 testimony, or minutes, reports, or exhibits relating thereto.
19 (4 4) Any witness summoned to testify before a grand jury, or an
20 attorney for such witness with the witness's written approval, shall be
21 entitled, prior to testifying, to examine and copy at the witness's
22 expense any statement in the possession of the prosecuting attorney or
23 the grand jury which such witness has made that relates to the subject
24 matter under inquiry by the grand jury. If a witness is proceeding in
25 forma pauperis, he or she shall be furnished, upon request, a copy of
26 such transcript and shall not pay a fee.
27 Sec. 9. Section 29-1420, Reissue Revised Statutes of Nebraska, is
28 amended to read:
29 29-1420 (1) Except as provided in subdivision (2)(g) of section
30 29-1406, the report of the grand jury shall not be made public except
31 when the report is filed, including indictments, or when required by
1 statute or except that all of the report or a portion thereof may be
2 released if the judge of the district court finds that such a release
3 will exonerate a person or persons who have requested such a release.
4 (2) A district judge under whose direction a grand jury has been
5 impaneled may, upon good cause shown, transfer to a court of competent
6 jurisdiction in another county or jurisdiction any evidence gathered by
7 the grand jury that offenses have been committed in such other county or
8 jurisdiction.
9 Sec. 10. Original sections 29-1404, 29-1406, 29-1407.01, and
10 29-1420, Reissue Revised Statutes of Nebraska, and section 29-1401,
11 Revised Statutes Cumulative Supplement, 2014, are repealed.

(Signed) Les Seiler, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 510. Introduced by Howard, 9.

PURPOSE: Integrating palliative care into mainstream medicine for all
patients and families facing serious illnesses offers an essential opportunity
to deliver on the promise of person-centered and family-focused care.
Palliative care means medical care that improves the quality of life of a
patient and his or her family as they face problems associated with life-
threatening illness, through the prevention and relief of suffering by means
of early identification, assessment, and treatment of pain and other physical, psychosocial, and spiritual problems.

Palliative care improves quality of life and creates care efficiencies that curb costs. Palliative care is concerned with treating the person beyond the disease. It is about improving quality of life and providing an extra layer of support to relieve the pain, symptoms, and stress of serious illness, and can be provided alongside curative treatment. It helps both the patient and family and is appropriate at any age and any stage. At its core, the focus of palliative care is to promote and protect patient and family quality of life by relieving the burden of illness and ensuring that treatment plans are tailored to personal goals.

The purpose of this interim study is to examine how to best integrate palliative care into the overall medical care structure of our health care system. This examination should include discussions about the establishment of a state advisory council on palliative care and quality of life and how this council could, by conducting educational programs or by other means, help increase access to and understanding of the usage and need for palliative care. The study committee should also examine whether legislation is necessary to maximize the effectiveness of palliative care initiatives in the state by ensuring that comprehensive and accurate information is available to the public, health care providers, and health care facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 511. Introduced by Davis, 43; Baker, 30; Bolz, 29; Brasch, 16; Cook, 13; Groene, 42; Haar, K., 21; Harr, B., 8; Hilkemann, 4; Howard, 9; Kolowski, 31; Krist, 10; Kuehn, 38; Mello, 5; Morfeld, 46; Pansing Brooks, 28; Scheer, 19; Schnoor, 15; Schumacher, 22; Smith, 14; Stinner, 48; Sullivan, 41; Watermeier, 1.

PURPOSE: The purpose of this interim study is to examine existing law governing the collection of sales and use tax on remote sales—those sales where the seller does not have a physical presence in Nebraska—and determine whether and how existing law can be improved to increase collection of these legally due and payable but generally uncollected taxes.

Under existing United States Supreme Court precedent, a state cannot require a business to collect use taxes if the business does not have a physical presence in the state. However, in a concurring opinion in Direct Marketing Association v. Brohl, 135 S. Ct. 1124, 1135 (2015) ("Brohl II"),
Justice Anthony Kennedy urged the Supreme Court to reconsider this precedent, stating that there "is a powerful case to be made that a retailer doing extensive business within a state has a sufficiently 'substantial nexus' to justify imposing some minor tax-collection duty, even if that business is done through mail or the Internet."

On remand from the United States Supreme Court, in Direct Marketing Association v. Brohl, case no. 12-1175 (Feb. 22, 2016) ("Brohl III"), the United States Court of Appeals for the Tenth Circuit upheld as constitutional a Colorado law that requires retailers who do not collect sales tax to instead provide notices regarding use taxes to purchasers and make an annual report to the state that will facilitate the collection of use taxes.

In light of these legal developments, the study committee shall conduct an examination that includes, but is not limited to, the following issues:

1. Examining whether Nebraska's sales and use tax nexus law allows the state to require remote sellers to collect sales tax to the fullest extent permitted by the Constitution of the United States, as interpreted by existing United States Supreme Court precedent, including Quill v. North Dakota, 504 U.S. 298 (1992); Tyler Pipe Industries v. Washington State Department of Revenue, 483 U.S. 232 (1987); and Scripto, Inc. v. Carson, 362 U.S. 207 (1960);

2. Considering, in light of Justice Kennedy's concurring opinion in Brohl II, whether Nebraska should require all sellers to collect sales and use tax regardless of whether a nexus would be found under existing United States Supreme Court precedent; and

3. Considering, in light of the Tenth Circuit's decision in Brohl III, whether Nebraska should require all sellers who do not collect sales and use taxes to provide notices on use tax to their purchasers and provide reports to the state that will facilitate the collection of use taxes from those purchasers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 512. Introduced by Business and Labor Committee: Harr, B., 8, Chairperson; Bloomfield, 17; Crawford, 45; Ebke, 32; Howard, 9; Johnson, 23.

PURPOSE: The purpose of this resolution is to study the Commission of Industrial Relations (CIR). The CIR is a state agency designed to resolve public sector labor controversies with jurisdiction over state and local government employees, including public utilities. The Constitution of Nebraska authorizes the creation of such an agency, and in 1947, state legislation created the CIR. The CIR was designed as a compromise meant
to provide a meaningful avenue for workers to be heard and address fairness in the workplace while prohibiting workers from striking and ensuring public safety. The CIR is an option of last resort meant to be invoked only when the parties reach an impasse in their negotiations of wages, terms, or other conditions.

The study shall include, but not be limited to, an examination of the following:

(1) Implementation, experience, and practice of the CIR;
(2) Effectiveness of legislation in providing greater predictability and consistency to the CIR process of resolving labor disputes;
(3) Similar laws, programs, or institutions in other states addressing public sector labor controversies; and
(4) Costs and benefits to employers, employees, and taxpayers as a result of the Industrial Relations Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 513. Introduced by Howard, 9; Kolterman, 24.

PURPOSE: The purpose of this resolution is to examine workforce issues within the child welfare and juvenile justice systems. Front-line professionals within juvenile probation and the Department of Health and Human Services' Division of Children and Family Services have extremely challenging jobs. These professionals do what is necessary to respond to the urgent needs of children, youth, and families every day of the week and at all hours of the day and night. Such tasks include staffing the abuse and neglect hotline, conducting initial assessments, providing ongoing case management, and operating juvenile probation. A skilled and stable workforce of such professionals is key to successful outcomes for Nebraska's vulnerable children, youth, and families. This can be achieved when staff have manageable caseloads and workloads, when they receive high-quality training and education, and when turnover is minimized.

The study shall include:

(1) Examining whether there are adequate recruiting and retention efforts for front-line professionals within juvenile probation and the Department of Health and Human Services' Division of Children and Family Services;
(2) Ascertaining whether the caseloads and workloads of such professionals are manageable and lead to successful outcomes;
(3) Determining whether statutes should be harmonized or amended to ensure clarity and consistency of caseload and workload requirements for caseworkers and juvenile probation officers; and
(4) Determining whether further efforts are needed to improve the professionalization and stability of the child welfare and juvenile justice workforce.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Kintner filed the following amendment to LB910:
AM2689
(Amendments to E&R amendments, ER182)
1 1. Strike section 5.
2 2. Renumber the remaining sections and correct the repealer
3 accordingly.

Senator Groene filed the following amendment to LB910:
AM2716
(Amendments to E & R amendments, ER182)
1 1. On page 6, line 8, strike the new matter and reinstate the
2 stricken matter; and after line 27 insert the following new subdivision:
3 "(b) A person with one or more felony convictions for the possession
4 or use of a controlled substance or a person with one or two felony
5 convictions involving the sale or distribution of a controlled substance
6 shall only be eligible to receive Supplemental Nutrition Assistance
7 Program benefits under this subsection if he or she (i) is participating
8 in or has completed a state-licensed or nationally accredited substance
9 abuse treatment program since the date of his or her most recent
10 conviction or (ii) voluntarily submits to a drug test, verified by a
11 laboratory approved by the Department of Health and Human Services, the
12 results of which test are negative with respect to any illegal substances
13 prior to receiving Supplemental Nutrition Assistance Program benefits and
14 continues to agree to drug tests at random intervals thereafter, no less
15 than every six months. The determination of participation or completion
16 of such a substance abuse treatment program or negative drug test results
17 shall be certified by the treatment provider administering the program or
18 the laboratory verifying the drug test to the department.
19 (c) A person shall be ineligible for Supplemental Nutrition
20 Assistance Program benefits under this subsection if he or she has been
convicted of three or more felonies involving the sale or distribution of a controlled substance."

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1103A. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1103, One Hundred Fourth Legislature, Second Session, 2016; and to reduce an appropriation.

GENERAL FILE

LEGISLATIVE BILL 1038. Title read. Considered.

Committee AM2472, found on page 907, was offered.

Senator Garrett offered his amendment, AM2688, found on page 1137, to the committee amendment.

The Garrett amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Senator Davis offered the following amendment to the committee amendment:

AM2675

(Amendments to Standing Committee amendments, AM2472)

1 1. Insert the following new sections:

2 Sec. 8. Section 72-2007, Revised Statutes Supplement, 2015, is amended to read:

4 72-2007 (1) The Niobrara Council is created. The council membership shall include:

6 (a) A commissioner from each of the county boards of Brown, Cherry, Keya Paha, and Rock counties chosen by the county board of the respective county;

9 (b) A representative of the Middle Niobrara Natural Resources District and the Lower Niobrara Natural Resources District chosen by the board of the respective district;

12 (c) The secretary of the Game and Parks Commission or his or her designee;

14 (d) The regional director for the National Park Service or his or her designee and the regional director for the United States Fish and Wildlife Service or his or designee. The members under this subdivision shall be nonvoting members unless and until the agencies represented by these members formally authorize such members to vote on all matters before the council by notifying the council and the Governor in writing;

20 (e) An individual from each of Brown, Cherry, Keya Paha, and Rock
21 counties who resides in the Niobrara River drainage area and owns land in
22 the Niobrara scenic river corridor chosen by the Governor from a list of
23 at least three individuals, or fewer if there are not at least three
24 qualified individuals, from each county submitted by the county board
25 members on the council;
26 (f) A representative from a recreational business operating within
1 the Niobrara scenic river corridor chosen by the Governor from a list of
2 at least three individuals, or fewer if there are not at least three
3 qualified individuals, submitted by the county board members on the
4 council;
5 (g) A timber industry representative operating within the Niobrara
6 scenic river corridor chosen by the Governor from a list of at least
7 three individuals, or fewer if there are not at least three qualified
8 individuals, submitted by the county board members on the council; and
9 (h) A representative of a recognized, nonprofit environmental,
10 conservation, or wildlife organization chosen by the Governor from a list
11 of at least three individuals, or fewer if there are not at least three
12 qualified individuals, submitted by the county board members on the
13 council.
14 The appointments made pursuant to subdivisions (1)(e) through (h) of
15 this section shall be subject to confirmation by the Legislature. The
16 council members shall hold office for three-year terms and until a
17 successor is appointed and qualified. The council members shall serve at
18 the pleasure of the appointing board or the Governor.
19 (2) The council shall elect a chairperson, a vice-chairperson, a
20 secretary, and a treasurer who shall jointly serve as the executive
21 committee for the council. The council shall meet on a regular basis with
22 a minimum of six meetings per year. Special meetings may be called by any
23 member of the executive committee or at the request of a simple majority
24 of the members of the council.
25 (3) A quorum shall be present at a meeting before any action may be
26 taken by the council. A quorum shall be a majority of the members who are
27 selected and serving and who vote on issues before the council. All
28 actions of the council require a majority vote of the quorum present at
29 any meeting, except that any vote to reject or adopt any zoning
30 regulation or variance under section 72-2010 requires a vote of two-
31 thirds of all the council members who are selected and serving and who
1 vote on issues before the council.
2 (4) Members shall be reimbursed for actual and necessary expenses
3 incurred in carrying out their duties on the council as provided in
4 sections 81-1174 to 81-1177.
5 Sec. 9. Section 72-2008, Reissue Revised Statutes of Nebraska, is
6 amended to read:
7 72-2008 The mission of the Niobrara Council is to assist in all
8 aspects of the management of the Niobrara scenic river corridor since
9 portions of the Niobrara River have been designated as a national scenic
10 river under 16 U.S.C. 1274(a)(117), as such section existed on May 24,
11 1991, giving consideration and respect to local and governmental input
12 and private landowner rights, and to maintain and protect the integrity
of the resources associated with the Niobrara scenic river corridor. The
council shall perform management functions related to the Niobrara scenic
river corridor, including, but not limited to, those authorized and
delegated to it by the National Park Service. The council may promulgate
its own rules and internal policies to carry out the purposes of the
Niobrara Scenic River Act. The Game and Parks Commission may provide
administrative, budgetary, operational, and programmatic support when
requested by the council to carry out its duties. This support shall not exceed
fifty thousand dollars in any calendar year. In the Niobrara
scenic river corridor, the council may hold title to real estate in the
name of the council. The council may purchase, accept gifts of, or trade
real estate and may obtain conservation easements as provided in the
Conservation and Preservation Easements Act. Acquisition of conservation
easements outside the boundaries of the Niobrara scenic river corridor
shall require the approval of the appropriate governing body as provided
in section 76-2,112. On December 1, 2016, and on each December 1
thereafter, the council shall electronically submit an annual report to
the Clerk of the Legislature and the chairperson of the Natural Resources
Committee of the Legislature describing expenditures made pursuant to the
Niobrara Scenic River Act.

2. Renumber the remaining sections and correct the repealer
accordingly.

The Davis amendment was adopted with 34 ayes, 0 nays, 12 present and not
voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 1 nay, 8
present and not voting, and 3 excused and not voting.

Senator Schilz withdrew his amendment, AM1966, found on page 529.

Senator Bloomfield requested a record vote on the advancement of the bill.

Voting in the affirmative, 41:

Baker    Fox   Howard    McCoy    Smith
Bolz     Friesen Hughes    Mello    Stinner
Brasch   Garrett Johnson Murante Sullivan
Campbell Gloor Kolowski Pansing Brooks Watermeier
Cook     Haar, K. Kolterman Scheer Williams
Craighead Hadley Krist Schilz
Crawford Hansen Kuehn Schnoor
Davis    Harr, B. Lindstrom Schumacher
Ebke     Hilkemann McCollister Seiler

Voting in the negative, 0.

Present and not voting, 5:
Excused and not voting, 3:

Chambers  Larson  Morfeld

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1038A. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB1094:
AM2721
(AMendments to Standing Committee amendments, AM2337)
1 1. Insert the following new sections:
2 Sec. 29. Section 47-901, Revised Statutes Supplement, 2015, is
3 amended to read:
4 47-901 Sections 47-901 to 47-918 and section 32 of this act shall be
5 known and may be cited as the Office of Inspector General of the Nebraska
6 Correctional System Act.
7 Sec. 30. Section 47-903, Revised Statutes Supplement, 2015, is
8 amended to read:
9 47-903 For purposes of the Office of Inspector General of the
10 Nebraska Correctional System Act, the following definitions apply:
11 (1) Administrator means a person charged with administration of a
12 program, an office, or a division of the department or administration of
13 a private agency;
14 (2) Department means the Department of Correctional Services;
15 (3) Director means the Director of Correctional Services;
16 (4) Inspector General means the Inspector General of the Nebraska
17 Correctional System appointed under section 47-904;
18 (5) Malfeasance means a wrongful act that the actor has no legal
19 right to do or any wrongful conduct that affects, interrupts, or
20 interferes with performance of an official duty;
21 (6) Management means supervision of subordinate employees;
22 (7) Misfeasance means the improper performance of some act that a
23 person may lawfully do;
24 (8) Obstruction means hindering an investigation, preventing an
25 investigation from progressing, stopping or delaying the progress of an
26 investigation, or making the progress of an investigation difficult or
27 slow;
2 (9) Office means the office of Inspector General of the Nebraska
3 Correctional System and includes the Inspector General and other
4 employees of the office;
5 (10) Office of Parole Administration means the office created pursuant to section 83-1,100;
6 (11) Private agency means an entity that contracts with the department or contracts to provide services to another entity that contracts with the department; and
7 (12) Record means any recording in written, audio, electronic transmission, or computer storage form, including, but not limited to, a draft, memorandum, note, report, computer printout, notation, or message, and includes, but is not limited to, medical records, mental health records, case files, clinical records, financial records, and administrative records.
8 Sec. 31. Section 47-908, Revised Statutes Supplement, 2015, is amended to read:
9 47-908 All employees of the department, all employees of the Office of Parole Administration, and all owners, operators, managers, supervisors, and employees of private agencies shall cooperate with the office. Cooperation includes, but is not limited to, the following:
10 (1) Provision of full access to and production of records and information. Providing access to and producing records and information for the office is not a violation of confidentiality provisions under any statute, rule, or regulation if done in good faith for purposes of an investigation under the Office of Inspector General of the Nebraska Correctional System Act;
11 (2) Fair and honest disclosure of records and information reasonably requested by the office in the course of an investigation under the act;
12 (3) Encouraging employees to fully comply with reasonable requests of the office in the course of an investigation under the act;
13 (4) Prohibition of retaliation by owners, operators, or managers against employees for providing records or information or filing or otherwise making a complaint to the office;
14 (5) Not requiring employees to gain supervisory approval prior to filing a complaint with or providing records or information to the office;
15 (6) Provision of complete and truthful answers to questions posed by the office in the course of an investigation; and
16 (7) Not willfully interfering with or obstructing the investigation.
17 Sec. 32. The Office of Parole Administration shall provide the Public Counsel and the Inspector General with direct computer access to all computerized records, reports, and documents maintained by the office in connection with administration of the Nebraska parole system, except that access for the Public Counsel and the Inspector General to a parolee’s medical or mental health records shall be subject to the parolee’s consent.
18 Sec. 37. Section 83-1,101, Reissue Revised Statutes of Nebraska, is amended to read:
19 83-1,101 The Director of Correctional Services with the consent of the Board of Parole shall appoint a Parole Administrator, The Parole Administrator who shall be a person with appropriate experience and training, including, but not limited to, familiarity with the
implementation of evidence-based processes for utilizing risk and needs
assessments to measure criminal risk factors and specific individual
needs in the field of corrections, or with training in relevant
disciplines at a recognized university.

Sec. 43. Section 83-4,114, Revised Statutes Supplement, 2015, is
amended to read:

83-4,114 (1) There shall be no corporal punishment or disciplinary
restrictions on diet.

(2) Disciplinary restrictions on clothing, bedding, mail,
visitations, use of toilets, washbowls, or scheduled showers shall be
imposed only for abuse of such privilege or facility and only as
authorized by written directives, guidance documents, and operational
manuals.

(3) No person shall be placed in solitary confinement.

(4) The director shall issue an annual report on or before September
15 to the Governor and the Clerk of the Legislature. The report to the
Clerk of the Legislature shall be issued electronically. For all inmates
who were held in restrictive housing during the prior year, the report
shall contain the race, gender, age, and length of time each inmate has
continuously been held in restrictive housing. The report shall also
contain:

(a) The number of inmates held in restrictive housing;

(b) The reason or reasons each inmate was held in restrictive
housing;

(c) The number of inmates held in restrictive housing who have been
diagnosed with a mental illness or behavioral disorder as defined in
section 71-907 and the type of mental illness or behavioral disorder by
inmate;

(d) The number of inmates who were released from restrictive housing
directly to parole or into the general public and the reason for such
release;

(e) The number of inmates who were placed in restrictive housing for
his or her own safety and the underlying circumstances for each
placement;

(f) To the extent reasonably ascertainable, comparable statistics
for the nation and each of the states that border Nebraska pertaining to
subdivisions (4)(a) through (e) of this section; and

(g) The mean and median length of time for all inmates held in
restrictive housing.

(5)(a) There is hereby established within the department a long-term
1 restrictive housing work group. The work group shall consist of:

(i) The director and all deputy directors. The director shall serve
as the chairperson of the work group;

(ii) The director of health services within the department;

(iii) The behavioral health administrator within the department;

(iv) Two employees of the department who currently work with
inmates held in restrictive housing;

(v) Additional department staff as designated by the director;

and
10 (v 4) Four members as follows appointed by the Governor:
11 (A) Two representatives from a nonprofit prisoners' rights advocacy
12 group, including at least one former inmate; and
13 (B) Two mental health professionals independent from the department
14 with particular knowledge of prisons and conditions of confinement.
15 (b) The work group shall advise the department on policies and
16 procedures related to the proper treatment and care of offenders in long-
17 term restrictive housing.
18 (c) The director shall convene the work group's first meeting no
19 later than September 15, 2015, and the work group shall meet at least
20 semiannually thereafter. The chairperson shall schedule and convene the
21 work group's meetings.
22 (d) The director shall provide the work group with quarterly updates
23 on the department's policies related to the work group's subject matter.
24 2. Renumber the remaining sections, amend the repealer, and correct
25 internal references accordingly.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So
ordered.

Pansing Brooks - LR506

VISITOR(S)

Visitors to the Chamber were Mike and Jeannette Bernskoetter from
Jefferson City, MO; 24 fourth-grade students from Cedar Elementary,
Beatrice; 27 fourth- and fifth-grade students from Sacred Heart School, Falls
City; 21 grassroots coordinators of the Nebraska Rural Electric Association
from across the state; and Maggie Morehouse from Lincoln.

The Doctor of the Day was Dr. Aaron Lanik from Geneva.

ADJOURNMENT

At 7:15 p.m., on a motion by Speaker Hadley, the Legislature adjourned
until 9:00 a.m., Wednesday, March 23, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
FORTY-EIGHTH DAY - MARCH 23, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

FORTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 23, 2016

PRAYER

The prayer was offered by Senator Hilkemann.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senator Fox who was excused; and Senators Coash, Davis, Groene, Larson, and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-seventh day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1083. Placed on Select File with amendment.
ER220
1 1. On page 1, strike beginning with "adopt" in line 1 through line 5
2 and insert "amend section 13-208, Revised Statutes Cumulative Supplement,
3 2014; to adopt the Next Generation Business Growth Act; to state intent
4 regarding funding; to change funding for tax credits under the Community
5 Development Assistance Act; to provide a termination date; and to repeal
6 the original section.".

LEGISLATIVE BILL 742. Placed on Select File.
LEGISLATIVE BILL 837. Placed on Select File.

LEGISLATIVE BILL 465. Placed on Select File with amendment.
ER222
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Sections 1 to 17 of this act shall be known and may be
Sec. 2. For purposes of the Electronic Notary Public Act:

(1) Electronic means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

(2) Electronic document means information that is created, generated, sent, communicated, received, or stored by electronic means;

(3) Electronic notarial act means an official act by an electronic notary public that involves electronic documents;

(4) Electronic notary public means a notary public registered with the Secretary of State that has the capability of performing electronic notarial acts in conformance with the Electronic Notary Public Act;

(5) Electronic notary seal means information within a notarized electronic document that includes the notary public's name, jurisdiction, and commission expiration date and generally corresponds to the data in notary seals used on paper documents;

(6) Electronic notary solution provider means a provider of any electronic notary seals or electronic signatures;

(7) Electronic signature means an electronic symbol or process attached to or logically associated with an electronic document and executed or adopted by a person with the intent to sign the document; and

(8) Notary public's electronic signature means an electronic signature which has been approved by the Secretary of State in rules and regulations adopted and promulgated under section 16 of this act as an acceptable means for an electronic notary public to attach or logically associate the notary public's official signature to an electronic document that is being notarized.

Sec. 3. (1) To be eligible to register as an electronic notary public, a person shall:

(a) Hold a valid commission as a notary public in the State of Nebraska;

(b) Satisfy the education requirement of section 5 of this act; and

(c) Pay the fee required under section 6 of this act.

(2) The Secretary of State shall not accept the registration if the requirements of subsection (1) of this section are not met.

Sec. 4. (1) Before performing an electronic notarial act, a notary public shall register with the Secretary of State in a manner prescribed by the Secretary of State.

(2) The registration shall specify the technology the notary public intends to use to perform an electronic notarial act. Such technology shall be provided by an electronic notary solution provider approved by the Secretary of State.

(3) The term of registration as an electronic notary public shall coincide with the term of the commission of the notary public.

(4) A person registered as an electronic notary public may renew his or her electronic notary public registration at the same time he or she renews his or her notary public commission.

Sec. 5. (1) Before registering as an electronic notary public, a notary public shall take a course of instruction approved by the
Secretary of State and pass an examination for such course in addition to
the requirements provided in section 64-101.01.

(2) The content of the course and the basis for the examination
shall include notarial laws, procedures, technology, and the ethics of
electronic notarization.

Sec. 6. The fee for registering or reregistering as an electronic
notary shall be in addition to the fee required in section 33-102. The
Secretary of State shall establish the fee by rule and regulation in an
amount sufficient to cover the costs of administering the Electronic
Notary Public Act, but the fee shall not exceed one hundred dollars. The
Secretary of State shall remit fees received under this section to the
State Treasurer for credit to the Administration Cash Fund for use in
administering the Electronic Notary Public Act.

Sec. 7. The following types of electronic notarial acts may be
performed by an electronic notary public:

1. Acknowledgments;
2. Jurats;
3. Verifications or proofs; and
4. Oaths or affirmations.

Sec. 8. An electronic notarial act shall not be performed if the
signer of the electronic document is not in the physical presence of the
electronic notary public at the time of notarization and is not
personally known to the electronic notary public or identified by the
notary public through satisfactory evidence as provided in section
64-105.

Sec. 9. In performing an electronic notarial act, all of the
following components shall be attached to, or logically associated with,
the electronic document by the electronic notary public and shall be
immediately perceptible and reproducible in the electronic document to
which the notary public’s electronic signature is attached: (1) The
electronic notary seal; (2) the notary public’s electronic signature; and
(3) the completed wording of one of the following notarial certificates:
(a) Acknowledgment, (b) jurat, (c) verification or proof, or (d) oath or
affirmation.

Sec. 10. (1) A notary public’s electronic signature in combination
with the electronic notary seal shall be used only for the purpose of
performing an electronic notarial act.
(2) An electronic notary public shall safeguard his or her
electronic signature, electronic notary seal, and all other notarial
records. Notarial records shall be maintained by the electronic notary
public, and the electronic notary public shall not surrender or destroy
the records except as required by a court order or as allowed under rules
and regulations adopted and promulgated by the Secretary of State,
(3) When not in use, the electronic notary public shall keep his or
her electronic signature, electronic notary seal, and all other notarial
records secure, under his or her exclusive control, and shall not allow
them to be used by any other notary public or any other person.
(4) Within ten days after discovering that his or her electronic
notary seal or electronic signature has been stolen, lost, damaged, or
Sec. 11. (1) When the registration of an electronic notary public expires or is resigned, canceled, or revoked or when an electronic notary public dies, he or she or his or her duly authorized representative shall erase, delete, or destroy the coding, disk, certificate, card, software, file, or program that enables the attachment or logical association of the notary public’s electronic signature.

(2) A former electronic notary public whose previous registration was not revoked, canceled, or denied by the Secretary of State need not erase, delete, or destroy the coding, disk, certificate, card, software, file, or program that enables the attachment or logical association of the notary public’s electronic signature if he or she is reregistered as an electronic notary public using the same electronic signature within three months after the registration expires.

Sec. 12. Electronic evidence of the authenticity of the notary public’s electronic signature and electronic notary seal of an electronic notary public of this state, if required, shall be attached to, or logically associated with, a document with a notary public’s electronic signature transmitted to another state or nation and shall be in the form of an electronic certificate of authority signed by the Secretary of State in conformance with any current and pertinent international treaties, agreements, and conventions subscribed to by the United States Government.

Sec. 13. (1) An electronic certificate of authority evidencing the authenticity of the notary public’s electronic signature and electronic notary seal of an electronic notary public of this state shall contain substantially the following words:

"Certificate of Authority for an Electronic Notarial Act

I .................... (name, title, jurisdiction of commissioning official) certify that .................... (name of electronic notary public), the person named as an electronic notary public in the attached or associated document, was indeed registered as an electronic notary public for the State of Nebraska and authorized to act as such at the time of the document's electronic notarization. To verify this Certificate of Authority for an Electronic Notarial Act, I have included herewith my electronic signature this .................... day

Of ...................., 20.................... .

(Electronic signature (and seal) of commissioning official)

(2) The Secretary of State may charge a fee of twenty dollars for issuing an electronic certificate of authority. The Secretary of State shall remit the fees to the State Treasurer for credit to the Administration Cash Fund.

Sec. 14. A person violating the Electronic Notary Public Act is subject to having his or her registration removed under the removal procedures provided in section 64-113.

Sec. 15. Nothing in the Electronic Notary Public Act requires a
notary public to register as an electronic notary public if he or she does not perform electronic notarial acts.

Sec. 16. The Secretary of State may adopt and promulgate rules and regulations to insure the integrity, security, and authenticity of electronic notarizations in accordance with the Electronic Notary Public Act. Such rules and regulations shall include procedures for the approval of electronic notary solution providers by the Secretary of State. In addition, the Secretary of State may require an electronic notary public to create and to maintain a record, journal, or entry of each electronic notarial act.

Sec. 17. Sections 64-101 to 64-119 and 64-211 to 64-215 and the Uniform Recognition of Acknowledgments Act govern an electronic notary public unless the provisions of such sections and act are in conflict with the Electronic Notary Public Act, in which case the Electronic Notary Public Act controls.

Sec. 18. This act becomes operative on July 1, 2017.

LEGISLATIVE BILL 465A. Placed on Select File with amendment. ER221

1. On page 1, line 3, strike "First Session, 2015" and insert "Second Session, 2016".

2. On page 2, line 2, strike "FY2015-16" and insert "FY2016-17"; in line 3 strike "FY2016-17" and insert "FY2017-18"; in line 5 strike "First" and insert "Second"; and in line 6 strike "2015" and insert "2016".

(Signed) Matt Hansen, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Agriculture

Room 1524

Wednesday, March 30, 2016 12:00 p.m.

Harry Hoch - Nebraska State Fair Board

(Signed) Jerry Johnson, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 485, 486, 487, and 488 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 485, 486, 487, and 488.
ANNOUNCEMENT

The Chair announced the birthday of Senator Lindstrom.

MOTION(S) - Confirmation Report(s)

Senator Smith moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 1107:

- Board of Public Roads Classifications and Standards
  - LeRoy Gerrard
  - Lisa Kramer
  - Darold Tagge

Voting in the affirmative, 36:

Bloomfield  Ebke  Hughes  Morfeld  Stinner
Bolz        Friesen  Johnson  Pansing  Brooks  Sullivan
Brasch       Garrett  Kintner  Riepe        Watermeier
Campbell     Gloor    Kolowski  Scheer  Williams
Chambers     Hadley  Kolterman  Schnoor
Cook         Hansen  Krist    Schumacher
Crawford     Harr, B.  Lindstrom  Seiler
Davis        Hil kemann  McCollister  Smith

Voting in the negative, 0.

Present and not voting, 8:

Baker  Haar, K.  Kuehn  Mello
Craighead  Howard  McCoy  Schilz

Excused and not voting, 5:

Coash  Fox  Groene  Larson  Murante

The appointments were confirmed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1083A. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.
SELECT FILE

LEGISLATIVE BILL 1101. ER203, found on page 1122, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1080. ER204, found on page 1122, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 899. ER205, found on page 1122, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 895. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1039. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 677. ER216, found on page 1123, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 978. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 877. ER211, found on page 1123, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1050. Senator Stinner offered the following amendment:
AM2728
1 1. On page 2, line 20, after the period insert “A domestic partnership converting into a domestic limited liability company or a foreign limited liability company shall, at least ten business days before the articles of conversion are filed, send written notice of such conversion to the last-known address of any holder of a security interest in collateral of such partnership.”.
2 2. On page 3, line 6, after the period insert “A domestic limited liability partnership converting into a domestic limited liability company or a foreign limited liability company shall, at least ten business days before the articles of conversion are filed, send written notice of such conversion to the last-known address of any holder of a security interest in collateral of such limited liability partnership.”.

The Stinner amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.
Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 1075. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 973. ER214, found on page 1123, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 712. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 902. Senator Kolowski offered his amendment, AM2671, found on page 1118.

The Kolowski amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 694. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 908. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 908A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1010. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 913. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1011. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE RESOLUTION 381. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 783. ER219, found on page 1145, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 783A. Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 842. ER217, found on page 1146, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 750. ER210, found on page 1146, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 816. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 952. ER213, found on page 1146, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 678. ER212, found on page 1146, was adopted.
Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 1110. Title read. Considered.
Committee AM2294, found on page 855, was adopted with 29 ayes, 0 nays,
14 present and not voting, and 6 excused and not voting.
Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 17 present
and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1094. Title read. Considered.
Committee AM2337, found on page 952, was offered.
Senator Bolz offered her amendment, AM2721, found on page 1174, to the
committee amendment.
The Bolz amendment was adopted with 35 ayes, 0 nays, 9 present and not
voting, and 5 excused and not voting.
The committee amendment, as amended, was adopted with 35 ayes, 0 nays,
9 present and not voting, and 5 excused and not voting.
Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present
and not voting, and 4 excused and not voting.
BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1093A. Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1093, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 586. Committee AM289, found on page 521 and considered on page 1614, First Session, 2015, was renewed.

Senator Hansen asked unanimous consent to withdraw his motion, MO117, found on page 1631, First Session, 2015, to reconsider the vote taken on AM1644. No objections. So ordered.

Senator Morfeld withdrew his amendment, AM2639, found on page 1060.

Senator Coash offered the following amendment to the committee amendment:
AM2550
(Amendments to Standing Committee amendments, AM289)
1 1. Insert the following new amendments:
2 2. On page 2, line 6; page 12, line 24; and page 25, line 2,
3 reinstate the stricken "creed,"
4 3. On page 25, line 3, after the period insert "Nothing contained in
5 the Nebraska Fair Employment Practice Act shall be deemed to affect the
6 ability of an employer to take action against an employee if such action
7 is otherwise lawful under local, state, and federal law, including, but
8 not limited to, actions taken in response to an employee’s misconduct,
9 incompetency, behavior, violation of workplace policy, neglect of duty,
10 unprofessional conduct, or insubordination"; and in line 21 strike "or
11 perceived".
12 2. Renumber the remaining amendment accordingly.

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 731. Placed on Final Reading.
LEGISLATIVE BILL 790. Placed on Final Reading.
LEGISLATIVE BILL 814. Placed on Final Reading.
LEGISLATIVE BILL 814A. Placed on Final Reading.
LEGISLATIVE BILL 909. Placed on Final Reading.
BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 774A. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 774, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 514. Introduced by Bolz, 29.

PURPOSE: The purpose of this interim study is to examine the availability of transition services for youth who will leave or have left the juvenile justice system while in an out-of-home placement and to determine whether additional transition services are needed. The study shall include the following:

(1) Examining potential sources of increased funding, including federal funding, and other options to increase access to supportive services for youth leaving Nebraska's juvenile justice system and transitioning into adulthood;
(2) Identifying methods for gauging and accessing the population to be served;
(3) Investigating options for program structuring; and
(4) Mapping opportunities to collaborate with or utilize existing community and state programming for older youth who lack supportive connections.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

WITHDRAW - Cointroducer

Senator Sullivan withdrew her name as cointroducer to LR378CA.
VISITOR(S)

Visitors to the Chamber were Allison Derr, Miranda Rogers, and Kalli Gloudemans from the University of Nebraska College of Law; 45 fourth-grade students from Louisville Elementary; 8 members of TeenPact Leadership Schools from across the state; and Senator Davis' cousins, Daphne Davis from Julesburg, CO and Kim Schneider from Paxton.

EASE

The Legislature was at ease from 12:06 p.m. until 12:30 p.m.

SENATOR SCHEER PRESIDING

GENERAL FILE

LEGISLATIVE BILL 586. The Coash amendment, AM2550, found in this day's Journal, to the committee amendment, was renewed.

Pending.

MOTION - Adjournment

Senator Chambers moved to adjourn until 9:00 a.m., Thursday, March 24, 2016.

Senator Coash moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Senator Chambers requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 44:

Baker Davis Hilkemann Lindstrom Schnoor
Bloomfield Ebke Howard McCollister Schumacher
Bolz Friesen Hughes McCoy Seiler
Brasch Garrett Johnson Mello Smith
Campbell Gloor Kintner Morfeld Stinner
Coash Groene Kolowski Murante Sullivan
Cook Haar, K. Koltermann Riepe Watermeier
Craighead Hadley Krist Scheer Williams
Crawford Hansen Kuehn Schilz

Present and not voting, 1:

Pansing Brooks

Absent and not voting, 1:

Harr, B.
Excused and not voting, 2:

Fox Larson

The Chambers motion to adjourn failed with 1 aye, 44 nays, 1 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**GENERAL FILE**

**LEGISLATIVE BILL 586.** Senator Krist offered the following motion:
MO227
Bracket until April 20, 2016.

**SENATOR GLOOR PRESIDING**

**SENATOR SCHEER PRESIDING**

Senator Murante moved the previous question. The question is, "Shall the debate now close?"

Senator Murante moved for a call of the house. The motion prevailed with 35 ayes, 1 nay, and 13 not voting.

The motion to cease debate prevailed with 26 ayes, 10 nays, 12 present and not voting, and 1 excused and not voting.

The Krist motion to bracket prevailed with 26 ayes, 18 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 567.** Placed on Final Reading.
**LEGISLATIVE BILL 680.** Placed on Final Reading.
**LEGISLATIVE BILL 680A.** Placed on Final Reading.
**LEGISLATIVE BILL 684.** Placed on Final Reading.
**LEGISLATIVE BILL 725.** Placed on Final Reading.
**LEGISLATIVE BILL 726.** Placed on Final Reading.
**LEGISLATIVE BILL 770.** Placed on Final Reading.
**LEGISLATIVE BILL 770A.** Placed on Final Reading.
**LEGISLATIVE BILL 784.** Placed on Final Reading.
**LEGISLATIVE BILL 813.** Placed on Final Reading.
**LEGISLATIVE BILL 823.** Placed on Final Reading.
**LEGISLATIVE BILL 865.** Placed on Final Reading.
**LEGISLATIVE BILL 875.** Placed on Final Reading.
**LEGISLATIVE BILL 924.** Placed on Final Reading.
LEGISLATIVE BILL 942. Placed on Final Reading.
LEGISLATIVE BILL 948. Placed on Final Reading.
LEGISLATIVE BILL 1002. Placed on Final Reading.
LEGISLATIVE BILL 1086. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 744. Title read. Considered.

Committee AM2142, found on page 710, was offered.

Senator Watermeier withdrew his amendment, AM2416, found on page 1008.

Senator Watermeier offered the following amendment to the committee amendment:

AM2727

(Amendments to Standing Committee amendments, AM2142)

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. (1) The adoptive parent or parents and the parent or
4 parents relinquishing a child for adoption may enter into a written
5 agreement to permit continuing communication and contact after the
6 placement of an adoptee between the adoptive parent or parents and the
7 relinquishing parent or parents in private or agency adoptions for
8 adoptees not in the custody of the Department of Health and Human
9 Services as provided under this section.
10 (2) (a) In private adoptions, a parent or parents who relinquish a
11 child for adoption shall be provided legal counsel of their choice
12 independent from that of the adoptive parent or parents at the expense of
13 the adoptive parent or parents prior to the execution of a written
14 relinquishment and consent to adoption, or a communication and contact
15 agreement under this section, unless specifically waived in writing.
16 (b) In private and agency adoptions, a parent or parents
17 contemplating relinquishment of a child for adoption shall be offered, at
18 the expense of the adoptive parent or parents or the agency, at least
19 three hours of professional counseling prior to executing a written
20 relinquishment of parental rights or written consent to adoption. Such
21 relinquishment or consent shall state whether the relinquishing parent or
22 parents received or declined counseling.
23 (3) The terms of a communication and contact agreement entered into
24 under this section may include provisions for (a) future contact or
25 communication between the relinquishing parent or parents and the adoptee
26 or the adoptive parent or parents, or both, (b) sharing information about
27 the adoptee, or (c) other matters related to communication or contact
28 agreed to by the parties.
29 (4) If the adoptee is fourteen years of age or older at the time of
30 placement, a communication and contact agreement under this section shall
not be valid unless consented to in writing by the adoptee.

(5) A court may approve a communication and contact agreement entered into under this section by incorporating such agreement by reference and indicating the court's approval of such agreement in the decree of adoption. Enforceability of a communication and contact agreement is not contingent on court approval or its incorporation into the decree of adoption.

(6) Neither the existence of, nor the failure of any party to comply with the terms of, a communication and contact agreement entered into under this section shall be grounds for (a) setting aside an adoption decree, (b) revoking a written relinquishment of parental rights or written consent to adoption, (c) challenging the adoption on the basis of duress or coercion, or (d) challenging the adoption on the basis that the agreement retains some aspect of parental rights by the relinquishing parent or parents.

(7) A communication and contact agreement entered into under this section may be enforced by a civil action. A court in which such civil action is filed may enforce, modify, or terminate a communication and contact agreement entered into under this section if the court finds that (a) enforcing, modifying, or terminating the communication and contact agreement is necessary to serve the best interests of the adoptee, (b) the party seeking to enforce, modify, or terminate the communication and contact agreement participated in, or attempted to participate in, mediation in good faith or participated in other appropriate dispute resolution proceedings in good faith to resolve the dispute prior to filing the petition, and (c) when seeking to modify or terminate the agreement, a material change in circumstances has arisen since the parties entered into the communication and contact agreement that justifies modifying or terminating the agreement.

(8) If the adoption was through an agency, the agency which accepted the relinquishment from the relinquishing parent or parents shall be invited to participate in any mediation or other appropriate dispute resolution proceedings as provided in subsection (7) of this act.

(9) With any communication and contact agreement entered into under this section, the following shall appear on the communication and contact agreement: No adoption shall be set aside due to the failure of the adoptive parent or parents or the relinquishing parent or parents to follow the terms of this agreement or a later order modifying or terminating this agreement. Disagreement between the parties or a subsequent civil action brought to enforce, modify, or terminate this agreement shall not affect the validity of the adoption and shall not serve as a basis for orders affecting the custody of the child. The court shall not act on a petition to enforce, modify, or terminate this agreement unless the petitioner has participated in, or attempted to participate in, mediation in good faith or participated in other appropriate dispute resolution proceedings in good faith to resolve the dispute prior to filing the petition.

(10) The court shall not award monetary damages as a result of the filing of a civil action pursuant to subsection (7) of this section.
LEGISLATIVE JOURNAL

SPEAKER HADLEY PRESIDING

The Watermeier amendment was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 947. Title read. Considered.

Committee AM2148, found on page 645, was offered.

Senator Mello moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Kintner requested a roll call vote on the committee amendment.

Voting in the affirmative, 31:

Baker   Davis   Hansen   Lindstrom   Stinner
Bolz    Ebke    Harr, B.  McCollister  Sullivan
Campbell Friesen Hilkemann Mello     Williams
Chambers Garrett Howard Morfeld
Coash   Gloor   Johnson Pansing Brooks
Cook    Haar, K. Kolowski Schumacher
Crawford Hadley Krist   Seiler

Voting in the negative, 5:

Brasch Groene Kintner Kuehn McCoy

Present and not voting, 9:

Bloomfield Koltermann Riepe Schilz Smith
Hughes Murante Scheer Schnoor

Excused and not voting, 4:

Craighead Fox Larson Watermeier

The committee amendment was adopted with 31 ayes, 5 nays, 9 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 27 ayes, 7 nays, 11 present and not voting, and 4 excused and not voting.
AMENDMENT(S) - Print in Journal

Senator K. Haar filed the following amendments to LB768:

AM2678

(Amendments to Standing Committee amendments, AM2058)
1 1. On page 5, line 19; page 9, lines 4, 6, 14, 18, 22, and 26; page
2 10, lines 3, 11, 18, 21, 24, and 27 and 28; and page 11, lines 7 and 11,
3 strike "Choose Life" and insert "Legalize It".
4 2. On page 9, line 7, strike “protection of Nebraska’s children” and
5 insert “legalization of marijuana”.
6 3. On page 10, lines 7 and 8 and 16 and 17; and page 11, lines 9, 13
7 and 14, 15, and 21, strike “Choose Life Prenatal Care” and insert
8 “Marijuana Research and Education”.
9 4. On page 11, strike lines 18 through 20 and insert “used to do
10 research and provide educational materials regarding the health benefits
11 of marijuana, the revenue benefits to the state from legalization, the
12 economic benefits to farmers, ranchers, and businesses, and the
13 environmental benefits of growing marijuana, which is a low-input and
14 drought-resistant crop.”.

AM2684

(Amendments to Standing Committee amendments, AM2058)
1 1. On page 5, line 19; page 9, lines 4, 6, 14, 18, 22, and 26; page
2 10, lines 3, 11, 18, 21, 24, and 27 and 28; and page 11, lines 7 and 11,
3 strike "Choose Life" and insert "Ban Meat".
4 2. On page 9, line 7, strike “protection of Nebraska’s children” and
5 insert “elimination of meat from our diet”.
6 3. On page 10, lines 7 and 8 and 16 and 17; and page 11, lines 9, 13
7 and 14, 15, and 21, strike “Choose Life Prenatal Care” and insert “Ban
8 Meat Research and Education”.
9 4. On page 11, strike lines 18 through 20 and insert “used to do
10 research and provide educational materials regarding the health and
11 environmental benefits from the elimination of meat from our diet and the
12 revenue benefits to the state and the economic benefits to the people of
13 the state from eliminating meat from our diet.”.

AM2685

(Amendments to Standing Committee amendments, AM2058)
1 1. On page 5, line 19; page 9, lines 4, 6, 14, 18, 22, and 26; page
2 10, lines 3, 11, 18, 21, 24, and 27 and 28; and page 11, lines 7 and 11,
3 strike “Choose Life” and insert “Ban Genetically Modified Organisms”.
4 2. On page 9, line 7, strike “protection of Nebraska’s children” and
5 insert “elimination of genetically modified organisms”.
6 3. On page 10, lines 7 and 8 and 16 and 17; and page 11, lines 9, 13
7 and 14, 15, and 21, strike “Choose Life Prenatal Care” and insert “Ban
8 Genetically Modified Organisms Research and Education”.
9 4. On page 11, strike lines 18 through 20 and insert “used to do
10 research and provide educational materials regarding the health dangers
11 of genetically modified organisms and the revenue benefits to the state
12 and the economic benefits to the people of the state from supporting agriculture that does not involve genetically modified organisms.”.

AM2682
(Amendments to Standing Committee amendments, AM2058)
1 1. On page 5, line 19; page 9, lines 4, 6, 14, 18, 22, and 26; page 10, lines 3, 11, 18, 21, 24, and 27 and 28; and page 11, lines 7 and 11, strike "Choose Life" and insert "Love Your Mother".
2 2. On page 9, line 7, strike "Nebraska's children" and insert "the planet".
3 3. On page 10, lines 7 and 8 and 16 and 17; and page 11, lines 9, 13 and 14, 15, and 21, strike "Choose Life Prenatal Care" and insert "Love Your Mother Research and Education".
4 4. On page 11, strike lines 18 through 20 and insert "used to do research and provide educational materials regarding the health benefits of protecting the planet, the revenue benefits to the state from protecting the planet, and the economic benefits to the people of the state from protecting the planet."

AM2680
(Amendments to Standing Committee amendments, AM2058)
1 1. On page 5, line 19; page 9, lines 4, 6, 14, 18, 22, and 26; page 10, lines 3, 11, 18, 21, 24, and 27 and 28; and page 11, lines 7 and 11, strike "Choose Life" and insert "Black Lives Matter".
2 2. On page 9, line 7, strike "protection of Nebraska’s children" and insert "Black Lives Matter movement".
3 3. On page 10, lines 7 and 8 and 16 and 17; and page 11, lines 9, 13 and 14, 15, and 21, strike "Choose Life Prenatal Care" and insert "Black Lives Matter Support and Education".
4 4. On page 11, strike lines 18 through 20 and insert “used to do research and provide educational materials regarding discrimination against African Americans, particularly violence against African Americans perpetrated by law enforcement personnel.”

RESOLUTION(S)

LEGISLATIVE RESOLUTION 515. Introduced by Bolz, 29.

  WHEREAS, National Professional Social Work Month is observed in the month of March; and
  WHEREAS, the primary mission of social work is to enhance human well-being and help meet the basic needs of all people, especially the most vulnerable; and
  WHEREAS, social work is the profession of hope, fueled by resiliency and advocacy. Social workers make a difference because they help millions of struggling people every day; and
  WHEREAS, in the United States, there are more than 600,000 highly trained professional social workers who have helped clients find the strength, resiliency, and self-advocacy to navigate life's challenges; and
WHEREAS, resilience and determination alone cannot overcome all crises, but weaving those strengths with targeted advocacy can change people's lives; and
WHEREAS, the social work profession has a distinguished history of not only providing a social safety net for the most vulnerable people, but also challenging the systems that impede social mobility.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
  1. That the Legislature recognizes March 2016 as Professional Social Work Month in Nebraska.
  2. That a copy of this resolution be sent to the National Association of Social Workers, Nebraska Chapter.

Laid over.

LEGISLATIVE RESOLUTION 516. Introduced by Kintner, 2.

WHEREAS, Shaun Brothers, the athletics and activities director of Plattsmouth High School, was named the 2016 District II Athletic Director of the Year by the Nebraska State Interscholastic Athletic Administrator Association; and
WHEREAS, this award recognizes athletic directors who have served for at least eight years as athletic administrators, been recognized in their communities as educational leaders, and improved the social and cultural environments at their schools through their work with athletics and activities; and
WHEREAS, Shaun also received the Nebraska State Bandmasters Association's 2015 Outstanding Administrator Award; and
WHEREAS, Shaun worked countless hours helping students achieve their goals within his school's music department and advocating for his school's band program; and
WHEREAS, Shaun has fostered a positive environment in which music students can thrive and has encouraged students involved in all activities to support one another at their performances and events.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
  1. That the Legislature congratulates Shaun Brothers on being named the 2016 District II Athletic Director of the Year and receiving the 2015 Outstanding Administrator Award.
  2. That a copy of this resolution be sent to Shaun Brothers.

Laid over.
BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1110A. Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1110, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 679. Placed on Final Reading.

LEGISLATIVE BILL 736. Placed on Final Reading.

ST74

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 3, "section 70-1904" has been struck and "sections 70-1904 and 77-2704.57" inserted.

LEGISLATIVE BILL 881. Placed on Final Reading.

LEGISLATIVE BILL 887. Placed on Final Reading.

LEGISLATIVE BILL 891. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 886. Title read. Considered.

SENATOR KRIST PRESIDING

SENATOR COASH PRESIDING

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 886A. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.
AMENDMENT(S) - Print in Journal

Senator B. Harr filed the following amendment to LB843:

AM2734

(Amendments to Final Reading copy)

1 1. On page 1, strike beginning with "to" in line 5 through the
2 semicolon in line 6.
3 2. On page 3, strike lines 13 through 28.

NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

Friday, April 1, 2016 8:30 a.m.

Lisa May - Nebraska Educational Telecommunications Commission

(Signed) Kate Sullivan, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 894. Placed on Final Reading.

ST75

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Krist amendments, AM2610, on page 1, line 8; and page 3, line 26, "15" has been struck and "14" inserted.
2. In the E & R amendments, ER181:
   a. On page 21, line 20, "14" has been struck and "16" inserted;
   b. On page 24, line 6; page 25, line 27; and page 26, lines 14 and 27, "22"
      has been struck and "24" inserted; and
   c. On page 28, line 22, "29-3915," has been struck and "43-273," has been
      inserted after "43-260," and in line 26 "and 43-272" has been struck and
      "43-272, and 43-272.01" inserted.
3. On page 1, the matter beginning with "law" in line 1 through line 11
   and all amendments thereto have been struck and "juveniles; to amend
   sections 43-248.01, 43-260, 43-273, 43-279, 43-3504, 83-4,125, 83-4,126,
   83-4,132, and 83-4,134, Reissue Revised Statutes of Nebraska, sections
   43-248, 43-253, 43-255, 43-256, 43-260.01, and 43-3503, Revised Statutes
   Cumulative Supplement, 2014, and sections 43-245, 43-247, 43-250,
   43-251.01, 43-272, and 43-272.01, Revised Statutes Supplement, 2015; to
   provide, change, and eliminate definitions; to change provisions relating to
court jurisdiction, temporary custody and disposition, detention, and
placements and commitments under the Nebraska Juvenile Code; to change
provisions relating to the advisement of rights given to a juvenile in custody;
to provide for alternatives to detention and for creation of county guardian
ad litem divisions; to change provisions for appointment and compensation
of a guardian ad litem; to require and change provisions relating to the appointment of counsel for juveniles; to prohibit the waiver of counsel in certain circumstances; to require the Supreme Court to provide guidelines for attorneys practicing in juvenile court; to set forth requirements for a valid waiver of the right to counsel by a juvenile; to provide requirements relating to room confinement of juveniles; to provide for reports; to provide a duty for the Inspector General of Nebraska Child Welfare; to harmonize provisions; and to repeal the original sections." inserted.

LEGISLATIVE BILL 1093. Placed on Final Reading.

ST76

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "public" in line 1 through line 6 and all amendments thereto have been struck and "economic development; to amend sections 50-501 and 81-1210.01, Reissue Revised Statutes of Nebraska, and sections 81-12,160 and 81-12,162, Revised Statutes Supplement, 2015; to eliminate provisions relating to a statewide strategic plan for biotechnology; to create the Bioscience Steering Committee; to provide powers and duties; to change provisions relating to the use of the Biotechnology Development Cash Fund; to redefine a term relating to a grant program for internships; to change the Business Innovation Act; to state findings and require reports relating to the Nebraska Innovation Campus; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

(Signed) Matt Hansen, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 378CA. Senator Chambers offered the following motion:

MO226

Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

SENIOR GARRETT PRESIDING

SENIOR COASH PRESIDING

Senator Murante moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.
Senator Chambers requested a roll call vote on the motion to indefinitely postpone.

Voting in the affirmative, 15:

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Voting in the negative, 23:

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Present and not voting, 5:

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Excused and not voting, 6:

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The Chambers motion to indefinitely postpone failed with 15 ayes, 23 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Read. Considered.

Committee AM2251, found on page 914, was offered.

Senator Chambers offered the following motion:

MO229
Bracket until April 20, 2016.

**SPEAKER HADLEY PRESIDING**

Senator Kuehn moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.
Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 18:

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<td>Howard</td>
<td>Pansing Brooks</td>
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Voting in the negative, 24:

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Present and not voting, 1:

Johnson

Excused and not voting, 6:

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The Chambers motion to bracket failed with 18 ayes, 24 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 517.** Introduced by Howard, 9.

PURPOSE: The Nebraska Health Care Cash Fund was initially created with a $50 million endowment for health care programs using the principal and investment income from the Nebraska Tobacco Settlement Trust Fund and the Nebraska Medicaid Intergovernmental Trust Fund. The purpose of this endowment was to create an ongoing funding mechanism for health care in Nebraska.

The purpose of this interim study is to examine the long-term fiscal sustainability of the Nebraska Health Care Cash Fund. This study shall include:

(1) A review of the annual Nebraska Health Care Cash Fund reports provided by the Department of Health and Human Services;
(2) Input from interested parties regarding the funds necessary to continue using the Nebraska Health Care Cash Fund to pay for health care and related services; and

(3) Recommendations as to any statutory or funding changes that the Legislature should make in order to protect the ongoing viability of the Nebraska Health Care Cash Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 518. Introduced by Hadley, 37.

PURPOSE: The purpose of this study is to review issues surrounding child custody proceedings and parenting time determinations as they pertain to families of divorce. This study shall examine the following:

(1) A review and an analysis of research studies that examine how custody and parenting time awards affect social and emotional outcomes for children;

(2) A review, a comparison, and an analysis of parenting plans created by parents, negotiated by attorneys, mediated, and determined by courts;

(3) A review and an analysis of relevant legal standards related to the constitutional rights of children and parents;

(4) A review and an analysis of current and proposed legislation in other states to examine how other states have addressed these issues;

(5) A review and an analysis of parenting time guidelines currently used in Nebraska in order to set and determine parenting time standards, including variations of these standards across the state;

(6) A review and an analysis of available data on Nebraska divorce and custody proceedings;

(7) A review and an analysis of custody decisions in cases of domestic violence;

(8) A review and an analysis of how litigants manipulate the current family law system and the incentives the current system creates for such manipulation;

(9) A review and an analysis of the effect of child support guidelines on parenting time decisions and the effect of custody decisions on child support payments;

(10) A review and an analysis of what measures could be taken to improve implementation and actual enforcement of custody decisions; and

(11) A review and an analysis of custody decisions on subsequent litigation.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF
THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA,
SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to
conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report
of its findings, together with its recommendations, to the Legislative
Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator K. Haar filed the following amendment to LB824:
AM2720 is available in the Bill Room.

Senator Groene filed the following amendment to LB1022:
AM2676

(Amendments to Final Reading copy)
1 1. On page 28, line 12, strike "2027" and insert "2025".
2 2. On page 29, lines 5, 6, 9, 17 and 18, 19, 22, 26, 27, and 30;
3 page 30, lines 5, 6, 9, 21, 22, and 25; and page 31, lines 1 and 2, 3,
4 and 6, strike "December 31, 2020", show the old matter as stricken, and
5 insert "December 30, 2018".

VISITORS

Visitors to the Chamber were 23 fourth-grade students from Washington
Elementary, Norfolk; and 12 twelfth-grade students from Lincoln North
Star.

The Doctor of the Day was Dr. Gilbert Head from Omaha.

ADJOURNMENT

At 7:02 p.m., on a motion by Senator Murante, the Legislature adjourned
until 9:00 a.m., Thursday, March 24, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
FORTY-NINTH DAY - MARCH 24, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 24, 2016

PRAYER

The prayer was offered by Pastor Marco Morales, Iglasia El Buen Samaritano Latino Church, Kearney.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Scheer presiding.

The roll was called and all members were present except Senator Kolowski who was excused; and Senators Davis, Kintner, Larson, Morfeld, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-eighth day was approved.

SPEAKER HADLEY PRESIDING

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 977. Placed on Final Reading.
ST77
The following changes, required to be reported for publication in the Journal, have been made:
1. The Chambers amendment, FA104, has been incorporated into the Standing Committee amendments, AM2318, on page 2, line 22.
2. In the Smith amendment, AM2623, on page 3, line 8, "legislative bill" has been struck and "amendment" inserted.
3. In the E & R amendments, ER189, on page 1, line 8, "60-681," has been inserted after "60-4,148,;" in line 11 "23-187," has been inserted after "sections;" and in line 14 "to provide and change ordinance and resolution powers regarding weight restrictions," has been inserted after the semicolon.
4. In the Standing Committee amendments, AM2318:
a. On page 3, line 22; and page 4, lines 3 and 4, "8 and 9" has been struck and "9 and 10" inserted;
b. On page 13, line 25; page 16, line 10; page 22, line 30; page 23, line 7; page 24, line 15; and page 26, lines 4 and 17, "14" has been struck and "15" inserted;
c. On page 27, line 9; page 28, line 21; and page 29, line 29, "20" has been struck and "22" inserted; and
d. On page 38, line 10, "10, 26, and 29" has been struck and "11, 28, and 31" inserted; in line 11 "11" has been struck and "10" inserted; in line 12 "and 28" has been struck and "26, 27, and 30" inserted; in line 16 "60-681," has been inserted after "60-4,148,"; and in line 18 "23-187," has been inserted after "sections".

LEGISLATIVE BILL 977A. Placed on Final Reading.
LEGISLATIVE BILL 1105. Placed on Final Reading.
LEGISLATIVE BILL 1105A. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 519. Introduced by Smith, 14.

PURPOSE: The purpose of this interim study is to examine whether the One-Call Notification System Act should be updated. In order to carry out the purpose of this resolution, the study committee should seek the assistance and input of the board of directors of the statewide one-call notification center, the State Fire Marshal, the Attorney General, members of the underground construction industry, and operators of underground utility facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee shall be designated to conduct an interim study to carry out the purpose of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.
REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 23, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Kelley Governmental Relations, LLC
Waitt Outdoor, LLC
Robertson, Rob J.
Nebraska Farm Bureau Federation

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
http://www.nebraskalegislature.gov/agencies/view.php

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 492 and 494 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 492 and 494.

GENERAL FILE

LEGISLATIVE BILL 774A. Title read. Considered.
Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1093A. Title read. Considered.
Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1110A. Title read. Considered.
Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.
Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB956 with 42 ayes, 1 nay, 2 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 956.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2015, LB500A, section 3; Laws 2015, LB591A, section 1; Laws 2015, LB598A, section 5; Laws 2015, LB657, sections 18, 22, 32, 48, 49, 96, 102, 103, 104, 106, 109, 146, 147, 148, 149, 172, 182, 187, 198, 207, 220, 227, 248, 254, 258, and 271; Laws 2015, LB659, sections 13 and 16; Laws 2015, LB660, sections 24, 31, and 36; and section 90-559, Revised Statutes Supplement, 2015; to state intent; to define terms; to provide, change, and eliminate appropriations for operation of state government, state aid, postsecondary education, and capital construction; to provide for transfers of funds; to require reports; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Baker    Davis    Harr, B.    McCoy    Seiler
Bloomfield Ebke    Hilkemann    Mello    Smith
Bolz     Fox      Howard     Morfeld    Stinner
Brasch    Friesen    Hughes    Murante    Sullivan
Campbell Garrett    Johnson    Fancing Brooks Watermeier
Chambers Gloor    Koltermann    Riepe     Williams
Coash Groene    Krist      Scheer
Cook Haar, K.    Kuehn      Schilz
Craighead Hadley    Lindstrom    Schnoor
Crawford Hansen    McCollister    Schumacher

Voting in the negative, 1:

Kintner

Excused and not voting, 2:

Kolowski Larson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.
Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB957 with 43 ayes, 1 nay, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 957. With Emergency Clause.

A BILL FOR AN ACT relating to funds; to amend sections 37-913, 60-1513, 82-316, 82-326, 82-331, 84-1227, 85-419, 85-421, 85-422, 85-423, 85-424, and 85-425, Reissue Revised Statutes of Nebraska, sections 71-5714, 71-8805, and 72-2009, Revised Statutes Cumulative Supplement, 2014, and sections 2-1507, 66-204, 81-3140, 81-3714, and 84-612, Revised Statutes Supplement, 2015; to provide for and change distribution and use of certain funds; to provide for transfers and investment of funds; to create and eliminate funds and programs; to state intent; to change provisions relating to artwork in state buildings and renovation and replacement of university and state college buildings; to eliminate obsolete provisions; to repeal the original sections; to outright repeal sections 37-915, 37-916, 37-917, 37-918, 37-919, 37-920, and 37-921, Revised Statutes Cumulative Supplement, 2014; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Baker        Davis        Harr, B.        McCollister        Schumacher
Bloomfield   Ebke         Hilkenmann      McCoy            Seiler
Bolz         Fox          Howard          Mello            Smith
Brasch       Friesen      Hughes          Morfeld          Stinner
Campbell     Garrett       Johnson         Murante          Sullivan
Chambers     Gloor        Kintner         Pansing Brooks    Watermeier
Coash        Groene       Kolterman       Riepe            Williams
Cook         Haar, K.      Krist           Scheer
Craighead    Hadley       Kuehn          Schilz
Crawford     Hansen       Lindstrom       Schnoor

Voting in the negative, 0.

Excused and not voting, 2:

Kolowski     Larson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.
The following bill was read and put upon final passage:

**LEGISLATIVE BILL 981.** With Emergency Clause.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

- Baker
- Davis
- Hilkemann
- McCoy
- Seiler
- Bloomfield
- Ebke
- Howard
- Mello
- Smith
- Bolz
- Fox
- Hughes
- Morfeld
- Stinner
- Brasch
- Friesen
- Johnson
- Murante
- Sullivan
- Campbell
- Garrett
- Kintner
- Pansing
- Brooks
- Watermeier
- Chambers
- Gloor
- Kolterman
- Riepe
- Williams
- Coash
- Haar, K.
- Krist
- Scheer
- Cook
- Hadley
- Kuehn
- Schilz
- Craighead
- Hansen
- Lindstrom
- Schnoor
- Crawford
- Harr, B.
- McCollister
- Schumacher

Voting in the negative, 0.

Present and not voting, 1:

- Groene

Excused and not voting, 2:

- Kolowski
- Larson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 956, 957, and 981.
MOTION - Return LB1109 to Select File

Senator Chambers moved to return LB1109 to Select File for the following specific amendment:
FA107
Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1109.

A BILL FOR AN ACT relating to state government; to amend sections 84-712.05 and 85-106.06, Reissue Revised Statutes of Nebraska; to change provisions relating to documents which may be withheld from the public; to require notice and a public forum regarding priority candidates for certain positions at the University of Nebraska; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 38:

Baker         Garrett        Hughes     McCollister       Schumacher
Bolz          Gloor          Johnson   Mello            Seiler
Campbell      Haar, K.      Kintner    Morfeld         Smith
Coash         Hadley         Kolterman  Murante         Stinner
Craighead     Hansen         Krist     Pansing         Brooks Watermeier
Davis         Harr, B.       Kuehn     Scheer          Williams
Fox           Hilkemann      Larson    Schilz
Friesen       Howard         Lindstrom Schnoor

Voting in the negative, 8:

Bloomfield    Chambers       Ebke        McCoy
Brasch        Cook           Groene      Sullivan

Present and not voting, 2:

Crawford      Riepe

Excused and not voting, 1:

Kolowski

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
WITHDRAW - Amendment to LB83

Senator Larson withdrew his amendment, AM2672, found on page 1118, to LB83.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 83.

A BILL FOR AN ACT relating to wages and sex discrimination; to amend section 48-1220, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 32:

Baker  Crawford  Hansen  Lindstrom  Smith  
Bolz  Davis  Harr, B.  McCollister  Stinner  
Campbell  Ebke  Hilkemann  Mello  Sullivan  
Chambers  Garrett  Howard  Morfeld  Williams  
Coash  Gloor  Kolterman  Pansing Brooks  
Cook  Haar, K.  Krist  Scheer  
Craighead  Hadley  Larson  Seiler

Voting in the negative, 11:

Bloomfield  Groene  Kintner  Schnoor  
Fox  Hughes  Kuehn  Schumacher  
Friesen  Johnson  McCoy  

Present and not voting, 5:

Brasch  Murante  Riepe  Schilz  Watermeier  

Excused and not voting, 1:

Kolowski

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB447

Senator Kolterman withdrew his amendment, AM2546, found on page 971, to LB447.
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 LB447 with 40 ayes, 1 nay, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 447. With Emergency Clause.

A BILL FOR AN ACT relating to retirement; to amend sections 72-1237, 72-1239, 72-1249, 72-1249.02, 79-916, 79-931, 79-935, 79-954, 79-966, 79-978.01, 79-979, 79-980, 79-981, 79-982, 79-983, 79-984, 79-985, 79-986, 79-987, 79-989, 79-990, 79-991, 79-992, 79-996, 79-998, 79-9,102, 79-9,103, 79-9,105, 79-9,107, 79-9,108, 79-9,109, 79-9,111, 79-9,113, 79-9,115, 79-9,117, 84-712.05, and 84-1501, Reissue Revised Statutes of Nebraska, section 72-1243, Revised Statutes Cumulative Supplement, 2014, and sections 13-2402, 72-1239.01, 79-934, 79-978, 79-9,100, and 84-1503, Revised Statutes Supplement, 2015; to require certain political subdivisions to conduct actuarial experience studies and file copies of actuarial experience studies; to change provisions relating to the Nebraska Investment Council, school employees' retirement provisions, and the Public Employees Retirement Board; to define and redefine terms; to create and name funds; to provide immunity from liability as prescribed; to provide fiduciary duties; to provide for an annual financial audit as prescribed; to change a formula retirement annuity computation as prescribed; to require actuarial experience studies for the Nebraska Public Employees Retirement Systems; to eliminate obsolete provisions; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal section 79-988.01, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:
A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 447A. With Emergency Clause.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 447, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, "Shall the bill pass with the emergency clause attached?"

Voting in the affirmative, 48:
Voting in the negative, 0.

Excused and not voting, 1:

Kolowski

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB698 with 42 ayes, 1 nay, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 698. With Emergency Clause.

A BILL FOR AN ACT relating to health; to amend sections 71-516.01, 71-516.02, 71-516.03, 81-2201, 81-2213, 81-2218, 81-2220, 81-2221, and 81-2235, Reissue Revised Statutes of Nebraska, section 71-516.04, Revised Statutes Cumulative Supplement, 2014, and sections 68-901, 71-401, and 71-403, Revised Statutes Supplement, 2015; to adopt the Home Care Consumer Bill of Rights Act; to provide a penalty; to adopt the Assisting Caregiver Transitions Act; to require that certain providers be subject to a national criminal history record information check as prescribed; to define and redefine terms; to provide for a memory care endorsement under the Health Care Facility Licensure Act; to change provisions of the Alzheimer's Special Care Disclosure Act; to change and eliminate provisions of the Nebraska Community Aging Services Act; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 81-2228, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"
Bake
r
r
Davis Harr, B. Lindstrom Schumacher
Bloomfield Ebke Hikemann McCollister Seiler
Bolz Fox Howard McCoy Smith
Brasch Friesen Hughes Mello Stinner
Campbell Garrett Johnson Morfeld Sullivan
Chambers Gloor Kintner Murante Watermeier
Coash Groene Kolterman Pansing Brooks Williams
Cook Haar, K. Krist Scheer
Craighead Hadley Kuehn Schilz
Crawford Hansen Larson Schnoor

Voting in the negative, 0.

Present and not voting, 1:

Riepe

Excused and not voting, 1:

Kolowski

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 698A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 698, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Baker Davis Harr, B. Lindstrom Schumacher
Bloomfield Ebke Hikemann McCollister Seiler
Bolz Fox Howard McCoy Smith
Brasch Friesen Hughes Mello Stinner
Campbell Garrett Johnson Morfeld Sullivan
Chambers Gloor Kintner Murante Watermeier
Coash Groene Kolterman Pansing Brooks Williams
Cook Haar, K. Krist Scheer
Craighead Hadley Kuehn Schilz
Crawford Hansen Larson Schnoor
Voting in the negative, 0.

Present and not voting, 1:

Riepe

Excused and not voting, 1:

Kolowski

A constitutional two-thirds majority having voted in the affirmative, the bill
was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the
reading at large of LB704 with 41 ayes, 1 nay, 6 present and not voting, and
1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 704.

A BILL FOR AN ACT relating to political subdivisions; to amend sections
14-419, 16-102, 16-103, 16-104, 16-105, 16-117, 16-119, 16-120, 16-122,
16-124, 16-125, 16-126, 16-127, 16-128, 16-129, 16-202, 16-206, 16-212,
16-213, 16-214, 16-217, 16-218, 16-219, 16-220, 16-221, 16-222, 16-225,
16-226, 16-227, 16-229, 16-231, 16-232, 16-233, 16-236, 16-238, 16-239,
16-241, 16-246, 16-247, 16-249, 16-251, 16-253, 16-302.01, 16-304,
16-305, 16-306, 16-308, 16-309, 16-310, 16-312, 16-314, 16-319, 16-320,
16-321, 16-322, 16-323, 16-324, 16-325, 16-326, 16-327, 16-401, 16-402,
16-403, 16-404, 16-405, 16-406, 16-501, 16-502, 16-503, 16-606, 16-607,
16-609, 16-613, 16-617, 16-618, 16-619, 16-620, 16-621, 16-622, 16-623,
16-624, 16-625, 16-626, 16-627, 16-628, 16-632, 16-633, 16-634, 16-635,
16-636, 16-637, 16-646, 16-647, 16-649, 16-650, 16-651, 16-653, 16-654,
16-655, 16-661, 16-665, 16-666, 16-667, 16-667.01, 16-667.02,
16-667.03, 16-670, 16-671, 16-672.01, 16-672.02, 16-672.03, 16-672.04,
16-672.05, 16-672.06, 16-672.07, 16-672.08, 16-672.11, 16-676, 16-677,
16-678, 16-679, 16-680, 16-681, 16-682, 16-683, 16-684, 16-684.01,
16-686, 16-686.01, 16-687, 16-688, 16-691, 16-691.01, 16-691.02, 16-692,
16-693, 16-694, 16-695, 16-696, 16-697, 16-697.01, 16-697.02, 16-698,
16-699, 16-6100, 16-6100.03, 16-6100.05, 16-6101, 16-6102, 16-6103,
16-6104, 16-6105, 16-6106, 16-6108, 16-6109, 16-701, 16-702, 16-704,
16-705, 16-706, 16-707, 16-709, 16-711, 16-712, 16-713, 16-714, 16-716, 16-717,
16-718, 16-719, 16-720, 16-721, 16-722, 16-723, 16-727, 16-728, 16-729,
16-801, 16-802, 16-803, 16-804, 16-805, 16-806, 16-807, 16-809, 16-810,
16-901, 16-902, 16-905, 16-1014, 16-1034, 16-1035, 18-132, and 19-2402,
Reissue Revised Statutes of Nebraska, sections 15-905, 16-313, 16-317,
16-318, 19-922, 23-172, and 71-6404, Revised Statutes Cumulative
Supplement, 2014, and sections 16-207, 16-230, 16-240, 16-243, 16-250, 16-615, 16-630, 16-631, 16-664, 16-669, 16-672, 16-708, and 71-6406, Revised Statutes Supplement, 2015; to define terms regarding building codes and regulations; to change provisions relating to adoption and applicability of building codes by political subdivisions; to change provisions relating to cities of the first class; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Baker Baker Ebke Hilkemann McCollister Seiler
Bloomfield Bloomfield Fox Howard McCoy Smith
Bolz Bolz Fiesen Hughes Mello Stinner
Campbell Campbell Garrett Johnson Morfeld Sullivan
Chambers Chambers Gloor Kintner Murante Watermeier
Coash Coash Groene Koltermann Pansing Brooks Williams
Cook Cook Haar, K. Krist Riepe
Craighead Craighead Hadley Kuehn Scheer
Crawford Crawford Hansen Larson Schilz
Davis Davis Harr, B. Lindstrom Schumacher

Voting in the negative, 0.

Present and not voting, 2:

Bprasch Schnoor

Excused and not voting, 1:

Kolowski

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**WITHDRAW - Amendment to LB710**

Senator Krist withdrew his amendment, FA103, found on page 1150, to LB710.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 710.**

A BILL FOR AN ACT relating to crimes and offenses; to amend section
28-311.06, Reissue Revised Statutes of Nebraska; to change provisions relating to hazing; to provide severability; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Baker  Davis  Hilkemann  McCollister  Schumacher
Bloomfield  Ebke  Howard  McCoy  Seiler
Bolz  Fox  Hughes  Mello  Smith
B拉斯ch  Friesen  Johnson  Morfeld  Stinner
Campbell  Garrett  Kintner  Murante  Sullivan
Chambers  Gloor  Kolterman  Pansing  Brooks  Watermeier
Coash  Haar, K.  Krist  Riepe  Williams
Cook  Hadley  Kuehn  Scheer
Craighead  Hansen  Larson  Schilz
Crawford  Harr, B.  Lindstrom  Schnoor

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 1:

Kolowski

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 730.**

A BILL FOR AN ACT relating to grain warehouses; to amend section 88-530, Reissue Revised Statutes of Nebraska; to change a provision relating to security coverage for sellers of grain stored in a warehouse closed by the Public Service Commission; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:
Excused and not voting, 1:

Kolowski

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB772 with 41 ayes, 1 nay, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 772. With Emergency Clause.

A BILL FOR AN ACT relating to insurance; to amend section 44-4404, Reissue Revised Statutes of Nebraska, and sections 44-2120, 44-2121, 44-2138, and 44-9004, Revised Statutes Cumulative Supplement, 2014; to adopt the Corporate Governance Annual Disclosure Act; to change provisions of the Insurance Holding Company System Act; to define terms; to provide for group-wide supervisors and international insurance groups as prescribed; to change provisions relating to risk retention groups; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:
A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB794 with 41 ayes, 1 nay, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 794.**

A BILL FOR AN ACT relating to corporations; to amend sections 21-201, 21-214, 21-216, 21-227, 21-250, 21-253, 21-256, 21-2,110, 21-2,117, 21-2,172, and 21-303, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the Nebraska Model Business Corporation Act and corporate occupation taxes; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 817.**

A BILL FOR AN ACT relating to health care; to adopt the Direct Primary Care Agreement Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Baker Davis Harr, B. McCollister Schumacher
Bloomfield Ebke Hilkemann McCoy Seiler
Bolz Fox Howard Mello Smith
Brasch Friesen Hughes Morfeld Stinner
Campbell Garrett Kintner Murante Sullivan
Chambers Gloor Kolterman Pansing Brooks Watermeier
Coash Groene Krist Riepe Williams
Cook Haar, K. Kuehn Scheer
Craighead Hadley Larson Schilz
Crawford Hansen Lindstrom Schnoor

Voting in the negative, 0.
Excused and not voting, 1:

Kolowski

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 857.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-222.02, Revised Statutes Supplement, 2015; to change a provision relating to employment of a full-time fire chief; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

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<th>Baker</th>
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<th>McCoy</th>
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<td>Davis</td>
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Voting in the negative, 0.

Present and not voting, 2:

Crawford Howard

Excused and not voting, 1:

Kolowski

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
LEGISLATIVE BILL 897.

A BILL FOR AN ACT relating to the public power industry; to amend section 10-1103, Reissue Revised Statutes of Nebraska; to define terms; to authorize generating power agencies to engage in commodity futures financial hedging transactions; to provide a duty for the Revisor of Statutes; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Baker    Davis    Harr, B.    Lindstrom    Schnoor
Bloomfield    Ebke    Hilkemann    McCollister    Schumacher
Bolz    Fox    Howard    McCoy    Seiler
Brasch    Friesen    Hughes    Mello    Smith
Campbell    Garrett    Johnson    Morfeld    Stinner
Chambers    Gloor    Kintner    Murante    Sullivan
Coash    Groene    Kolterman    Pansing    Brooks    Watermeier
Cook    Haar, K.    Krist    Riepe    Williams
Craighead    Hadley    Kuehn    Scheer
Crawford    Hansen    Larson    Schilz

Voting in the negative, 0.

Excused and not voting, 1:

Kolowski

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 906.

A BILL FOR AN ACT relating to law enforcement; to adopt the Law Enforcement Education Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:
Voting in the negative, 0.

Present and not voting, 2:

Groene Smith

Excused and not voting, 1:

Kolowski

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1009 with 38 ayes, 1 nay, 9 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1009. With Emergency Clause.

A BILL FOR AN ACT relating to public health and safety; to amend sections 28-431, 28-1439.02, 28-1439.03, 87-301, and 87-302, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-401, and 28-401.01, Revised Statutes Supplement, 2015; to prohibit transactions involving certain lookalike substances; to provide a penalty; to define and redefine terms; to provide for the seizure of lookalike substances; to change provisions relating to seizure and forfeiture of property relating to violations of the Uniform Controlled Substances Act; to prohibit conduct related to transactions involving certain substances as a deceptive trade practice; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"
Voting in the affirmative, 47:

Baker  Davis  Hilkemann  McCollister  Schumacher
Bloomfield  Ebke  Howard  McCoy  Seiler
Bolz  Fox  Hughes  Mello  Smith
Brasch  Friesen  Johnson  Morfeld  Stinner
Campbell  Garrett  Kintner  Murante  Sullivan
Chambers  Gloor  Kolterman  Pansing  Brooks  Watermeier
Coash  Groene  Krist  Riepe  Williams
Cook  Haar, K.  Kuehn  Scheer
Craighead  Hadley  Larson  Schilz
Crawford  Hansen  Lindstrom  Schnoor

Voting in the negative, 0.

Present and not voting, 1:

Harr, B.

Excused and not voting, 1:

Kolowski

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1059.**

A BILL FOR AN ACT relating to municipalities; to amend sections 18-2119, 18-2701, 18-2703, and 18-2714, Reissue Revised Statutes of Nebraska, and section 18-2705, Revised Statutes Supplement, 2015; to require certain disclosures under the Community Development Law and the Local Option Municipal Economic Development Act; to provide for redeveloper duties; to define and redefine terms; to provide for workforce housing plan and economic development program disclosures; to harmonize provisions; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:
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</tbody>
</table>

Voting in the negative, 1:

Groene

Present and not voting, 3:

Bloomfield  Kuehn  Scheer

Excused and not voting, 1:

Kolowski

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1081 with 41 ayes, 1 nay, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1081.

A BILL FOR AN ACT relating to public assistance; to amend sections 68-1708 and 68-1721, Revised Statutes Cumulative Supplement, 2014, and sections 43-512, 68-1201, 68-1713, and 68-1726, Revised Statutes Supplement, 2015; to change provisions relating to eligibility for public assistance; to eliminate termination dates relating to self-sufficiency contracts; to harmonize provisions; to repeal the original sections; and to outright repeal section 68-1735.04, Revised Statutes Cumulative Supplement, 2014.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:
Voting in the negative, 0.

Present and not voting, 1:

Kuehn

Excused and not voting, 1:

Kolowski

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1082 with 40 ayes, 1 nay, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1082.**

A BILL FOR AN ACT relating to oil and gas; to amend sections 57-901, 57-903, 57-905, 57-911, 57-913, 57-914, 57-915, 57-916, 57-916.01, 57-917, 57-918, 57-919, 57-920, 57-921, 57-922, and 81-1531.01, Reissue Revised Statutes of Nebraska; to change and restate intent; to change powers and duties of the Nebraska Oil and Gas Conservation Commission as prescribed; to provide for a periodic injection well fluid analysis and report by certain operators; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:
Baker  Davis  Harr, B.  Lindstrom  Schnoor
Bloomfield  Ebke  Hilkemann  McCollister  Schumacher
Bolz  Fox  Howard  McCoy  Seiler
B拉斯ch  Friesen  Hughes  Mello  Smith
Campbell  Garrett  Johnson  Morfeld  Stinner
Chambers  Gloor  Kintner  Murante  Sullivan
Coash  Groene  Kolterman  Pansing  Brooks  Watermeier
Cook  Haar, K.  Krist  Riepe  Williams
Craighead  Hadley  Kuehn  Scheer
Crawford  Hansen  Larson  Schilz

Voting in the negative, 0.

Excused and not voting, 1:

Kolowski

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1082A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1082, One Hundred Fourth Legislature, Second Session, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Baker  Davis  Hilkemann  McCollister  Seiler
Bloomfield  Ebke  Howard  McCoy  Smith
Bolz  Fox  Hughes  Mello  Stinner
B拉斯ch  Friesen  Johnson  Morfeld  Sullivan
Campbell  Garrett  Kintner  Murante  Watermeier
Chambers  Gloor  Kolterman  Pansing  Brooks  Williams
Coash  Haar, K.  Krist  Riepe  Scheer
Cook  Hadley  Kuehn  Schilz
Craighead  Hansen  Larson  Schnoor
Crawford  Harr, B.  Lindstrom  Schumacher

Voting in the negative, 0.

Present and not voting, 2:

Groene  Riepe
Excused and not voting, 1:

Kolowski

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1092 with 43 ayes, 1 nay, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1092.**

A BILL FOR AN ACT relating to state budgeting; to amend sections 2-15,106, 81-132, 81-8,239.03, 81-1113, 81-1113.01, 81-2227, 81-3133.01, 81-3133.02, 81-3133.03, and 85-1416, Reissue Revised Statutes of Nebraska, and sections 81-3133 and 83-918, Revised Statutes Supplement, 2015; to change budget request reporting requirements; to change powers and duties of the Department of Administrative Services; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Baker    Davis    Harr, B.    Lindstrom    Schnoor
Bloomfield    Ebke    Hilkemann    McCollister    Schumacher
Bolz    Fox    Howard    McCoy    Seiler
Brasch    Friesen    Hughes    Mello    Smith
Campbell    Garrett    Johnson    Morfeld    Stinner
Chambers    Gloor    Kintner    Murante    Sullivan
Coash    Groene    Kolterman    Pansing Brooks    Watermeier
Cook    Haar, K.    Krist    Riepe    Williams
Craighead    Hadley    Kuehn    Scheer
Crawford    Hansen    Larson    Schilz

Voting in the negative, 0.

Excused and not voting, 1:

Kolowski

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 1109, 83, 447, 447A, 698, 698A, 704, 710, 730, 772, 794, 817, 857, 897, 906, 1009, 1059, 1081, 1082, 1082A, and 1092.

SENATOR KRIST PRESIDING

GENERAL FILE

LEGISLATIVE RESOLUTION 378CA. Senator Kuehn offered the following motion:

MO231

Unanimous consent to bracket until April 20, 2016.

No objections. So ordered.

LEGISLATIVE BILL 935. Title read. Considered.

Committee AM2386, found on page 951, was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1066. Title read. Considered.

Committee AM2640, found on page 1095, was offered.

Senator Scheer offered the following amendment to the committee amendment:

AM2742

(Amendments to Standing Committee amendments, AM2640)

1 1. Strike section 5.

2 2. Renumber the remaining sections and correct the repealer accordingly.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 938. Placed on Select File with amendment.

ER225

1 1. On page 1, strike lines 2 through 5 and insert "86-163, 86-458, 86-463, Reissue Revised Statutes of Nebraska; to adopt the 911 Service System Act; to change a reporting requirement; to provide for the transfer of funds; to remove obsolete provisions; to harmonize provisions; and to repeal the original sections."
PRESENTED TO THE GOVERNOR

Presented to the Governor on March 24, 2016, at 9:25 a.m. were the following: LBs 956e, 957e, and 981e.

Presented to the Governor on March 24, 2016, at 11:13 a.m. were the following: LBs 1109, 83, 447e, 447Ae, 698e, 698Ae, 704, 710, 730, 772e, 794, 817, 857, 897, 906, 1009e, 1059, 1081, 1082, 1082A, and 1092.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

RESOLUTION(S)

LEGISLATIVE RESOLUTION 520. Introduced by Harr, B., 8.

PURPOSE: The misclassification of employees as independent contractors presents a serious problem for workers, employers, and the economy. Misclassified employees are often denied access to critical benefits and protections to which they are entitled, such as minimum wage, overtime compensation, family and medical leave, unemployment insurance, and safe workplaces. Employee misclassification generates substantial losses for the federal and state governments in the form of lower tax revenues and improperly avoided contributions to state unemployment insurance and workers' compensation funds.

This study shall include the following:

(1) A review of the administration and enforcement of the Employee Classification Act by the Department of Labor;

(2) A consideration of the sufficiency of resources available for administration and enforcement of misclassification laws and a consideration of whether existing resources could be better utilized to properly address the issue of employee misclassification;

(3) A review of reports issued by the Department of Labor pursuant to the Employee Classification Act to ascertain if there are consistent problems or concerns relating to worker misclassification that could be addressed through legislative changes; and
An examination of the direct and indirect effects of misclassification on certain industries that result in complications and difficulties with unemployment insurance, workers' compensation, social security, tax withholding, temporary disability or other benefits, minimum wage and overtime laws, and in any other pertinent areas.

The study committee shall seek input from all interested parties, including the Department of Labor, business leaders, labor unions, and others, to examine how misclassification affects the relationship between employers and workers, how these parties may be able to contribute to more effective enforcement of existing worker misclassification laws, and to determine if legislative changes are necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 521. Introduced by Fox, 7.

PURPOSE: The purpose of this resolution is to study the business practices of pharmacy benefit managers as those practices relate to such managers' arrangements with private entities, insurers, pharmacies, and the State of Nebraska. The study committee shall also examine the need for oversight and regulation of pharmacy benefit managers by the Department of Insurance.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 522. Introduced by Howard, 9.

PURPOSE: Skin cancer is the most commonly diagnosed cancer in the United States, yet most cases are preventable. Skin cancer greatly affects quality of life, and it can be disfiguring or even deadly. Medical treatment for skin cancer creates substantial health care costs for individuals, families,
and the nation. The number of people who have had skin cancer at some point in the last three decades is estimated to be higher than the number for all other cancers combined, and skin cancer incidence rates have continued to increase in recent years. In Nebraska, melanomas of the skin accounted for 1,781 diagnoses and 315 deaths between 2008 and 2012. The incidence of melanoma continues to increase significantly in Nebraska and throughout the United States.

Melanoma is responsible for the most deaths of all skin cancers, causing nearly 9,000 deaths each year. It is also one of the most common types of skin cancer among adolescents and young adults. Despite efforts to address skin cancer risk factors, such as inadequate sun protection and intentional tanning behaviors, skin cancer rates, including rates of melanoma, have continued to increase in Nebraska and the United States.

The purpose of this interim study is to examine the issue of how to best educate the public and create awareness about the risks associated with sun exposure and ultraviolet radiation exposure. The study should also focus on how to create awareness surrounding sun-safety education and changes in behavior to promote sun-safe behavior. The committee should further examine this issue to determine what legislation or policy development may be necessary to address skin cancer prevention and ensure that comprehensive and accurate information is available to the public, health care providers, and health care facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 523. Introduced by Howard, 9.

PURPOSE: The purpose of this resolution is to examine Nebraska law regarding the protection of children who have reached eighteen years of age but have not yet reached the age of majority. The study shall include an examination of the following:

(1) The response by the Department of Health and Human Services when concerns are raised about the mistreatment of minors between the ages of eighteen and nineteen years by their parents and the department's authority to respond in such situations;
(2) Services and protections available for young people who lack their parents' consent to live independently prior to reaching nineteen years of age;
(3) Gaps in services, legal protections, or access to public benefits experienced by minors between the ages of eighteen and nineteen years; and
(4) Other states' policies and responses to these issues.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 524. Introduced by Schnoor, 15.

WHEREAS, David W. Voss, a member of Troop 1103 of Fremont, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout his scouting experience, David has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, David planned and constructed a wheelchair access ramp for the dining hall at the Calvin Crest Camp Conference and Retreat Center near Fremont; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, David, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, leaders of government and industry, artists, scientists, and athletes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates David W. Voss on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to David W. Voss.

Laid over.

LEGISLATIVE RESOLUTION 525. Introduced by Seiler, 33.

PURPOSE: The purpose of this resolution is to examine the issues associated with treating an individual licensed under the Nebraska Real Estate License Act as a professional for purposes of civil actions for professional negligence.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 677. Placed on Final Reading.
LEGISLATIVE BILL 712. Placed on Final Reading.
LEGISLATIVE BILL 783. Placed on Final Reading.
LEGISLATIVE BILL 783A. Placed on Final Reading.
LEGISLATIVE BILL 787. Placed on Final Reading.
LEGISLATIVE BILL 895. Placed on Final Reading.
LEGISLATIVE BILL 899. Placed on Final Reading.
LEGISLATIVE BILL 902. Placed on Final Reading.
LEGISLATIVE BILL 908. Placed on Final Reading.
LEGISLATIVE BILL 908A. Placed on Final Reading.
LEGISLATIVE BILL 913. Placed on Final Reading.
LEGISLATIVE BILL 973. Placed on Final Reading.
LEGISLATIVE BILL 978. Placed on Final Reading.
LEGISLATIVE BILL 1010. Placed on Final Reading.
LEGISLATIVE BILL 1039. Placed on Final Reading.

LEGISLATIVE BILL 1050. Placed on Final Reading.

ST78

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 5, "to require notice to certain holders of security interests as prescribed; to harmonize provisions;" has been inserted after the semicolon.
LEGISLATIVE BILL 1075. Placed on Final Reading.
LEGISLATIVE BILL 1080. Placed on Final Reading.
LEGISLATIVE BILL 1101. Placed on Final Reading.

LEGISLATIVE RESOLUTION 381. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Government, Military and Veterans Affairs
Room 1507
Tuesday, April 5, 2016 12:00 p.m.
Kimberly Plouzek - State Emergency Response Commission (rehearing)
Jeffery Davis - Nebraska Accountability and Disclosure Commission
Douglas Hegarty - Nebraska Accountability and Disclosure Commission

(Signed) John Murante, Chairperson

CONFLICT OF INTEREST STATEMENT
Pursuant to Rule 1, Sec. 19, Senator Pansing Brooks has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

GENERAL FILE

LEGISLATIVE BILL 1066. The Scheer amendment, AM2742, found in this day's Journal, to the committee, was renewed.

SENATOR COASH PRESIDING
Senator Scheer moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Scheer requested a roll call vote on his amendment.

Voting in the affirmative, 25:

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Voting in the negative, 10:
The Scheer amendment was adopted with 25 ayes, 10 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Larson offered the following amendment to the committee amendment:

AM2745  
(Amendments to Standing Committee amendments, AM2640)  
1 1. Insert the following new amendments:
2 2. On page 7, strike beginning with 'give' in line 29 through line 31, show as stricken, and insert 'accept the enrollment of siblings of option students'.
3 3. On page 8, strike lines 1 and 2 and show as stricken.'.
4 2. Renumber the remaining amendments accordingly.

Senator Larson moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Larson requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 6:

Cook Krist Murante
Davis Larson Schilz

Voting in the negative, 25:

Baker Crawford Haar, K. Kolterman Schnoor
Bloomfield Ebke Hadley McCollister Schumacher
Bolz Friesen Harr, B. Pansing Brooks Seiler
Campbell Gloor Hilkemann Riepe Sullivan
Coash Groene Hughes Scheer Watermeier

Present and not voting, 10:
The Larson amendment lost with 6 ayes, 25 nays, 10 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Committee AM2640, found on page 1095 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 5 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 824. Title read. Considered.

Committee AM2611, found on page 1004, was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Senator K. Haar withdrew his amendment, AM2353, found on page 1157.

Advanced to Enrollment and Review Initial with 30 ayes, 1 nay, 7 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 874. Title read. Considered.

Committee AM2385, found on page 945, was adopted with 25 ayes, 4 nays, 9 present and not voting, and 11 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 678. Placed on Final Reading.
LEGISLATIVE BILL 750. Placed on Final Reading.
LEGISLATIVE BILL 816. Placed on Final Reading.
LEGISLATIVE BILL 842. Placed on Final Reading.
LEGISLATIVE BILL 952. Placed on Final Reading.
RESOLUTION(S)

LEGISLATIVE RESOLUTION 526. Introduced by Hansen, 26.

PURPOSE: The purpose of this interim study is to examine municipal classifications. The study shall include the following:
(1) A review of the current classification structure for municipalities;
(2) A review of current population thresholds for municipality classes, including whether or not those thresholds can only be met through the decennial census process or annexation; and
(3) A review of other population thresholds for municipalities contained in Chapters 14 through 19 of the Nebraska statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 527. Introduced by Schumacher, 22.

PURPOSE: An increasing number of states and the federal government have undertaken various degrees of criminal sentencing reform. State and federal policymakers have also begun to widely question the propriety of mandatory minimum sentencing laws.

Mandatory minimum sentencing laws require a minimum prison term of a particular length. With such laws judges have no discretion to go lower than the minimum sentence and probation is not an option. In Nebraska, an inmate serving a mandatory minimum sentence will not earn or receive good time credit for his or her behavior while serving the mandatory sentence.

Proponents of mandatory minimum sentences argue that these schemes reduce crime by acting as a general deterrent for potential criminals and repeat offenders. Proponents also contend that eliminating judicial discretion provides for fairness and uniformity in sentencing.

While these inflexible, one-size-fits-all sentencing laws may have initial appeal as a response to certain types of crimes, such laws fail to advance proportional justice because they prevent a judge from fitting punishment to the individual defendant and the exact circumstances of his or her crime.

In the last few legislative sessions, various members of the Legislature have introduced bills to limit or eliminate mandatory minimum sentences for some categories or types of crime or to amend the procedures which
prosecutors must follow in prosecuting crimes that carry mandatory minimum sentences.

The purpose of this interim study is to examine possible legislative reforms to Nebraska's mandatory minimum sentencing laws. The study shall include the following:

1. A review of current mandatory minimum sentences presently in statute;
2. A review of the types of crimes which carry mandatory minimum sentences;
3. A review of the process by which a mandatory minimum sentence may be sought, for example, by election or choice of the prosecuting attorney or by authorization of a judge or a panel of judges;
4. A consideration of an exemption or a safety-valve for a defendant who is convicted of a crime carrying a mandatory minimum sentence, whereby the sentencing judge or a panel of judges may deviate or decide not to impose the mandatory minimum sentence if the sentencing judge or panel finds that certain mitigating factors exist; and
5. A review and examination of any potential consequences of implementing statutory changes to the mandatory minimum sentencing laws, with respect to amending penalty provisions, amending the procedures for filing charges carrying mandatory minimum sentences, or amending the procedures governing the imposition of mandatory minimum sentences.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 528. Introduced by Kuehn, 38.

WHEREAS, Nebraska's electricity is generated by power plants connected to a complex electrical grid consisting of over 6,000 miles of transmission lines and 100,000 miles of subtransmission and distribution lines that deliver energy to homes, businesses, hospitals, churches, and schools throughout our state; and

WHEREAS, the electrical grid must be maintained and operated twenty-four hours a day, seven days a week, and three hundred sixty-five days a year despite inclement weather, including blizzards, thunderstorms, floods, and other hazards; and

WHEREAS, Nebraska's 1,350 lineworkers have demonstrated outstanding skill and dedication to their jobs by working in hazardous conditions to build, maintain, and repair our electricity infrastructure; and
WHEREAS, the hardworking lineworkers of Nebraska who leave their families and risk their lives daily to ensure the reliable delivery of electricity to all citizens of the state are deserving of our respect, gratitude, and honor.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes the significant contributions and efforts of Nebraska lineworkers who often work in challenging conditions to keep the lights on and expresses its appreciation to all of Nebraska's hardworking lineworkers.

2. That the Legislature designates April 11, 2016, as Lineworker Appreciation Day in Nebraska.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Davis - LR509

VISITOR(S)

Visitors to the Chamber were members of the Midwestern Higher Education Compact, Larry Isaak, and Senator David Pearce of Missouri; 21 fourth-grade students from McCool Junction; Senator Seiler's wife, Jo, and twin granddaughters, Seiler and Tenley Grubb from Kansas City; 94 fourth-grade students and sponsors from Castelar Elementary, Omaha; Mark Kirby from David City; 40 fourth-grade students from Milford; Meg and Ron Prybella from Long Island, NY; 26 fourth-grade students, teacher, and sponsors from Sutton; and 27 fourth-grade students from Concordia Academy, Omaha.

The Doctor of the Day was Dr. Susan Evans from Omaha.

ADJOURNMENT

At 1:45 p.m., on a motion by Senator Gloor, the Legislature adjourned until 9:00 a.m., Tuesday, March 29, 2016.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper
FIFTIETH DAY - MARCH 29, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 29, 2016

PRAYER

The prayer was offered by Reverend Jonathan Ripke, Immanuel Lutheran Church, Hooper.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Bolz, Coash, Davis, Hansen, Scheer, and Stinner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-ninth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1093A. Placed on Select File.

LEGISLATIVE BILL 1110. Placed on Select File with amendment.

ER228
1 1. In the Standing Committee amendments, AM2294:
2 a. On page 2, line 21, after "evaluation" insert an underscored comma; and
3 b. On page 6, line 3, strike "Investment" and insert "Innovation";
5 and in lines 12 and 23 after "Development" insert an underscored comma.
6 2. On page 1, strike beginning with "adopt" in line 1 through line 2
7 and insert "amend section 48-622.02, Revised Statutes Cumulative 8 Supplement, 2014, and section 81-1201.21, Revised Statutes Supplement, 9 2015; to adopt the Nebraska Workforce Innovation and Opportunity Act and 10 the Sector Partnership Program Act; to create a fund; to transfer funds; 11 to harmonize provisions; to repeal the original sections; and to declare 12 an emergency.".
LEGISLATIVE BILL 1110A. Placed on Select File.

(Signed) Matt Hansen, Chairperson

COMMUNICATION

Received communication from Tom Safranek, M.D., Acting Chief Medical Officer, Division of Public Health, Department of Health and Human Services, regarding the appointment of the following individual to the Stem Cell Research Advisory Committee:

Dr. Alysson Renato Muotri

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 491, 500, 501, 503, and 505 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 491, 500, 501, 503, and 505.

ANNOUNCEMENT

The Chair announced the birthday of Senator Krist.

SELECT FILE

LEGISLATIVE BILL 1093A. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 1032. Title read. Considered.

Committee AM2473, found on page 941, was offered.

Senator Campbell withdrew her amendment, AM2528, found on page 953.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1094. Placed on Select File with amendment.

ER226 is available in the Bill Room.
LEGISLATIVE BILL 744. Placed on Select File with amendment.
ER227
1 1. In the Watermeier amendment, AM2727, on page 3, line 6, strike
2 "act" and insert "section".
3 2. On page 1, line 1, after "for" insert "written"; and strike line
4 3 and insert "to authorize enforcement, modification, or termination of
5 agreements in a civil action as prescribed; and to require certain
6 agreement disclosures.".

LEGISLATIVE BILL 947. Placed on Select File with amendment.
ER229
1 1. On page 1, strike beginning with the semicolon in line 2 through
2 line 4 and insert ", and section 38-129, Revised Statutes Cumulative
3 Supplement, 2014; to state intent relating to professional or commercial
4 licenses; to provide for issuance of credentials as prescribed; to
5 harmonize provisions; to repeal the original sections; and to declare an
6 emergency."

LEGISLATIVE BILL 886. Placed on Select File.
LEGISLATIVE BILL 886A. Placed on Select File.
LEGISLATIVE BILL 774A. Placed on Select File.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 529.Introduced by Howard, 9.

PURPOSE: The purpose of this resolution is to study the ongoing
implementation of the federal Preventing Sex Trafficking and Strengthening
Families Act of 2014 (Strengthening Families Act), Public Law 113-183,
and related state law and policy. This study shall assess needs arising from
the implementation of the federal Strengthening Families Act and determine
the next steps for the Strengthening Families Act Task Force of the
Nebraska Children's Commission.

The study shall include the following:
(1) Considering how to engage and empower affected individuals
including youth, foster parents, and biological parents;
(2) Considering normalcy for youth involved in the foster care, juvenile
justice, and mental health systems across all placement levels;
(3) Exploring the creation of a foster youth bill of rights;
(4) Reviewing how cultural considerations are made and addressed in
policy and practice related to normalcy;
(5) Evaluating existing grievance processes for youth in foster care and
examining the creation and implementation of a new grievance process;
(6) Examining the training provided to foster parents, providers, and
others regarding the federal Strengthening Families Act, with special
attention paid to the implementation of the reasonable and prudent parent
standard;
(7) Reviewing ongoing reforms regarding the permanency objective of Another Planned Permanent Living Arrangement;
(8) Assessing the need for and availability of financial and other resources that can be utilized to increase normalcy activities for children and youth in foster care throughout Nebraska; and
(9) Considering how to coordinate efforts between statewide programs to prevent sex trafficking of youth involved in foster care.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 530. Introduced by Howard, 9.

PURPOSE: In order to ensure a fair voting process for citizens who are hospitalized or who reside in nursing homes or extended care facilities, it is important to periodically reevaluate the process such individuals use to cast their ballots. Under current Nebraska law, local election officials bear primary responsibility for adopting voting procedures for such citizens. Neb. Rev. Stat. section 32-944 authorizes the election commissioner or county clerk to train registered voters to act on his or her behalf in administering a ballot to a resident of a nursing home or hospital who has requested a ballot. Section 32-944 further provides that such ballots shall be administered by two registered voters who are not affiliated with the same political party. Finally, the section requires the election commissioner or county clerk to adopt procedures to carry out the section.

The purpose of this interim study is to examine the voting processes and procedures available for citizens who are hospitalized or who reside in nursing homes or extended care facilities and determine whether legislation is needed to bring clarity and uniformity to the law and to ensure a fair and honest voting process.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.
EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 956e, 957e, 981e, 1109, and 83.

(Signed) Rick Kolowski

GENERAL FILE

LEGISLATIVE BILL 1032. Senator Bloomfield offered the following motion:
MO234
Bracket until April 20, 2016.

Senator Kintner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 14 nays, and 10 not voting.

Senator Schilz moved for a call of the house. The motion prevailed with 42 ayes, 1 nay, and 6 not voting.

Senator Bloomfield requested a roll call vote, in reverse order, on the motion to bracket.

Voting in the affirmative, 28:

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Voting in the negative, 20:

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Excused and not voting, 1:

Stinner

The Bloomfield motion to bracket prevailed with 28 ayes, 20 nays, and 1 excused and not voting.

The Chair declared the call raised.
MOTION - Print in Journal

Senator Chambers filed the following motion to LB1056:
MO233
Place on General File pursuant to Rule 3, Section 20(b).

RESOLUTION(S)

LEGISLATIVE RESOLUTION 531. Introduced by Gloor, 35; Smith, 14.

WHEREAS, Marcella J. Echternacht, MS, RN, began her nursing career in 1971 as a recipient of a University of Nebraska Regents Scholarship. She graduated with high honors in 1974 from the University of Nebraska Medical Center (UNMC) College of Nursing; and
WHEREAS, from 1990 to 2000, Marcella taught psychiatric nursing at Central Community College in Grand Island; and
WHEREAS, in 2000, Marcella joined the faculty at the College of Saint Mary in Omaha as an assistant professor of nursing, where she continued her career teaching psychiatric nursing. Since then she has been the recipient of many accolades, including being named an Outstanding Faculty Member in 2004 and receiving the 2004 Inspiring Excellence Award; and
WHEREAS, Marcella also received the 2005 Distinguished Alumnus Award from the UNMC College of Nursing and the 2006 Outstanding Achievement in Nursing award from the Nebraska Nurses Association; and
WHEREAS, Marcella served as a member of the Board of Nursing from 2002 to 2009 and as president from 2005 to 2009; and
WHEREAS, in 2002, she was appointed to the National Council of State Boards of Nursing (NCSBN), serving from 2002 through 2009. In 2008, she was appointed chairperson of the NCSBN Transition to Practice Committee, where she worked to address the serious problem of retention rates among nursing graduates during their first year of practice; and
WHEREAS, to address retention problems in Nebraska's nursing workforce, Marcella was appointed by the Board of Nursing to help with implementation of the Center for Regulatory Excellence grant awarded to Nebraska by NCSBN in 2008. Marcella's work in this program over several years led to the development of a mentoring process designed to acclimate new graduates to the real world of nursing practice; and
WHEREAS, Marcella will complete a 26-year career of nursing education at the end of the College of Saint Mary's spring term in May 2016.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature recognizes the many contributions and achievements of Marcella J. Echternacht and thanks her for her years of service to the people of the State of Nebraska and the nursing profession.
2. That a copy of this resolution be sent to Marcella J. Echternacht.

Laid over.
REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Muotri, Alysson Renato - Stem Cell Research Advisory Committee - Health and Human Services

(Signed) Bob Krist, Chairperson
Executive Board

GENERAL FILE

LEGISLATIVE BILL 1012. Title read. Considered.
Committee AM2253, found on page 708, was offered.

SPEAKER HADLEY PRESIDING

Senator Mello offered his amendment, AM2602, found on page 1014, to the committee amendment.

The Mello amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1037. Title read. Considered.

Senator Smith offered the following amendment:
AM2690
1 1. On page 3, line 3, after "land" insert ", excluding the first
2 acre of any such farm home site which acre shall be valued at its actual
3 value in accordance with subsection (1) of section 77-201".

Senator Chambers offered the following motion:
MO235
Bracket until April 20, 2016.

Pending.
LEGISLATIVE RESOLUTION 532. Introduced by Bolz, 29.

PURPOSE: Reducing violence is key to promoting the general welfare of the residents of Nebraska. Proactively reducing violence will also lead to less crowding in the state's prisons and jails. The Legislature created the Office of Violence Prevention in 2009, in order to develop, foster, promote, and assess violence prevention programs. The purpose of this resolution is to evaluate the effectiveness and success of the Office of Violence Prevention. The study shall include an examination of the following:

1. The effectiveness and impact of the Office of Violence Prevention in reducing violence in Nebraska;
2. The resources and authority available to the office;
3. The office's assessment of best practices for violence prevention;
4. Opportunities to expand, promote, and develop best practice initiatives to prevent violence in Nebraska; and
5. Opportunities for the future growth of efforts and initiatives to reduce violence statewide.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 533. Introduced by Bolz, 29.

PURPOSE: According to a 2015 survey of Nebraska businesses and organizations, workforce quality and availability is a top concern. By 2020, 38 percent of jobs in Nebraska will be middle-skill jobs: those requiring some postsecondary education but less than a bachelor's degree. To address the middle-skill employee gap, the federal Workforce Investment and Opportunity Act promotes career pathways as a workforce development strategy.

This study shall examine the following:

1. Nationwide best practices for promoting career education and training that can lead to job readiness for middle-skill positions;
2. Innovative processes and programs through which training opportunities and educational programs have been established and fostered in other states;
3. Opportunities available through the federal Workforce Investment and Opportunity Act to promote career pipeline programs; and
4. Strategies and opportunities to produce individuals prepared for middle-skill jobs and how to best implement such strategies.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 534. Introduced by Haar, K., 21.

WHEREAS, in 1980, the Legislature adopted LR 43, which called for the Nebraska Investment Council to review the list of corporations and banks which invest in South Africa and remove them from the list approved for investment by the state; and
WHEREAS, in 1984, the Legislature passed LB 553, which required divestment of all funds from companies doing business in South Africa; and
WHEREAS, the campaign for divestment from South Africa that the Nebraska Legislature supported has been widely hailed as being an important component in leading to the end of apartheid in 1994; and
WHEREAS, climate change presents serious, many-layered, and ongoing issues for Nebraskans, with projections of far more serious impacts on future generations; and
WHEREAS, there is a scientific consensus that fossil fuels are the major contributor to accelerated rates of climate change; and
WHEREAS, fossil fuel investments, particularly coal and oil, are losing value, becoming more volatile, and increasingly failing to fulfill prudent investment standards; and
WHEREAS, the number of institutions, governmental bodies, and businesses that are divesting from fossil fuels is rapidly increasing, and by the end of 2015, investors controlling over $3.4 trillion in assets have pledged to remove investments from fossil fuel companies; and
WHEREAS, clean energy investments, including wind, solar, and other methods of generating energy that do not produce greenhouse gases or that reduce the amount or impact of greenhouse gas emissions, are increasing throughout the world and represent greater stability and better rates of return, both now and in the future; and
WHEREAS, fiduciaries are acting prudently when they consider the direct risks of a fossil-dependent portfolio and the likely resilience and collateral benefits of clean energy investing; and
WHEREAS, it is appropriate for the Legislature to determine the amount of the state's investments in companies or funds that derive a majority of their income from the extraction or burning of fossil fuels; and
WHEREAS, it is appropriate for the Legislature to determine the amount of the state's investments in companies or funds that derive a majority of their income from clean energy; and
WHEREAS, it is appropriate to determine whether the state can effectively divest from fossil fuels and invest in clean energy consistent with its fiduciary obligations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to examine the following:
   (a) The extent that state funds are invested in fossil fuels;
   (b) The extent that state funds are invested in clean energy; and
   (c) The feasibility of divestment from fossil fuels and investment in clean energy consistent with the state's fiduciary responsibilities.

2. That the study committee shall work with the state investment officer, the Nebraska Investment Council, and their consultants to determine the extent that state funds are invested in fossil fuels and clean energy and the feasibility of divestment and investment as outlined in this study, to the extent such examination can be conducted without additional cost to the council.

3. That the committee shall examine such other issues as are necessary for a complete examination of this matter.

4. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 535. Introduced by Johnson, 23.

PURPOSE: The purpose of this resolution is to examine how the Legislature can assist livestock producers involved in certain value-added activities. The study shall include an examination of the following:
   (1) How the Legislature can assist livestock producers seeking to establish or enter into value-added activities related to the direct processing and marketing of meats in local or regional markets;
   (2) How the Legislature can help such producers form or link to value networks from production through consumption in local or regional markets through cooperation and aggregation of small or mid-scale livestock producer inputs; and
   (3) What opportunities are available to coordinate incentives and assistance available under the Livestock Growth Act with Value-Added Producer Grants operated by the United States Department of Agriculture Rural Development pursuant to 7 U.S.C. 1632a.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 536. Introduced by Johnson, 23.

PURPOSE: In 2013, the Legislature enacted LR 309, which called upon the Agriculture Committee of the Legislature to conduct an interim study to investigate ways to avoid and mitigate conflicts arising from herbicide drift damage to sensitive crops. The purpose of this resolution is to complete the work of the LR 309 study committee. This study committee shall complete any updates to the LR 309 interim draft report and finalize recommendations to the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 537. Introduced by Johnson, 23.

PURPOSE: The purpose of this resolution is to review the duties and authorities of the Department of Agriculture with respect to livestock animal identification pursuant to sections 54-702 and 54-702.01 of the Nebraska statutes and to assess the need to update and coordinate these sections with the final rule of the Animal and Plant Health Inspection Service of the United States Department of Agriculture regarding Traceability for Livestock Moving Interstate, published January 9, 2013.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.
LEGISLATIVE RESOLUTION 538. Introduced by Smith, 14.

PURPOSE: The purpose of this resolution is to study telecommunication services in Nebraska. The study shall include an examination of the following:

(1) The existing structure of regulations governing telecommunication services within Nebraska;
(2) The need to update and revise provisions of Nebraska law governing the regulation of telecommunication service providers;
(3) The role and operation of federal and state subsidy mechanisms created to support voice-grade and broadband telecommunication services;
(4) The availability and quality of broadband telecommunication services in Nebraska; and
(5) The need to enact incentives to supplement existing support mechanisms and encourage investment in broadband telecommunication infrastructure in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 539. Introduced by Smith, 14.

PURPOSE: The purpose of this resolution is to undertake a study of the jurisdiction and structure of the Nebraska Public Service Commission. The study committee shall examine and review the statutory and constitutional jurisdiction of the commission as well as current provisions of law prescribing the commission's structure, organization, and operation. Additionally, the study shall examine the rules of procedure adopted by the commission, the provisions of the Administrative Procedure Act, and the advisability of exempting the commission, in whole or in part, from the provisions of the act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.
LEGISLATIVE RESOLUTION 540. Introduced by Hadley, 37.

WHEREAS, Daniel Lynch, former state senator and longtime member of the Douglas County Board of Commissioners, passed away on March 17, 2016; and
WHEREAS, Dan represented the 13th District in the Legislature from 1985 to 2001, and is remembered for his advocacy for people who traditionally lacked a voice in government, including the working class and people with special needs; and
WHEREAS, Dan spearheaded the passage of Nebraska's motorcycle helmet law in 1989 during his fourth year in the Legislature and vigorously fought against many subsequent attempts to repeal the law; and
WHEREAS, as a member of the Douglas County Board, Dan was the driving force behind the creation of ENCOR, a five-county regionally administered agency which provides community-based services for people with developmental disabilities; and
WHEREAS, as a 10-year member of the Appropriations Committee of the Legislature, Dan continued to champion services for people with developmental disabilities through his staunch support for adequate state funding; and
WHEREAS, beyond his public service, Dan gave generously of his time and energy to his neighbors and community, whether he was helping with a plumbing repair or dressing as Santa Claus to visit the children at Boys and Girls Clubs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature honors the memory of Daniel Lynch and his many contributions and achievements and expresses its gratitude for his many years of service to his state and community.
2. That the Legislature extends its sympathy to the family of Daniel Lynch.
3. That a copy of this resolution be sent to each of Daniel's children: Debra, Julie, Marianne, Danny, and Maureen.

Laid over.

LEGISLATIVE RESOLUTION 541. Introduced by Larson, 40.

PURPOSE: The Nebraska County and City Lottery Act was established to allow any county, city, or village to conduct a lottery, including games of keno, for community betterment purposes. Since it has been established in Nebraska, the game of keno has provided funding for community betterment purposes across the state.

The purpose of this interim study is to examine the economic benefits of keno. This study shall include the following:
(1) Reviewing the reported uses of keno community betterment dollars and an identification of the projects funded with such dollars;
(2) Examining the direct and indirect economic impacts of the game of keno, including how it helps support local businesses and the jobs it helps create in communities;
(3) Reviewing input from interested parties who could highlight the importance of keno, the impact that the money spent playing keno has on communities, and the benefits provided to communities through the use of community betterment dollars; and
(4) Developing recommendations as to any legislation that may be needed to ensure that the economic benefits of keno and the community betterment dollars keno provides can continue to support Nebraska communities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 542. Introduced by Larson, 40.

PURPOSE: The purpose of this resolution is to examine the issues within the jurisdiction of the General Affairs Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purpose of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 543. Introduced by Hansen, 26.

PURPOSE: Birth certificates serve many important purposes. They are often necessary to obtain legal or other important documents and to obtain and enforce rights and privileges relating to personal identity, parental rights, and other significant matters.

The purpose of this resolution is to examine possible legislative reforms to Nebraska laws relating to birth certificates. The study shall include the following:

(1) A review of current statutes relating to birth certificates;
(2) A review of current regulations relating to birth certificates;
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF
THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA,
SECOND SESSION:
1. That the Judiciary Committee of the Legislature shall be designated to
carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report
of its findings, together with its recommendations, to the Legislative
Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 544. Introduced by Crawford, 45.

PURPOSE: The purpose of this interim study is to examine the alternative
response demonstration projects, also known as the alternative response
pilot project, created in 2014 by LB 853 and to review the pilot project's
implementation by the Division of Children and Family Services (DCFS) of
the Department of Health and Human Services (DHHS). The study
committee shall also examine the coordination of informal resources
available in communities and formal assistance provided through state
systems in order to better serve families in the child welfare system and to
prevent at-risk families from entering the system.

This study shall include an examination of the following:

(1) The effectiveness of the implementation and administration of the
alternative response pilot project in strengthening families and preventing
out-of-home placement, including issues that may be addressed in the future
reauthorization and expansion of the pilot project;

(2) Systemic barriers to optimal effectiveness and accessibility of the
alternative response pilot project in serving families for which the project
was originally intended, including rules and regulations, mental and
behavioral health service gaps, and procedural requirements;

(3) The interaction or coordination of services available from DCFS, other
divisions within DHHS administering public assistance programs, and
informal community-based services or programs that support families within
or at risk of entering the child welfare system and how such interaction or
coordination can better protect children and families and reduce the future
risk of maltreatment; and

(4) The feasibility of extending certain structures and service systems
utilized formally and informally by alternative response sites to cases that
come to the attention of the statewide child abuse and neglect hotline but are
not accepted for service provision, in order to prevent subsequent allegations
of parental abuse or neglect in a comprehensive manner.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 545. Introduced by Campbell, 25.

PURPOSE: The purpose of this resolution is to study medicaid and the Children's Health Insurance Program (CHIP), with an emphasis on children that are eligible but unenrolled in these programs. This study shall include an examination of the following:
(1) Rates of participation for children in medicaid and CHIP in Nebraska;
(2) Reasons children are eligible but unenrolled in such programs;
(3) Outreach conducted by the Department of Health and Human Services to enroll children in such programs; and
(4) Strategies to ensure all children eligible for medical assistance are enrolled.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 546. Introduced by Garrett, 3; Ebke, 32.

PURPOSE: The purpose of this study is to examine whether, under North Carolina State Board of Dental Examiners v. Federal Trade Commission, 135 S. Ct. 1101 (2015), Nebraska's occupational licensing boards are exposed to liability under antitrust laws.

The study committee shall examine the state of occupational licensing in Nebraska and may study the free movement of labor in Nebraska. The study committee shall also examine laws that have intentionally and unintentionally resulted in the closure of small Nebraska businesses. Additionally, the study committee shall evaluate proposals to reform Nebraska statutes governing occupational licensing in order to promote job
creation and ensure that Nebraska's occupational licensing boards are exempt from antitrust laws.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 547. Introduced by Larson, 40.

WHEREAS, the Legislature has a variety of tools that it can utilize to enhance economic development for the Native American population of Nebraska; and
WHEREAS, these tools include tax incentives, housing opportunities, grants, special education policies, and access to health care; and
WHEREAS, the Legislature would benefit from the advice and recommendations of the State-Tribal Relations Committee of the Legislature regarding the development of policies and refinements to existing laws that can be made to encourage and enhance economic development for the Native American population of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature calls upon the State-Tribal Relations Committee of the Legislature to conduct a study examining the policy tools available to the Legislature to enhance economic development for the Native American population of Nebraska.
2. That the Legislature encourages the State-Tribal Relations Committee of the Legislature to seek the input of and meet with members of the Revenue, Appropriations, Education, and Health and Human Services Committees of the Legislature in conducting this study.
3. That the Legislature calls upon the State-Tribal Relations Committee of the Legislature to formulate draft legislation and policy recommendations and present them to the appropriate standing committee of the Legislature.

Laid over.

LEGISLATIVE RESOLUTION 548. Introduced by Riepe, 12; Gloor, 35.

PURPOSE: Cigarette smoking remains the leading preventable cause of sickness and mortality and is responsible for over 400,000 deaths in the United States each year. The purpose of this resolution is to examine issues surrounding youth tobacco use. The study shall include the following:
(1) Examining health risks associated with the use of cigarettes, e-cigarettes, and other tobacco products by youth;
(2) Examining the prevalence of underage use of cigarettes, e-cigarettes, and other tobacco products;
(3) Reviewing legislation in other states addressing the use of tobacco products by youth; and 
(4) Identifying potential improvements that can be made to the Tobacco Free Nebraska program operated by the Division of Public Health of the Department of Health and Human Services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 549. Introduced by Garrett, 3; Pansing Brooks, 28.

PURPOSE: U nonimmigrant status, also known as U visa status, was created by the federal Victims of Trafficking and Violence Protection Act of 2000, Public Law 106-386, which included the Battered Immigrant Women Protection Act of 2000. U visa status is designed to provide temporary lawful status to noncitizen crime victims who have suffered substantial physical or mental abuse as a result of having been a victim of certain criminal activity and who are willing to assist law enforcement in the investigation and prosecution of that criminal activity.

Congress created the U visa status to strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, human trafficking, and other crimes and to offer protection to victims of such crimes. The legislation was also intended to help law enforcement to better serve such victims.

Nationwide, however, some law enforcement agencies have failed to certify any victims of crime as eligible for U visa status, either for political reasons or due to a lack of understanding of the law.

The purpose of this study is to examine issues relating to utilization of the U visa program in Nebraska. The study shall include the following:

(1) A review of Nebraska law enforcement policies and practices to determine whether Nebraska law enforcement agencies are certifying cooperating individuals as eligible for U visa status;
(2) A review of Nebraska law enforcement agencies' policies relating to identifying possible victims of human trafficking and their eligibility for U visa status; and
(3) An examination of whether any legislation is needed to encourage or require Nebraska law enforcement agencies to utilize the U visa program and certify victims as eligible for U visa status.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 550. Introduced by Schumacher, 22.

PURPOSE: The purpose of this resolution is to examine the feasibility of creating a common data collection site for the county jail information necessary to receive funding under the County Justice Reinvestment Grant Program under section 81-1426.01 of the Nebraska statutes and similar programs. A common data collection site will help to ensure that the evaluation procedures regarding county jail costs are providing reliable and uniform information. The need for such a review became apparent after discussions within the County Justice Reinvestment Group Subcommittee of the Committee on Justice Reinvestment Oversight that was created in response to passage of LB 605 (2015). This study shall include the following:

(1) Identifying methods to efficiently collect data required by the County Justice Reinvestment Grant Program;
(2) Examining where county jail data is currently collected;
(3) Identifying issues associated with creating a uniform and common data collection site for county jail information; and
(4) Clarifying the roles of the Nebraska Commission on Law Enforcement and Criminal Justice, the Office of Probation Administration, and other agencies to ensure that any differences are intentional and desired.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.
PURPOSE: The purpose of this resolution is to explore and assess the use of congregate care in Nebraska for youth in the child welfare and juvenile justice systems. The study shall include an examination of the following:

1. Statistics on youth in congregate care in Nebraska, including the number of youth who spend time in congregate care settings and the amount of time youth spend in congregate care placements;
2. The variety of congregate care placements that exist throughout Nebraska, when these placements are utilized for youth, and how often these placements are utilized;
3. The disproportionality that may exist in such placements;
4. The availability of and need for therapeutic or treatment foster care and other family-like placements in Nebraska;
5. Best practices related to congregate care; and
6. Consideration of the need for any changes to policies, practices, and programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Krist filed the following amendment to LB1067:
AM2549
1. Strike original sections 31, 54, 55, and 61 and insert the following new sections:
   31. (1) School districts may apply to the department for a limited English proficiency student growth adjustment, on a form prescribed by the department, on or before October 15 of the school fiscal year immediately preceding the school fiscal year for which aid is being calculated. Such form shall require an estimate of the increase in limited English proficiency students for the school fiscal year for which aid is being calculated, the estimated limited English proficiency student growth calculated by subtracting the number of limited English proficiency students of the current school fiscal year from the estimated number of limited English proficiency students for the school fiscal year for which aid is being calculated, and evidence supporting the estimates. On or before the immediately following December 1, the department shall approve the estimated limited English proficiency student growth, approve a modified limited English proficiency student growth, or deny the
application based on the requirements of this section, the evidence submitted on the application, and any other information provided by the department. The state board shall establish procedures for appeal of decisions of the department to the state board for final determination.

(2) The limited English proficiency student growth adjustment for each approved district shall equal the product of the school district's basic funding per formula student multiplied by the approved limited English proficiency student growth.

(3) The department shall calculate a limited English proficiency student growth adjustment correction for each district that received a limited English proficiency student growth adjustment for aid distributed in the most recently available complete data year. Such limited English proficiency student growth adjustment correction shall equal the product of the difference of the actual limited English proficiency student growth for such school fiscal year minus the estimated limited English proficiency student growth for such school fiscal year used to calculate the limited English proficiency student growth adjustment for such school fiscal year multiplied by the school district's basic funding per formula student used in the final calculation of aid pursuant to section 79-1065 for such school fiscal year, except that the absolute value of a negative correction shall not exceed the original adjustment.

Sec. 32. (1) For school fiscal year 2017-18 and each school fiscal year thereafter, the department shall determine the extreme poverty adjustment for each school district with poverty students comprising more than forty percent of the formula students in the school district.

(2) The extreme poverty adjustment shall equal the sum of the statewide average general fund operating expenditures per formula student multiplied by 0.025 then multiplied by the number of poverty students.

2. On page 48, line 8, strike "and 39" and insert ", 32 and 40"; and in lines 24 and 25 reinstate the stricken matter.

3. On page 49, strike beginning with the comma in line 1 through the last "allowance" in line 9.

4. On page 62, strike lines 13 through 25 and insert the following new subsection:

"(3) Except as otherwise provided in this section, for school fiscal year 2017-18 and each school fiscal year thereafter, each school district's formula need shall equal the difference of the sum of the school district's basic funding, poverty allowance, limited English proficiency allowance, focus school and program allowance, summer school allowance, special receipts allowance, transportation allowance, elementary site allowance, best practices allowance, distance education and telecommunications allowance, averaging adjustment, new learning community transportation adjustment, student growth adjustment, any positive student growth adjustment correction, new school adjustment, extreme poverty adjustment, limited English proficiency student growth adjustment, and any positive limited English proficiency student growth adjustment correction minus the sum of the limited English proficiency allowance correction, poverty allowance correction, and any negative student growth adjustment correction."
8 5. On page 63, line 13, after "adjustment" insert ", an extreme poverty adjustment, or a limited English proficiency student growth adjustment".

9 6. On page 69, strike beginning with "community" in line 12 through the comma in line 13.

10 7. On page 97, strike lines 28 through 31.

11 8. On page 98, strike line 1; in line 2 strike "(5)"; show as stricken, and insert "(4)"; in line 3 strike "(6)", show as stricken, and insert "(5)"; in line 4 strike "(7)"; in line 5 strike "(8)", show as stricken, and insert "(7)"; in line 6 strike "(9)"; show as stricken, and insert "(8)"; in line 7 strike "(10)"; show as stricken, and insert "(9)"; in line 8 strike "(11)"; show as stricken, and insert "(10)"; in line 9 strike "(12)"; show as stricken, and insert "(11)"; and in line 10 strike "(13)"; show as stricken, and insert "(12)".

23 9. On page 99, line 1, strike "(14)"; show as stricken, and insert "(13)"; in line 3 strike "(15)"; show as stricken, and insert "(14)"; in line 4 strike "(16)"; show as stricken, and insert "(15)"; in line 5 strike "(17)"; show as stricken, and insert "(16)"; in line 6 strike "(18)"; show as stricken, and insert "(17)"; strike lines 25 through 27 and show the old matter as stricken; and in line 28 strike "(1)"; show as stricken, and insert "(1)".

30 10. On page 100, line 1, strike "3" and insert "2"; in line 2 strike "4" and insert "3"; in line 3 strike "5" and insert "4"; and in line 4 strike "the community achievement plan".

2 11. On page 101, line 18, strike "4" and insert "3".

3 12. On page 110, lines 7 and 8, strike the new matter.

4 13. Renumber the remaining sections, amend the repealer, and correct internal references accordingly.

NOTICE OF COMMITTEE HEARING(S)
Natural Resources
Room 1524

Tuesday, April 5, 2016 8:00 a.m.

Patrick Berggren - Nebraska Game and Parks Commission
Brian Barels - Nebraska Natural Resources Commission
Joel Christensen - Nebraska Natural Resources Commission
Stan Clouse - Nebraska Natural Resources Commission
Brad B. Dunbar - Nebraska Natural Resources Commission
Thomas Knutson - Nebraska Natural Resources Commission
Scott Smathers - Nebraska Natural Resources Commission
Chad Wright - Nebraska Natural Resources Commission

(Signed) Ken Schilz, Chairperson
GENERAL FILE

LEGISLATIVE BILL 1037. The Chambers motion, MO235, found in this day’s Journal, to bracket until April 20, 2016, was renewed.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 935. Placed on Select File with amendment.

ER231
1 1. In the Standing Committee amendments, AM2386:
2 a. On page 1, line 7, strike "(1)", show as stricken, and insert
3 "(a)"; in line 8 strike "(2)". show as stricken, and insert "(b)"; and in
4 line 21 after "remit" insert "to the State Treasurer for credit"; and
5 b. On page 5, line 4, after "automobile" insert "travel".
6 2. On page 1, strike beginning with "the" in line 1 through line 9
7 and insert "state and local government; to amend sections 81-1118,
8 81-1174, 81-1175, 81-1176, 81-1180, 81-1348, and 84-321, Reissue Revised
9 Statutes of Nebraska, sections 13-513 and 73-506, Revised Statutes
10 Cumulative Supplement, 2014, and sections 84-304 and 84-311, Revised
11 Statutes Supplement, 2015; to change provisions relating to the Nebraska
12 Budget Act; to provide for late fees and remedial fees; to change
13 provisions relating to the duration of certain state agency contracts,
14 procedures and rates for reimbursement for expenses incurred in the line
15 of duty, and membership of the Suggestion Award Board; to authorize
16 additional assistant deputies for and sharing of working papers by the
17 Auditor of Public Accounts; to provide the rate of interest on and
18 liability for certain delinquent payments; to harmonize provisions; and
19 to repeal the original sections.”.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 958. Placed on General File with amendment.

AM2717
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 13-520, Revised Statutes Supplement, 2015, is
4 amended to read:
5 13-520 The limitations in section 13-519 shall not apply to (1)
6 restricted funds budgeted for capital improvements, (2) restricted funds
7 expended from a qualified sinking fund for acquisition or replacement of
8 tangible personal property with a useful life of five years or more, (3)
9 restricted funds pledged to retire bonded indebtedness, used by a public
10 airport to retire interest-free loans from the Department of Aeronautics
in lieu of bonded indebtedness at a lower cost to the public airport, or
used to pay other financial instruments that are approved and agreed to
before July 1, 1999, in the same manner as bonds by a governing body
created under section 35-501, (4) restricted funds budgeted in support of
a service which is the subject of an agreement or a modification of an
existing agreement whether operated by one of the parties to the
agreement or by an independent joint entity or joint public agency, (5)
restricted funds budgeted to pay for repairs to infrastructure damaged by
a natural disaster which is declared a disaster emergency pursuant to the
Emergency Management Act, (6) restricted funds budgeted to pay for
judgments, except judgments or orders from the Commission of Industrial
Relations, obtained against a governmental unit which require or obligate
a governmental unit to pay such judgment, to the extent such judgment is
not paid by liability insurance coverage of a governmental unit or a pool
of funds maintained by the governmental unit to self-insure against such
liabilities, or (7) the dollar amount by which restricted funds budgeted
by a natural resources district to administer and implement ground water
management activities and integrated management activities under the
Nebraska Ground Water Management and Protection Act exceed its restricted
funds budgeted to administer and implement ground water management
activities and integrated management activities for FY2003-04.
Sec. 2. Section 13-521, Reissue Revised Statutes of Nebraska, is
amended to read:
13-521  (1) A governmental unit may choose not to increase its total
of restricted funds by the full amount allowed by law in a particular
year. In such cases, the governmental unit may carry forward to future
budget years the amount of unused restricted funds authority. The
governmental unit shall calculate its unused restricted funds authority
and submit an accounting of such amount with the budget documents for
that year. Such unused restricted funds authority may then be used in
later years for increases in the total of restricted funds allowed by
law. This subsection shall not apply to community colleges for fiscal
years beginning on or after July 1, 2017. Any unused budget authority
existing on April 8, 1998, by reason of any prior law may be used for
increases in restricted funds authority.
(2) For any fiscal year beginning on or after July 1, 2017, a
community college may choose not to increase its total of restricted
funds by the full amount allowed by law in a particular year. In such
cases, the community college may carry forward to future budget years the
amount of unused restricted funds authority. The community college shall
calculate its unused restricted funds authority and submit an accounting
of such amount with the budget documents for that year. The amount of
unused restricted funds authority that may be used by a community college
in a single fiscal year to increase its total of restricted funds above
the restricted funds authority as calculated pursuant to section 13-519
shall be limited to three percent of the difference of the total of
restricted funds minus the exclusions in section 13-520 for the
immediately preceding fiscal year.
Sec. 3. Section 77-4212, Revised Statutes Cumulative Supplement,
2014, is amended to read:

77-4212 (1) For tax year 2007, the amount of relief granted under the Property Tax Credit Act shall be one hundred five million dollars. For tax year 2008, the amount of relief granted under the act shall be one hundred fifteen million dollars. It is the intent of the Legislature to fund the Property Tax Credit Act for tax years after tax year 2008 using available revenue. For tax year 2017, the amount of relief granted under the act shall be two hundred thirty-four million dollars. The relief shall be in the form of a property tax credit which appears on the property tax statement.

(2)(a) For tax years prior to tax year 2017, to determine the amount of the property tax credit, the county treasurer shall multiply the amount disbursed to the county under subdivision subsection (4)(a) of this section by the ratio of the real property valuation of the parcel to the total real property valuation in the county. The amount determined shall be the property tax credit for the property.

(b) Beginning with tax year 2017, to determine the amount of the property tax credit, the county treasurer shall multiply the amount disbursed to the county under subdivision (4)(b) of this section by the ratio of the credit allocation valuation of the parcel to the total credit allocation valuation in the county. The amount determined shall be the property tax credit for the property.

(3) If the real property owner qualifies for a homestead exemption under sections 77-3501 to 77-3529, the owner shall also be qualified for the relief provided in the act to the extent of any remaining liability after calculation of the relief provided by the homestead exemption. If the credit results in a property tax liability on the homestead that is less than zero, the amount of the credit which cannot be used by the taxpayer shall be returned to the State Treasurer by July 1 of the year the amount disbursed to the county was disbursed. The State Treasurer shall immediately credit any funds returned under this section to the Property Tax Credit Cash Fund.

(4)(a) For tax years prior to tax year 2017, the amount disbursed to each county shall be equal to the amount available for disbursement determined under subsection (1) of this section multiplied by the ratio of the real property valuation in the county to the real property valuation in the state. By September 15, the Property Tax Administrator shall determine the amount to be disbursed under this subdivision subsection to each county and certify such amounts to the State Treasurer and to each county. The disbursements to the counties shall occur in two equal payments, the first on or before January 31 and the second on or before April 1. After retaining one percent of the receipts for costs, the county treasurer shall allocate the remaining receipts to each taxing unit levying taxes on taxable property in the tax district in which the real property is located in the same proportion that the levy of such taxing unit bears to the total levy on taxable property of all the taxing units in the tax district in which the real property is located.

(b) Beginning with tax year 2017, the amount disbursed to each
20 county shall be equal to the amount available for disbursement determined
21 under subsection (1) of this section multiplied by the ratio of the
22 credit allocation valuation in the county to the credit allocation
23 valuation in the state. By September 15, the Property Tax Administrator
24 shall determine the amount to be disbursed under this subdivision to each
25 county and certify such amounts to the State Treasurer and to each
26 county. The disbursements to the counties shall occur in two equal
27 payments, the first on or before January 31 and the second on or before
28 April 1. After retaining one percent of the receipts for costs, the
29 county treasurer shall allocate the remaining receipts to each taxing
30 unit based on its share of the credits granted to all taxpayers in the
31 taxing unit.

1 (5) For purposes of this section, credit allocation valuation means
2 the taxable value for all real property except agricultural land and
3 horticultural land, one hundred thirty-three percent of taxable value for
4 agricultural land and horticultural land that is not subject to special
5 valuation, and one hundred thirty-three percent of taxable value for
6 agricultural land and horticultural land that is subject to special
7 valuation.
8 (6) The State Treasurer shall transfer from the General Fund to
9 the Property Tax Credit Cash Fund one hundred five million dollars by
10 August 1, 2007, and one hundred fifteen million dollars by August 1,
11 2008.
12 (7) The Legislature shall have the power to transfer funds from
13 the Property Tax Credit Cash Fund to the General Fund.

Sec. 4. Original section 13-521, Reissue Revised Statutes of
Nebraska, section 77-4212, Revised Statutes Cumulative Supplement, 2014,
and section 13-520, Revised Statutes Supplement, 2015, are repealed.

(Signed) Mike Gloor, Chairperson

MOTION - Print in Journal

Senator McCoy filed the following motion to LB1032:
MO232
Indefinitely postpone.

EASE

The Legislature was at ease from 12:04 p.m. until 12:30 p.m.

GENERAL FILE

LEGISLATIVE BILL 1037. The Chambers motion, MO235, found in this
day's Journal, to bracket until April 20, 2016, was renewed.

Senator Brasch moved the previous question. The question is, "Shall the
debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not
voting.
Senator Brasch moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Brasch requested a roll call vote, in reverse order, on the motion to bracket.

Voting in the affirmative, 20:

Campbell  Haar, K.  Hilkemann  Krist  Schilz
Coash     Hadley    Howard    Morfeld    Schumacher
Cook      Hansen    Hughes    Pansing    Brooks    Seiler
Craighead Harr, B.  Kolowski  Scheer    Williams

Voting in the negative, 5:

Bloomfield Brasch Gloor Kintner Murante

Present and not voting, 23:

Baker    Ebke    Johnson    McCollister    Smith
Bolz     Fox     Kolterman  McCoy        Sullivan
Chambers Friesen Kuehn Mello Watermeier
Crawford Garrett Larson Riepe
Davis    Groene Lindstrom Schnoor

Excused and not voting, 1:

Stinner

The Chambers motion to bracket failed with 20 ayes, 5 nays, 23 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO236
Reconsider the vote taken to bracket.

SENATOR COASH PRESIDING

PRESIDENT FOLEY PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.
Senator Chambers requested a roll call vote, in reverse order, on the motion to reconsider.

Voting in the affirmative, 26:

<table>
<thead>
<tr>
<th>Baker</th>
<th>Crawford</th>
<th>Harr, B.</th>
<th>Morfeld</th>
<th>Watermeier</th>
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<tr>
<td>Bolz</td>
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<td>Cook</td>
<td>Hansen</td>
<td>Krist</td>
<td>Sullivan</td>
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Voting in the negative, 5:

<table>
<thead>
<tr>
<th>Bloomfield</th>
<th>Brasch</th>
<th>Gloor</th>
<th>Kintner</th>
<th>Murante</th>
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Present and not voting, 16:

<table>
<thead>
<tr>
<th>Ebke</th>
<th>Johnson</th>
<th>Lindstrom</th>
<th>Riepe</th>
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<td>Koltermann</td>
<td>McCollister</td>
<td>Schilz</td>
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<tr>
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<td>McCoy</td>
<td>Schnoor</td>
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<tr>
<td>Groene</td>
<td>Larson</td>
<td>Mello</td>
<td>Smith</td>
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</tbody>
</table>

Excused and not voting, 2:

<table>
<thead>
<tr>
<th>Craighead</th>
<th>Stinner</th>
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</table>

The Chambers motion to reconsider prevailed with 26 ayes, 5 nays, 16 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The Chambers motion, MO235, found in this day's Journal, to bracket until April 20, 2016, was reconsidered.

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Chambers requested a roll call vote, in reverse order, on the motion to bracket.

Voting in the affirmative, 23:

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<td>Cook</td>
<td>Hadley</td>
<td>Hughes</td>
<td>Schumacher</td>
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</tr>
</tbody>
</table>
Voting in the negative, 10:

Bloomfield  Gloor  Kolterman  McCoy  Riepe
Brasch  Kintner  Kuehn  Murante  Schnoor

Present and not voting, 13:

Bolz  Garrett  Larson  Scheer  Watermeier
Fox  Groene  McCollister  Schilz
Friesen  Johnson  Mello  Smith

Excused and not voting, 3:

Craighead  Lindstrom  Stinner

The Chambers motion to bracket failed with 23 ayes, 10 nays, 13 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 552. Introduced by Haar, K., 21; Mello, 5.

WHEREAS, well-managed budgetary decisions and appropriation of state funds are vital to the health of Nebraska's economy through maintaining infrastructure, supporting educational systems, assisting political subdivisions, and providing for the necessary operations of state government; and

WHEREAS, vision and far-sighted fiscal and budgetary planning have helped Nebraska maintain a vibrant economy, an excellent educational system, and a strong infrastructure and support the necessary functions of state government and its political subdivisions; and

WHEREAS, climate change is already having impacts on revenue generation and the funding and budgetary needs of the state and its agencies, including, but not limited to, emergency management, natural resources, agriculture, game and parks, health and human services, forestry, education, economic development, and insurance. The state's fiscal and budgetary process is also affected by the impact of climate change on infrastructure, educational systems, and political subdivisions, including, but not limited to cities, counties, and natural resource districts; and

WHEREAS, future climate change is likely to have even more significant impacts on revenue generation and the funding and budgetary needs of the state and its agencies, infrastructure, educational systems, and aid to political subdivisions; and
WHEREAS, there exist opportunities for economic development and revenue generation arising from efforts to adapt to or mitigate the impacts of climate change that impact the budgetary process. These include budgetary decisions that support development of Nebraska’s abundant wind and solar resources, biofuel development, changes to health systems and the insurance industry, investment in new technology, and development of opportunities that will benefit Nebraska's agricultural economy, including new crops and livestock; and

WHEREAS, vision and far-sighted fiscal and budgetary planning are needed to attract new businesses to Nebraska and attract and keep young people in the state; and

WHEREAS, the fiscal and budgetary process needs to consider the funding needed to enable academic and business research to develop the innovations to meet the challenges of the 21st century; and

WHEREAS, it is necessary to create the framework for a plan to address the economic, revenue, and budgetary implications of climate change on the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to develop a plan to address funding and budgetary issues related to climate change.

2. That the study shall examine the funding and budgetary impact of climate change on state agencies, including, but not limited to, issues related to the following areas:
   (a) Public health;
   (b) Agriculture;
   (c) Emergency management;
   (d) Natural resources;
   (e) Game and parks;
   (f) Forestry;
   (g) Water resources;
   (h) Education;
   (i) Insurance; and
   (j) Economic development.

3. That the study shall examine the funding and budgetary impact of climate change on the following:
   (a) Public infrastructure;
   (b) Rural and urban communities;
   (c) Colleges and universities;
   (d) Natural resource districts; and
   (e) Other political subdivisions.

4. That the study shall examine the funding and budgetary impact of climate change on efforts to take advantage of opportunities related to climate change, including, but not limited to, issues related to the following:
   (a) Academic research;
   (b) Business research; and
   (c) Economic development opportunities.
5. That the committee shall examine any other issues necessary for a complete examination of this matter.
6. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 553. Introduced by Riepe, 12.

PURPOSE: The purpose of this resolution is to study issues surrounding the Medicaid Reform Council. This study shall include an examination of the following:
   (1) The structure, membership, and duties of the Medicaid Reform Council as set forth in section 68-948 of the Nebraska statutes;
   (2) Changing demographics in the state and the need to reform Nebraska's medicaid program to address those changes;
   (3) Recent federal changes to medicaid and the modifications necessary to implement those changes at the state level;
   (4) Potential medicaid reforms including cost-sharing, health care delivery, coordinated care, patient-centered medical homes, direct primary care, and other innovations; and
   (5) Whether such reforms should be implemented in Nebraska's current medicaid program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
   1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
   2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 554. Introduced by Kolterman, 24.

PURPOSE: The purpose of this study is to review and examine information regarding air ambulance costs and the information available to consumers about such costs. Air ambulances most commonly transport patients with life-threatening conditions or in emergency situations. The Association of Air Medical Services estimates that more than 550,000 patients in the United States use air ambulances each year. However, using air ambulances is expensive and might not be covered by the patient's health insurance policy.

Air ambulances are generally utilized in situations in which patients have no control over how they are transported for treatment. Time is often a critical factor in deciding transportation for care. Patients are usually not
able to negotiate prices or refuse transport when requiring urgent medical care. Refusing service is not an easy choice when trained medical staff have determined an air ambulance is a necessity. Ill patients often cannot make a free choice whether to use an air ambulance, nor is there information available as to the cost of the transportation and whether it is covered by insurance.

According to the National Association of Insurance Commissioners, the average air ambulance trip is 52 miles and costs between $12,000 to $25,000 per flight. Many air and ground ambulance services refuse a preferred provider contract with payers, forcing patients to pay high, uncontrolled billed charges. There are reports of large balance bills to air ambulance patients that were unexpected and often uncovered by insurance. Air ambulance bills appear to be a nationwide issue.

The study shall include an examination of the following:

1. The cost of air ambulance services for patients in Nebraska for both in-network and out-of-network air ambulance services;
2. When and how consumers are notified of air ambulance costs and balance billing and what recourse is available for lack of coverage;
3. What effect federal law has on rates for air transport in medical trauma or emergency situations; and
4. How other states are addressing the need for transparency in air ambulance charges and what coverage is available for air transportation in medical emergencies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 555. Introduced by Lindstrom, 18.

PURPOSE: The purpose of this resolution is to study the process and procedures used in appeals before the Tax Equalization and Review Commission. This study shall include an examination of the following:

1. Who may file an appeal or represent a party in an appeal from a decision of the county board of equalization regarding the taxation, valuation, or assessment of real or personal property;
2. The burden of proof required in such an appeal; and
3. Any other procedures of the Tax Equalization and Review Commission that the study committee chooses to examine.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 556. Introduced by Harr, B., 8.

PURPOSE: The Conveyance Safety Act was enacted to ensure the safety of the general public and workers as they use and work on conveyances throughout the state. This study shall examine the conveyances currently covered by the act, the frequency of inspections, and the level of safety regulations in other states. The study committee shall also seek input from the members of industry serving on the Conveyance Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 557. Introduced by Garrett, 3; Krist, 10.

PURPOSE: The purpose of this interim study is to examine what actions the State of Nebraska needs to take to meet the United States Department of Defense's mandate that, by 2020, at least twenty percent of the department's energy demand come from renewable sources, at least twenty-five percent of the total energy consumed by the United States Army come from renewable sources, and that at least twenty-five percent of United States Air Force facilities' energy consumption come from renewable or alternative sources. The study shall also examine what actions the State of Nebraska needs to take to meet the department's requirement that all new buildings are designed to achieve zero net energy by 2030.

The study shall include an examination of the following:

1. Whether Nebraska needs to take any steps to assist Offutt Air Force Base in meeting these requirements;

2. Any difficulties the Nebraska National Guard may have in complying with these requirements;

3. The backlog of maintenance and repair projects that challenge the Nebraska National Guard's ability to meet these requirements;
(4) All military buildings and structures that are funded with help from the State of Nebraska and the possible cost of bringing such buildings and structures into compliance;
(5) Whether performance energy audits are a valuable tool in identifying priorities to achieve greater efficiencies; and
(6) Possible funding mechanisms to pay for the renewable technologies mandated by the Department of Defense requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 558. Introduced by Harr, B., 8.

PURPOSE: The purpose of this resolution is to evaluate the governance structure of Nebraska Educational Telecommunications Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 559. Introduced by Krist, 10.

PURPOSE: Too few high school students and citizens across the country-Nebraska included-know and understand basic American civics. According to the Pew Research Center, only one-third of Americans can correctly name one of the three branches of government, much less say what each branch does. Nationally, dozens of states are discussing possible solutions to ending the quiet crisis of civics education. Over the years, school districts have emphasized STEM (science, technology, engineering, and math) programs. While these programs and curricula are vastly important for the success of students, a new emphasis needs to be placed on civics education if students are to be active and engaged in the political process throughout their lives. To help increase students' education in civics, many states have passed the Civics Education Initiative into law.
The Civics Education Initiative is a first step to ensure that all students are taught basic civics about the United States and who we are as a nation. A strong civics education will serve as a foundation for informed, engaged, and successful citizens in the future. The State Board of Education has already created standards for social studies—which includes criteria for civics education—but these standards are not tested in ways similar to math or science. By implementing a civics test, either through legislation or regulation, Nebraska's school districts will have the tools needed to increase their students' understanding of civics.

The purpose of this interim study is to examine the feasibility and impact of implementing the Civics Education Initiative in Nebraska through legislation or in partnership with the State Board of Education through their regulation process. The study should also focus on the policies that other states are adopting to increase civics education. The committee should further examine this issue to determine what legislation or policy development may be necessary to implement the Civics Education Initiative or a similar program, while allowing local school districts to determine the best way to implement the civics test in a cost-effective manner by encouraging the State Board of Education to include the initiative as a part of Rule 10.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 560, Introduced by Krist, 10.

PURPOSE: The purpose of this resolution is to examine the origins and utility of using court fees as a source of funding in Nebraska. The general purpose of this study is to analyze all of the state-funded and fee-based representation in the judicial system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.
LEGISLATIVE RESOLUTION 561. Introduced by Krist, 10.

PURPOSE: The purpose of this resolution is to study the effectiveness, economic stability, and long-term viability of the Youth Rehabilitation and Treatment Center-Kearney and the Youth Rehabilitation and Treatment Center-Geneva.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 562. Introduced by Garrett, 3; Craighead, 6; Krist, 10; Lindstrom, 18; Smith, 14.

PURPOSE: The purpose of this resolution is to examine why LB 20, LB 357, and LB 454 failed to pass during the 104th legislative session. The study committee shall examine Nebraska's income tax rates and examine in detail how these rates affect the behavior of military retirees and seniors who receive Social Security benefits. The study committee may also conduct a cost-benefit analysis of property tax relief versus income tax relief and examine creative ways to reduce income tax rates in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 563. Introduced by Garrett, 3; Craighead, 6; Lindstrom, 18.

PURPOSE: According to a 2015 study by the Tax Foundation, Nebraska ranks second highest in the nation in the imposition of taxes, fees, and government charges on wireless telephone service. According to the same study, Nebraska had the highest disparity between its rate of wireless taxes and fees and its general sales tax rate.

The purpose of this study is to examine the reasons for the substantial tax rates on wireless telephone service in Nebraska. The study committee shall examine what government entities receive funding from such taxes and how
those entities are spending and allocating those funds. It is imperative that the Legislature ascertain whether these tax dollars are earmarked for specific purposes or are being used for general operating expenses. The study shall also examine the broader impact of these tax rates on individual Nebraskans and the state as a whole.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 564. Introduced by Pansing Brooks, 28.

PURPOSE: The purpose of this resolution is to study education in Nebraska, with an emphasis on adults and postsecondary education. This study shall include an examination of the following:

(1) Student retention, graduation, employment, and earnings;
(2) Access to postsecondary education for minority students;
(3) Access to and use of awards under the Nebraska Opportunity Grant Act; and
(4) The regulation of educational institutions in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.


PURPOSE: The purpose of this study is to examine land acquisition within municipalities for educational purposes. The study shall include an analysis of the existing laws relating to land acquisition within municipalities for educational purposes and an examination of the need for changes to such laws.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 566. Introduced by Pansing Brooks, 28; Ebke, 32.

PURPOSE: The purpose of this resolution is to examine the availability of education, rehabilitation, and reentry support for incarcerated men and women. This study shall include the following:
(1) Evaluation of education programs for prisoners and their effect on recidivism;
(2) Identification of program needs, including ways to accommodate more inmates;
(3) Evaluation of the availability of programming as required or recommended in a programming plan, including waiting lists and logistical needs;
(4) Evaluation of the availability of programs that assist and prepare incarcerated adult offenders to successfully reintegrate into society;
(5) Evaluation of the needs of released adult offenders in locating and retaining employment and housing; and
(6) Examination of the community support systems for adult offenders that use volunteers and existing community agencies and services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 567. Introduced by Pansing Brooks, 28; Lindstrom, 18; Mello, 5.

PURPOSE: The purpose of this resolution is to examine and review the sale of alcohol in Whiteclay and the secondary effects of such sales. The study committee shall develop recommendations for what should be done to address the issues arising from such sales and shall seek the input of the State-Tribal Relations Committee.

The study shall include the following:
(1) An examination of the need for legislation to fund increased law enforcement in the area;
(2) A review of LB 713 (1961), which provided for the funding and appointment of deputy state sheriffs for certain counties, and consideration of whether similar legislation should be adopted now; and
(3) An examination of whether law enforcement efforts to enforce the Nebraska Liquor Control Act and other state and federal statutes are effective.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 568. Introduced by Pansing Brooks, 28.

PURPOSE: The purpose of this resolution is to study the membership, role, and duties of the Nebraska Police Standards Advisory Council. It is important that the council represent all aspects and membership of law enforcement officers statewide. Law enforcement officers have different duties and experiences based upon rank, role, and location across Nebraska. The study shall also review the membership, role, and duties of law enforcement oversight councils in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 569. Introduced by Johnson, 23.

PURPOSE: The purpose of this resolution is to examine the means available to fund the grant program established pursuant to the Livestock Growth Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 570. Introduced by Johnson, 23.

PURPOSE: The purpose of this resolution is to review the duties and authorities of the Department of Agriculture pursuant to section 2-3815 of the Nebraska statutes to establish an agriculture promotion and development program. Specifically, the study committee shall review the roles and resources of the Department of Agriculture and the Department of Economic Development with respect to recruiting and facilitating investment in agricultural processing. Additionally, the study committee shall examine the role of the agriculture promotion and development program in advising and assisting communities seeking investment in agricultural processing.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 571. Introduced by Nebraska Retirement Systems Committee: Kolterman, 24, Chairperson; Davis, 43; Groene, 42; Kolowski, 31; Lindstrom, 18; Mello, 5.

PURPOSE: The purpose of this study is to examine local political subdivision retirement plans for public employees. The study will examine issues relating to benefits, contributions, plan structures, fees, funding, and the administration of such plans.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.
AMENDMENT(S) - Print in Journal

Senator Scheer filed the following amendment to LB774A: AM2760
1 1. On page 2, line 11, strike "266" and insert "33".

Senator Bloomfield filed the following amendment to LB774: AM2725
(Amendments to E and R amendments, ER224)
1 1. Insert the following new section:
2 Sec. 3. Section 77-2704.10, Revised Statutes Cumulative Supplement, 3 2014, is amended to read:
4 77-2704.10 Sales and use taxes shall not be imposed on the gross 5 receipts from the sale, lease, or rental of and the storage, use, or 6 other consumption in this state of:
7 (1) Prepared food and food and food ingredients served by public or 8 private schools, school districts, student organizations, or parent-teacher associations pursuant to an agreement with the proper school authorities, in an elementary or secondary school or at any institution 11 of higher education, public or private, during the regular school day or 12 at an approved function of any such school or institution. This exemption 13 does not apply to sales by an institution of higher education at any 14 facility or function which is open to the general public;
15 (2) Prepared food and food and food ingredients sold by a church at 16 a function of such church;
17 (3) Prepared food and food and food ingredients served to patients 18 and inmates of hospitals and other institutions licensed by the state for 19 the care of human beings;
20 (4) Prepared food and food and food ingredients sold at a political 21 event by ballot question committees, candidate committees, independent committees, and political party committees as defined in the Nebraska Political Accountability and Disclosure Act or fees and admissions charged for such political event;
25 (5) Prepared food and food and food ingredients sold to the 26 elderly, handicapped, or recipients of Supplemental Security Income by an organization that actually accepts electronic benefits transfer under regulations issued by the United States Department of Agriculture although it is not necessary for the purchaser to use electronic benefits transfer to pay for the prepared food and food and food ingredients;
28 (5) Fees and admissions charged by a public or private elementary school or secondary school and fees and admissions charged by a school district, student organization, or parent-teacher association, pursuant to an agreement with the proper school authorities, in a public or private elementary or secondary school during the regular school day or at an approved function of any such school;
30 (6) Fees and admissions charged for participants in any activity provided by a nonprofit organization that is exempt from income tax under section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which organization conducts statewide sport events with multiple sports for
15 both adults and youth; and
16 (7 & 8) Fees and admissions charged for participants in any activity
17 provided by a nonprofit organization that is exempt from income tax under
18 section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which
19 organization is affiliated with a national organization, primarily
20 dedicated to youth development and healthy living, and offers sports
21 instruction and sports leagues or sports events in multiple sports.
22 2. Renumber the remaining sections and correct internal references
23 accordingly.
24 3. Correct the operative date and repealer sections so that the
25 section added by this amendment becomes operative on October 1, 2016.

GENERAL FILE

LEGISLATIVE BILL 1037. The Smith amendment, AM2690, found in
this day's Journal, was renewed.

Senator Chambers offered the following motion:
MO237
Recommit to the Revenue Committee.

Senator Brasch offered the following motion:
MO238
Unanimous consent to bracket until April 20, 2016.

No objections. So ordered.

LEGISLATIVE BILL 889. Title read. Considered.

Committee AM2490, found on page 973, was offered.

Senator B. Harr withdrew his amendment, AM2637, found on page 1108.

Senator Bolz withdrew her amendment, AM2572, found on page 1000.

The committee amendment was adopted with 32 ayes, 0 nays, 14 present
and not voting, and 3 excused and not voting.

Senator Mello moved for a call of the house. The motion prevailed with 29
ayes, 0 nays, and 20 not voting.

Senator Mello requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 33:
FIFTIETH DAY - MARCH 29, 2016

Baker  Crawford  Hansen  McCollister  Seiler
Bolz  Davis  Harr, B.  Mello  Smith
Brasch  Ebke  Hilkemann  Morfeld  Stinner
Campbell  Garrett  Howard  Murante  Sullivan
Chambers  Gloor  Koltermann  Pansing Brooks  Williams
Coash  Haar, K.  Krist  Scheer
Cook  Hadley  Lindstrom  Schumacher

Voting in the negative, 6:

Bloomfield  Groene  Schnoor
Fox  Kuehn  Watermeier

Present and not voting, 5:

Friesen  Hughes  Johnson  Kintner  Riepe

Excused and not voting, 5:

Craighed  Kolowski  Larson  McCoy  Schilz

Advanced to Enrollment and Review Initial with 33 ayes, 6 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

AMENDMENT(S) - Print in Journal

Senator Smith filed the following amendment to LB1037:
AM2693
1 1. On page 3, line 1, strike "and farm home sites".

Senator Chambers filed the following amendment to LB1037:
FA108
Page 2, strike and show as stricken lines 3-9.

Senator Kintner filed the following amendment to LB1037:
AM2750
1 1. On page 2, line 12, after the first “land” insert “(i) over
2 twenty acres in size”; and in line 14 after “purposes” insert “or (ii) of
3 twenty acres or less in size, excluding buildings or enclosed structures
4 located on the parcel, if such land (A) is managed in conjunction with
5 other agricultural land and horticultural land which when totaled exceeds
6 twenty acres in size or (B) has been certified by the owner of such land
7 as having been used for the sale of agricultural or horticultural
8 products in excess of one thousand five hundred dollars of gross revenue
9 in two of the prior three tax years. The owner of such land shall certify
10 to the county assessor of the county in which the parcel is located, on
11 or before December 31 of the year prior to the year in which the parcel
12 will be claimed as agricultural land and horticultural land, that the
13 parcel meets the requirements of this subdivision (B). Such additional
14 schedules or workpapers as required by the county assessor shall
15 accompany the certification”.

NOTICE OF COMMITTEE HEARING(S)
Health and Human Services

Room 2102

Tuesday, April 5, 2016 12:00 p.m.

Alysson Renato Muotri - Stem Cell Research Advisory Committee
CSBG Briefing by Department of Health and Human Services

(Signed) Kathy Campbell, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 572. Introduced by Riepe, 12.

PURPOSE: The purpose of this resolution is to examine issues surrounding
the Division of Veterans' Homes of the Department of Health of Human
Services and wait times for admission to the Nebraska veterans' homes
system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF
THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA,
SECOND SESSION:
1. That the Health and Human Services Committee of the Legislature
shall be designated to conduct an interim study to carry out the purposes of
this resolution.
2. That the committee shall upon the conclusion of its study make a report
of its findings, together with its recommendations, to the Legislative
Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 573. Introduced by Haar, K., 21;
Garrett, 3.

PURPOSE: The purpose of this resolution is to study the historic and
present state of industrial hemp as an alternative crop in Nebraska and its
future potential. The study shall include an examination of the following:
1. Industrial hemp growth, processing, production, marketing, use, and
profitability in Europe, China, Canada, and other countries;
2. The past, present, and future status of industrial hemp under federal
law;
3. The status and development of industrial hemp in other states;
(4) The present status and potential of industrial hemp as an alternative crop and source of marketable products for Nebraskans; and

(5) Proposals regarding the future status of industrial hemp in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary and Agriculture Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 574. Introduced by McCollister, 20; Crawford, 45; Hansen, 26; Howard, 9; Morfeld, 46.

PURPOSE: The purpose of this resolution is to study aspects of Nebraska's medicaid program that include share of cost or resource spend down components in order to evaluate such components' effectiveness and explore ways in which they can be improved for the Nebraskans served by Nebraska's medicaid program. Because medicaid is a joint federal and state program, each state can set different coverage requirements, subject to federal minimum standards. Nebraska's eligibility requirements and benefits have remained at the minimums required by the federal government for an extended period of time. Thus, the share of cost obligations in Nebraska are much more severe than those of other states.

This study shall include an examination of the following:

(1) A review of the current benefits and eligibility requirements of those aspects of Nebraska's medicaid program that include a share of cost or resource spend down component;

(2) A determination of the number of individuals currently served by these programs, the number who spend down because they choose to work, the number who meet the share of cost requirement, how monthly eligibility is verified, the amounts of spend down costs and share of cost obligations and the ranges, medians, and averages of such amounts, how many other policies are purchased so individuals can spend down, and how many claims are filed with these other policies so Nebraska medicaid does not have to cover any costs;

(3) An examination of the application process for Nebraska's medicaid share of cost and resource spend down components, and the ways in which clients are informed about why they are subject to such requirements, how the requirements work, and what participants subject to such requirements are expected to do each month to receive their benefits, from the initial point of intake through their ongoing use of medicaid; and

(4) A comparison of similar programs in other states to determine what flexibility is allowed by the federal government and what changes need to
be made to Nebraska Medicaid to bring it more in line with current cost-of-
living factors.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF
THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA,
SECOND SESSION:
1. That the Health and Human Services Committee of the Legislature
shall be designated to conduct an interim study to carry out the purposes
of this resolution.
2. That the committee shall upon the conclusion of its study make a report
of its findings, together with its recommendations, to the Legislative
Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 575. Introduced by McCollister, 20;
Crawford, 45; Hansen, 26; Howard, 9; Kolterman, 24; Morfeld, 46.

PURPOSE: The purpose of this resolution is to continue the ongoing study
of access to healthcare in Nebraska. This study shall include the following:
(1) Examination of the funding mechanisms and revenue streams that
support healthcare services for all Nebraskans;
(2) Review of the Medicaid Reform Council and changes needed to update
the council; and
(3) Identification of and collaboration with all healthcare groups to
determine how to improve access to healthcare for all Nebraskans.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF
THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA,
SECOND SESSION:
1. That the Health and Human Services Committee of the Legislature
shall be designated to conduct an interim study to carry out the purposes
of this resolution.
2. That the committee shall upon the conclusion of its study make a report
of its findings, together with its recommendations, to the Legislative
Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 576. Introduced by Pansing Brooks, 28;
Williams, 36.

PURPOSE: The purpose of this resolution is to examine children's access to
legal counsel in juvenile proceedings across the state of Nebraska. The study
shall include an examination of the following:
(1) State and federal legislation and case law regarding the right to legal
counsel in juvenile delinquency and status offense proceedings;
(2) Current data from the State Court Administrator regarding numbers
and rates of juveniles requesting or waiving counsel, as well as any
legislative history, research, studies, or special investigations regarding
waiver of counsel in juvenile delinquency and status offense proceedings;
(3) Local court rules, practices, and procedures surrounding appointment of counsel and access to legal counsel in juvenile delinquency and status offense proceedings;

(4) Local diversion policies and practices, including requirements found in section 43-260.04 of the Nebraska statutes;

(5) A review of national policies, recommendations, and best practices for ensuring meaningful access to legal counsel for juveniles in both urban and rural environments; and

(6) A review of scientific evidence and research surrounding a youth's cognitive and linguistic development with an emphasis on developmental considerations surrounding waiver of counsel.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 577. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to investigate and review the issues within the jurisdiction of the Appropriations Committee of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 578. Introduced by Coash, 27.

PURPOSE: In LR 32 (2015), the Legislature created the Developmental Disabilities Special Investigative Committee of the Legislature. The LR 32 committee has been authorized to continue its work until the beginning of the One Hundred Fifth Legislature, First Session.

The purpose of this resolution is to conduct an interim study of the Developmental Disabilities Court-Ordered Custody Act. The Judiciary Committee of the Legislature, in consultation with the LR 32 committee, shall conduct the study.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 579. Introduced by Haar, K., 21; Williams, 36.

PURPOSE: There is a great deal of support for solar energy among the general population in Nebraska with polls consistently showing strong majorities supporting solar energy. Many communities and community organizations in Nebraska have shown interest in developing solar projects to benefit their communities. Businesses and agricultural operations have also shown interest in developing solar projects to reduce their electric bills and provide a hedge against increasing utility costs. Some businesses and agricultural operations have shown interest in developing projects that have greater capacity than permitted by the current net metering cap. Solar electricity generation can provide extra value to utilities, businesses, and individuals because it generates most of its electricity at times of peak demand. Solar heating can also provide value to businesses and individuals. There are opportunities for public power to work with private entities to take advantage of incentives, including grant and loan programs.

This study shall examine the following:
(1) Methods of authorizing solar projects that have community ownership by both municipalities and community organizations;
(2) Methods of assisting agricultural and business organizations in their efforts to develop solar energy;
(3) Whether current net metering policies need to be revised, including increasing the net metering capacity limit;
(4) Whether state incentives are needed to stimulate solar development;
(5) Examination of the value of solar energy to businesses, individuals, and utilities;
(6) Methods of assisting the use of solar heating for businesses and individuals; and
(7) Such other issues as are necessary for a complete examination of this matter.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 580. Introduced by Stinner, 48.

PURPOSE: The purpose of this resolution is to examine the Department of Health and Human Services' policies and procedures for dealing with disallowances and audit exceptions by the federal government which have resulted in large fines and having to return money to the federal government.

The study shall include an examination of the following:
(1) Programs and procedures that resulted in disallowances and audit exceptions for the state and an analysis of disallowances and fines related to programs over the past five years;
(2) Changes in policy and procedure, organizational structure, or quality control or implementation of other qualitative measures that will prevent future such occurrences;
(3) Inventory of current issues or potential issues which may lead to future disallowances or fines;
(4) Reports from the Auditor of Public Accounts, program auditors, performance and internal audits of the past two years, including findings and management responses;
(5) Consultant reports, including recommendations and management responses;
(6) The department's management analysis of staff as to the quantity and quality of transaction matrices, length of employment, turnover rates for all six divisions, and any other relevant data; and
(7) Programs and procedures that resulted in disallowances and audit exceptions for the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 581. Introduced by Kintner, 2.

PURPOSE: The purpose of this resolution is to examine and identify the positive and negative effects of federal education funding if Nebraska would choose not to accept federal funds that are tied to federal mandates. These mandates reduce flexibility in the administration of education in Nebraska's
school districts. Over the last several decades, school districts have experienced ever-increasing involvement by the federal government in the education of students in our elementary and secondary schools through mandates tied to federal education dollars. This study shall examine the effects of this trend and whether there are fiscal or other benefits of increased flexibility and freedom gained by refusing to accept federal funds which outweigh the monetary benefits of accepting federal education money.

The study shall include, but not be limited to, identifying and categorizing:

1. All federal funds received by Nebraska to support school districts, excluding federal programs entered into directly by school districts;
2. What specific mandates are connected with any such funds;
3. The positive and negative fiscal impacts and other effects of refusing such money; and
4. Any recommendations from the findings.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 582. Introduced by Riepe, 12; Baker, 30; Brasch, 16; Davis, 43; Fox, 7; Hilkemann, 4; Johnson, 23; Koltermann, 24; Krist, 10; Lindstrom, 18; Schnoor, 15; Stinner, 48; Williams, 36.

PURPOSE: The purpose of this resolution is to examine how, through better coordination of health services, including direct primary care and direct payment options and the use of federally qualified health centers, the state can better assist low-income individuals currently without insurance. The study committee shall also investigate alternatives to medicaid expansion.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.
LEGISLATIVE RESOLUTION 583. Introduced by Morfeld, 46.

PURPOSE: The purpose of this resolution is to study administrative law judges in Nebraska. This study shall include an examination of the adequacy, training, and retention of administrative law judges. The study shall also examine whether timeliness requirements for fair hearings and decisions are being met in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 584. Introduced by Morfeld, 46.

PURPOSE: The purpose of this interim study is to examine the possibility of providing direct and statewide funding for legal representation in order to provide more equitable access to civil justice in Nebraska. The study shall include the following:

1. A review of the current funding streams for the Legal Aid and Services Fund and an examination of the practical reasons and policies behind the funding trends within the Legal Aid and Services Fund;
2. An examination of additional methods for funding access to legal representation, including, but not limited to, fees for alternative dispute resolution, better tracking of alternative dispute resolution proceedings, direct annual appropriations, and increasing court fees;
3. A comparison of Nebraska's court fees and funding options with those of other states; and
4. An examination of any relevant factors that could improve equitable access to civil justice and legal representation in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.
LEGISLATIVE JOURNAL

LEGISLATIVE RESOLUTION 585. Introduced by Krist, 10.

WHEREAS, Christine Neighbors, Deputy Director and General Counsel for the Nebraska Department of Insurance, has received the 2015 Robert Dineen Award; and
WHEREAS, the Dineen Award was established in 1989 by the National Association of Insurance Commissioners and honors staff members of state insurance departments who have made outstanding contributions to state regulation of insurance and fostered the advancement of the insurance regulatory profession; and
WHEREAS, Christine is widely respected for her work in insurance group supervision and is known nationally for her work on international insurance matters; and
WHEREAS, Christine's efforts and the work of the Nebraska Department of Insurance have put Nebraska on the map for businesses, internationally and nationally, and is why companies want to do business in Nebraska.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates Christine Neighbors on receiving the 2015 Robert Dineen Award and expresses its gratitude for her dedication and public service.
2. That a copy of this resolution be sent to Christine Neighbors.

Laid over.

LEGISLATIVE RESOLUTION 586. Introduced by Groene, 42; Harr, B., 8; Morfeld, 46; Schnoor, 15.

PURPOSE: The purpose of this interim study is to examine the effects, fiscal impact, and potential cost savings of transferring public school employees from the system of district-based health insurance plans to the Nebraska State Insurance Program. The study shall include an examination of the following:
(1) The fiscal impact to the districts and the state if the state takes on the administrative costs and the school districts and their employees pay the premium costs; and
(2) The option of including the school districts' health insurance costs within the present Tax Equity and Educational Opportunities Support Act (TEEOSA) calculations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.
Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 884. Title read. Considered.
Committee AM2522, found on page 973, was offered.
Pending.

SELECT FILE

LEGISLATIVE BILL 1083. ER220, found on page 1179, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1083A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 742. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 837. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 465. ER222, found on page 1179, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 465A. ER221, found on page 1183, was adopted.

Senator B. Harr offered the following amendment:
AM2768
1 1. Strike the original section and all amendments thereto and insert
2 the following new section:
3 Section 1. There is hereby appropriated (1) $77,672 from the General
4 Fund for FY2016-17 and (2) $64,604 from the General Fund for FY2017-18 to
5 the Secretary of State, for Program 22, to aid in carrying out the
6 provisions of Legislative Bill 465, One Hundred Fourth Legislature,
7 Second Session, 2016.
8 Total expenditures for permanent and temporary salaries and per
9 diems from funds appropriated in this section shall not exceed $22,500
10 for FY2016-17 or $46,125 for FY2017-18.

The B. Harr amendment was adopted with 27 ayes, 0 nays, 17 present and
not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.
GENERAL FILE

LEGISLATIVE BILL 835. Title read. Considered.
Committee AM2138, found on page 716, was offered.
Senator Mello offered his amendment, AM2605, found on page 1078, to the committee amendment.
The Mello amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.
The committee amendment, as amended, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.
Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 686. Title read. Considered.
Committee AM1922, found on page 534, was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.
Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1098. Title read. Considered.
Senator Krist offered his amendment, AM2452, found on page 908.
Senator Krist withdrew his amendment.
Senator Krist offered his amendment, AM2451, found on page 908.
Senator Krist withdrew his amendment.
Senator Morfeld moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.
Advanced to Enrollment and Review Initial with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.
The Chair declared the call raised.

LEGISLATIVE BILL 1098A. Title read. Considered.
Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.
LEGISLATIVE BILL 1000. Title read. Considered.

Committee AM2704, found on page 1161, was offered.

SENATOR SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

The committee amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1093A. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Smith filed the following amendment to LB938:

AM2769

(Amendments to Standing Committee amendments, AM2356)

1 1. On page 8, line 28, after the period insert "Within five days
2 after the effective date of this act, the State Treasurer shall transfer
3 two million one hundred thirty-eight thousand three hundred thirty-seven
4 dollars from the Enhanced Wireless 911 Fund to the 911 Service System
5 Fund. On or before July 5, 2017, the State Treasurer shall transfer one
6 million nine hundred eighty-eight thousand seven hundred ninety dollars
7 from the Enhanced Wireless 911 Fund to the 911 Service System Fund."

Senator Smith filed the following amendment to LB938A:

AM2752

1 1. Strike the original section and insert the following new
2 sections:
3 Section 1. Laws 2015, LB657, section 63, is amended to read:
4 Sec. 63. AGENCY NO. 14 — PUBLIC SERVICE COMMISSION
5 Program No. 583 - Enhanced Wireless 911 Fund
6 FY2015-16 FY2016-17
7 CASH FUND 12,532,867 12,542,572
8 PROGRAM TOTAL 12,532,867 12,542,572
9 SALARY LIMIT 260,763 265,796
10 There is included in the appropriation to this program for FY2015-16
11 $11,000,000 $12,000,000 Cash Funds for state aid, which shall only be
12 used for such purpose. There is included in the appropriation to this
13 program for FY2016-17 $11,000,000 $12,000,000 Cash Funds for state aid,
Sec. 2. There is hereby appropriated (1) $2,138,337 from the 911 Service System Fund for FY2016-17 and (2) $1,988,790 from the 911 Service System Fund for FY2017-18 to the Public Service Commission, for Program 583, to aid in carrying out the provisions of Legislative Bill 938, One Hundred Fourth Legislature, Second Session, 2016.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $558,604 for FY2016-17 or $572,568 for FY2017-18.

Sec. 3. Original Laws 2015, LB657, section 63, is repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.

Senator Sullivan filed the following amendment to LB959:

AM2771

(Amendments to Standing Committee amendments, AM2622)

1. On page 36, line 17, after “may” insert “, to the extent allowed pursuant to subsection (4) of this section.”.

2. On page 37, line 9, after “shall” insert “. (2) On and after the effective date of this act, the school board of any Class II, III, IV, or V school district may, to the extent allowed pursuant to subsection (4) of this section, after a public hearing, undertake any qualified capital purpose in any qualified zone academy under its control and may levy a tax as provided in this section to repay a qualified zone academy bond issued for such undertaking pursuant to 26 U.S.C. 54E, as such section existed on January 1, 2016. The board shall designate: (a) The particular qualified capital purpose for which the qualified zone academy bond was issued and for which the tax levy provided for by this section will be expended; (b) the period of years for which the tax will be levied to repay such qualified zone academy bond, not exceeding the maturity term for such qualified zone academy bond established pursuant to federal law; and (c) the estimated amount of the levy for each year of the period based on the taxable valuation of the district at the time of issuance. The hearing required by this subsection shall be held only after notice of such hearing has been published for three consecutive weeks prior to the hearing in a legal newspaper published or of general circulation in the school district. (3) On and after the effective date of this act, the school board of any Class II, III, IV, or V school district may, to the extent allowed pursuant to subsection (4) of this section, after a public hearing, undertake any qualified school construction bond purpose and may levy a tax to repay any qualified school construction bond issued for such
undertaking pursuant to 26 U.S.C. 54F, as such section existed on January 1, 2016. The board shall designate: (a) the qualified school construction bond purpose for which the qualified school construction bond will be issued and for which the tax levy provided by this section will be expended; (b) the period of years for which the tax will be levied to repay such qualified school construction bond, not exceeding the maturity term for the type of qualified school construction bond established pursuant to federal law or, if no such term is established, thirty years; and (c) the estimated amount of the levy for each year of such period based on the taxable valuation of the district at the time of issuance.

Prior to the public hearing, the school board shall prepare an itemized estimate of the amounts necessary to be expended for the qualified school construction bond purpose. The hearing required by this subsection shall be held only after notice of such hearing has been published for three consecutive weeks prior to the hearing in a legal newspaper published or of general circulation in the school district.

(4) A Class II, III, IV, or V school district may only levy for the purposes of this section to the extent that any such levy, when combined with all other levies pursuant to this section and section 79-10,110, does; in line 14 strike “(2)” and insert “(5)”; in line 17 after “account” insert “, qualified capital purpose undertaking account, or qualified school construction bond purpose undertaking account”; and in line 21 strike “(3)” and insert “(6)”. 3. On page 38, line 6, strike “(4)” and insert “(7)”; and in line 19 strike “(5)” and insert “(8)

RESOLUTION(S)

LEGISLATIVE RESOLUTION 587. Introduced by Sullivan, 41.

PURPOSE: The purpose of this resolution is to examine the issues within the jurisdiction of the Education Committee of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 588. Introduced by Harr, B., 8.

PURPOSE: The purpose of this resolution is to determine best practices in drafting tax legislation and determining the fiscal impact of tax policies.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 589. Introduced by Seiler, 33.

PURPOSE: The purpose of this resolution is to examine any issues within the jurisdiction of the Judiciary Committee of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 590. Introduced by Riepe, 12.

PURPOSE: The purpose of this resolution is to examine options to offer incentives to health care professionals who provide free care and services to qualified recipients. Such incentives may include a limited amount of continuing medical education credits or providing legal protection for health care professionals providing such care. The issues addressed in this study shall include what incentives other states offer for health care professionals and the cost to implement such incentives.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.
LEGISLATIVE RESOLUTION 591. Introduced by Hadley, 37.

PURPOSE: The purpose of this resolution is to examine and make recommendations on improving the health care coverage plans available to Nebraska small businesses with fifty or less employees.

The study shall include, but not be limited to, an examination of the following:

1. Current health insurance plans available to small businesses with fifty or less employees;
2. How the federal Patient Protection and Affordable Care Act has changed premium costs and coverage for plans available to small businesses and their employees;
3. The cause of small businesses reducing the availability of health care coverage plans to employees;
4. The economic disadvantages and challenges small businesses face to provide affordable health care coverage to employees; and
5. The formation of health care insurance consortiums with like groups of employees.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 592. Introduced by Gloor, 35.

PURPOSE: The purpose of this resolution is to examine the structure, compliance, and administration of the state individual and corporate income taxes, including financial institution and insurance premium taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.
LEGISLATIVE RESOLUTION 593. Introduced by Gloor, 35.

PURPOSE: The purpose of this resolution is to examine the structure, compliance, and administration of real and personal property taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 594. Introduced by Gloor, 35.

PURPOSE: The purpose of this resolution is to examine the structure, compliance, and administration of state and local sales and use taxes and any other miscellaneous taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 595. Introduced by Hansen, 26.

PURPOSE: The purpose of this resolution is to examine the topic of food deserts and issues related to access to healthy food in Nebraska. The study shall:

(1) Review relevant literature and consult experts in nutrition and other relevant fields to identify factors that limit access to healthy, affordable food choices within rural and urban communities and demographic groups;

(2) Identify public and private initiatives that can stimulate private investment in grocery and other food-sourcing enterprises that serve communities and populations that lack access to healthy food and that can otherwise mitigate barriers to accessing healthy food;

(3) Compile a reference guide to public and private funding sources and state and federal economic development tools available to support public and private efforts to increase access to healthy food; and

(4) Examine the role of community organizations, economic development entities, local government agencies, and the private sector in expanding
access to healthy food in underserved communities and populations and identify state interventions that can stimulate and support local efforts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 596. Introduced by Murante, 49.

PURPOSE: The purpose of this resolution is to examine the issues within the jurisdiction of the Government, Military and Veterans Affairs Committee of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 597. Introduced by Murante, 49.

PURPOSE: The purpose of this resolution is to study the financing mechanisms available to counties, cities, villages, school districts, natural resource districts, public building commissions, and other political subdivisions of the State of Nebraska by which such entities issue bonds or assume future payment obligations without a direct vote of taxpayers that would be required for most general obligation bonds, as well as the authority allowing the use of such mechanisms. The mechanisms to be studied and the issues surrounding each shall include, but not be limited to, the following:

(1) Installment contracts entered into by political subdivisions for the purchase of real or personal property, the statutory or other authority by which such contracts are entered into, the outstanding amount of any payments to be made by political subdivisions that have entered into such contracts, any accompanying bonds issued for such contracts or future payments, and the statutory or other authority by which such bonds are issued and authorized;

(2) Certificates of participation issued by political subdivisions, the statutory or other authority by which such certificates are issued, and the
outstanding amount of any payments to be made by political subdivisions issuing such certificates;

(3) Lease-purchase agreements entered into by political subdivisions, the authority by which such agreements are entered into, and the outstanding amount of any payments to be made by political subdivisions that have entered into such agreements; and

(4) Any other financing mechanisms that obligate political subdivisions to make future payments for a number of years, the authority by which such mechanisms are employed, and the outstanding payments to be made by political subdivisions using such mechanisms.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 598. Introduced by Haar, K., 21.

PURPOSE: Twenty-first century life is increasingly controlled by electronic devices, including computers, cell phones, and other digital communication and information technology devices. Electronic devices are embedded in most modern household, business, agricultural, and transportation devices, appliances, machinery, and equipment. Such electronic devices are controlled by codes and software that are developed and controlled by the manufacturers of such devices, appliances, machinery, and equipment. The owners of devices, appliances, machinery, and equipment controlled by codes and software rarely have the ability to repair these devices on their own because they lack access to the codes and software that control them.

There are economic and security benefits that result from allowing individuals and independent repair persons access to software and codes for the purpose of repairing such items. Such benefits include competition, community vitality, and greater access for consumers.

As part of this study, issues related to allowing owners and independent repair persons access to software and codes that will allow them to repair devices, appliances, machinery, and equipment shall be examined as well as any additional issues that are necessary for a complete examination of this matter.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 599. Introduced by Haar, K., 21.

PURPOSE: Some public power districts have adopted rate increases despite widespread opposition from their customers. There is no administrative process for review of electric rates, and seeking review through the court system is not economically feasible for most customers. Several public power districts have increased their fixed charges. In some cases, this has resulted in disproportionate increases in electric bills for many low-income customers. Increased fixed charges also negatively impact customers who have invested or intend to invest in energy efficient or renewable energy improvements. There are many factors involved in the process of setting retail rates including wholesale contract requirements and increases in costs of fuels. There is considerable disparity in the electric rates among public power districts. There are reports of municipalities using their electric utilities to generate revenue to offset other costs in the community. There have been a number of concerns raised about transparency in the process of setting rates, with power districts claiming proprietary exclusions to prevent their customers from obtaining information about the costs being used to set retail and wholesale electric rates. There are numerous examples of administrative review procedures for electric rates in other states. Since the Public Service Commission reviews rate increases of other utilities in Nebraska, it is appropriate to determine whether the Public Service Commission can conduct an administrative review process for electric rates in Nebraska.

This study shall include the following:
(1) A review of the administrative rate review processes currently conducted by the Public Service Commission;
(2) A review of administrative electric rate review processes from other states;
(3) An examination of fixed charges and their impact on low-income customers, energy efficient and renewable energy efforts, and alternatives to fixed rate increases;
(4) An examination of the disparity of rates between communities and whether consolidation of some power districts would reduce the costs that are passed on to customers;
(5) Whether some communities are using municipal utility revenue to support other local government functions and whether this practice is appropriate;
(6) The methods of increasing transparency of the process for setting rates for the benefit of the customers;
(7) The impact of wholesale contracts on the process of setting retail rates; and
(8) Such other and additional issues as are necessary for a complete examination of this matter.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 600. Introduced by Johnson, 23.

PURPOSE: The purpose of this resolution is to examine alternatives for valuing agricultural land for property tax purposes. It is a goal of this study to identify valuation options that provide sustainability to landowners by more closely aligning assessed values of agricultural and horticultural land with measures of productivity and farm income while providing stability and growth in services and governmental responsibilities supported by property taxes. The Agriculture and Revenue Committees of the Legislature shall work jointly: to compile and review relevant literature including past studies conducted and data gathered by the Legislature, to examine the constitutional and legal context within which agricultural land valuation occurs, to develop data comparing changes in agricultural land valuation with measures of farm income and productivity, and to compile information regarding agricultural land valuation systems utilized in other states. In conducting the study, the committees shall consult with political subdivisions, agricultural producer organizations, tax policy experts in the public and private sectors, and appropriate state agencies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Agriculture and Revenue Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.
2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 601. Introduced by Hilkemann, 4; Kolowski, 31; Krist, 10; McCollister, 20.

PURPOSE: In 2015, the City of Omaha initiated discussions with Douglas County and the University of Nebraska Medical Center (UNMC) to explore
an opportunity to open an independent, full-service, accredited crime laboratory on the UNMC campus. The Attorney General joined the discussions in early 2016.

The facility would merge forensic testing currently offered by the Omaha Police Department, the Douglas County Sheriff, the State of Nebraska, and UNMC into one central facility, and provide timely and accurate evidence processing for prosecutors, investigators, suspects, and victims of crime. The crime laboratory would house UNMC academic and training programs, the Nebraska Organ Recovery System, the Lions Eye Bank of Nebraska, and forensic pathology and offer services to law enforcement agencies throughout eastern Nebraska.

The purpose of this resolution is to review present facilities, determine the needs and options for developing a regional certified crime laboratory in the Omaha area, and examine the feasibility of the state becoming a partner.

The study shall be conducted by a select committee consisting of: (1) The chairperson of the Appropriations Committee of the Legislature or his or her designee and one additional member of such committee, (2) the chairperson of the Judiciary Committee of the Legislature or his or her designee and one additional member of such committee, and (3) three at-large members appointed by the Executive Board of the Legislative Council.

In conducting the study, the select committee shall consult with the City of Omaha, the Omaha Police Department, Douglas County, the Douglas County Sheriff, the Douglas County Attorney, the Attorney General, UNMC, and law enforcement agencies and prosecutors in eastern Nebraska that currently use the crime evidence analysis services of the state, Douglas County, and UNMC.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a select committee of the Legislature shall be designated as provided in this resolution to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Laid over.

LEGISLATIVE RESOLUTION 602. Introduced by Riepe, 12.

PURPOSE: The purpose of this resolution is to examine existing barriers to the delivery of health care services through telehealth technologies in Nebraska. This innovative health care delivery method has the potential to bring health care services to patients where provider shortages exist. Telehealth has been shown to reduce the cost of health care and increase efficiency through better management of chronic diseases, shared health professional staffing, reduced travel times, and fewer or shorter hospital stays. Telehealth offers strategies to overcome challenges to accessing care
in Nebraska, as well as an opportunity to promote preventive care and wellness in an effort to reduce preventable and costly medical interventions. The issues addressed by this study shall include the following:

(1) Strategies to expand the use of telecommunications or electronic technology by licensed health care providers for diagnosis, consultation, or treatment for medically underserved areas or populations;
(2) The potential use of telecommunications or electronic technology to gather and transmit health information between the patient and the health care provider to monitor a patient's health status;
(3) The potential use of telecommunications or electronic technology to deliver patient education and public health interventions;
(4) The potential use of telecommunications or electronic technology to provide continuing medical education and consultation resources for health care providers;
(5) The standards and technology systems necessary to promote interoperability among provider systems to allow efficient information sharing;
(6) The potential advantages of participation in an interstate compact to set parameters for a unified system of multistate licensing regarding telehealth services;
(7) The existing reimbursement structure for telehealth services in the Nebraska medicaid program and in private insurance plans in our state;
(8) The ongoing need to protect patient privacy; and
(9) The removal of existing legal and policy barriers to realizing the full potential of telehealth services in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Health and Human Services and the Banking, Commerce and Insurance Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.
2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 603. Introduced by Haar, K., 21.

PURPOSE: The purpose of this study is to examine the issues faced by residents of mobile home communities. These residents face many issues, including risks from fire and severe weather, lack of access to shelters or safe rooms during inclement weather, other health risks, and the impacts of poverty.

The study committee shall examine the following:

(1) Demographic information related to rates of income and poverty, employment, age, and the health of such residents;
(2) Methods of addressing such health risks;
(3) Methods of providing access to shelters and safe rooms during inclement weather; and
(4) Such other issues as are necessary for a complete examination of this matter.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 604. Introduced by Davis, 43.

PURPOSE: The purpose of this resolution is to study anomalies and inconsistencies in the practices utilized by county assessors in determining agricultural land value. The study committee should investigate how agricultural land categories are determined and valued at the county level. The study committee should also review the role of the property assessment division of the Department of Revenue in maintaining consistency among statewide county valuations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 605. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to examine urban redevelopment. The following issues shall be examined by this interim study:
(1) Current urban redevelopment tools available to municipalities, including the Nebraska Advantage Transformational Tourism and Redevelopment Act;
(2) Potential urban redevelopment tools proposed under LB 806 (2016), which would have adopted the Riverfront Development District Act; and
(3) Other potential urban redevelopment tools that could be made available to municipalities.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF
THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA,
SECOND SESSION:
1. That the Urban Affairs Committee of the Legislature shall be designated
to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report
of its findings, together with its recommendations, to the Legislative
Council or Legislature.

Referred to the Executive Board.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 866A. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
aid in carrying out the provisions of Legislative Bill 866, One Hundred

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 1066. Placed on Select File with amendment.
ER233 is available in the Bill Room.

LEGISLATIVE BILL 824. Placed on Select File with amendment.
ER230
1 1. On page 1, strike beginning with "public" in line 1 through line
2 11 and insert "the Nebraska Power Review Board; to amend section 70-1003,
3 Revised Statutes Cumulative Supplement, 2014; to change provisions
4 relating to compensation for certain board members as prescribed; to
5 harmonize provisions; and to repeal the original section.".

LEGISLATIVE BILL 874. Placed on Select File with amendment.
ER232
1 1. In the Standing Committee amendments, AM2385:
2 a. On page 8, line 5, strike "before" and show as stricken; and
3 b. On page 10, line 10, strike "9,".
4 2. On page 1, strike beginning with "school" in line 1 through line
5 4 and insert "the Election Act; to amend sections 32-1524 and 32-1527,
6 Reissue Revised Statutes of Nebraska, sections 32-570, 32-618, and
7 32-949.01, Revised Statutes Cumulative Supplement, 2014, and sections
8 32-941, 32-947, and 32-953, Revised Statutes Supplement, 2015; to change
9 procedures for filling vacancies on school boards, requirements for
10 certain petition candidates, deadlines for ballots for early voting and
11 special elections by mail, and prohibitions related to yard signs; to
12 allow a voter to photograph and reveal a marked ballot as prescribed; to
13 harmonize provisions; to provide operative dates; to repeal the original 14 sections; and to declare an emergency.

**LEGISLATIVE BILL 1012.** Placed on Select File with amendment.
ER234
1 1. On page 1, line 2, after "Act" insert "; and to provide a duty
2 for the Revisor of Statutes".

(Signed) Matt Hansen, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 884.** Committee AM2522, found on page 973 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 26 ayes, 3 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 5 nays, 13 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 821.** Title read. Considered.

Committee AM2210, found on page 678, was offered.

Senator Chambers offered the following amendment to the committee amendment:

FA109
Amend AM2210
Page 1, line 7 after "discrimination" insert ", including discrimination based on sexual orientation or gender identity".

Senator Larson requested a ruling of the Chair on whether the Chambers amendment is germane to the committee amendment.

The Chair ruled the Chambers amendment is germane to the committee amendment.

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 10:

Baker  Cook  Hansen  Howard  Pansing  Brooks
Campbell  Haar, K.  Harr, B.  Mello  Schumacher

Voting in the negative, 26:
The Chamber amendment lost with 10 ayes, 26 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO240
Reconsider the vote taken on FA109.

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 7:

Bolz Cook Howard Pansing Brooks
Chambers Haar, K. Kolowski

Voting in the negative, 29:

Baker Friesen Hughes McCoy Smith
Bloomfield Garrett Johnson Riepe Stinner
Brasch Gloor Kintner Scheer Sullivan
Coash Groene Kuehn Schilz Watermeier
Ebke Hadley Larson Schnoor Williams
Fox Hilkemann Lindstrom Seiler

Present and not voting, 7:

Campbell Harr, B. Mello Schumacher
Hansen McCollister Morfeld
Excused and not voting, 6:

Craighead  Davis  Krist
Crawford  Kolterman  Murante

The Chambers motion to reconsider failed with 7 ayes, 29 nays, 7 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the committee amendment:
FA110
Amend AM2210
Strike section 1.

Pending.

VISITOR(S)

Visitor(s) to the Chamber were Senator K. Haar's nephew, Tim, and brother, Dave, from Omaha, and Bill Moorhead from Omaha; 34 fourth-grade students from Papillion La Vista Community School; members of Lane Leadership from Falls City; 36 fourth-grade students from Wildwood Elementary, Ralston; 100 fourth-grade students from Field Club Elementary, Omaha; Elliott and Stephanie Haes from Lincoln; and Baggio Lucio and family from Castelfranco Veneto, Italy.

The Doctor of the Day was Dr. Jamil Neme from Omaha.

ADJOURNMENT

At 7:59 p.m., on a motion by Senator McCoy, the Legislature adjourned until 9:00 a.m., Wednesday, March 30, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
The prayer was offered by Reverend Adam White, UNL Lutheran Center, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Coash, Davis, Hansen, McCoy, Morfeld, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fiftieth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 889. Placed on Select File.

(Signed)  Matt Hansen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 821. Senator Chambers renewed his amendment, FA110, found on page 1313, to the committee amendment.

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 2:
Cook       Pansing Brooks

Voting in the negative, 33:

Baker       Fox         Hughes       McCoy       Smith
Bloomfield  Friesen     Johnson     Mello       Stinner
Brasch      Garrett     Kintner     Murante     Sullivan
Campbell    Gloor       Koltermann  Riepe       Watermeier
Craighead   Groene      Kuehn       Scheer      Williams
Davis       Hadley      Larson      Schnoor
Ebke        Hilkemann   Lindstrom   Seiler

Present and not voting, 10:

Bolz        Crawford    Harr, B.    Kolowski    McCollister
Chambers    Haar, K.    Howard      Krist       Schumacher

Excused and not voting, 4:

Coash       Hansen      Morfeld     Schilz

The Chambers amendment lost with 2 ayes, 33 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
MO241
Reconsider the vote taken on FA110.

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 37:

Baker       Davis       Hadley       Larson       Seiler
Bloomfield  Ebke       Harr, B.     Lindstrom    Smith
Bolz        Fox         Hilkemann    McCollister  Stinner
Brasch      Friesen     Hughes       McCoy       Watermeier
Campbell    Garrett     Johnson     Murante     Williams
Coash       Gloor       Kintner     Riepe
Cook        Groene      Krist       Schnoor
Crawford    Haar, K.    Kuehn       Schumacher
Present and not voting, 4:
Howard                     Kolowski        Morfeld       Pansing Brooks

Excused and not voting, 7:
Craighead                   Kolterman       Scheer        Sullivan
Hansen                      Mello           Schilz

The Chambers motion to reconsider failed with 1 aye, 37 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the committee amendment:
FA111
Amend AM2210
Page 1, line 8 after "employee" insert "including an employee who is lesbian, gay, bisexual, or transgender".

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:
Cook

Voting in the negative, 35:
Baker                       Friesen         Hilkemann      Larson        Schnoor
Bloomfield                  Garrett         Hughes         Lindstrom     Seiler
Brasch                      Gloor           Johnson        McCollister   Smith
Campbell                    Groene          Kintner        McCoy         Stinner
Davis                       Haar, K.       Kolterman      Murante       Sullivan
Ebke                        Hadley          Krist           Riepe         Watermeier
Fox                         Harr, B.       Kuehn          Scheer        Williams

Present and not voting, 8:
Bolz                        Crawford       Kolowski      Pansing Brooks
Chambers                    Howard         Morfeld       Schumacher

Excused and not voting, 5:
The Chambers amendment lost with 1 aye, 35 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
MO242
Reconsider the vote taken on FA111.

SPEAKER HADLEY PRESIDING

Pending.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR547 was referred to the Reference Committee.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR    Committee
LR547    Executive Board

(Signed) Bob Krist, Chairperson
Executive Board

RESOLUTION(S)

LEGISLATIVE RESOLUTION 606. Introduced by Bolz, 29.

WHEREAS, Al Borchardt founded Midland Medical Supply Company on April 1, 1970, as a partnership between himself and a group of Lincoln physicians; and
WHEREAS, for over 40 years, Mr. Borchardt has been a strong force in the business of medical and surgical products distribution; and
WHEREAS, Midland Medical is currently the only independently owned and operated medical and surgical supply distributor located in Nebraska; and
WHEREAS, Mr. Borchardt has worked to strengthen independent ownership in medical products distribution while serving as a member of the board of directors of the Health Industry Distributors Association and the Independent Medical Co-Op; and
WHEREAS, Mr. Borchardt has given back to the Lincoln community as a member of Sesostris Shrine; and
WHEREAS, Mr. Borchardt will be retiring from Midland Medical on May 1, 2016.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Al Borchardt on the success of Midland Medical Supply Company and wishes him a happy retirement after his many years of service in the medical and surgical products distribution business.

2. That a copy of this resolution be sent to Al Borchardt.

Laid over.

LEGISLATIVE RESOLUTION 607. Introduced by Cook, 13.

WHEREAS, Tuesday, April 12, symbolizes the date in 2016 when the wages paid to American women catch up to the wages paid to men during the previous year; and

WHEREAS, Equal Pay Day has been observed annually since 1996; and

WHEREAS, more than 50 years after the passage of the Equal Pay Act, women, especially minority women, continue to suffer the consequences of unequal pay; and

WHEREAS, nearly four in ten mothers are the primary breadwinners in their households, and nearly two-thirds are primary or significant earners, making pay equity critical to families' economic security; and

WHEREAS, fair pay strengthens the security of families today and eases future retirement costs while enhancing the American economy.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature designates April 12, 2016, as Equal Pay Day in Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 608. Introduced by Mello, 5.

WHEREAS, the South Omaha Mural Project aims to create ten murals in South Omaha that represent the cultural traditions of South Omaha and honor the different ethnic groups that settled in South Omaha; and

WHEREAS, the South Omaha Mural Project is a collaboration by the Nebraska Arts Council, the South Omaha Business Association, artists, teachers, apprentices, and others; and

WHEREAS, the South Omaha Mural Project brings beauty to South Omaha's neighborhoods, highlights the cultural values of South Omaha's residents, and limits graffiti in its buildings and neighborhoods; and

WHEREAS, the South Omaha Mural Project is representative of the inclusive and diverse history of South Omaha.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature finds that the South Omaha Mural Project enriches the State of Nebraska by presenting history through art and collaboration.
2. That the Legislature finds that the South Omaha Mural Project will have a lasting cultural impact on the City of Omaha and the State of Nebraska.
3. That a copy of this resolution be sent to the South Omaha Business Association and the Nebraska Arts Council.

Laid over.

LEGISLATIVE RESOLUTION 609. Introduced by Mello, 5; Smith, 14.

WHEREAS, the people of the State of Nebraska have enjoyed a well-established economic partnership with the people of the Republic of China (Taiwan); and
WHEREAS, beginning in 2014, Taiwan became Nebraska's eleventh largest import partner; and
WHEREAS, in 2014, Taiwan also became Nebraska's eleventh largest export partner, with $119.6 million of Nebraska-based exports; and
WHEREAS, in 2013, the State of Nebraska embarked on a trade mission to Taiwan that led to a trade agreement for approximately $400 million of Nebraska corn, soybeans, and wheat to be sold to Taiwan; and
WHEREAS, similar trade agreements between the State of Nebraska and Taiwan were signed in 2007 and 2010 that each resulted in nearly $500 million in executed sales of Nebraska corn, soybeans, and wheat; and
WHEREAS, in 2015, Taiwan became the United States' tenth largest global trading partner and is the seventh largest export market for American agricultural products; and
WHEREAS, in 2015, the United States became Taiwan's second largest trading partner; and
WHEREAS, the United States and Taiwan continue to develop cultural and educational partnerships with universities, colleges, state economic development and agriculture agencies, state legislators, and chambers of commerce.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature acknowledges the rich history of friendship and commerce between the State of Nebraska and Taiwan.
2. That copies of this resolution be sent to the Director General of the Taipei Economic and Cultural Office in Denver, Colorado and to the Secretary of State.

Laid over.
LEGISLATIVE RESOLUTION 610. Introduced by Stinner, 48.

WHEREAS, Andres Canales and Cole Kramer, members of Troop 17 of Gering, have completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout their scouting experience, Andres and Cole have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Andres and Cole, through their hard work and perseverance, have joined other high achievers who are Eagle Scouts, such as astronauts, leaders of government and industry, artists, scientists, and athletes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Andres Canales and Cole Kramer on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Andres Canales and Cole Kramer.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Smith filed the following amendment to LB958:

AM2775 is available in the Bill Room.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 465. Placed on Final Reading.

LEGISLATIVE BILL 465A. Placed on Final Reading.

LEGISLATIVE BILL 742. Placed on Final Reading.

ST80

The following changes, required to be reported for publication in the Journal, have been made:

1. The following new section has been inserted:

Sec. 10. Section 23-2517, Reissue Revised Statutes of Nebraska, is amended to read:
23-2517  (1) Sections 23-2517 to 23-2533 and section 12 of this act shall be known and may be cited as the County Civil Service Act.

(2) The general purpose of the County Civil Service Act is to establish a system of personnel administration that meets the social, economic, and program needs of county offices. This system shall provide means to recruit, select, develop and maintain an effective and responsive work force, and shall include policies and procedures for employee hiring and advancement, training and career development, position classification, salary administration, fringe benefits, discharge and other related activities. All appointments and promotions under the County Civil Service Act shall be made based on merit and fitness.

2. On page 1, line 2; and page 33, line 19, "23-2517," has been inserted after "23-2503,"

3. The remaining sections have been renumbered accordingly.

LEGISLATIVE BILL 837. Placed on Final Reading.
LEGISLATIVE BILL 1083. Placed on Final Reading.
LEGISLATIVE BILL 1083A. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Executive Board

Room 2102

Wednesday, April 6, 2016 12:00 p.m.

LR547

(Signed) Bob Krist, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 889A. Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 889, One Hundred Fourth Legislature, Second Session, 2016.

GENERAL FILE

LEGISLATIVE BILL 959. Title read. Considered.

Committee AM2622, found on page 1075, was offered.
Senator Sullivan offered her amendment, AM2771, found on page 1298, to the committee amendment.

The Sullivan amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Senator Sullivan offered her amendment, AM2692, found on page 1298, to the committee amendment.

The Sullivan amendment lost with 2 ayes, 26 nays, 19 present and not voting, and 2 excused and not voting.

Pending.

**AMENDMENT(S) - Print in Journal**

Senator Campbell filed the following amendment to LB746A:

AM2782

(Amendments to Final Reading copy)

1 1. Insert the following new sections:
2 Sec. 3. Laws 2015, LB657, section 10, is amended to read:
3 Sec. 10. AGENCY NO. 3 — LEGISLATIVE COUNCIL
4 Program No. 122 - Legislative Services
5 FY2015-16 FY2016-17
6 GENERAL FUND 9,271,131 9,574,405
7 CASH FUND 60,000 70,000
8 CASH FUND 130,000 130,000
9 FEDERAL FUND est. 39,270 39,270
10 PROGRAM TOTAL 9,370,401 9,683,675
11 PROGRAM TOTAL 9,440,401 9,743,675
12 SALARY LIMIT 6,834,905 7,047,126

There is included in the appropriation to this program for FY2015-16 $5,000 $75,000 Cash Funds and for FY2016-17 $15,000 $75,000 Cash Funds

from the Nebraska Health Care Cash Fund for the purpose of ongoing

16 health-related research and public policy development by the Health and

17 Human Services Committee of the Legislature. Such funds may be used for,

18 but shall not be limited to, hiring temporary legal research assistance,

19 consulting and research contracts, reimbursement for necessary and

20 appropriate expenses incurred in connection with such research and policy

21 development, and actual and necessary travel reimbursement for task

22 forces and committees established to conduct health policy work.

23 The unexpended General Fund appropriation balance existing on June

24 30, 2015, is hereby reappropriated.
25 Sec. 4. Original Laws 2015, LB657, section 10, is repealed.
26 2. On page 2, after line 15 insert:
1 "The unexpended General Fund appropriation balance existing on June
2 30, 2016, is hereby reappropriated.”.
3 3. Renumber the remaining section accordingly.
4 4. On page 1, line 1, after the semicolon insert "to amend Laws
The Legislature was at ease from 11:59 a.m. until 12:25 p.m.

**SENATOR COASH PRESIDING**

**GENERAL FILE**

**LEGISLATIVE BILL 959.** Senator Friesen offered the following amendment to the committee amendment:

AM2772

(Amendments to Standing Committee amendments, AM2622)

1. Insert the following new section:

2 Sec. 8. Section 79-1022, Reissue Revised Statutes of Nebraska, is amended to read:

4 79-1022 (1) On or before April 10, 2014, and on or before March 1 of each year thereafter for each ensuing fiscal year, the department shall determine the amounts to be distributed to each local system and each district for the ensuing school fiscal year pursuant to the Tax Equity and Educational Opportunities Support Act and shall certify the amounts to the Director of Administrative Services, the Auditor of Public Accounts, each learning community, and each district. The amounts to be distributed to each local system under this subsection shall be equal to at least five hundred dollars per formula student for school fiscal year 2017-18, one thousand five hundred dollars per formula student for school fiscal year 2018-19, two thousand five hundred dollars per formula student for school fiscal year 2019-20, three thousand five hundred dollars per formula student for school fiscal year 2020-21, and four thousand five hundred dollars per formula student for school fiscal year 2021-22 and each school fiscal year thereafter. The amount to be distributed to each district that is not a member of a learning community from the amount certified for a local system shall be proportional based on the formula students attributed to each district in the local system. The amount to be distributed to each district that is a member of a learning community from the amount certified for the local system shall be proportional based on the formula needs calculated for each district in the local system. On or before April 10, 2014, and on or before March 1 of each year thereafter for each ensuing fiscal year, the department shall report the necessary funding level for the ensuing school fiscal year to the Governor, the Appropriations Committee of the Legislature, and the Education Committee of the Legislature. The report submitted to the committees of the Legislature shall be submitted electronically.

5 Except as otherwise provided in this subsection, certified state aid amounts, including adjustments pursuant to section 79-1065.02, shall be shown as budgeted non-property-tax receipts and deducted prior to calculating the property tax request in the district's general fund.
9 budget statement as provided to the Auditor of Public Accounts pursuant to section 79-1024.

10 (2) Except as provided in this subsection, subsection (8) of section 79-1016, and sections 79-1033 and 79-1065.02, the amounts certified pursuant to subsection (1) of this section shall be distributed in ten as nearly as possible equal payments on the last business day of each month beginning in September of each ensuing school fiscal year and ending in June of the following year, except that when a school district is to receive a monthly payment of less than one thousand dollars, such payment shall be one lump-sum payment on the last business day of December during the ensuing school fiscal year.

20 2. Renumber the remaining sections, correct internal references, and correct the repealer accordingly.

SPEAKER HADLEY PRESIDING

Senator Friesen withdrew his amendment.

Committee AM2622, found on page 1075 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1067. Title read. Considered.

Senator Krist offered his amendment, AM2549, found on page 1262.

SENATOR COASH PRESIDING

Pending.

AMENDMENT(S) - Print in Journal

Senator Johnson filed the following amendment to LB958: AM2786

(Amendments to Standing Committee amendments, AM2717)

1 1. Insert the following new section:

2 Sec. 3. Section 77-1301, Revised Statutes Cumulative Supplement, 3 2014, is amended to read:

4 77-1301 (1) All real property in this state subject to taxation 5 shall be assessed as of January 1 at 12:01 a.m., which assessment shall 6 be used as a basis of taxation until the next assessment. For the 7 assessment occurring on January 1, 2016, the assessed value for all real 8 property in this state subject to taxation shall be the same as the 9 property’s assessed value on January 1, 2015, except that for any
property that was improved after January 1, 2015, as determined by the county assessor, the assessed value for such property shall add the value of any such improvement.
(2) Beginning January 1, 2014, in any county with a population of at least one hundred fifty thousand inhabitants according to the most recent federal decennial census, the county assessor shall provide notice of preliminary valuations to real property owners on or before January 15 of each year. Such notice shall be (a) mailed to the taxpayer or (b) published on a web site maintained by the county assessor or by the county.
(3) The county assessor shall complete the assessment of real property on or before March 19 of each year, except beginning January 1, 2014, in any county with a population of at least one hundred fifty thousand inhabitants according to the most recent federal decennial census, the county assessor shall complete the assessment of real property on or before March 25 of each year.

2. Renumber the remaining sections and correct the repealer accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 959A. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 959, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR601 was referred to the Reference Committee.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR Committee
LR601 Executive Board

(Signed) Bob Krist, Chairperson
Executive Board
NOTICE OF COMMITTEE HEARING(S)
Executive Board
Room 2102

Wednesday, April 6, 2016 12:00 p.m.

LR601

(Signed) Bob Krist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1067. Senator Krist offered the following motion:
MO243
Bracket until April 20, 2016.

Senator Murante moved the previous question. The question is, "Shall the
debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not
voting.

The Krist motion to bracket failed with 0 ayes, 38 nays, 9 present and not
voting, and 2 excused and not voting.

The Krist amendment, AM2549, found on page 1262 and considered in this
day's Journal, was renewed.

SPEAKER HADLEY PRESIDING

PRESIDENT FOLEY PRESIDING

Senator Krist moved for a call of the house. The motion prevailed with 26
ayes, 0 nays, and 23 not voting.

Senator Krist requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 16:

Baker    Davis    Kolowski    Morfeld
Bolz     Gloor    Krist      Pansing Brooks
Campbell Haar, K. Lindstrom Schumacher
Cook     Hansen   Mello      Seiler

Voting in the negative, 22:
Present and not voting, 9:

Bloomfield Fox Harr, B. Riepe Williams
Craighead Hadley Howard Stinner

Excused and not voting, 2:

Chambers Larson

The Krist amendment lost with 16 ayes, 22 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

**COMMITTEE REPORT(S)**

**Enrollment and Review**

**LEGISLATIVE BILL 835.** Placed on Select File with amendment. ER235 is available in the Bill Room.

**LEGISLATIVE BILL 686.** Placed on Select File.

**LEGISLATIVE BILL 1098.** Placed on Select File.

**LEGISLATIVE BILL 1098A.** Placed on Select File.

**LEGISLATIVE BILL 1000.** Placed on Select File with amendment. ER236

1 1. In the Standing Committee amendments, AM2704, on page 2, lines 5 and 12, strike the comma.

2 2. On page 1, strike beginning with the second "to" in line 1 through line 6 and insert "to amend sections 29-1404, 29-1406, 29-1407.01, and 29-1420, Reissue Revised Statutes of Nebraska, and section 29-1401, Revised Statutes Cumulative Supplement, 2014; to provide for adoption of policies relating to body-worn cameras and eyewitness suspect identifications; to provide and change provisions relating to grand juries; to harmonize provisions; and to repeal the original 10 sections.”.

(Signed) Matt Hansen, Chairperson
LEGISLATIVE BILL 1067. Senator Sullivan offered the following amendment:

AM2781

1. Insert the following new section:
   2 Sec. 32. Section 79-1007.06, Revised Statutes Supplement, 2015, is amended to read:
   4 79-1007.06 (1) The for school fiscal year 2008-09 and each school fiscal year thereafter, the department shall determine the poverty allowance for each school district that meets the requirements of this section and section 79-1007.07. Each school district shall designate a maximum poverty allowance on a form prescribed by the department on or before October 15 of the school fiscal year immediately preceding the 10 school fiscal year for which aid is being calculated. The school district may decline to participate in the poverty allowance by providing the department with a maximum poverty allowance of zero dollars on such form on or before October 15 of the school fiscal year immediately preceding the school fiscal year for which aid is being calculated. Each school district designating a maximum poverty allowance greater than zero dollars shall submit a poverty plan pursuant to section 79-1013.
   17 (2) For school fiscal years prior to school fiscal year 2019-20, the poverty allowance for each school district shall equal the lesser of:
   19 (a) The maximum amount designated pursuant to subsection (1) of this section by the school district in the local system, if such school district designated a maximum amount, for the school fiscal year for which aid is being calculated; or
   22 (b) The sum of:
   24 (i) The statewide average general fund operating expenditures per formula student multiplied by 0.0375 then multiplied by the poverty students comprising more than five percent and not more than ten percent of the formula students in the school district; plus
   26 (ii) The statewide average general fund operating expenditures per formula student multiplied by 0.0750 then multiplied by the poverty students comprising more than ten percent and not more than fifteen percent of the formula students in the school district; plus
   28 (iii) The statewide average general fund operating expenditures per formula student multiplied by 0.1125 then multiplied by the poverty students comprising more than fifteen percent and not more than twenty percent of the formula students in the school district; plus
   30 (iv) The statewide average general fund operating expenditures per formula student multiplied by 0.1500 then multiplied by the poverty students comprising more than twenty percent and not more than twenty-five percent of the formula students in the school district; plus
   32 (v) The statewide average general fund operating expenditures per formula student multiplied by 0.1875 then multiplied by the poverty students comprising more than twenty-five percent and not more than thirty percent of the formula students in the school district; plus
   34 (vi) The statewide average general fund operating expenditures per
(3) For school fiscal year 2019-20 and each school fiscal year thereafter, the poverty allowance for each school district shall equal the lesser of:

(a) The maximum amount designated pursuant to subsection (1) of this section by the school district in the local system, if such school district designated a maximum amount, for the school fiscal year for which aid is being calculated; or

(b) The sum of:

(i) The statewide average general fund operating expenditures per formula student multiplied by 0.0375 then multiplied by the poverty students comprising more than five percent and not more than ten percent of the formula students in the school district; plus

(ii) The statewide average general fund operating expenditures per formula student multiplied by 0.0750 then multiplied by the poverty students comprising more than ten percent and not more than fifteen percent of the formula students in the school district; plus

(iii) The statewide average general fund operating expenditures per formula student multiplied by 0.1125 then multiplied by the poverty students comprising more than fifteen percent and not more than twenty percent of the formula students in the school district; plus

(iv) The statewide average general fund operating expenditures per formula student multiplied by 0.1500 then multiplied by the poverty students comprising more than twenty percent and not more than twenty-five percent of the formula students in the school district; plus

(v) The statewide average general fund operating expenditures per formula student multiplied by 0.1875 then multiplied by the poverty students comprising more than twenty-five percent and not more than thirty percent of the formula students in the school district; plus

(vi) The statewide average general fund operating expenditures per formula student multiplied by 0.2250 then multiplied by the poverty students comprising more than thirty percent and not more than forty percent of the formula students in the school district; plus

(vii) The statewide average general fund operating expenditures per formula student multiplied by 0.2450 then multiplied by the poverty students comprising more than forty percent of the formula students in the school district.

(4) For school fiscal year 2017-18, each school district with poverty students comprising more than forty percent of the formula students in the school district shall have a poverty allowance adjustment calculated equal to the statewide average general fund operating expenditures per formula student multiplied by 0.0125 then multiplied by the difference of the poverty students minus forty percent of the formula students for such school district.

(5) For school fiscal year 2018-19, each school district with poverty students comprising more than forty percent of the formula students in the school district shall have a poverty allowance adjustment calculated equal to the statewide average general fund operating expenditures per formula student multiplied by 0.0125 then multiplied by the difference of the poverty students minus forty percent of the formula students for such school district.
calculated equal to the statewide average general fund operating
expenditures per formula student multiplied by 0.0200 then multiplied by
the difference of the poverty students minus forty percent of the formula
students for such school district.
2. On page 60, line 19, strike “five” and insert “two”; and in line
20 after “79-1007.06” insert “plus two percent of the limited English
proficiency allowance calculated pursuant to section 79-1007.08”.
3. On page 62, line 16, after “allowance,” insert “poverty allowance
adjustment.”.
4. On page 71, line 8, strike “2019-20” and insert “2018-19”; in
lines 15 and 19 before “district” insert “individual”; in lines 26 and 27
strike “local” through “79-1015.01” and insert “allocated income tax
funds calculated pursuant to section 79-1005.01”; in line 29 after
“total” insert “equalization plus allocated income taxes”; and in line 30
after “total” insert “equalization plus allocated income taxes”.
5. On page 72, line 1, after “total” insert “equalization plus
allocated income taxes”; in line 2 after “(e)” insert “Dividing the
difference of the formula need for the individual member district minus
the share of the aggregate total equalization plus allocated income taxes
minus the individual member district net option funding by the difference
of the aggregate total formula need for all member school districts minus
the aggregate total equalization plus allocated income taxes minus the
aggregate total net option funding for all member school districts to
determine the member school district share of unmet formula need;
(f) Multiplying the aggregate yield from local effort rate for all
member school districts by the member school district share of unmet
formula need to determine the member school district share of common levy
yield from local effort rate;
(g) Adding the member school district share of the aggregate total
equalization plus allocated income taxes to the member school district
share of the common levy yield from local effort rate to determine the
individual common levy total for the member school district; in line 3 strike
“for the member school district” and insert “and allocated income tax
funds calculated pursuant to section 79-1005.01”; in line 5 before
“comparison” insert “individual”; in line 6 strike “(f)” and insert
“(i)”, before “comparison” insert “individual”, and before “member”
“insert individual common levy total for”; in line 7 strike “share of the
aggregate total”; in line 10 strike “(g)” and insert “(i)”; in lines 10
and 11 strike “seventy-five” through “2017-18,”; in line 12 strike
“2018-19,” and insert “2017-18” and strike “2019-20” and insert
“2018-19”.
6. Renumber the remaining sections and correct the repealer
accordingly.
Senator Crawford offered the following amendment to the Sullivan amendment:

AM2787  
(Amendments to AM2781)
1. Strike amendments 1 and 6.
2. On page 4, line 9, strike "and"; and in line 11 after the final quotation mark insert "; and in line 25 after the period insert "In school fiscal year 2017-18, the new community achievement plan adjustment paid to all eligible districts shall not exceed in the aggregate two million dollars. In school fiscal year 2018-19, such adjustment paid to all eligible districts shall not exceed in the aggregate two million dollars. In school fiscal year 2019-20 and each school fiscal year thereafter, such adjustment paid to eligible districts shall not exceed in the aggregate three million dollars. If the adjustment exceeds the aggregate allowed, each district shall receive a distribution equal to its proportional share of limited English proficiency allowance and the poverty allowance calculations for all eligible school districts.".
3. On page 5, strike beginning with the first "in" in line 12 through line 15 and insert "and strike lines 10 through 14 and insert '(j) The transition difference shall be the difference proportionally distributed to districts not to exceed two million dollars in school fiscal year 2017-18 and not to exceed five hundred thousand dollars in school fiscal year 2018-19.'".
4. Renumber the remaining amendments accordingly.

Senator Crawford withdrew her amendment.

The Sullivan amendment was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Senator Groene offered the following amendment:

AM2778
1. Strike original sections 29, 31, 32, 39, 54, 55, and 61 and insert the following new section:
2. Sec. 52. Section 79-2103, Reissue Revised Statutes of Nebraska, is amended to read:
3. 79-2103 The State Department of Education shall provide learning community funds to learning communities pursuant to this section.
4. Learning community funds shall be distributed to each qualified learning community on or before January 30 of the school fiscal year during which the learning community is established and on or before September 15 of each school fiscal year thereafter in an amount equal to the product of the ratio of the amount appropriated for learning community funds divided by the sum of the number of formula students in all learning communities that will be established during such fiscal year plus two times the number of formula students in all other learning communities for the calculation of state aid for member school districts for such school fiscal year multiplied by the number of such formula students in the learning community for learning communities that will be established in
18 such school fiscal year or two times the number of such formula students
19 for all other learning communities. It is the intent of the Legislature
20 to appropriate for each fiscal year up to an amount equal to three
21 million five hundred thousand dollars for each learning community to be
22 established in such fiscal year plus one million dollars for each
23 learning community that will be in the first full fiscal year for such
24 learning community in such fiscal year plus the amount appropriated in
25 the prior year for all other learning communities increased by the basic
26 allowable growth rate described in section 79-1025.
27 2. On page 69, strike beginning with "community" in line 12 through
1 the comma in line 13.
2 3. On page 73, line 16, strike "and section 31 of this act".
3 4. On page 97, strike lines 28 through 31.
4 5. On page 98, strike line 1; in line 2 strike ",(5)"; show as
5 stricken, and insert "(4)"; in line 5 strike ",(6)"; show as stricken, and
6 insert ",(5)"; in line 7 strike ",(7)"; show as stricken, and insert ",(6)";
7 in line 11 strike ",(8)"; show as stricken, and insert ",(7)"; in line 16
8 strike ",(9)"; show as stricken, and insert ",(8)"; in line 20 strike
9 "(10)"; show as stricken, and insert "(9)"; in line 25 strike "(11)"
10 show as stricken, and insert "(10)"; in line 27 strike "(12)"; show as
11 stricken, and insert "(11)"; and in line 29 strike "(13)"; show as
12 stricken, and insert "(12)".
13 6. On page 99, line 1, strike "(14)"; show as stricken, and insert
14 "(13)"; in line 3 strike "(15)"; show as stricken, and insert "(14)"; in
15 line 8 strike "(16)"; show as stricken, and insert "(15)"; in line 12
16 strike "(17)"; show as stricken, and insert "(16)"; in line 16 strike
17 "(18)"; show as stricken, and insert "(17)"; strike lines 25 through 27
18 and show the old matter as stricken; and in line 28 strike "(2)"; show as
19 stricken, and insert "(1)".
20 7. On page 100, line 1, strike "3" and insert "2"; in line 3, strike
21 "4" and insert "3"; in line 7 strike "5" and insert "4"; and in line 12
22 strike "the community achievement plan.".
23 8. On page 110, strike beginning with the last "and" in line 7
24 through "plan" in line 8.
25 9. Renumber the remaining sections and correct the repealer
26 accordingly.

Senator Groene withdrew his amendment.

Advanced to Enrollment and Review Initial with 40 ayes, 1 nay, and 8
present and not voting.

LEGISLATIVE BILL 1067A. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, and 11
present and not voting.
LEGISLATIVE BILL 884. Placed on Select File with amendment.

ER237

1 1. On page 1, strike beginning with “political” in line 1 through
2 line 8 and insert “revenue and taxation; to amend sections 13-2603,
3 13-2604, 13-2605, 13-2609, 13-3102, 13-3103, 13-3104, and 13-3106,
4 Reissue Revised Statutes of Nebraska, sections 13-2709, 77-908, 77-2717,
5 77-2734.03, and 77-3806, Revised Statutes Cumulative Supplement, 2014,
6 and sections 13-2610, 13-3108, and 77-2715.07, Revised Statutes
7 Supplement, 2015; to change provisions of the Convention Center Facility
8 Financing Assistance Act and the Sports Arena Facility Financing
9 Assistance Act; to adopt the Affordable Housing Tax Credit Act; to
10 harmonize provisions; to provide operative dates; and to repeal the
11 original sections.”.

(Signed) Matt Hansen, Chairperson

MESSAGE(S) FROM THE GOVERNOR

March 30, 2016

Patrick J. O’Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O’Donnell:

Engrossed Legislative Bills 83, 447e, 447Ae, 698e, 698Ae, 704, 710, 730,
772e, 794, 817, 857, 897, 906, 956e, 957e, 981e, 1009e, 1059, 1082,
1082A, 1092, and 1109 were received in my office on March 24, 2016.

These bills were signed and delivered to the Secretary of State on March
30, 2016.

Sincerely,
(Signed) Pete Ricketts
Governor

March 30, 2016

Mr. President, Mr. Speaker,
and Members of the Nebraska Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

I have reviewed LB 956e and LB 957e which comprise the 104th
Legislature’s mid-biennium adjustments to the previously enacted two year
budget for Nebraska state government. In the 2015 legislative session, we worked together to establish a state budget that cut spending growth from 6.5% to 3.5%.

The mid-biennium budget process provides an opportunity to address critical situations that cannot be managed within existing appropriations enacted during the first legislative session. I am concerned that LB 956e and LB 957e contain some items that expand non-critical services, replace the loss of federal funds, or attempt to advantage certain organizations in future biennial budgets. For example, I am concerned the adjustments arbitrarily included another $1 million for community colleges at a time when their taxes levied increased over 10% last year alone and the average annual increase is 12.91% for the last decade. Furthermore, this is not appropriate for a mid-biennium adjustment, which is intended for urgent requests. Additionally, as worthy as the ACE scholarship program may be, in principle I oppose replacing lost federal dollars with state dollars. Moreover, this budget also includes intent language to appropriate an additional $5 million for the Cultural Preservation Endowment Fund in the coming years. With sales tax receipts declining, I would not consider this funding a priority, especially considering the Legislature has increased this endowment 60% in the last few years. While I have concerns about these items, I recognize that the Appropriations Committee and the Legislature has made its mid-biennium budget adjustments at the same overall 3.5% spending target of the current enacted budget.

I thank you for working with me to address the $124 million downward revision in General Fund tax receipt forecasts, however, we must remain vigilant as we start to prepare the next biennium budget. Three percent spending growth will be my target for the next biennium.

I have signed LB 956e and LB 957e as presented to me and look forward to working with you to address the remaining business of the 104th Legislature including delivering much-need property tax relief.

Sincerely,
(Signed) Pete Ricketts
Governor

GENERAL FILE

LEGISLATIVE BILL 821. The Chambers motion, MO242, found in this day's Journal, to reconsider the vote taken on FA111, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.
Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 2:

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Voting in the negative, 45:

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Present and not voting, 1:

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Excused and not voting, 1:

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The Chambers motion to reconsider failed with 2 ayes, 45 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the committee amendment:

**FA112**

Amend AM2210

Page 1, line 7 strike "form of discrimination" and insert "action".

**SPEAKER HADLEY PRESIDING**

Senator Chambers withdrew his amendment.

Senator Larson offered the following amendment to the committee amendment:

**FA113**

Amend AM2210

On page 1, line 7, strike "form of discrimination" and insert "act", and on line 8, place a period after "employment", and strike the word "including" through the word "employment" in line 11.
The Larson amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Committee AM2210, found on page 678 and considered on page 1311, as amended, was renewed.

The committee amendment, as amended, was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 1 nay, and 8 present and not voting.

**VISITOR(S)**

Visitors to the Chamber were Jacob Geilenkirchen from North Platte High School; 65 high school students from Lincoln High; 54 fourth-grade students from Bel Air Elementary, Norfolk; members of Alpha Kappa Alpha Sorority from Lincoln, Omaha, and Kansas City; 18 staff and clients from Madonna Shop including Senator Krist's daughter, Courtney, from Omaha; Senator Hughes' cousin and her granddaughter, Kay Thurston and Lindsay Brinson from Eagle; and 13 fourth-grade students and sponsors from Faith Lutheran, Lincoln.

The Doctor of the Day was Dr. Danielle Wooldrik from Lincoln.

**ADJOURNMENT**

At 6:47 p.m., on a motion by Senator Larson, the Legislature adjourned until 9:00 a.m., Thursday, March 31, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature
The prayer was offered by Pastor Bob Lawrence, Auburn Church of Christ, York.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Hilkemann and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1259, line 38, strike "Referred to the Executive Board." and insert "Laid over."
Page 1307, line 37, strike "Referred to the Executive Board." and insert "Laid over."

The Journal for the fiftieth day was approved as corrected.

The Journal for the fifty-first day was approved.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 567.

A BILL FOR AN ACT relating to pharmacies; to amend section 38-2871, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to transfer of prescription refill information; to provide for forwarding original prescriptions as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"
Voting in the affirmative, 46:

Baker    Davis    Harr, B.    Lindstrom    Seiler
Bloomfield    Ebke    Howard    McCollister    Smith
Bolz    Fox    Hughes    Mello    Stinner
Brasch    Friesen    Johnson    Morfeld    Sullivan
Campbell    Garrett    Kintner    Murante    Watermeier
Chambers    Gloor    Kolowski    Pansing    Brooks    Williams
Coash    Groene    Kolterman    Riepe
Cook    Haar, K.    Krist    Scheer
Craighead    Hadley    Kuehn    Schnoor
Crawford    Hansen    Larson    Schumacher

Voting in the negative, 0.

Present and not voting, 1:

Mc Coy

Excused and not voting, 2:

Hilkemann    Schilz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 677.**

A BILL FOR AN ACT relating to veterans; to amend section 80-410, Reissue Revised Statutes of Nebraska; to provide, change, and eliminate qualifications for officers and personnel of the Department of Veterans' Affairs, the Veterans' Advisory Commission, and the state veterans service officers as prescribed; to change a military service requirement for certain officers and personnel; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:
Excused and not voting, 2:

Hilkemann    Schilz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB678 with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 678.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend sections 81-885 and 81-885.24, Reissue Revised Statutes of Nebraska, and section 81-885.01, Revised Statutes Supplement, 2015; to define and redefine terms; to provide duties for a team leader as prescribed; to provide unfair trade practices; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:
Voting in the negative, 0.

Excused and not voting, 2:

Hilkemann Schilz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 679.**

A BILL FOR AN ACT relating to the Community Corrections Act; to amend section 47-624, Revised Statutes Cumulative Supplement, 2014; to change reporting requirements; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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Voting in the negative, 0.

Excused and not voting, 2:
Hilkemann    Schilz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 680.** With Emergency Clause.

A BILL FOR AN ACT relating to pharmacy technicians; to amend section 38-2890, Revised Statutes Supplement, 2015; to change requirements for pharmacy technicians; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Baker     Davis     Harr, B.     Lindstrom     Schumacher
Bloomfield     Ebke     Howard     McCollister     Seiler
Bolz     Fox     Hughes     McCoy     Smith
Brasch     Friesen     Johnson     Mello     Stinner
Campbell     Garrett     Kintner     Morfeld     Sullivan
Chambers     Gloor     Kolowski     Murante     Watermeier
Coash     Groene     Koltermann     Pansing     Brooks     Williams
Cook     Haar, K.     Krist     Riepe
Craighed     Hadley     Kuehn     Scheer
Crawford     Hansen     Larson     Schnoor

Voting in the negative, 0.

Excused and not voting, 2:

Hilkemann    Schilz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 680A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 680, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:
Voting in the negative, 0.

Excused and not voting, 2:

Hilkemann    Schilz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 684.

A BILL FOR AN ACT relating to adoption; to amend section 43-107, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to adoptive home studies and medical histories as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Baker    Davis    Harr, B.    Lindstrom    Schumacher
Bloomfield    Ebke    Howard    McCollister    Seiler
Bolz    Fox    Hughes    McCoy    Smith
Brasch    Friesen    Johnson    Mello    Stinner
Campbell    Garrett    Kintner    Morfeld    Sullivan
Chambers    Gloor    Kolowski    Murante    Watermeier
Coash    Groene    Kolterman    Pansing Brooks Williams
Cook    Haar, K.    Krist    Riepe
Craighead    Hadley    Kuehn    Scheer
Crawford    Hansen    Larson    Schnoor

Voting in the negative, 0.

Excused and not voting, 2:

Hilkemann    Schilz
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 694.**

A BILL FOR AN ACT relating to the Taxpayer Transparency Act; to amend section 84-602.02, Revised Statutes Supplement, 2015; to change provisions relating to exempt contracts; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Baker     Ebke     Howard     McCollister     Seiler
Bloomfield Fox     Hughes     McCoy     Smith
Bolz      Friesen  Johnson    Mello      Stinner
Brasch    Garrett   Kintner    Morfeld    Sullivan
Campbell  Gloor    Kolowski   Murante    Watermeier
Chambers  Groene   Kolterman  Pansing     Brooks     Williams
Coash     Haar, K. Krist      Riepe
Cook      Hadley    Kuehn      Scheer
Craighead Hansen   Larson     Schnoor
Davis     Harr, B. Lindstrom  Schumacher

Voting in the negative, 0.

Present and not voting, 1:

Crawford

Excused and not voting, 2:

Hilkemann  Schilz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
LEGISLATIVE BILL 712.

A BILL FOR AN ACT relating to environmental protection; to amend sections 25-21,255 and 81-1577.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the regulation of aboveground motor vehicle fuel storage tanks; to remove an obsolete provision; to eliminate certain provisions relating to the storage of hazardous substances; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-1575, 81-1576, and 81-1577, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Baker    Davis    Harr, B.    Lindstrom    Schumacher
Bloomfield    Ebke    Howard    McCollister    Seiler
Bolz    Fox    Hughes    McCoy    Smith
Brasch    Friesen    Johnson    Mello    Stinner
Campbell    Garrett    Kintner    Morfeld    Sullivan
Chambers    Gloor    Kolowski    Murante    Watermeier
Coash    Groene    Kolterman    Pansing    Brooks    Williams
Cook    Haar, K.    Krist    Riepe
Craighead    Hadley    Kuehn    Scheer
Crawford    Hansen    Larson    Schnoor

Voting in the negative, 0.

Excused and not voting, 2:

Hilkemann    Schilz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 725.

A BILL FOR AN ACT relating to real property; to amend section 76-214, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to a requirement to file statements regarding conveyances of real estate; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:
Bake
r
Davis Harr, B. McCollister Seiler
Bloomfield Ebke Howard McCoy Smith
Bolz Fox Hughes Mello Stinner
Brasch Friesen Johnson Morfeld Sullivan
Campbell Garrett Kolowski Murante Watermeier
Chambers Gloor Kolterman Pansing Brooks Williams
Coash Groene Krist Riepe
Cook Haar, K. Kuehn Scheer
Craighead Hadley Larson Schnoor
Crawford Hansen Lindstrom Schumacher

Voting in the negative, 0.

Present and not voting, 1:

Kintner

Excused and not voting, 2:

Hilkemann Schilz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 726.

A BILL FOR AN ACT relating to universities and colleges; to require providing information to students relating to federal student loans.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Baker Davis Harr, B. Lindstrom Schumacher
Bloomfield Ebke Howard McCollister Seiler
Bolz Fox Hughes McCoy Smith
Brasch Friesen Johnson Morfeld Stinner
Campbell Garrett Kintner Morfeld Sullivan
Chambers Gloor Kolowski Murante Watermeier
Coash Groene Kolterman Pansing Brooks Williams
Cook Haar, K. Krist Riepe
Craighead Hadley Kuehn Scheer
Crawford Hansen Larson Schnoor

Voting in the negative, 0.

Excused and not voting, 2:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB731 with 40 ayes, 1 nay, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 731. With Emergency Clause.**

A BILL FOR AN ACT relating to real property; to amend section 76-2217.03, Revised Statutes Cumulative Supplement, 2014, and sections 76-2202, 76-2207.13, 76-2207.14, 76-2216.01, 76-2218.02, 76-2221, 76-2222, 76-2227, 76-2227.01, 76-2228.01, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01, 76-2236, 76-2238, and 76-2241, Revised Statutes Supplement, 2015; to change provisions relating to the Real Property Appraiser Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?""

Voting in the affirmative, 47:

Baker  Davis  Harr, B.  Lindstrom  Schumacher
Bloomfield  Ebke  Howard  McCollister  Seiler
Bolz  Fox  Hughes  McCoy  Smith
Brasch  Friesen  Johnson  Mello  Stinner
Campbell  Garrett  Kintner  Morfeld  Sullivan
Chambers  Gloor  Kolowski  Murante  Watermeier
Coash  Groene  Kolterman  Pansing Brooks Williams
Cook  Haar, K.  Krist  Riepe
Craighed Hadley  Kuehn  Scheer
Crawford  Hansen  Larson  Schnoor

Voting in the negative, 0.

Excused and not voting, 2:

Hilkemann  Schilz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.
The following bills were read and put upon final passage:

**LEGISLATIVE BILL 736.**

A BILL FOR AN ACT relating to the Rural Community-Based Energy Development Act; to amend sections 70-1905, 70-1906, and 70-1908, Reissue Revised Statutes of Nebraska, sections 70-1904 and 77-2704.57, Revised Statutes Cumulative Supplement, 2014, and section 70-1903, Revised Statutes Supplement, 2015; to provide, change, and eliminate definitions; to change provisions relating to power purchase agreements and community-based energy development projects; to eliminate annual statements as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Baker  Davis  Harr, B.  Lindstrom  Seiler
Bloomfield  Ebke  Howard  McCoy  Smith
Bolz  Fox  Hughes  Mello  Stinner
Brasch  Friesen  Johnson  Morfeld  Sullivan
Campbell  Garrett  Kintner  Murante  Watermeier
Chambers  Gloor  Kolowski  Pansing  Brooks  Williams
Coash  Groene  Kolsterman  Riepe
Cook  Haar, K.  Krist  Scheer
Craighhead  Hadley  Kuehn  Schnoor
Crawford  Hansen  Larson  Schumacher

Voting in the negative, 0.

Present and not voting, 1:

McCollister

Excused and not voting, 2:

Hilkemann  Schilz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
LEGISLATIVE BILL 750.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-175, 38-1,106, 38-1,121, 38-1,129, 38-1,130, 38-1,134, and 71-445, Reissue Revised Statutes of Nebraska, section 38-1,126, Revised Statutes Cumulative Supplement, 2014, and section 38-101, Revised Statutes Supplement, 2015; to prohibit discrimination and retaliation for making reports under the act as prescribed; to provide for confidentiality of persons involved in making reports under the act as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Baker    Crawford     Hadley     Kuehn      Riepe
Bloomfield Davis Hansen Larson Schnoor
Bolz      Ebke         Harr, B.  Lindstrom Schumacher
Brasch    Fox          Howard     McCollister Seiler
Campbell  Friesen      Hughes    McCoy    Smith
Chambers  Garrett      Kintner    Mello     Stinner
Coash     Gloor        Kolowski  Morfeld    Sullivan
Cook      Groene       Kolterman Murante  Watermeier
Craighead Haar, K.    Krist      Pansing Brooks Williams

Voting in the negative, 0.

Present and not voting, 2:

Johnson    Scheer

Excused and not voting, 2:

Hilkemann  Schilz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 770. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Exchange Transparency Act; to amend sections 44-8703 and 44-8706, Revised Statutes Cumulative Supplement, 2014; to change the termination date of the act and the terms of certain commission members; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the
emergency clause attached?"

Voting in the affirmative, 47:

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Voting in the negative, 0.

Excused and not voting, 2:

Hilkemann    Schlz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 770A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2015, LB657, section 87; to reduce an appropriation to aid in carrying out the provisions of Legislative Bill 770, One Hundred Fourth Legislature, Second Session, 2016; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?"

Voting in the affirmative, 47:

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Voting in the negative, 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 LB783 with 39 ayes, 1 nay, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 783.**

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend sections 60-316, 60-317, 60-3,101, and 60-3,151, Reissue Revised Statutes of Nebraska, sections 60-3,147, 60-3,148, and 60-3,221, Revised Statutes Cumulative Supplement, 2014, and sections 60-301, 60-302, and 60-3,104, Revised Statutes Supplement, 2015; to define and redefine terms; to provide for registration of public power district vehicles as prescribed; to provide fees; to provide duties for the Department of Motor Vehicles; to change provisions relating to increase of gross vehicle weight and trailer towing restrictions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

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<td>Davis</td>
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Voting in the negative, 0.

Present and not voting, 1:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 783A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 783, One Hundred Fourth Legislature, Second Session, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

- Baker
- Bloomfield
- Bolz
- Brasch
- Campbell
- Chambers
- Coash
- Cook
- Crawford
- Davis
- Harr, B.
- Hughes
- Johnson
- Garrett
- Gloor
- Groene
- Haar, K.
- Hadley
- Hansen
- Lindstrom
- McCoy
- Mello
- Kintner
- Kolowski
- Kolterman
- Krist
- Kuehn
- Larson
- Schilz
- Schumacher
- Seiler
- Smith
- Stinner
- Sullivan
- Watermeier
- Pansing
- Brooks
- Scheer
- Schnoor

Voting in the negative, 0.

Excused and not voting, 2:

- Hilkemann
- Schilz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
LEGISLATIVE BILL 784. With Emergency Clause.

A BILL FOR AN ACT relating to the County Budget Act of 1937; to amend section 23-914, Reissue Revised Statutes of Nebraska; to authorize counties to expend funds prior to the adoption of a budget as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Baker          Davis       Harr, B.      Lindstrom      Schumacher
Bloomfield    Ebke        Howard       McCollister     Seiler
Bolz          Fox         Hughes       McCoy          Smith
Brasch        Friesen     Johnson      Mello          Stinner
Campbell      Garrett     Kintner      Morfeld        Sullivan
Chambers      Gloor       Kolowski     Murante        Watermeier
Coash         Groene      Kolterman    Pansing        Brooks Williams
Cook          Haar, K.    Krist         Riepe
Craighead     Hadley      Kuehn        Schee
Crawford      Hansen      Larson       Schnoor

Voting in the negative, 0.

Excused and not voting, 2:

Hilkemann    Schilz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB790 with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 790.

A BILL FOR AN ACT relating to retirement systems; to amend section 24-710.01, Reissue Revised Statutes of Nebraska, section 16-1002, Revised Statutes Cumulative Supplement, 2014, and sections 24-701, 79-902, 79-904.01, 79-934, and 79-978, Revised Statutes Supplement, 2015; to alphabetize defined terms; to harmonize provisions; and to repeal the original sections.
Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Baker  Davis  Harr, B.  Lindstrom  Schumacher
Bloomfield  Ebke  Howard  McCollister  Seiler
Bolz  Fox  Hughes  McCoy  Smith
Brasch  Friesen  Johnson  Mello  Stinner
Campbell  Garrett  Kintner  Morfeld  Sullivan
Chambers  Gloor  Kolowski  Murante  Watermeier
Coash  Groene  Kolterman  Pansing  Brooks  Williams
Cook  Haar, K.  Krist  Riepe
Craighed  Hadley  Kuehn  Scheer
Crawford  Hansen  Larson  Schnoor

Voting in the negative, 0.

Excused and not voting, 2:

Hilkemann  Schilz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 813.**

A BILL FOR AN ACT relating to public health and welfare; to authorize certain persons to donate plasma as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Baker  Davis  Harr, B.  McCollister  Seiler
Bloomfield  Ebke  Howard  McCoy  Smith
Bolz  Fox  Hughes  Mello  Stinner
Brasch  Friesen  Johnson  Morfeld  Sullivan
Campbell  Garrett  Kolowski  Murante  Watermeier
Chambers  Gloor  Kolterman  Pansing  Brooks  Williams
Coash  Groene  Krist  Riepe
Cook  Haar, K.  Kuehn  Scheer
Craighed  Hadley  Larson  Schnoor
Crawford  Hansen  Lindstrom  Schumacher
Voting in the negative, 0.

Present and not voting, 1:

Kintner

Excused and not voting, 2:

Hilkemann    Schilz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 814.

A BILL FOR AN ACT relating to motor vehicle operators' licenses; to amend section 60-4,124, Revised Statutes Supplement, 2015; to change a requirement for issuance of a school permit; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Baker    Davis    Harr, B.    McCollister    Seiler
Bloomfield    Ebke    Howard    McCoy    Smith
Bolz    Fox    Hughes    Mello    Stinner
Brasch    Friesen    Johnson    Morfeld    Sullivan
Campbell    Garrett    Kintner    Murante    Watermeier
Chambers    Gloor    Kolowski    Pansing    Brooks    Williams
Coash    Groene    Krist    Riepe
Cook    Haar, K.    Kuehn    Scheer
Craighead    Hadley    Larson    Schnoor
Crawford    Hansen    Lindstrom    Schumacher

Voting in the negative, 0.

Present and not voting, 1:

Kolterman

Excused and not voting, 2:

Hilkemann    Schilz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
LEGISLATIVE BILL 814A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 814, One Hundred Fourth Legislature, Second Session, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' 

Voting in the affirmative, 44:

Baker Crawford Hansen Larson Scheer
Bloomfield Davis Harr, B. Lindstrom Schnoor
Bolz Ebke Howard McCollister Schumacher
Brasch Fox Hughes McCoy Seiler
Campbell Friesen Johnson Mello Smith
Chambers Garrett Kintner Morfeld Stinner
Coash Groene Kolowski Murante Watermeier
Cook Haar, K. Krist Pansing Brooks Williams
Craighead Hadley Kuehn Riepe

Voting in the negative, 0.

Present and not voting, 3:

Gloor Koltermann Sullivan

Excused and not voting, 2:

Hilkemann Schilz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 816.

A BILL FOR AN ACT relating to public health; to amend section 83-109, Reissue Revised Statutes of Nebraska, and section 50-424, Revised Statutes Supplement, 2015; to change provisions relating to release of patient and resident records; to eliminate certain reporting requirements; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-825, Revised Statutes Cumulative Supplement, 2014.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' 

Voting in the affirmative, 46:
Baker    Davis    Harr, B.    McCollister    Seiler
Bloomfield    Ebke    Howard    McCoy    Smith
Bolz    Fox    Hughes    Mello    Stinner
Brasch    Friesen    Johnson    Morfeld    Sullivan
Campbell    Garrett    Kintner    Murante    Watermeier
Chambers    Gloor    Kolowski    Pansing    Brooks    Williams
Coash    Groene    Krist    Riepe
Cook    Haar, K.    Kuehn    Scheer
Craighead    Hadley    Larson    Schnoor
Crawford    Hansen    Lindstrom    Schumacher

Voting in the negative, 0.

Present and not voting, 1:

Kolterman

Excused and not voting, 2:

Hilkemann    Schilz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 823. With Emergency Clause.

A BILL FOR AN ACT relating to the State Athletic Commissioner; to amend section 81-8,139, Revised Statutes Supplement, 2015; to change the powers of the commissioner; to provide for identification of banned substances and banned substance testing; to provide for suspension and civil penalties as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Baker    Davis    Harr, B.    Lindstrom    Schumacher
Bloomfield    Ebke    Howard    McCollister    Seiler
Bolz    Fox    Hughes    McCoy    Smith
Brasch    Friesen    Johnson    Mello    Stinner
Campbell    Garrett    Kintner    Morfeld    Sullivan
Chambers    Gloor    Kolowski    Murante    Watermeier
Coash    Groene    Kolterman    Pansing    Brooks    Williams
Cook    Haar, K.    Krist    Riepe
Craighead    Hadley    Kuehn    Scheer
Crawford    Hansen    Larson    Schnoor
Voting in the negative, 0.

Excused and not voting, 2:

Hilkemann    Schilz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 842.**

A BILL FOR AN ACT relating to health and human services; to amend section 71-208, Reissue Revised Statutes of Nebraska, and section 71-202.01, Revised Statutes Cumulative Supplement, 2014; to define a term; to change provisions relating to prerequisites to admission to and graduation from barber schools or colleges as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Baker          Davis          Harr, B.          Lindstrom          Schumacher  
Bloomfield    Ebke            Howard            McCollister        Seiler  
Bolz           Fox            Hughes            McCoy             Smith  
Brasch          Friesen        Johnson           Mello              Stinner  
Campbell       Garrett        Kintner           Morfeld           Sullivan  
Chambers       Gloor           Kolowski         Murante            Watermeier  
Coash           Groene      Kolterman         Pansing           Brooks          Williams  
Cook           Haar, K.       Krist              Riepe              
Craighed       Hadley         Kuehn            Scheer              
Crawford       Hansen          Larson            Schnoor
LEGISLATIVE BILL 865.

A BILL FOR AN ACT relating to handicapped parking; to amend sections 60-331.02 and 60-3,113.05, Revised Statutes Cumulative Supplement, 2014; to redefine handicapped or disabled person; to eliminate obsolete parking permit provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Baker    Davis    Harr, B.    Lindstrom    Schumacher
Bloomfield    Ebke    Howard    McCollister    Seiler
Bolz    Fox    Hughes    McCoy    Smith
Brasch    Friesen    Johnson    Mello    Stinner
Campbell    Garrett    Kintner    Morfeld    Sullivan
Chambers    Gloor    Kolowski    Murante    Watermeier
Coash    Groene    Kolterman    Pansing    Brooks    Williams
Cook    Haar, K.    Krist    Riepe
Craighead    Hadley    Kuehn    Scheer
Crawford    Hansen    Larson    Schnoor

Voting in the negative, 0.

Excused and not voting, 2:

Hilkemann    Schilz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 875.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-3001, Reissue Revised Statutes of Nebraska; to change conditions for approval of a planned unit development for certain cities of the second class or villages; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:
Voting in the negative, 0.

Excused and not voting, 2:

Hilkemann    Schilz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 567, 677, 678, 679, 680, 680A, 684, 694, 712, 725, 726, 731, 736, 750, 770, 770A, 783, 783A, 784, 790, 813, 814, 814A, 816, 823, 842, 865, and 875.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 959. Placed on Select File with amendment.

ER238
1 1. On page 1, strike beginning with "79-1022.02" in line 1 through
2 line 7 and insert "79-1005.01, 79-1007.18, 79-1008.01, 79-1008.02,
3 79-1075, 79-10,110, and 79-10,110.01, Reissue Revised Statutes of
4 Nebraska, and sections 77-3442, 79-1003, and 79-1017.01, Revised Statutes
5 Supplement, 2015; to change provisions relating to minimum levy
6 adjustments and averaging adjustments under the Tax Equity and
7 Educational Opportunities Support Act; to change provisions relating to
8 and provide for school district levy and bonding authority for certain
9 projects as prescribed; to eliminate obsolete provisions; to harmonize
10 provisions; to repeal the original sections; and to declare an
11 emergency."

(Signed) Matt Hansen, Chairperson
RESOLUTION(S)

LEGISLATIVE RESOLUTION 611. Introduced by Mello, 5.

WHEREAS, since the founding of the State of Nebraska, innovation, creativity, industriousness, and entrepreneurship have formed the economic fiber of the state; and
WHEREAS, entrepreneurs have long been vital to the economic growth of the State of Nebraska by advancing innovation, improving productivity, and creating jobs; and
WHEREAS, the willingness of entrepreneurs to assume risk has resulted in unparalleled contributions to the development of the State of Nebraska; and
WHEREAS, entrepreneur-led innovation has built and continues to sustain a critical Nebraska competitive advantage; and
WHEREAS, research shows that businesses five years or younger were responsible for nearly every net new job in America between 1982 and 2011; and
WHEREAS, collaboration and cooperation among a broad coalition of organizations, including nonprofit entrepreneurial incubators, angel investors, venture capitalists, crowdfunding initiatives, and other early-stage investors catalyzes entrepreneurial ventures; and
WHEREAS, support for entrepreneurs, including firms managed and owned by women and minorities, strengthens the overall economy of the State of Nebraska; and
WHEREAS, entrepreneurial literacy skills are critical to success in communities and workplaces in the 21st century; and
WHEREAS, positive outcomes for youth who participate in entrepreneurship education programs include improved academic performance, increased critical thinking skills, and heightened occupational aspirations; and
WHEREAS, entrepreneurs face regulatory barriers that state government and state agencies must work to reduce so that all entrepreneurs in the State of Nebraska have a chance at success; and
WHEREAS, encouraging entrepreneurship and the creation of new firms serves as a foundation for economic growth in the State of Nebraska; and
WHEREAS, the third Tuesday in November has been recognized nationally as National Entrepreneurs' Day.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature designates November 15, 2016, as Entrepreneurs' Day in Nebraska.
2. That the Legislature recognizes the considerable contributions of entrepreneurs and economic innovators to the State of Nebraska.

Laid over.
GENERAL FILE

LEGISLATIVE BILL 958. Title read. Considered.

Committee AM2717, found on page 1265, was offered.

Senator B. Harr requested a division of the question on the committee amendment.

The Chair sustained the division of the question.

The first committee amendment is as follows:

AM2780
1. Insert the following new sections:
2 Sec. 3, Section 77-4212, Revised Statutes Cumulative Supplement, 3 2014, is amended to read:
4 77-4212 (1) For tax year 2007, the amount of relief granted under 5 the Property Tax Credit Act shall be one hundred five million dollars. 6 For tax year 2008, the amount of relief granted under the act shall be 7 one hundred fifteen million dollars. It is the intent of the Legislature 8 to fund the Property Tax Credit Act for tax years after tax year 2008 9 using available revenue. For tax year 2017, the amount of relief granted 10 under the act shall be two hundred thirty-four million dollars. The 11 relief shall be in the form of a property tax credit which appears on the 12 property tax statement.
13 (2)(a) For tax years prior to tax year 2017, to determine the amount of 14 the property tax credit, the county treasurer shall multiply the amount disbursed to the county under subdivision subsection (4)(a) of 15 this section by the ratio of the real property valuation of the parcel to 16 the total real property valuation in the county. The amount determined 17 shall be the property tax credit for the property.
18 (b) Beginning with tax year 2017, to determine the amount of the 19 property tax credit, the county treasurer shall multiply the amount disbursed to the county under subdivision (4)(b) of this section by the 20 ratio of the credit allocation valuation of the parcel to the total credit allocation valuation in the county. The amount determined shall be 21 the property tax credit for the property.
22 (3) If the real property owner qualifies for a homestead exemption 23 under sections 77-3501 to 77-3529, the owner shall also be qualified for 24 the relief provided in the act to the extent of any remaining liability 25 after calculation of the relief provided by the homestead exemption. If 26 the credit results in a property tax liability on the homestead that is 27 less than zero, the amount of the credit which cannot be used by the 28 taxpayer shall be returned to the State Treasurer by July 1 of the year 29 the amount disbursed to the county was disbursed. The State Treasurer 30 shall immediately credit any funds returned under this section to the 31 Property Tax Credit Cash Fund.
32 (4)(a) For tax years prior to tax year 2017, the amount disbursed to each county shall be equal to the amount available for
disbursement determined under subsection (1) of this section multiplied by the ratio of the real property valuation in the county to the real property valuation in the state. By September 15, the Property Tax Administrator shall determine the amount to be disbursed under this subdivision to each county and certify such amounts to the State Treasurer and to each county. The disbursements to the counties shall occur in two equal payments, the first on or before January 31 and the second on or before April 1. After retaining one percent of the receipts for costs, the county treasurer shall allocate the remaining receipts to each taxing unit levying taxes on taxable property in the tax district in which the real property is located in the same proportion that the levy of such taxing unit bears to the total levy on taxable property of all the taxing units in the tax district in which the real property is located.

(b) Beginning with tax year 2017, the amount disbursed to each county shall be equal to the amount available for disbursement determined under subsection (1) of this section multiplied by the ratio of the credit allocation valuation in the county to the credit allocation valuation in the state. By September 15, the Property Tax Administrator shall determine the amount to be disbursed under this subdivision to each county and certify such amounts to the State Treasurer and to each county. The disbursements to the counties shall occur in two equal payments, the first on or before January 31 and the second on or before April 1. After retaining one percent of the receipts for costs, the county treasurer shall allocate the remaining receipts to each taxing unit based on its share of the credits granted to all taxpayers in the taxing unit.

(5) For purposes of this section, credit allocation valuation means the taxable value for all real property except agricultural land and horticultural land, one hundred thirty-three percent of taxable value for agricultural land and horticultural land that is not subject to special valuation, and one hundred thirty-three percent of taxable value for agricultural land and horticultural land that is subject to special valuation.

(6) The State Treasurer shall transfer from the General Fund to the Property Tax Credit Cash Fund one hundred five million dollars by August 1, 2007, and one hundred fifteen million dollars by August 1, 2008.

(7) The Legislature shall have the power to transfer funds from the Property Tax Credit Cash Fund to the General Fund.

The second committee amendment is as follows:

1. Strike the original sections and insert the following new sections:

Section 1. Section 13-520, Revised Statutes Supplement, 2015, is
amended to read:
13-520 The limitations in section 13-519 shall not apply to (1) restricted funds budgeted for capital improvements, (2) restricted funds expended from a qualified sinking fund for acquisition or replacement of tangible personal property with a useful life of five years or more, (3) restricted funds pledged to retire bonded indebtedness, used by a public airport to retire interest-free loans from the Department of Aeronautics in lieu of bonded indebtedness at a lower cost to the public airport, or used to pay other financial instruments that are approved and agreed to before July 1, 1999, in the same manner as bonds by a governing body created under section 35-501, (4) restricted funds budgeted in support of a service which is the subject of an agreement or a modification of an existing agreement whether operated by one of the parties to the agreement or by an independent joint entity or joint public agency, (5) restricted funds budgeted to pay for repairs to infrastructure damaged by a natural disaster which is declared a disaster emergency pursuant to the Emergency Management Act, (6) restricted funds budgeted to pay for judgments, except judgments or orders from the Commission of Industrial Relations, obtained against a governmental unit which require or obligate a governmental unit to pay such judgment, to the extent such judgment is not paid by liability insurance coverage of a governmental unit or a pool of funds maintained by the governmental unit to self-insure against such liabilities, or (7) the dollar amount by which restricted funds budgeted by a natural resources district to administer and implement ground water management activities and integrated management activities under the Nebraska Ground Water Management and Protection Act exceed its restricted funds budgeted to administer and implement ground water management activities for FY2003-04.

Sec. 2. Section 13-521, Reissue Revised Statutes of Nebraska, is amended to read:
13-521 (1) A governmental unit may choose not to increase its total of restricted funds by the full amount allowed by law in a particular year. In such cases, the governmental unit may carry forward to future budget years the amount of unused restricted funds authority. The governmental unit shall calculate its unused restricted funds authority and submit an accounting of such amount with the budget documents for that year. Such unused restricted funds authority may then be used in later years for increases in the total of restricted funds allowed by law. This subsection shall not apply to community colleges for fiscal years beginning on or after July 1, 2017. Any unused budget authority existing on April 8, 1998, by reason of any prior law may be used for increases in restricted funds authority.

(2) For any fiscal year beginning on or after July 1, 2017, a community college may choose not to increase its total of restricted funds by the full amount allowed by law in a particular year. In such cases, the community college may carry forward to future budget years the amount of unused restricted funds authority. The community college shall calculate its unused restricted funds authority and submit an accounting of such amount with the budget documents for that year. The amount of
unused restricted funds authority that may be used by a community college in a single fiscal year to increase its total of restricted funds above the restricted funds authority as calculated pursuant to section 13-519 shall be limited to three percent of the difference of the total of restricted funds minus the exclusions in section 13-520 for the immediately preceding fiscal year.

Sec. 4. Original section 13-521, Reissue Revised Statutes of Nebraska, section 77-4212, Revised Statutes Cumulative Supplement, 2014, and section 13-520, Revised Statutes Supplement, 2015, are repealed.

The first committee amendment, AM2780, found in this day's Journal, was offered.

Senator Smith withdrew his amendment, AM2775, found on page 1321.

Senator Smith offered the following amendment to the first committee amendment: AM2795 is available in the Bill Room.

SENATOR KRIST PRESIDING

SENATOR SCHEER PRESIDING

SENATOR LINDSTROM PRESIDING

SENATOR SCHEER PRESIDING

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 612. Introduced by Agriculture Committee: Johnson, 23, Chairperson; Bloomfield, 17; Harr, B., 8; Kolterman, 24; Riepe, 12; Friesen, 34.

PURPOSE: The purpose of this resolution is to examine any issues within the jurisdiction of the Agriculture Committee of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.
The Legislature was at ease from 12:00 p.m. until 12:25 p.m.

**SPEAKER HADLEY PRESIDING**

**GENERAL FILE**

**LEGISLATIVE BILL 958.** The Smith amendment, AM2795, found in this day's Journal, to the first committee amendment, was renewed.

**SENATOR KRIST PRESIDING**

**PRESIDENT FOLEY PRESIDING**

Senator Bolz moved the previous question. The question is, "Shall the debate now close?"

Senator Bolz moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

The motion to cease debate prevailed with 25 ayes, 2 nays, 18 present and not voting, and 4 excused and not voting.

Senator Smith withdrew his amendment.

The Chair declared the call raised.

Senator Johnson withdrew his amendment, AM2786, found on page 1325.

Senator Johnson offered the following amendment to the first committee amendment:

AM2796

(Amendments to AM2780)

1 1. Insert the following new section:
2 Sec. 3. Section 77-1301, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:
4 77-1301 (1) All real property in this state subject to taxation
5 shall be assessed as of January 1 at 12:01 a.m., which assessment shall
6 be used as a basis of taxation until the next assessment. For the
7 assessment occurring on January 1, 2016, the assessed value for all real
8 property in this state subject to taxation shall be the same as the
9 property’s assessed value on January 1, 2015, except that for any
10 property that was improved after January 1, 2015, as determined by the
11 county assessor, the assessed value for such property shall add the value
12 of any such improvement.
13 (2) Beginning January 1, 2014, in any county with a population of at
14 least one hundred fifty thousand inhabitants according to the most recent
15 federal decennial census, the county assessor shall provide notice of
16 preliminary valuations to real property owners on or before January 15 of 
17 each year. Such notice shall be (a) mailed to the taxpayer or (b) 
18 published on a web site maintained by the county assessor or by the 
19 county. 
20 (3) The county assessor shall complete the assessment of real 
21 property on or before March 19 of each year, except beginning January 1, 
22 2014, in any county with a population of at least one hundred fifty 
23 thousand inhabitants according to the most recent federal decennial 
24 census, the county assessor shall complete the assessment of real 
25 property on or before March 25 of each year. 
26 2. Renumber the remaining sections and correct the repealer 
1 accordingly.

SENATOR SCHEER PRESIDING

Senator Johnson withdrew his amendment.

The first committee amendment, AM2780, found in this day’s Journal, was 
renewed.

Pending.

AMENDMENT(S) - Print in Journal

Senator Mello filed the following amendment to LB947:
AM2741
(Amendments to Standing Committee amendments, AM2148)
1 1. On page 2, line 6, after the period insert "Such license shall be 
2 valid only for the period of time during which such person's employment 
3 authorization document is valid.".
4 2. On page 3, line 14, after the period insert "Such credential 
5 shall be valid only for the period of time during which such person's 
6 employment authorization document is valid.".

Senator Mello filed the following amendment to LB835:
AM2789
(Amendments to E and R amendments, ER235)
1 1. On page 6, line 19, after "freeze" insert "placed under section 
2 8-2603".
3 2. On page 30, line 3, reinstate the stricken matter.
COMMITTEE REPORT(S)
Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Michael Hansen - State Board of Health
Diane Jackson - State Board of Health
Debra Parsow - State Board of Health
Wayne Stuberg - State Board of Health
Jim Trebbein - State Board of Health
Douglas Vander Broek - State Board of Health


(Signed) Kathy Campbell, Chairperson

GENERAL FILE

LEGISLATIVE BILL 958. Senator Schumacher offered the following motion:
MO244
Recommit to the Revenue Committee.

Senator Mello moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Schumacher moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Schumacher requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 10:

Bolz            Coash           Crawford           Hilkemann         Morfeld
Chambers        Cook            Hansen            Howard            Pansing Brooks

Voting in the negative, 28:

Baker           Friesen         Johnson           McCoy            Sinner
Bloomfield      Garrett         Kintner           Mello            Sullivan
Brasch          Gloor           Kolterman        Murante          Watermeier
Craighead       Hadley          Kuehn            Scheer           Williams
Davis           Harr, B.        Lindstrom        Schilz            
Fox             Hughes          McCollister       Schnoor
Present and not voting, 7:

Campbell    Haar, K.    Riepe    Smith
Ebke        Kolowski    Schumacher

Excused and not voting, 4:

Groene   Krist    Larson    Seiler

The Schumacher motion to recommit to committee failed with 10 ayes, 28 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Schumacher offered the following motion:
MO246
Reconsider the vote taken to recommit to committee.

SENATOR WATERMEIER PRESIDING

Senator Schumacher asked unanimous consent to withdraw his motion, MO246, to reconsider the vote taken to recommit to committee.

No objections. So ordered.

Senator Gloor offered the following amendment to the first committee amendment:
AM2807

(Amendments to AM2780)

1 1. On page 1, line 10, strike "thirty-four" and insert "twenty-four".
2 2. On page 3, lines 8 and 10, strike "thirty-three" and insert "twenty".

Senator Chambers offered the following motion:
MO247
Bracket until April 20, 2016.

SPEAKER HADLEY PRESIDING

Senator Gloor offered the following motion:
MO248
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Gloor moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.
Senator Gloor requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 41:

Baker  Friesen  Hughes  McCoy  Smith
Bloomfield  Garrett  Johnson  Mello  Stinner
Brasch  Gloor  Kintner  Murante  Sullivan
Campbell  Groene  Kolowski  Pansing  Brooks  Watermeier
Cook  Haar, K.  Kolterman  Riepe  Williams
Crawford  Hadley  Krist  Scheer
Davis  Harr, B.  Kuehn  Schilz
Ebke  Hilkemann  Lindstrom  Schnoor
Fox  Howard  McCollister  Schumacher

Voting in the negative, 2:

Chambers  Coash

Present and not voting, 2:

Bolz  Hansen

Excused and not voting, 4:

Craighead  Larson  Morfeld  Seiler

The Gloor motion to invoke cloture prevailed with 41 ayes, 2 nays, 2 present and not voting, and 4 excused and not voting.

Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 45:

Baker  Davis  Hansen  Krist  Scheer
Bloomfield  Ebke  Harr, B.  Kuehn  Schilz
Brasch  Fox  Hilkemann  Lindstrom  Schnoor
Campbell  Garrett  Hughes  McCoy  Smith
Coash  Gloor  Johnson  Mello  Stinner
Cook  Groene  Kintner  Murante  Sullivan
Craighead  Haar, K.  Kolowski  Pansing  Brooks  Watermeier
Crawford  Hadley  Kolterman  Riepe  Williams

Excused and not voting, 3:
The Chambers motion to bracket failed with 1 aye, 45 nays, and 3 excused and not voting.

Senator Chambers requested a roll call vote on the Gloor amendment, AM2807, to the committee amendment.

Voting in the affirmative, 44:

Baker
Bloomfield
Bolz
Brasch
Campbell
Coash
Cook
Craighead
Crawford
Baker
Bloomfield
Bolz
Brasch
Campbell
Coash
Cook
Craighead
Crawford
Bake
Bloomfield
Bolz
Brasch
Campbell
Coash
Cook
Craighead
Crawford
Davis
Ebke
Hansen
Harr, B.
Kuehn
Lindstrom
Schilz
Howard
McCullister
Hughes
Mello
Stinner
Kintner
Pansing
Kolowski
Riepe
Scheer
Kuehn
Schilz

Voting in the negative, 1:

Chambers

Present and not voting, 1:

McCoy

Excused and not voting, 3:

Larson
Morfeld
Seiler

The Gloor amendment was adopted with 44 ayes, 1 nay, 1 present and not voting, and 3 excused and not voting.

Senator Chambers requested a roll call vote on the original committee amendment, AM2717, as amended.

Voting in the affirmative, 43:

Baker
Bloomfield
Brasch
Campbell
Coash
Cook
Craighead
Crawford
Davis
Ebke
Hillemann
Harr, B.
Friesen
Garrett
Gloor
Groene
Haar, K.
Hadley
Hansen
Harr, B.
Hillemann
Howard
Hughes
Johnson
Kolowski
Krist
Kuehn
Kintner
Kris
Kolowski
Lindstrom
Lindstrom
McCollister
Mello
Murante
Niepce
Riepe
Schnoor
Schnoor
Schumacher
Smith
Sinner
Sullivan
Watermeier
Williams

Larson
Morfeld
Seiler
Voting in the negative, 1:

Chambers

Present and not voting, 2:

Bolz Hansen

Excused and not voting, 3:

Larson Morfeld Seiler

The original committee amendment, as amended, was adopted with 43 ayes, 1 nay, 2 present and not voting, and 3 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 39:

Baker Ebke Harr, B. Kuehn Schilz
Bloomfield Fox Hilkemann Lindstrom Schnoor
Brasch Friesen Howard McCollister Smith
Campbell Garrett Hughes McCoy Stinner
Cook Gloor Johnson Mello Sullivan
Craighead Groene Kintner Murante Watermeier
Crawford Haar, K. Kolowski Riepe Williams
Davis Hadley Kolterman Scheer

Voting in the negative, 2:

Chambers Coash

Present and not voting, 5:

Bolz Hansen Krist Pansing Brooks Schumacher

Excused and not voting, 3:

Larson Morfeld Seiler

Advanced to Enrollment and Review Initial with 39 ayes, 2 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.
COMMITTEE REPORT(S)

Agriculture

The Agriculture Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Harry Hoch - Nebraska State Fair Board


(Signed) Jerry Johnson, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hughes filed the following amendment to LB1038:

AM2743

(Amendments to E and R amendments, ER223)
1 1. On page 4, line 24, strike "the office of the Governor,"; in line
2 26 after "representatives" insert "selected from a list of at least ten
3 individuals"; and in line 27 after "representatives" insert "selected
4 from a list of at least five individuals".

GENERAL FILE

LEGISLATIVE BILL 1103. Title read. Considered.

SENATOR KRIST PRESIDING

Committee AM2394, found on page 929, was offered.

Senator Kuehn offered the following motion:

MO249

Bracket until April 20, 2016.

Senator Craighead moved the previous question. The question is, "Shall the debate now close?"

Senator Craighead moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Craighead requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 26:
FIFTY-SECOND DAY - MARCH 31, 2016

Baker    Fox    Johnson    Pansing Brooks Sullivan
Bloomfield Friesen    Kintner    Riepe    Watermeier
Brasch Garret    Kolowski    Scheer
Coash Gloor    Kolterman    Schnoor
Cook Hadley    Kuehn    Smith
Crawford Hughes    McCoy    Stinner

Voting in the negative, 7:
Campbell Haar, K. McCollister    Williams
Ebke Krist    Schumacher

Present and not voting, 12:
Bolz    Davis    Hilkemann    Mello
Chambers Groene    Howard    Murante
Craighead Harr, B. Lindstrom    Schilz

Excused and not voting, 4:
Hansen Larson    Morfeld    Seiler

The motion to cease debate prevailed with 26 ayes, 7 nays, 12 present and not voting, and 4 excused and not voting.

Senator Schumacher requested a roll call vote, in reverse order, on the motion to bracket.

Voting in the affirmative, 23:
Bloomfield Fox    Kintner    McCoy    Smith
Brasch Friesen    Kolowski    Murante    Sullivan
Coash Hadley    Kolterman    Scheer    Watermeier
Craighead Hughes    Kuehn    Schilz
Davis Johnson    Lindstrom    Schnoor

Voting in the negative, 16:
Baker Cook Harr, B. Pansing Brooks
Bolz Ebke Hilkemann    Riepe
Campbell Groene Krist    Stinner
Chambers Haar, K. McCollister    Williams

Present and not voting, 6:
Crawford Gloor    Mello
Garrett Howard    Schumacher

Excused and not voting, 4:
The Kuehn motion to bracket failed with 23 ayes, 16 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Committee AM2394, found on page 929 and considered in this day's Journal, was renewed.

Senator Murante moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 5 nays, and 17 not voting.

Senator Schumacher moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Senator Schumacher requested a roll call vote, in reverse order, on the committee amendment.

Voting in the affirmative, 20:

- Baker
- Crawford
- Haar, K.
- Krist
- Riepe
- Campbell
- Ebke
- Harr, B.
- McCollister
- Schumacher
- Chambers
- Garrett
- Hilkemann
- Mello
- Stinner
- Cook
- Groene
- Kolowski
- Pansing
- Brooks
- Williams

Voting in the negative, 19:

- Bloomfield
- Fox
- Johnson
- McCoy
- Schnoor
- Brasch
- Friesen
- Kintner
- Murante
- Sullivan
- Craighead
- Hadley
- Kuehn
- Scheer
- Watermeier
- Davis
- Hughes
- Lindstrom
- Schilz

Present and not voting, 5:

- Coash
- Gloor
- Howard
- Kolterman
- Smith

Excused and not voting, 5:

- Bolz
- Hansen
- Larson
- Morfeld
- Seiler

The committee amendment lost with 20 ayes, 19 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.
RESOLUTION(S)

LEGISLATIVE RESOLUTION 613. Introduced by Smith, 14; Craighead, 6; Crawford, 45; Fox, 7; Garrett, 3; Kintner, 2; McCoy, 39; Murante, 49; Riepe, 12.

WHEREAS, Jerry C. Anderson served twenty years in the United States Air Force, retiring as a lieutenant colonel; and
WHEREAS, Jerry was stationed at Offutt Air Force Base from 1973 to 1977 before retiring to Papillion in 1981; and
WHEREAS, Jerry was a dedicated public servant, serving on the Papillion City Council from 2002 to 2006; and
WHEREAS, Jerry was a passionate advocate for veterans and helped found the Nebraska Veterans Coalition; and
WHEREAS, Jerry passed away unexpectedly on March 28, 2016; and
WHEREAS, Jerry is survived by his wife Louise and his three children, four grandchildren, and two great-grandchildren; and
WHEREAS, Jerry will be remembered as an active member of his community, an enthusiastic patriot, and a devoted husband, father, grandfather, great-grandfather, and friend.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature honors Jerry C. Anderson for his life of service to the United States of America, the State of Nebraska, and his community.
2. That the Legislature extends its deepest sympathy to the family of Jerry C. Anderson.
3. That a copy of this resolution be sent to the family of Jerry C. Anderson.

Laid over.

LEGISLATIVE RESOLUTION 614. Introduced by Howard, 9.

WHEREAS, Nate Johnson of Omaha has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and
WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Nate has learned, been tested on, and been recognized for various scouting skills; and
WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his project, Nate designed and constructed an outdoor classroom at Blumfield Elementary School. The outdoor classroom includes easily
accessible benches that are used by the students at recess and during class; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Nate, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, leaders of government and industry, artists, scientists, and athletes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Nate Johnson on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Nate Johnson.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 31, 2016, at 5:24 p.m. were the following: LBs 567, 677, 678, 679, 680e, 680Ae, 684, 694, 712, 725, 726, 731e, 736, 750, 770e, 783, 783A, 784e, 790, 813, 814, 814A, 816, 823e, 842, 865, and 875.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

AMENDMENT(S) - Print in Journal

Senator Gloor filed the following amendment to LB958:
AM2814
(Amendments to E and R amendments, ER240)
1 1. Strike sections 1 and 2.
2 2. Renumber the remaining sections and correct the repealer accordingly.

Senator Davis filed the following amendment to LB958:
AM2813
(Amendments to E and R amendments, ER240)
1 1. Insert the following new section:
2 Sec. 4. Section 85-1517, Reissue Revised Statutes of Nebraska, is amended to read:
4 85-1517 (1) For fiscal years 2011-12 and 2012-13:
5 (a) The board may certify to the county board of equalization of
6 each county within the community college area a tax levy not to exceed
7 ten and one-quarter cents on each one hundred dollars on the taxable
8 valuation of all property subject to the levy within the community
9 college area, uniform throughout the area, for the purpose of supporting
10 operating expenditures of the community college area;
11 (b) In addition to the levies provided in subdivisions (1)(a) and
12 (c) of this section, the board may certify to the county board of
equalization of each county within the community college area a tax levy
not to exceed one cent on each one hundred dollars on the taxable
valuation of all property within the community college area, uniform
throughout such area, for the purposes of paying off bonds issued under
sections 85-1520 to 85-1527 and establishing a capital improvement and
bond sinking fund as provided in section 85-1515. The levy provided by
this subdivision may be exceeded by that amount necessary to retire the
general obligation bonds assumed by the community college area or issued
pursuant to section 85-1515 according to the terms of such bonds or for
any obligation pursuant to section 85-1535 entered into prior to January
1, 1997; and

(c) In addition to the levies provided in subdivisions (1)(a) and
(b) of this section, the board may also certify to the county board of
equalization of each county within the community college area a tax levy
on each one hundred dollars on the taxable valuation of all property
within the community college area, uniform throughout such area, in the
amount which will produce funds only in the amount necessary to pay for
funding accessibility barrier elimination project costs and abatement of
environmental hazards as such terms are defined in section 79-10,110.
Such tax levy shall not be so certified unless approved by an affirmative
vote of a majority of the board taken at a public meeting of the board
following notice and a hearing. The board shall give at least seven days'
otice of such public hearing and shall publish such notice once in a
newspaper of general circulation in the area to be affected by the
increase. The proceeds of such tax levy shall be deposited in the capital
improvement and bond sinking fund provided for in section 85-1515 for use
in funding the projects authorized pursuant to this subdivision.

(2) For fiscal year 2013-14 and each fiscal year thereafter:
(a) The board may certify to the county board of equalization of
each county within the community college area a tax levy not to exceed
for fiscal years 2013-14 through 2016-17, the difference between eleven
and one-quarter cents and the rate levied for such fiscal year pursuant
to subdivision (b) of this subsection on each one hundred dollars on the
taxable valuation of all property subject to the levy within the
community college area, uniform throughout the area, or, for fiscal year
2017-18 and each fiscal year thereafter, the difference between ten and
one-quarter cents and the rate levied for such fiscal year pursuant to
subdivision (b) of this subsection on each one hundred dollars on the
taxable valuation of all property subject to the levy within the
community college area, uniform throughout the area, for the purpose of
supporting operating expenditures of the community college area. For
purposes of calculating the amount of levy authority available for
operating expenditures pursuant to this subdivision, the rate levied
pursuant to subdivision (b) of this subsection shall not include amounts
to retire general obligation bonds assumed by the community college area
or issued pursuant to section 85-1515 according to the terms of such
bonds or for any obligation pursuant to section 85-1535 entered into
prior to January 1, 1997;
4 (b) In addition to the levies provided in subdivisions (a) and (c) of this subsection, the board may certify to the county board of equalization of each county within the community college area a tax levy not to exceed two cents on each one hundred dollars on the taxable valuation of all property within the community college area, uniform throughout such area, for the purposes of paying off bonds issued under sections 85-1520 to 85-1527 and establishing a capital improvement and bond sinking fund as provided in section 85-1515. The levy provided by this subdivision may be exceeded by that amount necessary to retire general obligation bonds assumed by the community college area or issued pursuant to section 85-1515 according to the terms of such bonds or for any obligation pursuant to section 85-1535 entered into prior to January 1, 1997; and

(c) In addition to the levies provided in subdivisions (a) and (b) of this subsection, the board of a community college area with a campus located on the site of a former ammunition depot may certify to the county board of equalization of each county within the community college area a tax levy not to exceed three-quarters of one cent on each one hundred dollars on the taxable valuation of all property within the community college area, uniform throughout such area, to pay for funding accessibility barrier elimination project costs and abatement of environmental hazards as such terms are defined in section 79-10,110. Such tax levy shall not be so certified unless approved by an affirmative vote of a majority of the board taken at a public meeting of the board following notice and a hearing. The board shall give at least seven days' notice of such public hearing and shall publish such notice once in a newspaper of general circulation in the area to be affected by the increase. The proceeds of such tax levy shall be deposited in the capital improvement and bond sinking fund provided for in section 85-1515 for use in funding accessibility barrier elimination project costs and abatement of environmental hazards as such terms are defined in section 79-10,110. (3) The taxes provided by this section shall be levied and assessed in the same manner as other property taxes and entered on the books of the county treasurer. The proceeds of the tax, as collected, shall be remitted to the treasurer of the board not less frequently than once each 8 month.

2. Renumber the remaining sections and correct the repealer accordingly.

Senator Murante filed the following amendment to LB580: AM2800
(Amendments to Standing Committee amendments, AM1961)

1. Insert the following new sections:
2 Sec. 3. Nothing in the Redistricting Act shall be construed or understood as altering the rules or procedures of the Legislature that apply after any bill, including a bill developed and introduced pursuant to the Redistricting Act, has been placed on General File.
3 Sec. 7. Constitutional officer means any individual elected or appointed to an office enumerated in Article III, section 5, Article IV.
8 section 1 or 20, or Article VII, section 3, 10, or 13, of the
9 Constitution of Nebraska during his or her term of office.
10 2. On page 1, line 1, strike "29" and insert "31"; and in line 26
11 strike "4 to 18" and insert "5 to 20".
12 3. On page 4, line 11, strike "29" and insert "31"; in line 14
13 strike "28" and insert "30"; and in line 30 after the period insert "The
14 chairperson of the Executive Board of the Legislative Council shall
15 coordinate the process of selecting the members of the commission to
16 ensure compliance with this section.".
17 4. On page 5, lines 1 and 12 after "votes" insert "statewide"; and
18 strike beginning with "The" in line 24 through "(5)" in line 28.
19 5. On page 6, line 13, before "The" insert "(1)"; and after line 25
20 insert the following new subsection:
21 "(2) The commission shall be reconstituted in the event of a special
22 session of the Legislature called for purposes of redistricting or in the
23 event of a successful legal challenge to any part of any redistricting
24 plan for the purpose of reformulating the challenged redistricting
25 plan.".
26 6. On page 7, line 5, strike "or the Legislature"; in line 9 strike
1 "Prior to legislative approval, each" and insert "Each"; in line 25
2 strike "23" and insert "25"; and in line 29 strike "20" and insert "22".
3 7. On page 8, line 2, strike "commission" and insert "Executive
4 Board of the Legislative Council"; in line 6 strike both occurrences of
5 "commission" and insert "executive board" and after "Legislature" insert
6 "for approval"; in line 8 after the period insert "The guidelines shall
7 include, but not be limited to, a process by which citizens can apply to
8 serve on the commission."; strike lines 24 and 25 and insert the
9 following new subdivision:
10 "(k) Protect the officeholder's constitutional right to serve a full
11 term or, if appointed, a remainder of the term as specified in sections
12 32-560 to 32-574, before being subject to another election or term
13 limits."; and in line 27 strike "not later than March 1 of the year
14 ending in one".
15 8. On page 11, strike beginning with "Not" in line 28 through the
16 first "the" in line 30 and insert "The".
17 9. On page 12, line 4, strike "19" and insert "21"; and in line 6
18 strike "26" and insert "28".
19 10. Renumber the remaining sections accordingly.

Senator B. Harr filed the following amendment to LB768:
AM2797
(Amendments to Standing Committee amendments, AM2058)
1 1. Insert the following new section:
2 Sec. 5. Section 60-3,101, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 60-3,101 Except for license plates issued pursuant to section
5 60-3,203, license plates shall be issued every six years beginning with
6 the license plates issued in the year 2005, except that the license
7 plates issued in the year 2011 shall be issued for seven years. Except
8 for plates issued pursuant to such section 60-3.203, in the years in
9 which plates are not issued, in lieu of issuing such license plates, the
10 department shall furnish to every person whose motor vehicle or trailer
11 is registered one or two validation decals, as the case may be, which
12 validation decals shall bear the year for which issued and be so
13 constructed as to permit them to be permanently affixed to the plates.
14 2. Renumber the remaining sections, correct internal references, and
15 correct the repealer accordingly.

MOTION - Print in Journal

Senator Schnoor filed the following motion to LB1103:
MO250
Indefinitely postpone.

VISITOR(S)

Visitors to the Chamber were Hannah Bitenieks; members of Leadership
Washington County; 54 fourth-grade students, teachers, and sponsors from
Holling Heights Elementary School, Omaha; Ed and Kathy Leech from
Omaha; Ted McConnell originally from Lincoln; 43 fourth-grade students
from Anderson Grove, Bellevue; Virginia and Jerry Beckmann from
Lincoln; 23 fourth-grade students from Shelby Elementary, Rising City;
Jason, Amy, Ben, and Sam Fraterelli from Centennial, CO; and Dr. Jerry
Green from Cedar Falls, IA.

The Doctor of the Day was Dr. Michael Keralis from Lincoln.

ADJOURNMENT

At 7:01 p.m., on a motion by Senator Pansing Brooks, the Legislature
adjourned until 9:00 a.m., Friday, April 1, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
FIFTY-THIRD DAY - APRIL 1, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 1, 2016

PRAYER

The prayer was offered by Senator Johnson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Seiler who was excused; and Senators Bolz, Cook, Craighead, Larson, Murante, Schilz, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-second day was approved.

REFERENCE COMMITTEE REPORT

2016 Resolutions calling for an Interim Study

<table>
<thead>
<tr>
<th>Resolution</th>
<th>Title</th>
<th>Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>LR397</td>
<td>Interim study to monitor the health care transformation in Nebraska</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LR406</td>
<td>Interim study to examine issues surrounding the blending of various fuels in Nebraska and the impact of right to blend laws in other states</td>
<td>Natural Resources</td>
</tr>
<tr>
<td>LR412</td>
<td>Interim study to improve communication access for movie theaters in Nebraska to ensure all persons can fully experience the movie theater experience</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LR#</td>
<td>Description</td>
<td>Committee</td>
</tr>
<tr>
<td>-------</td>
<td>------------------------------------------------------------------------------</td>
<td>----------------------------------------------</td>
</tr>
<tr>
<td>LR430</td>
<td>Interim study to examine whether the Nebraska Banking Act should be updated</td>
<td>Banking, Commerce and Insurance</td>
</tr>
<tr>
<td>LR431</td>
<td>Interim study to examine whether the Securities Act of Nebraska should be updated</td>
<td>Banking, Commerce and Insurance</td>
</tr>
<tr>
<td>LR439</td>
<td>Interim study to examine the use of tax-increment financing by municipalities for residential development</td>
<td>Urban Affairs</td>
</tr>
<tr>
<td>LR452</td>
<td>Interim study to establish a study group to examine issues surrounding the need to provide financial assistance for home accessibility modifications for people with disabilities, including the elderly</td>
<td>Revenue</td>
</tr>
<tr>
<td>LR463</td>
<td>Interim study to examine ways to improve the coverage of hearing aid costs for Nebraska families</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LR464</td>
<td>Interim study to examine the effects of the use of tax-increment financing by municipalities</td>
<td>Urban Affairs</td>
</tr>
<tr>
<td>LR483</td>
<td>Interim study to examine the public employees retirement systems administered by the Public Employees Retirement Board</td>
<td>Nebraska Retirement Systems</td>
</tr>
<tr>
<td>LR489</td>
<td>Interim study to examine issues relating to housing authorities</td>
<td>Urban Affairs</td>
</tr>
<tr>
<td>LR490</td>
<td>Interim study to examine the enforcement of state and local building codes</td>
<td>Urban Affairs</td>
</tr>
<tr>
<td>LR493</td>
<td>Interim study to examine whether the Nebraska Appraisal Management Company Registration Act should be updated</td>
<td>Banking, Commerce and Insurance</td>
</tr>
<tr>
<td>LR495</td>
<td>Interim study to examine state law governing cities of the second class and villages in Chapter 17 of the Nebraska statutes</td>
<td>Urban Affairs</td>
</tr>
<tr>
<td>LR496</td>
<td>Interim study to examine issues within the jurisdiction of the Urban Affairs Committee</td>
<td>Urban Affairs</td>
</tr>
<tr>
<td>LR498</td>
<td>Interim study to examine the Nebraska Right to Farm Act</td>
<td>Agriculture</td>
</tr>
<tr>
<td>-------</td>
<td>--------------------------------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>LR499</td>
<td>Interim study to examine any issues within the jurisdiction of the Health and Human Services Committee</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LR502</td>
<td>Interim study to examine the use of revolving funds within the Dept. of Administrative Services</td>
<td>Appropriations</td>
</tr>
<tr>
<td>LR504</td>
<td>Interim study to examine the numerous deadlines involved in the election process</td>
<td>Government, Military and Veterans Affairs</td>
</tr>
<tr>
<td>LR506</td>
<td>Interim study to examine the efficacy of testing and monitoring programs, particularly the 24/7 sobriety program, in reducing recidivism for driving under the influence and controlled substance offenses</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LR507</td>
<td>Interim study to examine the development of a public notification system to broadcast alerts when vulnerable adults go missing</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LR508</td>
<td>Interim study to examine possible changes to the Nebraska Model Business Corporation Act</td>
<td>Banking, Commerce and Insurance</td>
</tr>
<tr>
<td>LR509</td>
<td>Interim study to examine the funding history, programs, and services offered by the Cooperative Extension Service of the University of Nebraska</td>
<td>Appropriations</td>
</tr>
<tr>
<td>LR510</td>
<td>Interim study to examine how to best integrate palliative care into the overall medical care structure of our health care system</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LR511</td>
<td>Interim study to examine existing law governing the collection of sales and use tax on remote sales</td>
<td>Revenue</td>
</tr>
<tr>
<td>LR512</td>
<td>Interim study to examine the Commission of Industrial Relations</td>
<td>Business and Labor</td>
</tr>
<tr>
<td>LR513</td>
<td>Interim study to examine workforce issues within the child welfare and juvenile justice systems</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LR514</td>
<td>Interim study to examine the availability of transition services for youth who will leave or have left the juvenile justice system while in an out-of-home placement</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LR517</td>
<td>Interim study to examine the long-term fiscal sustainability of the Nebraska Health Care Cash Fund</td>
<td>Appropriations</td>
</tr>
<tr>
<td>LR518</td>
<td>Interim study to review issues surrounding child custody proceedings and parenting time determinations as they pertain to families of divorce</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LR519</td>
<td>Interim study to examine whether the One-Call Notification System Act should be updated</td>
<td>Transportation and Telecommunications</td>
</tr>
<tr>
<td>LR520</td>
<td>Interim study to provide a review of the administration and enforcement of the Employee Classification Act by the Dept. of Labor</td>
<td>Business and Labor</td>
</tr>
<tr>
<td>LR521</td>
<td>Interim study to examine the business practices of pharmacy benefit managers as those practices relate to such managers' arrangements with private entities, insurers, pharmacies, and the State of Nebraska</td>
<td>Banking, Commerce and Insurance</td>
</tr>
<tr>
<td>LR522</td>
<td>Interim study to examine the issue of how to best educate the public and create awareness about the risks associated with sun exposure and ultraviolet radiation exposure</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LR523</td>
<td>Interim study to examine Nebraska law regarding the protection of children who have reached eighteen years of age but have not yet reached the age of majority</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LR525</td>
<td>Interim study to examine issues associated with treating an individual licensed under the Nebr. Real Estate License Act as a professional for purposes of civil actions for professional negligence</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LR526</td>
<td>Interim study to examine municipal classifications</td>
<td>Urban Affairs</td>
</tr>
<tr>
<td>LR527</td>
<td>Interim study to examine possible legislative reforms to Nebraska's mandatory minimum sentencing laws</td>
<td>Judiciary</td>
</tr>
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<tr>
<td>LR529</td>
<td>Interim study to examine the ongoing implementation of the federal Preventing Sex Trafficking and Strengthening Families Act of 2014 and related state law and policy</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LR530</td>
<td>Interim study to examine the voting processes and procedures available for citizens who are hospitalized or who reside in nursing homes or extended care facilities</td>
<td>Government, Military and Veterans Affairs</td>
</tr>
<tr>
<td>LR532</td>
<td>Interim study to evaluate the effectiveness and success of the Office of Violence Prevention</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LR533</td>
<td>Interim study to examine promoting career education and training that can lead to job readiness for middle-skill jobs</td>
<td>Business and Labor</td>
</tr>
<tr>
<td>LR534</td>
<td>Interim study to examine the extent that state funds are invested in fossil fuels and clean energy, and the feasibility of divestment consistent with the state's fiduciary responsibilities</td>
<td>Nebraska Retirement Systems</td>
</tr>
<tr>
<td>LR535</td>
<td>Interim study to examine how the Legislature can assist livestock producers involved in certain value-added activities</td>
<td>Agriculture</td>
</tr>
<tr>
<td>LR536</td>
<td>Interim study to complete the work of the LR 309 committee which investigated ways to avoid and mitigate conflicts arising from herbicide drift damage to sensitive crops</td>
<td>Agriculture</td>
</tr>
<tr>
<td>LR537</td>
<td>Interim study to review the duties and authorities of the Dept. of Agriculture with respect to livestock animal identification</td>
<td>Agriculture</td>
</tr>
<tr>
<td>LR538</td>
<td>Interim study to examine telecommunication services in Nebraska</td>
<td>Transportation and Telecommunications</td>
</tr>
<tr>
<td>LR539</td>
<td>Interim study to undertake a study of the jurisdiction and structure of the Nebraska Public Service Commission</td>
<td>Transportation and Telecommunications</td>
</tr>
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<tr>
<td>LR541</td>
<td>Interim study to examine the economic benefits of keno</td>
<td>General Affairs</td>
</tr>
<tr>
<td>LR542</td>
<td>Interim study to examine the issues within the jurisdiction of the General Affairs Committee</td>
<td>General Affairs</td>
</tr>
<tr>
<td>LR543</td>
<td>Interim study to examine possible legislative reforms to Nebraska laws relating to birth certificates</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LR544</td>
<td>Interim study to examine the alternative response demonstration projects created in LB 853, 2014</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LR545</td>
<td>Interim study to examine medicaid and the Children's Health Insurance Program, with an emphasis on children that are eligible but unenrolled in these programs</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LR546</td>
<td>Interim study to examine whether Nebraska's occupational licensing boards are exposed to liability under antitrust laws</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LR548</td>
<td>Interim study to examine issues surrounding youth tobacco use</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LR549</td>
<td>Interim study to examine issues relating to utilization of the U visa program in Nebraska</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LR550</td>
<td>Interim study to examine the feasibility of creating a common data collection site for county jail information necessary to receive funding under the County Justice Reinvestment Grant Program</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LR551</td>
<td>Interim study to explore and assess the use of congregate care in Nebraska for youth in the child welfare and juvenile justice systems</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LR552</td>
<td>Interim study to develop a plan to address funding and budgetary issues relating to climate change</td>
<td>Appropriations</td>
</tr>
<tr>
<td>LR553</td>
<td>Interim study to examine issues surrounding the Medicaid Reform Council</td>
<td>Health and Human Services</td>
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<tr>
<td>LR554</td>
<td>Interim study to examine information regarding air ambulance costs</td>
<td>Banking, Commerce and Insurance</td>
</tr>
<tr>
<td>LR555</td>
<td>Interim study to examine the process and procedures used in appeals before the Tax Equalization and Review Commission</td>
<td>Revenue</td>
</tr>
<tr>
<td>LR556</td>
<td>Interim study to examine the conveyances currently covered by the Conveyance Safety Act</td>
<td>Business and Labor</td>
</tr>
<tr>
<td>LR557</td>
<td>Interim study to examine what actions the State of Nebraska needs to take to meet the United States Dept. of Defense's mandates regarding energy and renewable resources</td>
<td>Government, Military and Veterans Affairs</td>
</tr>
<tr>
<td>LR558</td>
<td>Interim study to evaluate the governance structure of the Nebraska Educational Telecommunications Commission</td>
<td>Government, Military and Veterans Affairs</td>
</tr>
<tr>
<td>LR559</td>
<td>Interim study to examine the feasibility and impact of implementing the Civics Education Initiative in Nebraska through legislation or in partnership with the State Board of Education</td>
<td>Education</td>
</tr>
<tr>
<td>LR560</td>
<td>Interim study to examine the origins and utility of using court fees as a source of funding in Nebraska</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LR561</td>
<td>Interim study to examine the effectiveness, economic stability, and long-term viability of the Youth Rehabilitation and Treatment Center in Kearney and the Youth Rehabilitation and Treatment Center in Geneva</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LR562</td>
<td>Interim study to examine why LB 20, LB 357, and LB 454 failed to pass during the 104th legislative session</td>
<td>Revenue</td>
</tr>
<tr>
<td>LR563</td>
<td>Interim study to examine the reasons for the substantial tax rates on wireless telephone service in Nebraska</td>
<td>Revenue</td>
</tr>
<tr>
<td>LR564</td>
<td>Interim study to examine education in Nebraska</td>
<td>Education</td>
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<tr>
<td>LR565</td>
<td>Interim study to examine land acquisition within municipalities for educational purposes</td>
<td>Urban Affairs</td>
</tr>
<tr>
<td>LR566</td>
<td>Interim study to examine the availability of education, rehabilitation, and reentry support for incarcerated men and women</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LR567</td>
<td>Interim study to examine and review the sale of alcohol in Whiteclay and the need for additional funding for law enforcement</td>
<td>General Affairs</td>
</tr>
<tr>
<td>LR568</td>
<td>Interim study to examine the membership, role, and duties of the Nebraska Police Standards Advisory Council</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LR569</td>
<td>Interim study to examine the means available to fund the grant program established pursuant to the Livestock Growth Act</td>
<td>Agriculture</td>
</tr>
<tr>
<td>LR570</td>
<td>Interim study to review the duties and authorities of the Dept. of Agriculture to establish an agriculture promotion and development program</td>
<td>Agriculture</td>
</tr>
<tr>
<td>LR571</td>
<td>Interim study to examine local political subdivision retirement plans for public employees</td>
<td>Nebraska Retirement Systems</td>
</tr>
<tr>
<td>LR572</td>
<td>Interim study to examine issues surrounding the Division of Veterans' Homes of the Dept. of Health and Human Services and wait times for admission to the veterans' homes system</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LR573</td>
<td>Interim study to examine the historic and present state of industrial hemp as an alternative crop in Nebraska and its future potential</td>
<td>Agriculture</td>
</tr>
<tr>
<td>LR574</td>
<td>Interim study to examine aspects of Nebraska's medicaid program that include share of cost or resource spend down components</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LR575</td>
<td>Interim study to continue the ongoing study of access to healthcare in Nebraska</td>
<td>Health and Human Services</td>
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<tr>
<td>LR576</td>
<td>Interim study to examine children's access to legal counsel in juvenile proceedings across the state of Nebraska</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LR577</td>
<td>Interim study to examine issues under the jurisdiction of the Appropriations Committee</td>
<td>Appropriations</td>
</tr>
<tr>
<td>LR578</td>
<td>Interim study to examine the Developmental Disabilities Court-Ordered Custody Act</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LR579</td>
<td>Interim study to examine issues relating to solar energy development</td>
<td>Natural Resources</td>
</tr>
<tr>
<td>LR580</td>
<td>Interim study to examine the Dept. of Health and Human Services' policies for dealing with disallowances and audit exceptions by the federal government which have resulted in large fines and having to return money to the federal government</td>
<td>Appropriations</td>
</tr>
<tr>
<td>LR581</td>
<td>Interim study to examine the positive and negative effects of federal education funding if Nebraska would choose not to accept federal funds that are tied to federal mandates</td>
<td>Education</td>
</tr>
<tr>
<td>LR582</td>
<td>Interim study to examine how, through better coordination of health services, the state can better assist low-income individuals currently without insurance</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LR583</td>
<td>Interim study to examine administrative law judges in Nebraska</td>
<td>Government, Military and Veterans Affairs</td>
</tr>
<tr>
<td>LR584</td>
<td>Interim study to examine the possibility of providing direct and statewide funding for legal representation in order to provide more equitable access to civil justice in Nebraska</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LR586</td>
<td>Interim study to examine the effects of transferring public school employees from the system of district-based health insurance plans to the Nebraska State Insurance Program</td>
<td>Education</td>
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<tr>
<td>LR587</td>
<td>Interim study to examine the issues within the jurisdiction of the Education Committee</td>
<td>Education</td>
</tr>
<tr>
<td>LR588</td>
<td>Interim study to determine best practices in drafting tax legislation and determining the fiscal impact of tax policies</td>
<td>Appropriations</td>
</tr>
<tr>
<td>LR589</td>
<td>Interim study to examine issues within the jurisdiction of the Judiciary Committee</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LR590</td>
<td>Interim study to examine options to offer incentives to health care professionals who provide free care and services to qualified recipients</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LR591</td>
<td>Interim study to examine and make recommendations on improving health care coverage plans available to Nebraska small businesses with fifty or less employees</td>
<td>Banking, Commerce and Insurance</td>
</tr>
<tr>
<td>LR592</td>
<td>Interim study to examine the structure, compliance, and administration of the state individual and corporate income taxes, including financial institution and insurance premium taxes</td>
<td>Revenue</td>
</tr>
<tr>
<td>LR593</td>
<td>Interim study to examine the structure, compliance, and administration of real and personal property taxes</td>
<td>Revenue</td>
</tr>
<tr>
<td>LR594</td>
<td>Interim study to examine the structure, compliance, and administration of state and local sales and use taxes and any other miscellaneous taxes</td>
<td>Revenue</td>
</tr>
<tr>
<td>LR595</td>
<td>Interim study to examine the topic of food deserts and issues relating to access to healthy food in Nebraska</td>
<td>Agriculture</td>
</tr>
<tr>
<td>LR596</td>
<td>Interim study to examine issues within the jurisdiction of the Government, Military and Veterans Affairs Committee</td>
<td>Government, Military and Veterans Affairs</td>
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<tr>
<td>LR597</td>
<td>Interim study to examine financing mechanisms available to various political subdivisions to issue bonds or assume future payment obligations without a direct vote of taxpayers</td>
<td>Government, Military and Veterans Affairs</td>
</tr>
<tr>
<td>LR598</td>
<td>Interim study to examine issues related to allowing owners and independent repair persons access to software and codes that will allow them to repair electronic devices</td>
<td>Agriculture</td>
</tr>
<tr>
<td>LR599</td>
<td>Interim study to review the administrative rate review processes currently conducted by the Public Service Commission</td>
<td>Transportation and Telecommunications</td>
</tr>
<tr>
<td>LR600</td>
<td>Interim study to examine alternatives for valuing agricultural land for property tax purposes</td>
<td>Revenue</td>
</tr>
<tr>
<td>LR602</td>
<td>Interim study to examine existing barriers to the delivery of health care services through telehealth technologies in Nebraska</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LR603</td>
<td>Interim study to examine the issues faced by residents of mobile home communities</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LR604</td>
<td>Interim study to examine inconsistencies in the practices utilized by county assessors in determining agricultural land value</td>
<td>Revenue</td>
</tr>
<tr>
<td>LR605</td>
<td>Interim study to examine issues relating to urban redevelopment</td>
<td>Urban Affairs</td>
</tr>
<tr>
<td>LR612</td>
<td>Interim study to examine issues under the jurisdiction of the Agriculture Committee</td>
<td>Agriculture</td>
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</tbody>
</table>

(Signed) Bob Krist, Chairperson  
Executive Board
RESOLUTION(S)

LEGISLATIVE RESOLUTION 615. Introduced by Hughes, 44.

WHEREAS, Spencer Hartman was elected President of the Association of Students of the University of Nebraska-Lincoln (ASUN); and
WHEREAS, Spencer will represent the students of the University of Nebraska-Lincoln by acting as their voice and relaying student opinions to faculty and staff of the university; and
WHEREAS, Spencer will serve as a Student Regent on the Board of Regents of the University of Nebraska and offer input on behalf of the students of the University of Nebraska-Lincoln to the decisionmakers for the entire university system; and
WHEREAS, the ASUN presidency is bestowed democratically upon a student by his or her peers, reflecting great trust and confidence in the office by the over twenty-five thousand students of the University of Nebraska-Lincoln.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates Spencer Hartman on his election as President of the Association of Students of the University of Nebraska-Lincoln.
2. That a copy of this resolution be sent to Spencer Hartman.

Laid over.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 31, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Heartland Strategy Group, LLC
AmeriHealth Caritas
O'Hara Lindsay & Associates, Inc.
SourceGas Distribution, LLC (Withdrawn 03/31/2016)
Reiman, Charlene
SourceGas Distribution, LLC (Withdrawn 03/31/2016)
Thompson, Brian
Consolidated Companies, Inc.

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
http://www.nebraskalegislature.gov/agencies/view.php
GENERAL FILE

LEGISLATIVE BILL 889A. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 959A. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

WITHDRAW - Amendment to LB746A

Senator Campbell withdrew her amendment, AM2583, found on page 984, to LB746A.

MOTION - Return LB746A to Select File

Senator Campbell moved to return LB746A to Select File for her specific amendment, AM2782, found on page 1323.

The Campbell motion to return prevailed with 45 ayes, 0 nays, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 746A. The Campbell specific amendment, AM2782, found on page 1323, was adopted with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION - Return LB843 to Select File

Senator B. Harr moved to return LB843 to Select File for his specific amendment, AM2734, found on page 1199.

The B. Harr motion to return prevailed with 40 ayes, 1 nay, 4 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 843. The B. Harr specific amendment, AM2734, found on page 1199, was adopted with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.
BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 877.**

A BILL FOR AN ACT relating to suburban development; to amend section 17-1002, Reissue Revised Statutes of Nebraska; to change provisions relating to reviewing and commenting on proposed subdivision plats in certain counties as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

- Baker
- Crawford
- Hansen
- Krist
- Riepe
- Bloomfield
- Davis
- Harr, B.
- Kuehn
- Scheer
- Bolz
- Ebke
- Hilkemann
- Larson
- Schnoor
- Brasch
- Fox
- Howard
- Lindstrom
- Schumacher
- Campbell
- Friesen
- Hughes
- McCollister
- Smith
- Chambers
- Garrett
- Johnson
- McCoy
- Stinner
- Coash
- Gloor
- Kintner
- Mello
- Sullivan
- Cook
- Groene
- Kolowski
- Morfeld
- Watermeier
- Craighead
- Hadley
- Kolterman
- Pansing
- Brooks
- Williams

Voting in the negative, 0.

Present and not voting, 1:

- Haar, K.

Excused and not voting, 3:

- Murante
- Schilz
- Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 881.**

A BILL FOR AN ACT relating to energy financing contracts; to amend sections 66-1062, 66-1064, and 66-1065, Reissue Revised Statutes of Nebraska; to redefine terms; to change governmental unit duties; to change provisions relating to contract contents and bond requirements as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"
Voting in the affirmative, 43:

Baker       Davis       Hansen       Kuehn       Scheer
Bloomfield  Ebke        Harr, B.     Larson       Schnoor
Bolz        Fox          Hilkemann    Lindstrom    Schumacher
Brasch       Friesen     Howard       McCollister  Smith
Campbell     Garrett     Hughes       McCoy        Stinner
Chambers     Gloor       Johnson      Mello        Sullivan
Coash        Groene      Kintner     Morfeld      Watermeier
Cook         Haar, K.    Koltermann  Pansing Brooks
Crawford     Hadley      Krist        Riepe

Voting in the negative, 0.

Present and not voting, 3:

Craighead   Kolowski    Williams

Excused and not voting, 3:

Murante     Schilz       Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 887.** With Emergency Clause.

A BILL FOR AN ACT relating to the Petroleum Release Remedial Action Act; to amend sections 66-1519, 66-1523, 66-1525, and 66-1529.02, Revised Statutes Cumulative Supplement, 2014; to extend use of the Petroleum Release Remedial Action Cash Fund as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:
Voting in the negative, 0.

Excused and not voting, 3:

Murante  Schilz  Seiler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 891.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Down Syndrome Diagnosis Information and Support Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Baker  Davis  Hilkemann  Lindstrom  Schumacher
Bloomfield  Ebke  Hilkemann  Lindstrom  Smith
Bolz  Fox  Howard  McCollister  Stinner
Brasch  Friesen  Hughes  McCoy  Sullivan
Campbell  Garrett  Johnson  Mello  Watermeier
Chambers  Gloor  Kintner  Morfeld  Williams
Coash  Groene  Kolowski  Pansing Brooks
Cook  Haar, K.  Kolterman  Riepe
Craighead  Hadley  Krist  Scheer
Crawford  Hansen  Kuehn  Schnoor

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 2:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 895.** With Emergency Clause.

A BILL FOR AN ACT relating to the Developmental Disabilities Services Act; to amend section 83-1201, Reissue Revised Statutes of Nebraska; to require a report regarding the Beatrice State Developmental Center and the Bridges program as prescribed; to harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Baker    Davis    Hilkemann    Lindstrom    Schumacher  
Bloomfield    Ebke    Howard    McCollister    Smith  
Bolz    Fox    Hughes    McCoy    Stinner  
Brasch    Friesen    Johnson    Mello    Sullivan  
Campbell    Garrett    Kintner    Morfeld    Watermeier  
Chambers    Groene    Kolowski    Pansing Brooks    Williams  
Coash    Haar, K.    Kolterman    Riepe  
Cook    Hadley    Krist    Scheer  
Craighed    Hansen    Kuehn    Schilz  
Crawford    Harr, B.    Larson    Schnoor  

Voting in the negative, 0.

Present and not voting, 1:

Gloor

Excused and not voting, 2:

Murante    Seiler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.
LEGISLATIVE BILL 899.

A BILL FOR AN ACT relating to the Nebraska Safe Drinking Water Act; to amend section 71-5301.01, Reissue Revised Statutes of Nebraska, and section 71-5301, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to lead content; to redefine a term; to provide for rules and regulations and eliminate requirements relating to public water systems; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Baker  Davis  Harr, B.  Kuehn  Scheer
Bloomfield  Ebke  Hilkemann  Larson  Schilz
Bolz  Fox  Howard  Lindstrom  Schnoor
Campbell  Friesen  Hughes  McCollister  Schumacher
Chambers  Garrett  Johnson  McCoy  Smith
Coash  Groene  Kintner  Mello  Stinner
Cook  Haar, K.  Kolowski  Morfeld  Sullivan
Craighead  Hadley  Koltermann  Pansing Brooks  Watermeier
Crawford  Hansen  Krist  Riepe  Williams

Voting in the negative, 0.

Present and not voting, 2:

Brasch  Gloor

Excused and not voting, 2:

Murante  Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 902.

A BILL FOR AN ACT relating to the Nebraska Clean-burning Motor Fuel Development Act; to amend sections 66-202, 66-203, and 66-204, Revised Statutes Supplement, 2015; to redefine a term; to change provisions relating to qualification for rebates and use of funds; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 908.**

A BILL FOR AN ACT relating to veterinary technicians; to amend section 38-3325, Reissue Revised Statutes of Nebraska; to provide for temporary licenses; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

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<tr>
<th>Baker</th>
<th>Crawford</th>
<th>Hansen</th>
<th>Krist</th>
<th>Scheer</th>
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<tr>
<td>Bolz</td>
<td>Davis</td>
<td>Harr</td>
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Voting in the negative, 0.

Present and not voting, 2:

Bloomfield Ebke Gloor

Excused and not voting, 2:

Murante Seiler

Voting in the negative, 0.

Present and not voting, 2:
Gloor  Riepe

Excused and not voting, 2:

Murante  Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 908A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 908, One Hundred Fourth Legislature, Second Session, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Baker  Crawford  Hansen  Krist  Schilz  
Bloomfield  Davis  Harr, B.  Kuehn  Schnoor  
Bolz  Ebke  Hilkemann  Larson  Schumacher  
Brasch  Fox  Howard  Lindstrom  Smith  
Campbell  Friesen  Hughes  McCoy  Stinner  
Chambers  Garrett  Johnson  Mello  Watermeier  
Coash  Groene  Kintner  Morfeld  Williams  
Cook  Haar, K.  Kolowski  Pansing  Brooks  
Craighead  Hadley  Koltermann  Scheer  

Voting in the negative, 0.

Present and not voting, 4:

Gloor  McCollister  Riepe  Sullivan

Excused and not voting, 2:

Murante  Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB909 with 41 ayes, 1 nay, 5 present and not voting, and 2 excused and not voting.
The following bill was put upon final passage:

**LEGISLATIVE BILL 909.**

A BILL FOR AN ACT relating to the Department of Agriculture; to amend sections 2-1807, 2-1808, 54-635, 54-850, 54-856, 54-1371, 54-1382, 54-1704, 54-1904, 54-2306, 54-2320, 81-2,147.10, 89-187, 89-187.02, 89-188, 89-197, and 89-1,100, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to penalties; to provide for administrative fees; to state intent; to provide for remittance of certain fees; to eliminate requirements for social security numbers on applications as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Baker  Davis  Harr, B.  Larson  Schnoor
Bloomfield  Ebke  Hilkemann  Lindstrom  Schumacher
Bolz  Fox  Howard  McCollister  Smith
Brasch  Friesen  Hughes  McCoy  Stinner
Campbell  Garrett  Johnson  Mello  Sullivan
Chambers  Gloor  Kintner  Morfeld  Watermeier
Coash  Groene  Kolowski  Pansing Brooks  Williams
Cook  Haar, K.  Kolterman  Riepe
Craighead  Hadley  Krist  Scheer
Crawford  Hansen  Kuehn  Schilz

Voting in the negative, 0.

Excused and not voting, 2:

Murante  Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 913.**

A BILL FOR AN ACT relating to state disasters; to adopt the Facilitating Business Rapid Response to State Declared Disasters Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 924.

A BILL FOR AN ACT relating to the Income Witholding for Child Support Act; to amend section 43-1718.01, Reissue Revised Statutes of Nebraska; to provide for an additional withholding procedure for certain payments; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:


Voting in the negative, 0.

Excused and not voting, 2:

Murante  Seiler

Present and not voting, 1:

Groene
Excused and not voting, 2:

Murante    Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 942. With Emergency Clause.**

A BILL FOR AN ACT relating to marketing plans and trade practices; to amend sections 59-1724, 87-402, and 87-404, Reissue Revised Statutes of Nebraska; to provide a disclosure requirement to the Department of Banking and Finance for seller-assisted marketing plan contracts as prescribed; to define a term; to provide for reformation of a franchise agreement which unreasonably restrains competition; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Baker    Davis    Harr, B.    Larson    Schnoor
Bloomfield    Ebke    Hilkemann    Lindstrom    Schumacher
Bolz    Fox    Howard    McCollister    Smith
Brasch    Friesen    Hughes    McCoy    Stinner
Campbell    Garrett    Johnson    Mello    Sullivan
Chambers    Gloor    Kintner    Morfeld    Watermeier
Coash    Groene    Kolowski    Pansing Brooks    Williams
Cook    Haar, K.    Kolterman    Riepe
Craighead    Hadley    Krist    Scheer
Crawford    Hansen    Kuehn    Schilz

Voting in the negative, 0.

Excused and not voting, 2:

Murante    Seiler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.
LEGISLATIVE BILL 948.

A BILL FOR AN ACT relating to enterprise zones; to amend section 13-2103, Revised Statutes Cumulative Supplement, 2014; to change an application period limitation for the designation of enterprise zones as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Baker     Davis     Harr, B.     Larson     Schnoor
Bloomfield Ebke   Hilkemann Lindstrom Schumacher
Bolz       Fox      Howard    McCollister Smith
Brasch     Friesen Hughes  McCoy  Stinner
Campbell   Garrett  Johnson  Mello    Sullivan
Chambers   Gloor    Kintner  Morfeld  Watermeier
Coash      Groene   Kolowski Pansing Brooks Williams
Cook       Haar, K. Koltermann Riepe
Craighead  Hadley   Krist    Scheer
Crawford   Hansen   Kuehn    Schilz

Voting in the negative, 0.

Excused and not voting, 2:

Murante   Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 952.

A BILL FOR AN ACT relating to emergency medical services; to amend section 38-1215, Revised Statutes Cumulative Supplement, 2014; to change membership of the Board of Emergency Medical Services; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:
LEGISLATIVE BILL 973.

A BILL FOR AN ACT relating to electric utilities; to amend section 48-442, Reissue Revised Statutes of Nebraska, and sections 48-437, 60-6,288.01, 60-6,291, and 60-6,299, Revised Statutes Cumulative Supplement, 2014; to change penalties for prohibited acts relating to high voltage lines and violation of certain permits and notification requirements; to change notice and permit provisions relating to moving certain buildings on a road or highway; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Baker  Ebke  Hilkemann  Lindstrom  Schumacher
Bolz  Fox  Howard  McCollister  Smith
Brasch  Friesen  Hughes  McCoy  Stinner
Campbell  Garrett  Johnson  Mello  Sullivan
Chambers  Gloor  Kintner  Morfeld  Watermeier
Coash  Groene  Kolowski  Pansing  Brooks  Williams
Cook  Haar, K.  Kolterman  Riepe
Craighhead  Hadley  Krist  Scheer
Crawford  Hansen  Kuehn  Schilz
Davis  Harr, B.  Larson  Schnoor

Voting in the negative, 0.

Present and not voting, 1:

Murante  Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
Bloomfield

Excused and not voting, 2:

Murante Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 978.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend sections 81-118.02, 81-1108.15, and 81-1108.43, Reissue Revised Statutes of Nebraska; to change provisions relating to the state purchasing card program and facilities construction and administration; to eliminate obsolete provisions relating to a United States Savings Bond withholding program and the selling or leasing of a state building; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-1126, 81-1127, 81-1128, 81-1129, and 90-244, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Baker Davis Harr, B. Larson Schnoor
Bloomfield Ebke Hilkemann Lindstrom Schumacher
Bolz Fox Howard McCollister Smith
Brasch Friesen Hughes McCoy Stinner
Campbell Garrett Johnson Mello Sullivan
Chambers Gloor Kintner Morfeld Watermeier
Coash Groene Kolowski Pansing Brooks Williams
Cook Haar, K. Kolterman Riepe
Craighead Hadley Krist Scheer
Crawford Hansen Kuehn Schilz

Voting in the negative, 0.

Excused and not voting, 2:

Murante Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
LEGISLATIVE BILL 1002.

A BILL FOR AN ACT relating to educational service units; to amend section 79-1204, Reissue Revised Statutes of Nebraska; to authorize educational service unit boards to pay membership dues in associations of school boards as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:


Voting in the negative, 0.

Excused and not voting, 2:

Murante  Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1010.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-261, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to a juvenile court petition; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1011.

A BILL FOR AN ACT relating to the Nebraska Behavioral Health Services Act; to amend section 71-831, Revised Statutes Cumulative Supplement, 2014; to change and eliminate provisions relating to contracts and agreements relating to the medical assistance program governing at-risk managed care service delivery for behavioral health services; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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Voting in the negative, 0.

Present and not voting, 1:

Craighead

Excused and not voting, 2:

Murante Seiler
Voting in the negative, 0.

Excused and not voting, 2:

Murante Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 1039.**

A BILL FOR AN ACT relating to developmental disabilities; to amend sections 83-381, 83-1201, and 83-1205, Reissue Revised Statutes of Nebraska, and section 71-1108.01, Revised Statutes Cumulative Supplement, 2014; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Baker Davis Harr, B. Larson Schnoor
Bloomfield Ebke Hilkemann Lindstrom Schumacher
Bolz Fox Howard McCollister Smith
Brasch Friesen Hughes McCoy Stinner
Campbell Garrett Johnson Mello Sullivan
Chambers Gloor Kintner Morfeld Watermeier
Coash Groene Kolowski Pansing Brooks Williams
Cook Haar, K. Kolterman Riepe
Craighead Hadley Krist Scheer
Crawford Hansen Kuehn Schilz

Voting in the negative, 0.

Excused and not voting, 2:

Murante Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
LEGISLATIVE BILL 1050.

A BILL FOR AN ACT relating to partnerships; to amend section 67-401, Reissue Revised Statutes of Nebraska; to authorize the conversion of domestic partnerships and domestic limited liability partnerships into domestic limited liability companies or foreign limited liability companies as prescribed; to require notice to certain holders of security interests as prescribed; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Baker 
Bloomfield 
Bolz 
Brasch 
Campbell 
Chambers 
Coash 
Cook 
Craighed 
Crawford

Davis 
Ebke 
Fox 
Friesen 
Garrett 
Gloor 
Groene 
Haar, K. 
Hadley 
Hansen

Harr, B. 
Hilkemann 
Howard 
Hughes 
Johnson 
Kintner 
Kolowski 
Kolterman 
Krist 
Kuehn

Larson 
Lindstrom 
McCulister 
McCoy 
Mello 
Morfeld 
Murante 
Pansing 
Riepe 
Scheer

Schilz 
Schnoor 
Schumacher 
Smith 
Stinner 
Sullivan 
Watermeier 
Brooks 
Riepe 
Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1075.

A BILL FOR AN ACT relating to the Disposition of Personal Property Landlord and Tenant Act; to amend sections 69-2304 and 69-2308, Revised Statutes Cumulative Supplement, 2014; to change a provision relating to the disposition of personal property; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1080.

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend sections 81-161.03 and 83-150, Reissue Revised Statutes of Nebraska, and section 81-1185, Revised Statutes Supplement, 2015; to increase the dollar amount authorized for direct purchases for correctional industries; to change provisions relating to recyclable material used by the correctional industries program; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Baker Davis Harr, B. Larson Schilz
Bloomfield Ebke Hilkemann Lindstrom Schnoor
Bolz Fox Howard McCollister Schumacher
Brasch Friesen Hughes McCoy Smith
Campbell Garrett Johnson Mello Stinner
Chambers Gloor Kintner Morfeld Sullivan
Coash Groene Kolowski Murante Watermeier
Cook Haar, K. Kolterman Pansing Brooks Williams
Craighead Hadley Krist Riepe
Crawford Hansen Kuehn Scheer

Voting in the negative, 0.

Excused and not voting, 1:

Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 1086.**

A BILL FOR AN ACT relating to schools; to amend section 79-224, Reissue Revised Statutes of Nebraska; to change provisions relating to student self-management of asthma or anaphylaxis as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

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Voting in the negative, 0.

Excused and not voting, 1:

Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 1101.**

A BILL FOR AN ACT relating to the Department of Environmental Quality; to amend sections 81-15,158.01 and 81-15,160, Reissue Revised Statutes of Nebraska; to require a study to examine the status of solid waste management programs; to create an advisory committee; to require reports; to provide for costs; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"
Voting in the affirmative, 47:

Baker      Ebke      Hilkemann      Lindstrom      Schnoor
Bolz       Fox       Howard       McCollister      Schumacher
Brasch     Friesen   Hughes       McCoy          Smith
Campbell   Garrett   Johnson      Mello          Stinner
Chambers   Gloor     Kintner      Morfeld        Sullivan
Coash      Groene    Kolowski     Murante        Watermeier
Cook       Haar, K.  Koltermann   Pansing Brooks Williams
Craighead  Hadley    Krist        Riepe
Crawford   Hansen    Kuehn        Scheer
Davis      Harr, B.  Larson       Schilz

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 1:

Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 381.

WHEREAS, The first Congress of the United States, at its first session, held in New York, New York, on the twenty-fifth day of September, in the year one thousand seven hundred and eighty-nine, passed the following resolution to amend the Constitution of the United States of America, in the following words and figures in part, to wit:

The Conventions of a number of the States having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government will best ensure the beneficent ends of its institution;

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as Amendments to the Constitution of the United States, all or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.:
No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND
SESSION:

1. That such proposed amendment to the Constitution of the United States be ratified.

2. That the Clerk of the Legislature send copies of this resolution to the Administrator of the General Services Administration, the President of the United States Senate, and the Speaker of the United States House of Representatives.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?'"

Voting in the affirmative, 46:

Baker    Fox    Howard    McCollister    Schumacher
Bloomfield    Friesen    Hughes    McCoy    Smith
Bold    Garrett    Johnson    Mello    Stinner
Brasch    Gloor    Kintner    Morfeld    Sullivan
Campbell    Groene    Kolowski    Murante    Watermeier
Coash    Haar, K.    Koltermann    Pansing    Brooks    Williams
Craighead    Hadley    Krist    Riepe
Crawford    Hansen    Kuehn    Scheer
Davis    Harr, B.    Larson    Schilz
Ebke    Hilkemann    Lindstrom    Schnoor

Voting in the negative, 0.

Present and not voting, 2:

Chambers    Cook

Excused and not voting, 1:

Seiler

A constitutional majority having voted in the affirmative, the resolution was declared passed.
Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB742 with 40 ayes, 1 nay, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 742.

A BILL FOR AN ACT relating to counties; to amend sections 2-955, 8-157, 23-150, 23-151, 23-1723, 23-1732, 23-2503, 23-2517, 23-2518, 23-3502, 23-3582, 29-902.01, 32-221, 32-555, 33-114.01, and 71-1631, Reissue Revised Statutes of Nebraska, section 32-554, Revised Statutes Cumulative Supplement, 2014, and sections 23-148 and 32-528, Revised Statutes Supplement, 2015; to change county population thresholds; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?""

Voting in the affirmative, 46:

Baker
Bloomfield
Bolz
Brasch
Campbell
Chambers
Coash
Cook
Craighead
Crawford
Davis
Ebke
Fox
Friesen
Garrett
Gloor
Groene
Haar, K.
Hadley
Hansen
Harr, B.
Hilkemann
Howard
Hughes
Johnson
Kintner
Kolterman
Larson
Lindstrom
McCollister
McCoy
Mello
Morfeld
Murante
Pansing
Riepe
Kuehn
Schilz
Schumacher
Smith
Stinner
Sullivan
Watermeier
Brooks
Williams

Voting in the negative, 0.

Present and not voting, 2:

Kolowski
Krist

Excused and not voting, 1:

Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
The following bill was read and put upon final passage:

**LEGISLATIVE BILL 837.**

A BILL FOR AN ACT relating to the Surplus Lines Insurance Act; to amend sections 44-5506 and 44-5515, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to premium taxes and quarterly statements; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

- Baker
- Davis
- Harr, B.
- Larson
- Schnoor
- Bloomfield
- Ebke
- Hilkemann
- Lindstrom
- Schumacher
- Bolz
- Fox
- Howard
- McCollister
- Smith
- Brasch
- Friesen
- Hughes
- Mello
- Stinner
- Campbell
- Garrett
- Johnson
- Morfeld
- Sullivan
- Chambers
- Gloor
- Kintner
- Murante
- Watermeier
- Coash
- Groene
- Kolowski
- Pansing
- Brooks
- Williams
- Cook
- Haar, K.
- Koltermann
- Riepe
- Craighead
- Hadley
- Krist
- Scheer
- Crawford
- Hansen
- Kuehn
- Schilz

Voting in the negative, 0.

Excused and not voting, 2:

- McCoy
- Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 877, 881, 887, 891, 895, 899, 902, 908, 908A, 909, 913, 924, 942, 948, 952, 973, 978, 1002, 1010, 1011, 1039, 1050, 1075, 1080, 1086, 1101, 742, 837, and LR381.

**SPEAKER HADLEY PRESIDING**
FIFTY-THIRD DAY - APRIL 1, 2016 1419

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB894 with 40 ayes, 1 nay, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 894.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-248.01, 43-260, 43-273, 43-279, 43-3504, 83-4,125, 83-4,126, 83-4,132, and 83-4,134, Reissue Revised Statutes of Nebraska, sections 43-248, 43-253, 43-255, 43-256, 43-260.01, and 43-3503, Revised Statutes Cumulative Supplement, 2014, and sections 43-245, 43-247, 43-250, 43-251.01, 43-272, and 43-272.01, Revised Statutes Supplement, 2015; to provide, change, and eliminate definitions; to change provisions relating to court jurisdiction, temporary custody and disposition, detention, and placements and commitments under the Nebraska Juvenile Code; to change provisions relating to the advisement of rights given to a juvenile in custody; to provide for alternatives to detention and for creation of county guardian ad litem divisions; to change provisions for appointment and compensation of a guardian ad litem; to require and change provisions relating to the appointment of counsel for juveniles; to prohibit the waiver of counsel in certain circumstances; to require the Supreme Court to provide guidelines for attorneys practicing in juvenile court; to set forth requirements for a valid waiver of the right to counsel by a juvenile; to provide requirements relating to room confinement of juveniles; to provide for reports; to provide a duty for the Inspector General of Nebraska Child Welfare; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Baker Ebke Hilkemann Lindstrom Schumacher
Bolz Fox Howard McCollister Smith
Brasch Friesen Hughes Mello Stinner
Campbell Garrett Johnson Morfeld Sullivan
Chambers Gloor Kintner Murante Watermeier
Coash Groene Kolowski Pansing Brooks Williams
Cook Haar, K. Koltermann Riepe
Craighed Hadley Krist Scheer
Crawford Hansen Kuehn Schilz
Davis Harr, B. Larson Schnoor
Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 2:

McCoy    Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 1083.**

A BILL FOR AN ACT relating to economic development; to amend section 13-208, Revised Statutes Cumulative Supplement, 2014; to adopt the Next Generation Business Growth Act; to state intent regarding funding; to change funding for tax credits under the Community Development Assistance Act; to provide a termination date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Baker    Davis    Harr, B.    Larson    Schnoor
Bloomfield    Ebke    Hilkemann    Lindstrom    Schumacher
Bolz    Fox    Howard    McCollister    Smith
Brasch    Friesen    Hughes    Mello    Stinner
Campbell    Garrett    Johnson    Morfeld    Sullivan
Chambers    Gloor    Kintner    Murante    Williams
Coash    Groene    Kolowski    Pansing    Brooks
Cook    Haar, K.    Koltermann    Riepe
Craighead    Hadley    Krist    Scheer
Crawford    Hansen    Kuehn    Schilz

Voting in the negative, 0.

Excused and not voting, 3:

McCoy    Seiler    Watermeier

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
LEGISLATIVE BILL 1083A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1083, One Hundred Fourth Legislature, Second Session, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Baker        Crawford        Hadley        Kolterman        Riepe
Bloomfield   Davis           Hansen        Krist           Scheer
Bolz         Ebke            Harr, B.       Kuehn           Schilz
Brasch        Fox            Hilkemann     Lindstrom       Schnoor
Campbell      Friesen        Howard        McCollister     Schumacher
Chambers      Garrett        Hughes        Mello           Smith
Coash         Gloor           Johnson       Morfeld         Stinner
Cook          Groene         Kintner       Murante         Sullivan
Craighead     Haar, K.       Kolowski      Pansing         Brooks Williams

Voting in the negative, 0.

Excused and not voting, 4:

Larson        McCoy           Seiler        Watermeier

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1093 with 40 ayes, 1 nay, 4 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1093. With Emergency Clause.

A BILL FOR AN ACT relating to economic development; to amend sections 50-501 and 81-1210.01, Reissue Revised Statutes of Nebraska, and sections 81-12,160 and 81-12,162, Revised Statutes Supplement, 2015; to eliminate provisions relating to a statewide strategic plan for biotechnology; to create the Bioscience Steering Committee; to provide powers and duties; to change provisions relating to the use of the Biotechnology Development Cash Fund; to redefine a term relating to a grant program for internships; to change the Business Innovation Act; to state findings and require reports relating to the Nebraska Innovation Campus; to provide operative dates; to
repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Baker  Davis  Hansen  Krist  Scheer
Bolz    Ebke    Harr, B.  Kuehn  Schilz
Brasch  Fox     Hilkemann Lindstrom Schnoor
Campbell Friesen Howard McCollister Schumacher
Chambers Garrett Hughes Mello Smith
Coash  Gloor  Johnson Morfeld Stinner
Cook   Groene Kintner Murante Sullivan
Craighead Haar, K. Kolowski Pansing Brooks Williams
Crawford Hadley Kolterman Riepe

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 4:

Larson  McCoy  Seiler  Watermeier

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1093A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1093, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:
A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 894, 1083, 1083A, 1093, and 1093A.

**SELECT FILE**

**LEGISLATIVE BILL 1110.** ER228, found on page 1243, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1110A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 744.** ER227, found on page 1245, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 886.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 886A.** Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 935. ER231, found on page 1265, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1066. ER233, found on page 1310, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 874. ER232, found on page 1310, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1012. ER234, found on page 1311, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 889. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 686. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1098. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1098A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1000. ER236, found on page 1328, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 938. ER225, found on page 1231, was adopted.

Senator Smith offered his amendment, AM2769, found on page 1297.

The Smith amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 938A. Senator Smith offered his amendment, AM2752, found on page 1297.

The Smith amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 774. ER224, found on page 1232, was adopted.

Senator Bloomfield withdrew his amendment, AM2725, found on page 1283.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 774A. Senator Scheer offered his amendment, AM2760, found on page 1283.

The Scheer amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1038. ER223, found on page 1232, was adopted.

Senator Hughes offered his amendment, AM2743, found on page 1374.

The Hughes amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1038A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 835. ER235, found on page 1328, was adopted.

Senator Mello offered his amendment, AM2789, found on page 1368.

The Mello amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S)

Education

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Lisa May - Nebraska Educational Telecommunications Commission


(Signed) Kate Sullivan, Chairperson
AMENDMENT(S) - Print in Journal

Senator Kintner filed the following amendment to LB884:
AM2819
(Amendments to Standing Committee amendments, AM2522)
1 1. On page 8, line 21, after "determines" insert "by an affirmative vote of at least five members of the governing body of the city that".

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 1, 2016, at 11:05 a.m. were the following: LBs 877, 881, 887e, 891, 895e, 899, 902, 908, 908A, 909, 913, 924, 942e, 948, 952, 973, 978, 1002, 1010, 1011, 1039, 1050, 1075, 1080, 1086, 1101, 742, 837, 894, 1083, 1083A, 1093e, and 1093Ae.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

GENERAL FILE

LEGISLATIVE BILL 1103. Senator Schnoor offered his motion, MO250, found on page 1382, to indefinitely postpone.

SENATOR KRIST PRESIDING

Senator Morfeld offered the following motion:
MO251
Reconsider the vote taken on Committee AM2394.

Senator Larson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Morfeld motion to reconsider prevailed with 27 ayes, 13 nays, 8 present and not voting, and 1 excused and not voting.

Committee AM2394, found on page 929 and considered on pages 1374 and 1376, was reconsidered.

Senator Larson offered the following motion:
MO253
Bracket until April 20, 2016.

Senator Schumacher offered the following motion:
MO256
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Schumacher moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.
Senator Schumacher requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 29:

Baker       Ebke       Hansen       Kolterman       Riepe
Bolz        Garrett    Harr, B.      Krist          Schumacher
Campbell    Gloor      Hilkemann    McCollister    Smith
Chambers    Groene     Howard       Mello          Stinner
Cook        Haar, K.   Johnson      Morfeld        Williams
Crawford    Hadley     Kolowski     Pansing        Brooks

Voting in the negative, 19:

Bloomfield  Davis      Kintner      McCoy          Schnoor
Brasch       Fox        Kuehn        Murante        Sullivan
Coash       Friesen     Larson       Scheer         Watermeier
Craighead   Hughes     Lindstrom    Schilz

Excused and not voting, 1:

Seiler

The Schumacher motion to invoke cloture failed with 29 ayes, 19 nays, and 1 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 975.** Title read. Considered.

Senator Kolterman offered the following motion:

MO239

Unanimous consent to bracket until April 20, 2016.

No objections. So ordered.

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 884A.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 884, One Hundred Fourth Legislature, Second Session, 2016.
MOTION - Print in Journal

Senator Scheer filed the following motion to LB884A:
MO255
Withdraw bill.

VISITOR(S)

Visitors to the Chamber were State Representative, David Sieck, from Glenwood, IA, and State Senator Mark Castello, from Imogene, IA; 8 twelfth-grade students and teacher from Sutherland; 41 fourth-grade students from St. Johns, Lincoln; Bill and Emma Loeffler from Cedar Rapids, Jill Loeffler from San Francisco, CA, and Aram Sohigian from San Francisco, CA; 70 fourth-grade students from Longfellow Elementary, Hastings; 21 fourth- and fifth-grade students, teacher, and sponsors from St. Luke's Catholic School, Ogallala; Karl and Phyl Kostbahn from Grand Island; 60 fourth-grade students from Falls City South School; Mick, Julie, Greg, and Josie Downing from Chadron; the Klintworth family from Seward; former Senator Mark Christensen; and 20 fifth- and sixth-grade students from Mullen.

The Doctor of the Day was Dr. Stephanie Larson from Omaha.

ADJOURNMENT

At 3:28 p.m., on a motion by Senator Morfeld, the Legislature adjourned until 9:00 a.m., Monday, April 4, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
FIFTY-FOURTH DAY - APRIL 4, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 4, 2016

PRAYER

The prayer was offered by Pastor Jean Vargo, Grace Lutheran Church, West Point.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Bolz, Coash, Cook, Davis, Garrett, Groene, Krist, Kuehn, Larson, Mello, Murante, Pansing Brooks, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-third day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 686. Placed on Final Reading.
LEGISLATIVE BILL 744. Placed on Final Reading.
LEGISLATIVE BILL 746A. Placed on Final Reading Second.
LEGISLATIVE BILL 774. Placed on Final Reading.
LEGISLATIVE BILL 774A. Placed on Final Reading.

LEGISLATIVE BILL 835. Placed on Final Reading.
ST83
The following changes, required to be reported for publication in the Journal, have been made:
1. In the E & R amendments, ER235, on page 26, line 9, "or she" has been inserted after "he".

LEGISLATIVE BILL 843. Placed on Final Reading Second.
LEGISLATIVE BILL 874. Placed on Final Reading.
LEGISLATIVE BILL 886. Placed on Final Reading.
LEGISLATIVE BILL 886A. Placed on Final Reading.
LEGISLATIVE BILL 889. Placed on Final Reading.
LEGISLATIVE BILL 935. Placed on Final Reading.

LEGISLATIVE BILL 938. Placed on Final Reading.
ST82
The following changes, required to be reported for publication in the Journal, have been made:
1. In the E & R amendments, ER225, on page 1, line 5, "and" has been struck and "; and to declare an emergency" inserted after "sections".

LEGISLATIVE BILL 938A. Placed on Final Reading.
ST81
The following changes, required to be reported for publication in the Journal, have been made:
1. On page 1, line 1, "to amend Laws 2015, LB657, section 63;" has been inserted after the semicolon; and in line 3 "; to change an appropriation; to repeal the original section; and to declare an emergency" has been inserted after "2016".

LEGISLATIVE BILL 1000. Placed on Final Reading.
LEGISLATIVE BILL 1012. Placed on Final Reading.
LEGISLATIVE BILL 1038. Placed on Final Reading.
LEGISLATIVE BILL 1038A. Placed on Final Reading.
LEGISLATIVE BILL 1066. Placed on Final Reading.
LEGISLATIVE BILL 1098. Placed on Final Reading.
LEGISLATIVE BILL 1098A. Placed on Final Reading.
LEGISLATIVE BILL 1110. Placed on Final Reading.
LEGISLATIVE BILL 1110A. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 1067. Placed on Select File with amendment.
ER241 is available in the Bill Room.

LEGISLATIVE BILL 1067A. Placed on Select File.

LEGISLATIVE BILL 821. Placed on Select File with amendment.
ER239
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Sections 1 to 11 of this act shall be known and may be
4 cited as the Workplace Privacy Act.
5 Sec. 2. For purposes of the Workplace Privacy Act:
6 (1) Adverse action means the discharge of an employee, a threat
7 against an employee, or any other act against an employee that negatively
8 affects the employee’s employment;
9 (2) Applicant means a prospective employee applying for employment;
10 (3) Electronic communication device means a cellular telephone,
11 personal digital assistant, electronic device with mobile data access,
12 laptop computer, pager, broadband personal communication device, two-way
13 messaging device, electronic game, or portable computing device;
14 (4) Employee means an individual employed by an employer;
15 (5) Employer means a public or nonpublic entity or an individual
16 engaged in a business, an industry, a profession, a trade, or other
17 enterprise in the state, including any agent, representative, or designee
18 acting directly or indirectly in the interest of such an employer; and
19 (6)(a) Personal Internet account means an individual’s online
20 account that requires login information in order to access or control the
21 account.
22 (b) Personal Internet account does not include:
23 (i) An online account that an employer or educational institution
24 supplies or pays for, except when the employer or educational institution
25 pays only for additional features or enhancements to the online account;
26 or
27 (ii) An online account that is used exclusively for a business
28 purpose of the employer.
29 Sec. 3. No employer shall:
30 (1) Require or request that an employee or applicant provide or
31 disclose any user name or password or any other related account
32 information in order to gain access to the employee's or applicant's
33 personal Internet account by way of an electronic communication device;
34 (2) Require or request that an employee or applicant log into a
35 personal Internet account by way of an electronic communication device in
36 the presence of the employer in a manner that enables the employer to
37 observe the contents of the employee’s or applicant’s personal Internet
38 account or provides the employer access to the employee's or applicant's
39 personal Internet account;
40 (3) Require an employee or applicant to add anyone, including the
41 employer, to the list of contacts associated with the employee's or
42 applicant’s personal Internet account or require or otherwise coerce an
43 employee or applicant to change the settings on the employee's or
44 applicant's personal Internet account which affects the ability of others
45 to view the content of such account; or
46 (4) Take adverse action against, fail to hire, or otherwise penalize
47 an employee or applicant for failure to provide or disclose any of the
48 information or to take any of the actions specified in subdivisions (1)
49 through (3) of this section.
50 Sec. 4. An employer shall not require an employee or applicant to
51 waive or limit any protection granted under the Workplace Privacy Act as
52 a condition of continued employment or of applying for or receiving an
53 offer of employment. Any agreement to waive any right or protection under
54 the act is against the public policy of this state and is void and
55 unenforceable.
56 Sec. 5. An employer shall not retaliate or discriminate against an
employee or applicant because the employee or applicant:
(1) Files a complaint under the Workplace Privacy Act; or
(2) Testifies, assists, or participates in an investigation, proceeding, or action concerning a violation of the act.
Sec. 6. An employee shall not download or transfer an employer's private proprietary information or private financial data to a personal Internet account without authorization from the employer. This section shall not apply if the proprietary information or the financial data is otherwise disclosed by the employer to the public pursuant to other provisions of law or practice.
Sec. 7. Nothing in the Workplace Privacy Act limits an employer's right to:
(1) Promulgate and maintain lawful workplace policies governing the use of the employer's electronic equipment, including policies regarding Internet use and personal Internet account use;
(2) Request or require an employee or applicant to disclose access information to the employer to gain access to or operate:
(a) An electronic communication device supplied by or paid for in whole or in part by the employer; or
(b) An account or service provided by the employer, obtained by virtue of the employee's employment relationship with the employer, or used for the employer's business purposes;
(3) Restrict or prohibit an employee’s access to certain web sites while using an electronic communication device supplied by or paid for in whole or in part by the employer or while using an employer’s network or resources, to the extent permissible under applicable laws;
(4) Monitor, review, access, or block electronic data stored on an electronic communication device supplied by or paid for in whole or in part by the employer or stored on an employer’s network, to the extent permissible under applicable laws;
(5) Access information about an employee or applicant that is in the public domain or is otherwise obtained in compliance with the Workplace Privacy Act;
(6) Conduct an investigation or require an employee to cooperate in an investigation under any of the following circumstances:
(a) If the employer has specific information about potentially wrongful activity taking place on the employee’s personal Internet account, for the purpose of ensuring compliance with applicable laws, regulatory requirements, or prohibitions against work-related employee misconduct; or
(b) If the employer has specific information about an unauthorized download or transfer of the employer's private proprietary information, private financial data, or other confidential information to an employee’s personal Internet account;
(7) Take adverse action against an employee for downloading or transferring an employer’s private proprietary information or private financial data to a personal Internet account without the employer’s authorization;
(8) Comply with requirements to screen employees or applicants.
before hiring or to monitor or retain employee communications that are
established by state or federal law or by a self-regulatory organization
as defined in 15 U.S.C. 78c(a)(26), as such section existed on January 1,
2016; or
(9) Comply with a law enforcement investigation conducted by a law
enforcement agency.

Sec. 8. Nothing in the Workplace Privacy Act limits a law
enforcement agency’s right to screen employees or applicants in
connection with a law enforcement employment application or a law
enforcement officer conduct investigation.

Sec. 9. (1) The Workplace Privacy Act does not create a duty for an
employer to search or monitor the activity of a personal Internet
account.

(2) An employer is not liable under the act for failure to request
or require that an employee or applicant grant access to, allow
observation of, or disclose information that allows access to or
observation of the employee’s or applicant’s personal Internet account.

Sec. 10. If an employer inadvertently learns the user name,
password, or other means of access to an employee’s or applicant’s
personal Internet account through the use of otherwise lawful technology
that monitors the employer's computer network or employer-provided
electronic communication devices for service quality or security
purposes, the employer is not liable for obtaining the information, but
the employer shall not use the information to access the employee's or
applicant's personal Internet account or share the information with
anyone. The employer shall delete such information as soon as
practicable.

Sec. 11. Upon violation of the Workplace Privacy Act, an aggrieved
employee or applicant may, in addition to any other available remedy,
institute a civil action within one year after the date of the alleged
violation or the discovery of the alleged violation, whichever is later.
The employee or applicant shall file an action directly in the district
court of the county where such alleged violation occurred. The district
court shall docket and try such case as any other civil action, and any
successful complainant shall be entitled to appropriate relief, including
temporary or permanent injunctive relief, general and special damages,
reasonable attorney's fees, and costs.

Sec. 12. 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.

2. On page 1, line 2, after "Act" insert "; and to provide
7 severability".

LEGISLATIVE BILL 958. Placed on Select File with amendment.
ER240
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 13-520, Revised Statutes Supplement, 2015, is
4 amended to read:
13-520 The limitations in section 13-519 shall not apply to (1) restricted funds budgeted for capital improvements, (2) restricted funds expended from a qualified sinking fund for acquisition or replacement of tangible personal property with a useful life of five years or more, (3) restricted funds pledged to retire bonded indebtedness, used by a public airport to retire interest-free loans from the Department of Aeronautics in lieu of bonded indebtedness at a lower cost to the public airport, or used to pay other financial instruments that are approved and agreed to before July 1, 1999, in the same manner as bonds by a governing body created under section 35-501, (4) restricted funds budgeted in support of a service which is the subject of an agreement or a modification of an existing agreement whether operated by one of the parties to the agreement or by an independent joint entity or joint public agency, (5) restricted funds budgeted to pay for repairs to infrastructure damaged by a natural disaster which is declared a disaster emergency pursuant to the Emergency Management Act, (6) restricted funds budgeted to pay for judgments, except judgments or orders from the Commission of Industrial Relations, obtained against a governmental unit which require or obligate a governmental unit to pay such judgment, to the extent such judgment is not paid by liability insurance coverage of a governmental unit or a pool of funds maintained by the governmental unit to self-insure against such liabilities, or (7) the dollar amount by which restricted funds budgeted by a natural resources district to administer and implement ground water management activities and integrated management activities under the Nebraska Ground Water Management and Protection Act exceed its restricted funds budgeted to administer and implement ground water management activities and integrated management activities for FY2003-04.

Sec. 2. Section 13-521, Reissue Revised Statutes of Nebraska, is amended to read:

13-521 (1) A governmental unit may choose not to increase its total of restricted funds by the full amount allowed by law in a particular year. In such cases, the governmental unit may carry forward to future budget years the amount of unused restricted funds authority. The governmental unit shall calculate its unused restricted funds authority and submit an accounting of such amount with the budget documents for that year. Such unused restricted funds authority may then be used in later years for increases in the total of restricted funds allowed by law. This subsection shall not apply to community colleges for fiscal years beginning on or after July 1, 2017. Any unused budget authority existing on April 8, 1998, by reason of any prior law may be used for increases in restricted funds authority.

(2) For any fiscal year beginning on or after July 1, 2017, a community college may choose not to increase its total of restricted funds by the full amount allowed by law in a particular year. In such cases, the community college may carry forward to future budget years the amount of unused restricted funds authority. The community college shall calculate its unused restricted funds authority and submit an accounting of such amount with the budget documents for that year. The amount of unused restricted funds authority that may be used by a community college
in a single fiscal year to increase its total of restricted funds above
the restricted funds authority as calculated pursuant to section 13-519
shall be limited to three percent of the difference of the total of
restricted funds minus the exclusions in section 13-520 for the
immediately preceding fiscal year.
Sec. 3. Section 77-4212, Revised Statutes Cumulative Supplement,
2014, is amended to read:
77-4212 (1) For tax year 2007, the amount of relief granted under
the Property Tax Credit Act shall be one hundred five million dollars.
For tax year 2008, the amount of relief granted under the act shall be
one hundred fifteen million dollars. It is the intent of the Legislature
to fund the Property Tax Credit Act for tax years after tax year 2008
using available revenue. For tax year 2017, the amount of relief granted
under the act shall be two hundred twenty-four million dollars. The
relief shall be in the form of a property tax credit which appears on the
property tax statement.
(2)(a) For tax years prior to tax year 2017, to determine the
amount of the property tax credit, the county treasurer shall multiply
the amount disbursed to the county under subdivision subsection (4)(a) of
this section by the ratio of the real property valuation of the parcel to
the total real property valuation in the county. The amount determined
shall be the property tax credit for the property.
(b) Beginning with tax year 2017, to determine the amount of the
property tax credit, the county treasurer shall multiply the amount
dischursed to the county under subdivision (4)(b) of this section by the
ratio of the credit allocation valuation of the parcel to the total
credit allocation valuation in the county. The amount determined shall be
the property tax credit for the property.
(3) If the real property owner qualifies for a homestead exemption
under sections 77-3501 to 77-3529, the owner shall also be qualified for
the relief provided in the act to the extent of any remaining liability
after calculation of the relief provided by the homestead exemption. If
the credit results in a property tax liability on the homestead that is
less than zero, the amount of the credit which cannot be used by the
taxpayer shall be returned to the State Treasurer by July 1 of the year
the amount disbursed to the county was disbursed. The State Treasurer
shall immediately credit any funds returned under this section to the
Property Tax Credit Cash Fund.
(4)(a) For tax years prior to tax year 2017, the amount
dischursed to each county shall be equal to the amount available for
disbursement determined under subsection (1) of this section multiplied
by the ratio of the real property valuation in the county to the real
property valuation in the state. By September 15, the Property Tax
Administrator shall determine the amount to be disbursed under this
subdivision subsection to each county and certify such amounts to the
State Treasurer and to each county. The disbursements to the counties
shall occur in two equal payments, the first on or before January 31 and
the second on or before April 1. After retaining one percent of the
receipts for costs, the county treasurer shall allocate the remaining
14 receipts to each taxing unit levying taxes on taxable property in the tax
district in which the real property is located in the same proportion
16 that the levy of such taxing unit bears to the total levy on taxable
17 property of all the taxing units in the tax district in which the real
18 property is located.
19 (b) Beginning with tax year 2017, the amount disbursed to each
20 county shall be equal to the amount available for disbursement determined
21 under subsection (1) of this section multiplied by the ratio of the
22 credit allocation valuation in the county to the credit allocation
23 valuation in the state. By September 15, the Property Tax Administrator
24 shall determine the amount to be disbursed under this subdivision to each
25 county and certify such amounts to the State Treasurer and to each
26 county. The disbursements to the counties shall occur in two equal
27 payments, the first on or before January 31 and the second on or before
28 April 1. After retaining one percent of the receipts for costs, the
29 county treasurer shall allocate the remaining receipts to each taxing
30 unit based on its share of the credits granted to all taxpayers in the
31 taxing unit.
1 (5) For purposes of this section, credit allocation valuation means
2 the taxable value for all real property except agricultural land and
3 horticultural land, one hundred twenty percent of taxable value for
4 agricultural land and horticultural land that is not subject to special
5 valuation, and one hundred twenty percent of taxable value for
6 agricultural land and horticultural land that is subject to special
7 valuation.
8 (6) The State Treasurer shall transfer from the General Fund to
9 the Property Tax Credit Cash Fund one hundred five million dollars by
10 August 1, 2007, and one hundred fifteen million dollars by August 1,
11 2008.
12 (7) The Legislature shall have the power to transfer funds from
13 the Property Tax Credit Cash Fund to the General Fund.
14 Sec. 4. Original section 13-521, Reissue Revised Statutes of
15 Nebraska, section 77-4212, Revised Statutes Cumulative Supplement, 2014,
16 and section 13-520, Revised Statutes Supplement, 2015, are repealed.
17 2. On page 1, strike beginning with "sections" in line 1 through
18 line 8 and insert "section 13-521, Reissue Revised Statutes of Nebraska,
19 section 77-4212, Revised Statutes Cumulative Supplement, 2014, and
20 section 13-520, Revised Statutes Supplement, 2015; to change provisions
21 relating to budget limitation exceptions, use of unused restricted funds
22 by community colleges, and property tax credits; and to repeal the
23 original sections."

LEGISLATIVE BILL 889A. Placed on Select File.
LEGISLATIVE BILL 959A. Placed on Select File.

(Signed) Matt Hansen, Chairperson
ATTORNEY GENERAL'S OPINION

Opinion 16-008

SUBJECT: Constitutionality of LB 830—Requiring Cash Payouts of Accrued Vacation Leave Which Exceeds Maximum Limits in Lieu of Forfeiture

REQUESTED BY: Senator Jim Scheer
Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
Leslie S. Donley, Assistant Attorney General

You have requested an opinion from this office regarding the constitutionality of legislation "that would provide state employees with additional compensation in the form of payment for unused vacation leave that exceeds statutory limits in certain circumstances." You indicate that the current version of Legislative Bill 830 requires a payout in those instances where an employee has made a "reasonable written request" to use the leave prior to December 31, but was denied the ability to do so by the employing agency. You further state that LB 830 would apply to all state employees except those employed in the legislative and judicial branches.

QUESTIONS PRESENTED

Your first question deals with the applicability of LB 830 to "employees of other constitutional officers." You indicate that the Department of Administrative Services has the authority to adopt and promulgate rules and regulations governing the pay and hours of state employees within the State Personnel System. However, you point out that Neb. Rev. Stat. § 81-1316 (2014) exempts from the State Personnel System the personnel of constitutional offices and other at-will, discretionary agency heads.

Your second question relates to LB 830 in the context of the State Employees Collective Bargaining Act, Neb. Rev. Stat. §§ 81-1369 to 81-1388 (2014) ("Act"). You indicate that under the Act, the executive branch is authorized to negotiate terms and conditions of employment, including compensation and vacation leave, with union contract-covered employees. However, you note that "the Legislature did not retain a right to approve or an ability to modify the resulting collectively bargained contracts." You state that you have been advised that the proposed legislation would conflict with the state employee bargaining agreements currently in place.

You have posed the following questions:
1. May the Legislature constitutionally mandate payout of unused vacation leave for the discretionary employees of these constitutional or elected officers or employees?

2. Whether LB 830 would violate or conflict with portions of the State Employees Collective Bargaining Act?

**LB 830**

The proposed language in LB 830 would add a new subsection to Neb. Rev. Stat. § 81-1328 (2014), as follows:

(7) It is the responsibility of the head of an employing agency to provide reasonable opportunity for a state employee to use rather than forfeit accumulated vacation leave. If a state employee makes a reasonable written request to use vacation leave before the leave must be forfeited under this section and the employing agency denies the request, the employing agency shall pay the state employee the cash equivalent of the amount of forfeited vacation leave that was requested and denied. Such cash payment shall be made within thirty days after the requested and denied vacation leave is forfeited under this section. Such cash payment shall be considered compensation for purposes of a state employee's retirement benefit in a defined contribution or cash balance benefit plan administered by the Public Employees Retirement Board but shall not be considered compensation for purposes of a state employee's retirement benefit in any other defined benefit plan administered by the Public Employees Retirement Board. In determining whether a state employee's request to use vacation leave is reasonable, the employing agency shall consider the amount of vacation leave requested, the number of days remaining prior to forfeiture during which the state employee may take vacation leave, the amount of notice given to the employing agency prior to the requested vacation leave, any effects on public safety, and other relevant factors. This subsection shall not apply to state employees who are exempt from the State Personnel System pursuant to subdivisions (1)(g) and (h) of section 81-1316.

Final Reading Version of LB 830, section 2, pp. 16-17.

**DISCUSSION**

You have inquired as to whether the Legislature can impose the proposed legislation on the "employees of other constitutional officers." Although not expressly articulated in your opinion request letter, we believe your first question relates to whether the proposed legislation violates the separation of powers provision in Neb. Const. art. II, § 1. That provision states, in pertinent part:
The powers of the government of this state are divided into three distinct departments, the legislative, executive, and judicial, and no person or collection of persons being one of these departments shall exercise any power properly belonging to either of the others except as expressly directed or permitted in this Constitution.

"In other words, the Nebraska Constitution prohibits one branch of government from encroaching on the duties and prerogatives of the others or from improperly delegating its own duties and prerogatives." State ex rel. Shepherd v. Nebraska Equal Opportunity Com'n, 251 Neb. 517, 524, 557 N.W.2d 684, 690 (1997). "This aspect of the separation of powers clause serves as the beam from which our system of checks and balances is suspended." Id.; State ex rel. Spire v. Conway, 238 Neb. 766, 472 N.W.2d 403 (1991). "The federal separation of powers principle is inferred from the overall structure of the U.S. Constitution. In contrast, Neb. Const. art. II, § 1, prohibits one department of government from encroaching on the duties and prerogatives of the others or from improperly delegating its own duties and prerogatives, except as the Constitution itself otherwise directs or permits." State v. Phillips, 246 Neb. 610, 614, 521 N.W.2d 913, 916 (1994). "The people of the state, by adopting a Constitution, have put it beyond the power of the Legislature to pass laws in violation thereof." State ex rel. Randall v. Hall, 125 Neb. 236, 242-243, 249 N.W. 756, 759 (1933).

The question presented by LB 830 is whether mandating a payout to state employees for vacation leave which would otherwise be forfeited would unduly encroach on the duties and prerogatives of the constitutional officers exempted from the State Personnel System by § 81-1316. Our analysis begins with the fundamental proposition that the Nebraska Legislature has plenary legislative authority except as limited by the state and federal Constitutions. Lenstrom v. Thone, 209 Neb. 783, 789, 311 N.W.2d 884, 888 (1981). "The Nebraska Constitution is not a grant but, rather, a restriction on legislative power, and the Legislature may legislate on any subject not inhibited by the Constitution." Id.; State ex rel. Stenberg v. Moore, 249 Neb. 589, 595, 544 N.W.2d 344, 349 (1996).

With those principles in mind, we have examined the executive branch provisions in article IV of the Nebraska Constitution to ascertain those duties and prerogatives of the constitutional bodies at issue which may be affected by LB 830. Section 1 of article IV expressly provides:

The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, and the heads of such other executive departments as set forth herein or as may be established by law.... The heads of all executive departments established by law, other than those to be elected as provided herein, shall be appointed by the Governor, with the consent of a majority of all members elected to the Legislature, but officers so appointed may be removed by the Governor. Subject to the provisions of this Constitution, the heads of
the various executive or civil departments shall have power to appoint and remove all subordinate employees in their respective departments.

While the Governor is authorized to present a "complete itemized budget of the financial requirements of all departments, institutions and agencies of the state" (Neb. Const. art. IV, § 7), we have identified no other constitutional provision which sets out the salaries and other fringe benefits to be provided to the employees of the executive officers enumerated above.3

However, we did identify a limited number of statutes involving the constitutional executive officers and their duties relating to salaries and fringe benefits for employees under their control. For example, Neb. Rev. Stat. § 81-107 (2014) authorizes the Governor to appoint “deputies, assistants, employees, and clerical help, . . . fix the salaries of such appointees and prescribe their duties.” The Attorney General shall determine the salary of the deputy attorney general, whose salary, as well as the salaries of the assistant attorneys general, shall not be less than twenty thousand dollars. Neb. Rev. Stat. § 84-206 (2014). The Auditor of Public Accounts, the Secretary of State and the State Treasurer all have the power to appoint a deputy, and determine his or her salary. See Neb. Rev. Stat. §§ 84-314, 84-509, and 84-608 (2014). There are no specific provisions relating to the salaries for the other employees in the offices, or for fringe benefits, like sick or vacation leave.

In State ex rel. Beck v. Young, 154 Neb. 588, 48 N.W.2d 677 (1951), the Nebraska Supreme Court decided an action in quo warranto involving a member of the Liquor Control Commission. The governor, after notice and hearing, had determined that the commissioner should be removed from office for accepting commissions on insurance policies issued to liquor licensees, which violated the statute prohibiting members of the commission from soliciting or accepting gifts or gratuities from any person subject to the provisions of the liquor control act. The commissioner refused to surrender the office. In its analysis, the court stated:

The power of the Legislature in the creation of an office, admittedly a legislative function, is limited to those matters which are defined as ingredients of the office. The general rule is that the power to appoint carries with it the power to remove, and even if the occupant may be subject to impeachment, the power of the Governor to remove remains wholly unaffected by such fact. It is within the power of the Legislature to create an office, define its powers, limit its duration, and provide for the compensation of the occupant. The power of appointment and removal is in the Governor except as limited by Article IV, section 12, of the Constitution, and the legislative or judicial branches may not properly trench upon the executive power thus granted.
Id. at 593-594, 48 N.W.2d at 680-681 (emphasis added). In entering its judgment of ouster, the court concluded that since the commissioner had received notice and a hearing, and that the specification of charges were supported by the evidence, the Governor's order to remove the commissioner was appropriate. Id. at 595, 48 N.W.2d at 681.

In State ex rel. Meyer v. State Board of Equalization and Assessment, 185 Neb. 490, 176 N.W.2d 920 (1970), the court considered whether the Legislature could impose annual limits on personal services expenditures on a biennial appropriation. At that time, the Legislature only convened biennially. The court indicated that

[t]he Legislature has plenary or absolute power over appropriations. It may make them upon such conditions and with such restrictions as it pleases within constitutional limits. There is one thing, however, which it cannot do, and this is inherent in Article II, section 1, Constitution of Nebraska. It cannot through the power of appropriation exercise or invade the constitutional rights and powers of the executive branch of the government. It cannot administer the appropriation once it has been made. When the appropriation is made, its work is complete and the executive authority takes over to administer the appropriation to accomplish its purpose, subject to the limitations imposed. Is the condition imposed an attempt to administer the appropriation?

Id. at 499-500, 176 N.W.2d at 926. The court noted that it was "impossible" to define exact limits when dealing with issues involving separation of powers, and that all states consider the problem on a "case-by-case basis." Id. at 500, 176 N.W.2d at 926. However, the court "realize[d] that the Legislature cannot be permitted to hamper the necessary operation of constitutional officers by unreasonable appropriation restraints." Id. Ultimately, the court found that since most governments operate on a fiscal year basis, and that public officials' salaries are determined on an annual basis, the Legislature's imposition of an annual personal services limitation was not unreasonable. "It is within the power of the Legislature to fix the amount it will appropriate for personal services in any state department or agency. . . . It has seen fit to divide that portion of the appropriation allocated for personal services by imposing an annual ceiling. This is within the legislative prerogative and is not an unlawful attempt to control the operation of the executive department or to administer the appropriation." Id.

In the present case, the proposed language would require a cash payout for earned vacation leave which would otherwise be forfeited or lost due to management's denial of an employee's request to use the vacation leave. The proposed legislation requires that the request for leave be "reasonable." As discussed above, there are no duties enumerated in the Nebraska Constitution which relate to salary or fringe benefits for the employees of the constitutional officers and few statutes address these items. It appears to
us that the proposed language in LB 830 is not unlike other current provisions in § 81-1328, where cash payouts for earned vacation leave are mandated upon termination of state employment, and upon death of the employee while employed by the state. We believe that these cases, together with the dearth of constitutional provisions relating to salary and vacation leave, lend support to conclude that the proposed language in LB 830 does not unduly impinge on the duties and prerogatives of the constitutional officers at issue here.

We find additional reasons to support this conclusion. First, the vacation leave statute—§ 81-1328—broadly defines "state employee" as any "person or officer employed by the state including the head of any department or agency, except when such a head is a board or commission, and who works a full-time or part-time schedule on an ongoing basis." "In the absence of anything to the contrary, statutory language is to be given its plain and ordinary meaning; an appellate court will not resort to interpretation to ascertain the meaning of statutory words which are plain, direct, and unambiguous. Swift and Company v. Nebraska Department of Revenue, 278 Neb. 763, 773 N.W.2d 381 (2009). The plain and unambiguous language defining state employee establishes that all full or part-time persons employed by the state, including agency heads, shall be eligible to receive vacation leave. The only individuals expressly excluded are members of Nebraska boards and commissions. Beyond that one exclusion, the definition does not differentiate between personnel in the State Personnel System, constitutional agencies, branches of government, or any other category of employee.

A fundamental principle of statutory construction is to attempt to ascertain legislative intent and to give effect to that intent. Spence v. Terry, 215 Neb. 810, 814, 340 N.W.2d 884, 886 (1983). "To ascertain the intent of the Legislature, a court may examine the legislative history of the act in question." Goolsby v. Anderson, 250 Neb. 306, 309, 549 N.W.2d 153, 156 (1996). The statute governing vacation time for state employees was enacted by 1973 Neb. Laws LB 469. When asked about the extent of the proposed legislation during the committee hearing on LB 469, the then director of State Personnel, William C. Peters, testified that it would encompass "approximately 22,000 employees. We're talking about all the employees of the state government. . . . Both the constitutional bodies, the Universities, state and so forth." Committee Records on LB 469, 83rd Neb. Leg., 1st Sess. 17 (March 1, 1973).

While our review of the legislative history of the vacation leave statute for state employees indicates a legislative intent to apply its provisions to all state employees, including all "constitutional" bodies, subsequent case law addressing the Legislature's power to enact legislation affecting the governance of the University of Nebraska precludes applying the statute to the University. In Board of Regents v. Exon, 199 Neb. 146, 149, 256 N.W.2d 330, 333 (1977), the Nebraska Supreme Court held that "the general government of the University must remain vested in the Board of Regents
and the powers or duties that should remain in the Regents cannot be
delegated to other officers or agencies." Application of § 81-1328 to the
University is foreclosed by specific language set out in *Exon*, where the
court stated: "We believe the finding by the trial court that the Legislature
may fix and determine the manner in which raises are to be given to
employees of the Board of Regents was erroneous. The determination of
salary schedules and the compensation to be paid to the employees of the
Board of Regents is an integral part of the general government of the
University." *Id.* at 153, 256 N.W.2d at 335. Accordingly, § 81-1328 does
not apply to University employees.5

In Op. Att'y Gen. No. 89015 (March 20, 1989), we noted that the
language creating the Board of Trustees of the State Colleges in Neb. Const.
art. VII, § 13 was virtually identical to the language creating the Board of
Regents in Neb. Const. art. VII, § 10. *Id.* at 6. We indicated that, by
analogy, it would seem that "the court's language in the *Exon* case would
apply equally to section 13 of Article VII." *Id.* Accordingly, the Board of
Trustees would likely be in the same position as the University with respect
to the ability to determine salary and other compensation for its personnel.
However, unlike the Board of Regents, we have identified no decision from
any Nebraska court which has conclusively applied *Exon* to the Board of
Trustees. As a result, whether an exemption applies to the Board of
Trustees in this instance is not clear. Apart from the University and,
potentially, the state colleges, we see no impediment to applying § 81-1328
to employees of other constitutional bodies or officers, subject, of course, to
the right of those bodies or entities to negotiate terms and conditions of
employment through collective bargaining or, alternatively, to adjust terms
and conditions of employment under the authority in § 81-1317.01.

We now turn to your second question which seeks our opinion as to
whether LB 830 would violate or conflict with the State Employees
Collective Bargaining Act. Your question arises out of concern that
LB 830, which mandates a new process relating to vacation leave "buyouts,"
would conflict with the current labor contracts, which do not contain such a
provision. You indicate that the Legislature has retained no right to approve
or modify current contracts.

Under Neb. Rev. Stat. § 81-1376 (2014), the Chief Negotiator of the
Division of Employee Relations within the Department of Administrative
Services "shall be responsible for negotiating and administering all labor
contracts entered into by the State of Nebraska," except for the contracts
entered into by the constitutional offices, the Board of Regents of the
University of Nebraska, and the Board of Trustees of the Nebraska State
Colleges. The Chief Negotiator is charged with negotiating or supervising
the negotiation of labor contracts on a statewide basis for those agencies
within the division's jurisdiction. § 81-1376(1). As defined in Neb. Rev.
Stat. § 81-1371(9) (2014), "[m]andatory topic or topics of bargaining shall
mean those subjects of negotiation on which employers must negotiate
pursuant to the Industrial Relations Act, *including terms and conditions of*

The Act expressly provides that bargained-for terms and conditions of employment can supersede state statute. A comparison of the vacation leave provisions in § 81-1328 with the current labor contract between the State of Nebraska and the Nebraska Association of Public Employees Local 61 of the American Federation of State, County and Municipal Employees (NAPE/AFSCME) (July 1, 2015 through June 30, 2017) ("Agreement") indicates substantive differences. For example, the statute provides that the amount of leave an employee may accumulate as of December 31 of each year shall be "the number of hours of vacation leave which he or she earned during that calendar year." Any vacation hours over that amount shall be lost when the account is balanced. Under § 81-1328, the maximum amount of hours that could be earned by a state employee in a calendar year is two hundred hours. In contrast, the Agreement provides that "[a]n employee's accumulated vacation time in excess of thirty-five days [280 hours] shall be forfeited as of the end of business on December 31st of each calendar year." Agreement, § 14.7 (emphasis added). In addition, the statute allows an employee to carry over vacation leave in "special and meritorious cases," in instances where forfeiture "would work a peculiar hardship," and the carryover is approved by the Governor or the Executive Board of the Legislative Council, as applicable. There is no such corresponding provision in the Agreement.

Upon review, we do not believe that LB 830 violates the State Employees Collective Bargaining Act. Since there are collective bargaining contracts currently in place, LB 830 would likely impact only those state employees not covered under a labor agreement. In the course of our research, we learned that based on the principle of past practice, employees under the Agreement have been allowed to carry over vacation leave in the manner described in the statute. Generally, "[a] past practice that does not derive from the parties' collective bargaining agreement may become a 'term or condition of employment' which is binding on the parties. Such practices must be mutually accepted by both parties . . . ." 51 C.J.S. Labor Relations § 217 (2010). It is unclear to what extent LB 830 may be applied to employees covered under current collective bargaining agreements based on past practice. Going forward, the impact of LB 830 would depend on whether its provisions are agreed to in the course of future collective bargaining. And as noted above, the Act does not require that the process contemplated by LB 830 shall be made a part of any collective bargaining agreement unless negotiated and agreed to by the parties.
CONCLUSION

In conclusion, we believe that LB 830, which seeks to amend the general statute relating to vacation leave for state employees, does not unduly encroach on the duties and prerogatives of the constitutional officers exempted from the State Personnel System by § 81-1316. However, our conclusion in this regard does not apply to the University of Nebraska and, potentially, the state colleges, based on express language set out in Board of Regents v. Exon. Legislative Bill 830, if enacted, would conflict with collective bargaining agreements currently in place. The bill, however, would not apply to employees covered under current collective bargaining agreements. Finally, LB 830 does not violate the State Employees Collective Bargaining Act, which authorizes that mandatory terms and conditions of employment may be negotiated in a manner which may be otherwise provided by statute.

1  We note that LB 830 is on Final Reading. Nebraska Legislative Journal at 941 (March 10, 2016).

2  Pursuant to Neb. Rev. Stat. § 81-1316(1) (2014), "[a]ll agencies and personnel of state government shall be covered by sections 81-1301 to 81-1319 and shall be considered subject to the State Personnel System . . . ." Section 81-1316 specifically excludes from the system the personnel of the constitutional officers (i.e., Governor, Lieutenant Governor, Secretary of State, State Treasurer, Attorney General, and Auditor of Public Accounts); the personnel of the Legislature and the "court systems"; the personnel from other agencies created by the Nebraska Constitution (e.g., the University of Nebraska, State Department of Education); the personnel of other state agencies (e.g., Brand Committee); agency heads; and certain enumerated officers and personnel from the Departments of Banking and Finance, Correctional Services, Health and Human Services, and Insurance. Section 81-1316(2) also excludes a certain number of discretionary, nonclassified employees who serve at the pleasure of the agency head.

3  Neb. Const. art. IV does address, however, the salaries of the executive officers enumerated in § 1, who "shall receive such salaries as may be provided by law." Neb. Const. art. IV, § 25. Members of the Public Service Commission shall receive compensation as fixed by the Legislature. Neb. Const. art. IV, § 20. With respect to the members of the Tax Equalization and Review Commission, "[t]he terms of office and compensation of members of the commission shall be as provided by law." Neb. Const. art. IV, § 28.


5  In Op. Att'y Gen. No. 98006 (January 21, 1998), we discussed whether the University was subject to legislation which authorized state agencies and other governmental entities "to accept credit card payments as cash payments in certain instances." Id. at 1. We concluded that the credit card
legislation applied to the University, stating in part "that statutes which pertain generally to state agencies and which do not purport to direct the Board of Regents as to matters which are central to the University's educational function or its 'government,' can have application to the University, even under *Exon.*" *Id.* at 3. While the vacation leave statute could be viewed as one which pertains generally to state agencies, and is not, therefore, precluded by *Exon,* the specific language in *Exon* stating the determination of compensation paid to employees of the Board of Regents is an "integral part of the general government of the University" forecloses application of the vacation leave statute to University employees.

Sincerely,
DOUGLAS J. PETERSON
Attorney General
(Signed) Leslie S. Donley
Assistant Attorney General

pc Patrick J. O'Donnell
Clerk of the Nebraska Legislature

49-1544-29

**MOTION - Place LB1056 on General File**

Senator Chambers offered his motion, MO233, found on page 1248, to place LB1056 on General File pursuant to Rule 3, Section 20(b).

Senator Chambers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Chambers requested a roll call vote on the motion to place on General File.

Voting in the affirmative, 9:

Bloomfield  Cook  Howard  Morfeld  Schumacher
Chambers  Haar, K.  Kolowski  Pansing  Brooks

Voting in the negative, 28:
Present and not voting, 6:

Baker, Craighead, Hansen
Campbell, Fox, McCollister

Excused and not voting, 6:

Coash, Groene, Krist
Davis, Harr, B., Kuehn

The Chambers motion to place on General File failed with 9 ayes, 28 nays, 6 present and not voting, and 6 excused and not voting.

LB1056 stands indefinitely postponed.

The Chair declared the call raised.

GENERAL FILE

LEGISLATIVE BILL 756. Title read. Considered.

Committee AM2375, found on page 855, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 829. Title read. Considered.

SPEAKER HADLEY PRESIDING

Committee AM2056, found on page 716, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.
LEGISLATIVE BILL 851. Title read. Considered.

Committee AM2149, found on page 690, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 851A. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 930. Title read. Considered.

Committee AM2280, found on page 708, was offered.

Senator Sullivan withdrew her amendment, AM2551, found on page 988.

Senator Sullivan offered the following amendment to the committee amendment:

AM2836
(Amendments to Standing Committee amendments, AM2280)
1 1. On page 7, line 24, strike "Beginning" through "year", show the
2 old matter as stricken, and insert "No later than the 2017-18 school
3 year".
4 2. On page 8, line 2, strike "tests" and insert "test".

The Sullivan amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 580. Title read. Considered.

Committee AM1961, found on page 637, was offered.

Senator Murante offered his amendment, AM2800, found on page 1380, to the committee amendment.

The Murante amendment was adopted with 28 ayes, 1 nay, 17 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.
Senator Kintner moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Kintner requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 30:

Baker  Crawford  Hansen  Mello  Schumacher
Bolz  Davis  Harr, B.  Morfeld  Seiler
Campbell  Fox  Howard  Murante  Stinner
Chambers  Gloor  Kolowski  Pansing  Brooks  Sullivan
Coash  Haar, K.  Krist  Riepe  Watermeier
Cook  Hadley  McCollister  Scheer  Williams

Voting in the negative, 5:

Bloomfield  Brasch  Craighead  Groene  Kintner

Present and not voting, 11:

Ebke  Hilkemann  Larson  Schnoor
Friesen  Hughes  Lindstrom  Smith
Garrett  Johnson  McCoy

Absent and not voting, 1:

Kolterman

Excused and not voting, 2:

Kuehn  Schilz

Advanced to Enrollment and Review Initial with 30 ayes, 5 nays, 11 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**AMENDMENT(S) - Print in Journal**

Senator Scheer filed the following amendment to LB884:

AM2828 is available in the Bill Room.

**COMMITTEE REPORT(S)**

Health and Human Services

**LEGISLATIVE BILL 804.** Placed on General File with amendment.

AM2791

1 1. On page 2, line 8, after "would" insert "soon"; and in line 30
2 strike "and".
3 2. On page 3, line 1, after "act" insert "; and
4 (6) Not be a patient receiving inpatient treatment in a hospital
5 licensed pursuant to the Health Care Facility Licensure Act"; and in line
6 14 after "outcomes" insert "; if known".
7 3. On page 4, lines 17 and 18, strike "medicare"; in line 17 after
8 "certification" insert "under the medical assistance program established
9 pursuant to the Medical Assistance Act"; and strike beginning with "who"
10 in line 21 through "of" in line 22 and insert "while acting in good faith
11 in the course of his or her professional practice as authorized by".
12 4. On page 5, strike beginning with "and" in line 5 through "care"
13 in line 6.

(Signed) Kathy Campbell, Chairperson

EASE

The Legislature was at ease from 12:27 p.m. until 12:55 p.m.

PRESIDENT FOLEY PRESIDING

GENERAL FILE

LEGISLATIVE BILL 1106. Title read. Considered.

Committee AM2389, found on page 933, was offered.

Senator Pansing Brooks moved the previous question. The question is,
"Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays,
and 21 not voting.

Senator Seiler moved for a call of the house. The motion prevailed with 27
ayes, 0 nays, and 22 not voting.

Senator Seiler requested a roll call vote on the committee amendment.

Voting in the affirmative, 27:

Baker  Cook  Garrett  Johnson  Schumacher
Bloomfield  Craighead  Gloor  Krist  Seiler
Bolz  Crawford  Haar, K.  Lindstrom  Sullivan
Brasch  Davis  Hadley  Morfeld
Campbell  Ebke  Hansen  Pansing Brooks
Chambers  Fox  Howard  Scheer

Voting in the negative, 9:

Friesen  Hilkemann  Kintner  Riepe  Watermeier
Groene  Hughes  Larson  Stinner

Present and not voting, 12:
Excused and not voting, 1:

Kuehn

The committee amendment was adopted with 27 ayes, 9 nays, 12 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Morfeld moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

Senator Garrett moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Garrett requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 36:

Baker    Ebke    Howard    Mello    Seiler
Bloomfield Fox    Hughes    Morfeld    Stinner
Bolz    Garrett    Johnson    Murante    Sullivan
Brasch    Gloor    Kintner    Pansing Brooks Williams
Campbell    Groene    Kolowski    Scheer
Chambers Haar, K.    Kolterman    Schilz
Cook    Hadley    Krist    Schnoor
Crawford    Hansen    Lindstrom    Schumacher

Voting in the negative, 0.

Present and not voting, 9:

Coash    Harr, B.    McCollister    Riepe    Watermeier
Friesen    Hilkemann    McCoy    Smith

Excused and not voting, 4:

Craighead    Davis    Kuehn    Larson

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.
RESOLUTION(S)

LEGISLATIVE RESOLUTION 616. Introduced by Johnson, 23.

WHEREAS, the David City High School speech team won the 2016 Class C-1 State Speech Championship; and
WHEREAS, the David City Scouts earned their first place finish with a score of 156 points; and
WHEREAS, this is the Scouts' third state speech championship in the last five years; and
WHEREAS, this victory is a testament to the dedication and hard work of the Scouts and the leadership of Coach Jarod Ockander; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates the David City High School speech team on winning the 2016 Class C-1 State Speech Championship.
2. That a copy of this resolution be sent to the David City High School speech team and Coach Jarod Ockander.

Laid over.

COMMITTEE REPORT(S)

General Affairs

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Mark Canada - Nebraska Commission on Problem Gambling
Susan Lutz - Nebraska Commission on Problem Gambling
James D. Patterson - Nebraska Commission on Problem Gambling


(Signed) Tyson Larson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 721. Title read. Considered.

Committee AM2057, found on page 600, was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.
LEGISLATIVE BILL 235. Title read. Considered.

Committee AM751, found on page 883, First Session, 2015, was offered.

Senator Howard offered her amendment, AM2577, found on page 1007, to the committee amendment.

The Howard amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 768. Title read. Considered.

Senator Garrett offered the following motion:

MO257
Unanimous consent to bracket until April 20, 2016.

No objections. So ordered.

LEGISLATIVE BILL 716. Title read. Considered.

Committee AM2134, found on page 731, was offered.

Senator Riepe moved the previous question. The question is, "Shall the debate now close?"

Senator Hansen moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The motion to cease debate prevailed with 26 ayes, 2 nays, 14 present and not voting, and 7 excused and not voting.

The committee amendment was adopted with 34 ayes, 4 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Hilkemann moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 5 nays, 11 present and not voting, and 7 excused and not voting.
LEGISLATIVE BILL 10. Senator Chambers renewed his amendment, AM528, found on page 639 and considered on pages 762, 864, and 885, First Session, 2015.

SPEAKER HADLEY PRESIDING

SENATOR SCHEER PRESIDING

Senator McCoy offered the following motion:

MO259
Unanimous consent to bracket until April 5, 2016.

Senator Hansen objected.

Senator McCoy offered the following motion:

MO260
Bracket until April 5, 2016.

Senator Cook moved the previous question. The question is, "Shall the debate now close?"

Senator Cook moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

The motion to cease debate prevailed with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

Senator McCoy withdrew his motion to bracket.

The Chair declared the call raised.

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Senator Chambers requested a roll call vote on his amendment, AM528.

Voting in the affirmative, 8:

Cook        Haar, K.        Harr, B.        Pansing Brooks
Crawford    Hansen         Howard         Schumacher

Voting in the negative, 31:
The Chambers amendment lost with 8 ayes, 31 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO261
Reconsider the vote taken on AM528.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 756.** Placed on Select File with amendment.

ER242
1 1. On page 1, strike beginning with "section" in line 1 through line 2 7 and insert "sections 77-6101 and 77-6105, Reissue Revised Statutes of 3 Nebraska, and section 77-2716, Revised Statutes Supplement, 2015; to 4 terminate the Long-Term Care Savings Plan Act; to harmonize provisions; 5 and to repeal the original sections."

**LEGISLATIVE BILL 829.** Placed on Select File with amendment.

ER243 is available in the Bill Room.

**LEGISLATIVE BILL 851.** Placed on Select File with amendment.

ER246
1 1. On page 1, line 4, after the second semicolon insert "to change 2 provisions relating to exempt contracts;".

**LEGISLATIVE BILL 851A.** Placed on Select File.
LEGISLATIVE BILL 930. Placed on Select File with amendment.
ER244
1 1. On page 1, line 4, strike "a" through "to"; and strike beginning
2 with the first "to" in line 5 through "districts" in line 6 and insert
3 "to provide powers and duties for the State Board of Education".

(Signed) Matt Hansen, Chairperson

SELECT FILE

LEGISLATIVE BILL 10. The Chambers motion, MO261, found in this
day's Journal, to reconsider the vote taken on AM528, was renewed.

SPEAKER HADLEY PRESIDING

Senator Chambers offered the following motion:
MO262
Bracket until April 20, 2016.

Senator McCoy offered the following motion:
MO258
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator McCoy moved for a call of the house. The motion prevailed with 38
ayes, 0 nays, and 11 not voting.

Senator McCoy requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 34:
Baker  Fox  Hughes  Lindstrom  Schnoor
Bloomfield  Friesen  Johnson  McCollister  Seiler
Brasch  Garrett  Kintner  McCoy  Smith
Coash  Gloor  Kolterman  Murante  Stinner
Craighead  Groene  Krist  Riepe  Watermeier
Davis  Hadley  Kuehn  Scheer  Williams
Ebke  Hilkemann  Larson  Schilz

Voting in the negative, 15:
Bolz  Cook  Hansen  Kolowski  Pansing Brooks
Campbell  Crawford  Harr, B.  Mello  Schumacher
Chambers  Haar, K.  Howard  Morfeld  Sullivan

The McCoy motion to invoke cloture prevailed with 34 ayes, 15 nays, and 0
not voting.

The Chambers motion to bracket failed with 14 ayes, 32 nays, and 3 present
and not voting.
The Chambers motion to reconsider AM528 failed with 12 ayes, 31 nays, and 6 present and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 32:

- Baker
- Bloomfield
- Brasch
- Coash
- Craighead
- Davis
- Fox
- Friesen
- Garrett
- Gloor
- Groene
- Hadley
- Hilkemann
- Hughes
- Johnson
- Kintner
- Kolterman
- Kuehn
- Larson
- Lindstrom
- McCoash
- McCoy
- Murante
- Riepe
- Scheer
- Schilz
- Schnoor
- Smith
- Stinner
- Watermeier
- Williams

Voting in the negative, 15:

- Bolz
- Campbell
- Chambers
- Cook
- Crawford
- Haar, K.
- Hansen
- Kolowski
- Mello
- Morfeld
- Pansing Brooks
- Pfannenstiel
- Schumacher
- Schnoor
- Seiler

Present and not voting, 2:

- Ebke
- Krist

Advanced to Enrollment and Review for Engrossment with 32 ayes, 15 nays, and 2 present and not voting.

The Chair declared the call raised.

**VISITOR(S)**

Visitors to the Chamber were 35 twelfth-grade students and teacher from Wilber-Clatonia; members of the Department of Education FCCLA from across the state; 10 eleventh- and twelfth-grade students and teachers from Papillion-La Vista High School and Papillion-La Vista South High School; Lisa Nun from Lincoln; 75 fourth-grade students from Ezra Millard Elementary, Omaha; Spencer Hartman from Champion; Yvonne Zegers, Alexander Lanza, Chelsea Hsu, Daniel Cambronero of A.S.S.E. Foreign Exchange Program; 100 fourth-grade students and sponsors from Wheeler Elementary, Omaha; Jeremy, Jennifer, and Carter Cleveland from Wisner; 57 fourth-grade students from Grant Elementary, Norfolk; 15 third-, fourth-, and fifth-grade youth ambassadors from Huntington Elementary, Lincoln; and 12 students from an American Government class at Doane College.
ADJOURNMENT

At 7:49 p.m., on a motion by Senator Watermeier, the Legislature adjourned until 9:00 a.m., Tuesday, April 5, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
The prayer was offered by Pastor Rebecca Hjelle, First United Methodist Church, Blair.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Bolz, Craighead, Davis, Larson, Morfeld, Murante, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fourth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 580. Placed on Select File with amendment. ER247 is available in the Bill Room.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 515, 516, 524, 528, 531, and 585 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 515, 516, 524, 528, 531, and 585.
MOTION(S) - Confirmation Report(s)

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1369:

State Board of Health
  Michael Hansen
  Diane Jackson
  Debra Parsow
  Wayne Stuberg
  Jim Trebbein
  Douglas Vander Broek

Senator Chambers requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1369:

State Board of Health
  Michael Hansen

Voting in the affirmative, 29:

Baker       Ebke       Hansen       Kuehn       Schnoor
Bloomfield   Fox       Hilkemann   Lindstrom   Schumacher
Brasch      Garrett    Howard      McCollister  Stinner
Campbell    Gloor      Johnson     Pansing      Brooks      Sullivan
Chambers    Haar, K.   Kolowski    Riepe       Watermeier
Crawford    Hadley      Kolterman   Scheer

Voting in the negative, 0.

Present and not voting, 13:

Coash       Groene     Kintner     Mello       Williams
Cook        Harr, B.   Krist       Seiler
Friesen     Hughes      McCoy      Smith

Excused and not voting, 7:

Bolz         Davis     Morfeld     Schilz
Craighead    Larson     Murante

The appointment was confirmed with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.
The second division is as follows:

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1369:

<table>
<thead>
<tr>
<th>State Board of Health</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diane Jackson</td>
</tr>
</tbody>
</table>

Voting in the affirmative, 29:

<table>
<thead>
<tr>
<th>Baker</th>
<th>Crawford</th>
<th>Hilkemann</th>
<th>Lindstrom</th>
<th>Schnoor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bolz</td>
<td>Garrett</td>
<td>Howard</td>
<td>McCollister</td>
<td>Schumacher</td>
</tr>
<tr>
<td>Brasch</td>
<td>Gloor</td>
<td>Johnson</td>
<td>Mello</td>
<td>Seiler</td>
</tr>
<tr>
<td>Campbell</td>
<td>Haar, K.</td>
<td>Kintner</td>
<td>Pansing</td>
<td>Brooks</td>
</tr>
<tr>
<td>Chambers</td>
<td>Hadley</td>
<td>Kolowski</td>
<td>Riepe</td>
<td>Williams</td>
</tr>
<tr>
<td>Craighead</td>
<td>Hansen</td>
<td>Kolterman</td>
<td>Scheer</td>
<td></td>
</tr>
</tbody>
</table>

Voting in the negative, 0.

Present and not voting, 15:

<table>
<thead>
<tr>
<th>Bloomfield</th>
<th>Ebke</th>
<th>Groene</th>
<th>Krist</th>
<th>Smith</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coash</td>
<td>Fox</td>
<td>Harr, B.</td>
<td>Kuehn</td>
<td>Stinner</td>
</tr>
<tr>
<td>Cook</td>
<td>Friesen</td>
<td>Hughes</td>
<td>McCoy</td>
<td>Watermeier</td>
</tr>
</tbody>
</table>

Excused and not voting, 5:

<table>
<thead>
<tr>
<th>Davis</th>
<th>Larson</th>
<th>Morfeld</th>
<th>Murante</th>
<th>Schilz</th>
</tr>
</thead>
</table>

The appointment was confirmed with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

The third division is as follows:

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1369:

<table>
<thead>
<tr>
<th>State Board of Health</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debra Parsow</td>
</tr>
</tbody>
</table>

Voting in the affirmative, 26:

<table>
<thead>
<tr>
<th>Baker</th>
<th>Crawford</th>
<th>Howard</th>
<th>Lindstrom</th>
<th>Seiler</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bolz</td>
<td>Ebke</td>
<td>Johnson</td>
<td>McCollister</td>
<td>Sullivan</td>
</tr>
<tr>
<td>Brasch</td>
<td>Garrett</td>
<td>Kintner</td>
<td>Mello</td>
<td></td>
</tr>
<tr>
<td>Campbell</td>
<td>Gloor</td>
<td>Kolowski</td>
<td>Riepe</td>
<td></td>
</tr>
<tr>
<td>Chambers</td>
<td>Haar, K.</td>
<td>Kolterman</td>
<td>Schnoor</td>
<td></td>
</tr>
<tr>
<td>Craighead</td>
<td>Hansen</td>
<td>Krist</td>
<td>Schumacher</td>
<td></td>
</tr>
</tbody>
</table>

Voting in the negative, 0.
Present and not voting, 17:

Bloomfield    Friesen    Hilkemann    Scheer    Williams
Coash         Groene     Hughes       Smith
Cook          Hadley     Kuehn        Stinner
Fox           Harr, B.   McCoy        Watermeier

Excused and not voting, 6:

Davis         Morfeld    Pansing Brooks
Larson        Murante    Schilz

The appointment was confirmed with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

The fourth division is as follows:
Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1369:
  State Board of Health
  Wayne Stuberg

Voting in the affirmative, 25:

Baker         Ebke       Haar, K.     Kintner    Mello
Bloomfield    Fox        Hansen       Kolowski   Riepe
Bolz          Garrett    Hilkemann    Kolterman  Schumacher
Campbell      Gloor      Howard       Krist      Sullivan
Chambers      Groene     Johnson      McCollister Williams

Voting in the negative, 0.

Present and not voting, 18:

Brasch        Crawford   Hughes       Scheer     Stinner
Coash         Friesen    Kuehn        Schnoor    Watermeier
Cook          Hadley     Lindstrom    Seiler
Craighead     Harr, B.   McCoy        Smith

Excused and not voting, 6:

Davis         Morfeld    Pansing Brooks
Larson        Murante    Schilz

The appointment was confirmed with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.
The fifth division is as follows:
Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1369:

State Board of Health
Jim Trebbein

Voting in the affirmative, 25:

Baker  Crawford  Howard  Krist  Schumacher
Bloomfield  Ebke  Hughes  Lindstrom  Seiler
Bolz  Gloor  Kintner  McCollister  Smith
Campbell  Haar, K.  Kolowski  Mello  Sullivan
Chambers  Hilkemann  Kolterman  Riepe  Williams

Voting in the negative, 0.

Present and not voting, 17:

Brasch  Friesen  Hansen  McCoy  Watermeier
Coash  Garrett  Harr, B.  Scheer
Cook  Groene  Johnson  Schnoor
Fox  Hadley  Kuehn  Stinner

Excused and not voting, 7:

Craighead  Larson  Murante  Schilz
Davis  Morfeld  Pansing Brooks

The appointment was confirmed with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

The sixth division is as follows:
Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1369:

State Board of Health
Douglas Vander Broek

Voting in the affirmative, 27:

Baker  Coash  Haar, K.  Kolterman  Smith
Bloomfield  Crawford  Howard  McCollister  Sullivan
Bolz  Ebke  Hughes  Murante  Williams
Brasch  Fox  Johnson  Riepe
Campbell  Friesen  Kintner  Schumacher
Chambers  Gloor  Kolowski  Seiler

Voting in the negative, 0.
Present and not voting, 15:

Cook  Hansen  Krist  McCoy  Schnoor
Garrett  Harr, B.  Kuehn  Mello  Stinner
Hadley  Hilkemann  Lindstrom  Scheer  Watermeier

Excused and not voting, 7:

Craighead  Groene  Morfeld  Schilz
Davis  Larson  Pansing Brooks

The appointment was confirmed with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Senator Johnson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 1374:
Nebraska State Fair Board
Harry Hoch

Voting in the affirmative, 27:

Baker  Ebke  Hansen  Krist  Schumacher
Bloomingfield  Friesen  Hilkemann  McCoy  Sullivan
Brasch  Garrett  Hughes  Murante  Watermeier
Campbell  Gloor  Johnson  Pansing Brooks
Chambers  Haar, K.  Kintner  Riepe
Crawford  Hadley  Kolterman  Schnoor

Voting in the negative, 0.

Present and not voting, 17:

Bolz  Groene  Larson  Scheer  Williams
Coash  Howard  Lindstrom  Seiler
Cook  Kolowski  McCollister  Smith
Fox  Kuehn  Mello  Stinner

Excused and not voting, 5:

Craighead  Davis  Harr, B.  Morfeld  Schilz

The appointment was confirmed with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.
MOTION - Adjourn Sine Die

Senator Ebke moved that the One Hundred Fourth Legislature, Second Session, now at 11:14 a.m., adjourn sine die.

Senator Hadley moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, 26 and not voting.

The Ebke motion to adjourn sine die failed with 0 ayes, 45 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

AMENDMENT(S) - Print in Journal

Senator Coash filed the following amendment to LB716:
AM2360
1 1. On page 4, line 24, after the stricken "(3)" insert "(4)";
2 reinstate the stricken matter beginning with "Except" in line 24 through
3 line 26; and in line 27 strike "(4)" and insert ",(5)".
4 2. On page 5, line 3, strike "(5)" and insert "(6)".

COMMITTEE REPORT(S)
Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

- Brian Barels - Nebraska Natural Resources Commission
- Joel Christensen - Nebraska Natural Resources Commission
- Stan Clouse - Nebraska Natural Resources Commission
- Brad B. Dunbar - Nebraska Natural Resources Commission
- Thomas Knutson - Nebraska Natural Resources Commission
- Scott Smathers - Nebraska Natural Resources Commission
- Chad Wright - Nebraska Natural Resources Commission

Aye: 5 Friesen, Johnson, McCollister, Schilz, Schnoor. Nay: 0. Absent: 3 Hughes, Kolowski, Lindstrom. Present and not voting: 0.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

- Patrick Berggren - Nebraska Game and Parks Commission

Aye: 5 Friesen, Johnson, McCollister, Schilz, Schnoor. Nay: 0. Absent: 3 Hughes, Kolowski, Lindstrom. Present and not voting: 0.
LEGISLATIVE BILL 1106. Placed on Select File with amendment.
ER251
1 1. On page 1, strike beginning with "civil" in line 1 through line 6
2 and insert "forfeiture of property; to amend sections 28-431, 28-1111,
3 and 28-1463.01, Reissue Revised Statutes of Nebraska, and sections
4 25-21,302, 28-101, 28-109, 28-416, and 28-813.01, Revised Statutes
5 Supplement, 2015; to change and provide forfeiture provisions for certain
6 offenses as prescribed; to provide for reports regarding forfeitures; to
7 provide duties for a prosecuting attorney seeking forfeiture; to
8 harmonize provisions; to provide severability; and to repeal the original
9 sections.".

LEGISLATIVE BILL 721. Placed on Select File with amendment.
ER248
1 1. In the Standing Committee amendments, AM2057, on page 2, line 9,
2 after "surgical" insert "first"; and in line 17 after "strike" insert
3 "the first".
4 2. On page 1, line 5, after the second semicolon insert "to provide
5 an operative date;".

LEGISLATIVE BILL 235. Placed on Select File with amendment.
ER245
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. This act shall be known and may be cited as the Consumer
4 Protection in Eye Care Act.
5 Sec. 2. For purposes of the Consumer Protection in Eye Care Act:
6 (1) Contact lens means any lens placed directly on the surface of
7 the eye, regardless of whether or not it is intended to correct a visual
8 defect. Contact lens includes, but is not limited to, any cosmetic,
9 therapeutic, or corrective lens;
10 (2) Department means the Department of Health and Human Services;
11 (3) Dispense means the act of furnishing spectacles or contact
12 lenses to a patient;
13 (4) Eye examination means an assessment of the ocular health and
14 visual status of a patient that does not consist solely of objective
15 refractive data or information generated by an automated testing device,
16 including an autorefractor, in order to establish a medical diagnosis or
17 for the establishment of a refractive error;
18 (5) Kiosk means automated equipment or application designed to be
19 used on a telephone, a computer, or an Internet-based device that can be
20 used either in person or remotely to conduct an eye examination;
21 (6) Over-the-counter spectacles means eyeglasses or lenses in a
22 frame for the correction of vision that may be sold by any person, firm,
or corporation at retail without a prescription;

(7) Prescription means a provider’s handwritten or electronic order
based on an eye examination that corrects refractive error;
(8) Provider means a physician, an osteopathic physician, or a
physician assistant licensed under the Medicine and Surgery Practice Act
or an optometrist licensed under the Optometry Practice Act;
(9) Spectacles means an optical instrument or device worn or used by
an individual that has one or more lenses designed to correct or enhance
vision addressing the visual needs of the individual wearer, commonly
known as glasses or eyeglasses, including spectacles that may be adjusted
by the wearer to achieve different types or levels of visual correction
or enhancement. Spectacles does not include an optical instrument or
device that is not intended to correct or enhance vision or sold without
consideration of the visual status of the individual who will use the
optical instrument or device.

Sec. 3. No person in this state may dispense contact lenses or
spectacles, other than over-the-counter spectacles, to a patient without
a valid prescription from a provider. A valid prescription for spectacles
or contact lenses (1) shall contain an expiration date of not less than
two years for spectacles or one year for contact lenses from the date of
the eye examination by the provider or a statement by the provider of the
reasons why a shorter time is appropriate based on the medical needs of
the patient and (2) may not be made based solely on information about the
human eye generated by a kiosk. The prescription shall take into
consideration any medical findings and any refractive error discovered
during the eye examination. A provider may not refuse to release a
prescription for spectacles or contact lenses to a patient.

Sec. 4. No person shall operate a kiosk in Nebraska unless:
(1) The kiosk is registered or approved by the federal Food and Drug
Administration for the intended use;
(2) The kiosk is designed and operated in a manner that provides any
accommodation required by the federal Americans with Disabilities Act of
1990, 42 U.S.C. 12101 et seq., as such act existed on January 1, 2015;
(3) The kiosk and accompanying technology used for the collection
and transmission of information and data, including photographs and
scans, gathers and transmits protected health information in compliance
with the federal Health Insurance Portability and Accountability Act of
1996, as such act existed on January 1, 2015;
(4) The procedure for which the kiosk is used has a recognized
Current Procedural Terminology code maintained by the American Medical
Association;
(5)(a) If the kiosk has a physical location, the name and state
license number of the provider who will read and interpret the diagnostic
information and data shall be prominently displayed on the kiosk; or
(b) If the kiosk is an application, the name and state license
number of the provider who will read and interpret the diagnostic
information and data shall be displayed on the patient's prescription;
(6) Diagnostic information and data, including photographs and
scans, gathered by the kiosk is read and interpreted by a provider if
clinically appropriate; and
(7) The owner or lessee of the kiosk maintains liability insurance
in an amount adequate to cover claims made by individuals diagnosed or
treated based on information and data, including photographs and scans,
generated by the kiosk.
Sec. 5. The lenses in over-the-counter spectacles shall be of
uniform focus power in each eye and shall not exceed +3.25 diopters.
Sec. 6. (1) The Uniform Credentialing Act shall apply to any person
alleged or believed to have violated the Consumer Protection in Eye Care
Act. The department shall investigate potential violations of the
Consumer Protection in Eye Care Act according to the procedures of the
Uniform Credentialing Act and shall take appropriate action as provided
by the Uniform Credentialing Act.
(2) In addition to the remedies, penalties, or relief available
under the Uniform Credentialing Act, the department may impose a civil
penalty against a person who does not hold a credential under the Uniform
Credentialing Act who has violated or attempted to violate the Consumer
Protection in Eye Care Act. The civil penalty shall not exceed ten
thousand dollars for each violation, up to the maximum provided in
section 38-198. If the department finds that a violation or attempted
violation occurred and did not result in significant harm to human
health, the department may issue a warning instead of imposing a civil
penalty. Any civil penalty imposed pursuant to this section may be
collected as provided in section 38-198.
(3) At the request of the department, the Attorney General may file
a civil action seeking an injunction or other appropriate relief to
enforce the Consumer Protection in Eye Care Act and the rules and
regulations adopted and promulgated under the Consumer Protection in Eye
Care Act.
Sec. 7. The department, in consultation with the Board of Optometry
and the Board of Medicine and Surgery, may adopt and promulgate rules and
regulations to carry out the Consumer Protection in Eye Care Act.

LEGISLATIVE BILL 716. Placed on Select File with amendment.
ER250
1 1. Strike the original sections and all amendments thereto and
insert the following new sections:
3 Section 1. Section 60-6,153, Reissue Revised Statutes of Nebraska,
is amended to read:
5 60-6,153 (1) Except at a point where a pedestrian tunnel or overhead
6 pedestrian crossing has been provided, when traffic control signals are
7 not in place or not in operation, the driver of a vehicle shall yield the
8 right-of-way to a pedestrian crossing the roadway within a crosswalk who
9 is in the lane in which the driver is proceeding or is in the lane
10 immediately adjacent thereto by bringing his or her vehicle to a complete
11 stop.
12 (2) No pedestrian shall suddenly leave a curb or other place of
13 safety and walk or run into the path of a vehicle which is so close that
14 it is impossible for the driver to stop.
Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

At or adjacent to the intersection of two highways at which a path designated for bicycles and pedestrians is controlled by a traffic control signal, a pedestrian who lawfully enters a highway where the path crosses the highway shall have the right-of-way within the crossing with respect to vehicles and bicycles.

The Department of Roads and local authorities in their respective jurisdictions may, after an engineering and traffic investigation, designate unmarked crosswalk locations where pedestrian crossing is prohibited or where pedestrians shall yield the right-of-way to vehicles. Such restrictions shall be effective only when traffic control devices indicating such restrictions are in place.

Sec. 2. Section 60-6,154, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,154 (1) Every pedestrian who crosses a roadway at any point other than within a marked crosswalk, or within an unmarked crosswalk at an intersection, shall yield the right-of-way to all vehicles upon the roadway.

(2) Any pedestrian who crosses a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(3) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(4) Where a path designated for bicycles and pedestrians crosses a highway, a pedestrian who is in the crossing in accordance with the traffic control device shall have the right-of-way within the crossing with respect to vehicles and bicycles.

(5) No pedestrian shall enter a roadway intersection diagonally unless authorized by traffic control devices, and when authorized to cross diagonally, pedestrians shall cross only in accordance with the traffic control devices pertaining to such crossing movements.

Local authorities and the Department of Roads, by erecting appropriate official traffic control devices, may, within their respective jurisdictions, prohibit pedestrians from crossing any roadway in a business district or any designated highway except in a crosswalk.

Sec. 3. Section 60-6,317, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,317 (1)(a) Any person who operates a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under conditions then existing shall ride as near to the right-hand curb or right-hand edge of the roadway as practicable except when:

(1) Overtaking and passing another bicycle or vehicle proceeding in the same direction;

(ii) Preparing for a left turn onto a private road or driveway or at an intersection;
6 (iii e) Reasonably necessary to avoid conditions that make it unsafe
7 to continue along the right-hand curb or right-hand edge of the roadway,
8 including fixed or moving objects, stopped or moving vehicles, bicycles,
9 pedestrians, animals, or surface hazards;
10 (iv d) Riding upon a lane of substandard width which is too narrow
11 for a bicycle and a vehicle to travel safely side by side within the
12 lane; or
13 (v e) Lawfully operating a bicycle on the paved shoulders of a
14 highway included in the state highway system as provided in section
15 60-6,142.
16 (b) Any person who operates a bicycle upon a roadway with a posted
17 speed limit of thirty-five miles per hour or less on which traffic is
18 restricted to one direction of movement and which has two or more marked
19 traffic lanes may ride as near to the left-hand curb or left-hand edge of
20 the roadway as practicable.
21 (c) Whenever a person operating a bicycle leaves the roadway to ride
22 on the paved shoulder or leaves the paved shoulder to enter the roadway,
23 the person shall clearly signal his or her intention and yield the right-
24 of-way to all other vehicles.
25 (2) No bicyclist shall suddenly leave a curb or other place of
26 safety and walk or ride into the path of a vehicle which is so close that
27 it is impossible for the driver to stop.
28 (3 2) Any person who operates a bicycle upon a highway shall not
29 ride more than single file except on paths or parts of highways set aside
30 for the exclusive use of bicycles.
31 (4) Except as provided in section 60-6,142, whenever a usable path
1 for bicycles has been provided adjacent to a highway, a person operating
2 a bicycle shall use such path and shall not use such highway.
3 (4) A person who is operating a bicycle on a path designated for
4 bicycles and who lawfully enters a highway when indicated by a traffic
5 control device where the path crosses the highway shall have the right-
6 of-way within the crossing with respect to any vehicle. Nothing in this
7 subsection relieves the bicyclist or the driver of a vehicle from the
8 duty to exercise care.
9 (5 4) A local authority may by ordinance further regulate the
10 operation of bicycles and may provide for the registration and inspection
11 of bicycles.
12 Sec. 4. Original sections 60-6,153, 60-6,154, and 60-6,317, Reissue
13 Revised Statutes of Nebraska, are repealed.

(Signed) Matt Hansen, Chairperson
MOTION(S) - Confirmation Report(s)

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1425:
Nebraska Educational Telecommunications Commission
Lisa May

SENATOR KRIST PRESIDING

Senator Schnoor moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Voting in the affirmative, 38:

Baker  Crawford  Hilkemann  Lindstrom  Schnoor
Bloomfield  Ebke  Howard  McCollister  Schumacher
Bolz  Fox  Hughes  McCoy  Smith
Brasch  Friesen  Johnson  Mello  Stinner
Campbell  Garrett  Kolowski  Murante  Sullivan
Chambers  Gloor  Koltermans  Pansing Brooks Watermeier
Cook  Hadley  Krist  Riepe
Craighead  Hansen  Kuehn  Scheer

Voting in the negative, 0.

Present and not voting, 9:

Coash  Haar, K.  Larson  Schilz  Williams
Groene  Kintner  Morfeld  Seiler

Excused and not voting, 2:

Davis  Harr, B.

The appointment was confirmed with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

MOTION - Withdraw LB884A

Senator Scheer offered his motion, MO255, found on page 1428, to withdraw LB884A.

Senator Chambers offered the following motion:
MO264
Bracket until April 20, 2016.

Senator Chambers withdrew his motion to bracket.

The Scheer motion to withdraw the bill prevailed with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.
LEGISLATIVE BILL 10. Placed on Final Reading.

ST84

The following changes, required to be reported for publication in the Journal, have been made:

1. Sections 1 and 5 have been struck and the following new sections inserted:

   Section 1. Section 32-710, Revised Statutes Supplement, 2015 is amended to read:

   32-710 Each political party shall hold a state convention biennially on a date to be fixed by the state central committee but not later than September 1. Candidates for elective offices may be nominated at such conventions pursuant to section 32-627 or 32-721. Such nominations shall be certified to the Secretary of State by the chairperson and secretary of the convention. The certificates shall have the same force and effect as nominations in primary elections. A political party may not nominate a candidate at the convention for an office for which the party did not nominate a candidate at the primary election except as provided for new political parties in section 32-621. The convention shall formulate and promulgate a state platform, select a state central committee, select electors for President and Vice President of the United States, and transact the business which is properly before it. One presidential elector shall be chosen from each congressional district, and two presidential electors shall be chosen at large. The officers of the convention shall certify the names of the electors to the Governor and Secretary of State.

   Sec. 5. Original section 32-1038, Reissue Revised Statutes of Nebraska, sections 32-713 and 32-714, Revised Statutes Cumulative Supplement, 2014, and section 32-710, Revised Statutes Supplement, 2015, are repealed.

2. On page 1, the matter beginning with "presidential" in line 1 through line 5 and all amendments thereto have been struck and "elections; to amend section 32-1038, Reissue Revised Statutes of Nebraska, sections 32-713 and 32-714, Revised Statutes Cumulative Supplement, 2014, and section 32-710, Revised Statutes Supplement, 2015; to change provisions relating to state political party conventions and selection of and ballots cast by presidential electors; and to repeal the original sections.” inserted.

   (Signed) Matt Hansen, Chairperson

EASE

The Legislature was at ease from 11:59 a.m. until 12:20 p.m.

SENATOR SCHEER PRESIDING

SELECT FILE

LEGISLATIVE BILL 889A. Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 745. ER190, found on page 1013, was adopted.

Senator Chambers offered his amendment, AM2514, found on page 974.

Pending.

MOTION - Recess

Senator Chambers moved to recess until 7:30 p.m., April 5, 2016.

Senator Hadley moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Chambers motion to recess failed with 3 ayes, 37 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 745. The Chambers amendment, AM2514, found on page 974 and considered in this day's Journal, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 37:

Bloomfield    Friesen    Johnson    Mello    Smith
Bolz          Garrett    Kintner    Morfeld    Stinner
Brasch        Gloor      Kolterman  Murante   Sullivan
Campbell      Groene     Kuehn     Riepe     Watermeier
Coash         Hadley     Larson     Scheer    Williams
Craighead     Hansen     Lindstrom  Schilz
Crawford      Hilkemann  McCollister Schnoor
Ebke          Hughes     McCoy     Seiler

Present and not voting, 8:

Baker         Haar, K.   Kolowski   Pansing Brooks
Cook          Howard     Krist      Schumacher
Excused and not voting, 3:

Davis Fox Harr, B.

The Chambers amendment lost with 1 aye, 37 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered his amendment, AM2501, found on page 974.

The Chambers amendment lost with 2 ayes, 24 nays, 15 present and not voting, and 8 excused and not voting.

Senator Chambers offered his amendment, AM2502, found on page 974.

Senator Chambers asked unanimous consent to withdraw his amendment, AM2502, found on page 974, and replace it with his reoffered substitute amendment, AM2499, found on page 965. No objections. So ordered.

**SENATOR WATERMEIER PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Senator Chambers requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 9:

<table>
<thead>
<tr>
<th>Bloomfield</th>
<th>Cook</th>
<th>Haar, K.</th>
<th>Krist</th>
<th>Schumacher</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chambers</td>
<td>Crawford</td>
<td>Hansen</td>
<td>Pansing</td>
<td>Brooks</td>
</tr>
</tbody>
</table>

Voting in the negative, 26:

<table>
<thead>
<tr>
<th>Campbell</th>
<th>Hadley</th>
<th>Kuehn</th>
<th>Schilz</th>
<th>Watermeier</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coash</td>
<td>Hilkemann</td>
<td>Lindstrom</td>
<td>Schnoor</td>
<td>Williams</td>
</tr>
<tr>
<td>Craighead</td>
<td>Hughes</td>
<td>McCollister</td>
<td>Seiler</td>
<td></td>
</tr>
<tr>
<td>Ebke</td>
<td>Johnson</td>
<td>McCoy</td>
<td>Smith</td>
<td></td>
</tr>
<tr>
<td>Gloor</td>
<td>Kintner</td>
<td>Murante</td>
<td>Stinner</td>
<td></td>
</tr>
<tr>
<td>Groene</td>
<td>Kolterman</td>
<td>Riepe</td>
<td>Sullivan</td>
<td></td>
</tr>
</tbody>
</table>

Present and not voting, 6:

<table>
<thead>
<tr>
<th>Baker</th>
<th>Brasch</th>
<th>Howard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bolz</td>
<td>Harr, B.</td>
<td>Kolowski</td>
</tr>
</tbody>
</table>

Excused and not voting, 8:
The Chambers amendment lost with 9 ayes, 26 nays, 6 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO265
Bracket until April 20, 2016.

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 3:

Bloomfield   Cook   Krist

Voting in the negative, 34:

Campbell   Groene   Hughes   McCoy   Seiler
Coash       Haar, K.  Johnson  Murante  Smith
Crawford    Hadley    Kintner  Pansing Brooks Stinner
Ebke        Hansen    Kolterman Riepe   Sullivan
Fox         Harr, B.  Kuehn    Scheer  Watermeier
Friesen     Hilkemann Lindstrom Schilz   Williams
Gloor       Howard    McCollister Schnoor

Present and not voting, 6:

Baker       Chambers  Kolowski
Brasch      Craighead Schumacher

Excused and not voting, 6:

Bolz        Garrett   Mello
Davis       Larson    Morfeld

The Chambers motion to bracket failed with 3 ayes, 34 nays, 6 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.
Senator Chambers offered the following motion:

M0267
Reconsider the vote taken to bracket.

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 4:
Bloomfield  Chambers  Cook  Harr, B.

Voting in the negative, 30:
Baker  Gloor  Johnson  Mello  Schnoor
Coash  Haar, K.  Kolterman  Murante  Seiler
Crawford  Hadley  Kuehn  Pansing Brooks Smith
Ebke  Hansen  Lindstrom  Riepe  Stinner
Fox  Howard  McCollister  Scheer  Watermeier
Garrett  Hughes  McCoy  Schilz  Williams

Present and not voting, 4:
Brasch  Friesen  Kolowski  Schumacher

Excused and not voting, 11:
Bolz  Davis  Kintner  Morfeld
Campbell  Groene  Krist  Sullivan
Craighead  Hilkemann  Larson

The Chambers motion to reconsider failed with 4 ayes, 30 nays, 4 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)
Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Jeffery Davis - Nebraska Accountability and Disclosure Commission
Douglas Hegarty - Nebraska Accountability and Disclosure Commission
The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Kimberly Plouzek - State Emergency Response Commission

Aye: 8 Bloomfield, Craighead, Garrett, Groene, Hansen, Larson, McCoy, Murante. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) John Murante, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 889A. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 617. Introduced by Seiler, 33.

WHEREAS, Hawthorne Elementary School in Hastings was selected as a National Model Professional Learning Community School at Work by All Things PLC; and
WHEREAS, Hawthorne Elementary joins Morton Elementary, Alcott Elementary, Lincoln Elementary, and Hastings Middle School, all located in Hastings, in receiving this national distinction; and
WHEREAS, Hawthorne Elementary is one of only six schools located in Nebraska to receive recognition by All Things PLC; and
WHEREAS, the students of Hawthorne Elementary have been recognized for their exceptional academic performance; and
WHEREAS, the administrators and teachers of Hawthorne Elementary have been acknowledged for their extraordinary effectiveness; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates the students and teachers at Hawthorne Elementary School for gaining prestigious recognition as a National Model Professional Learning Community School at Work.
2. That a copy of this resolution be sent to Principal Amy Kelly of Hawthorne Elementary School and Superintendent Craig Kautz of Hastings Public Schools.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Coash filed the following amendment to LB716:
AM2852
(Amendments to E&R amendments, ER250)
1 1. On page 3, line 31, after the stricken "(3)" insert "(4)" and 2 reinstate the stricken matter beginning with "Except" through "path".
3 2. On page 4, lines 1 and 2, reinstate the stricken matter; in line 4 3 strike "(4)" and insert "(5)"; and in line 9 strike "(5)" and insert 5 "(6)".

SELECT FILE

LEGISLATIVE BILL 745. Senator Chambers offered the following motion:
MO268
Recommit to the Natural Resources Committee.

Senator McCollister offered the following motion:
MO269
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator McCollister moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Chambers requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 44:

Baker Friesen Howard McCollister Schnoor
Bolz Garrett Hughes McCoy Schumacher
Brasch Gloor Johnson Mello Seiler
Campbell Groene Kintner Morfeld Smith
Coash Haar, K. Kolowski Murante Stinner
Craighead Hadley Koltermann Pansing Brooks Sullivan
Crawford Hansen Kuehn Riepe Watermeier
Ebke Harr, B. Larson Scheer Williams
Fox Hilkemann Lindstrom Schilz

Voting in the negative, 4:

Bloomfield Chambers Cook Krist
Excused and not voting, 1:

Davis

The McCollister motion to invoke cloture prevailed with 44 ayes, 4 nays, and 1 excused and not voting.

Senator Chambers requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 4:

Bloomfield Chambers Cook Krist

Voting in the negative, 44:

Baker Friesen Howard McCollister Schnoor
Bolz Garrett Hughes McCoy Schumacher
B拉斯 cher Gloor Johnson Mello Seiler
Campbell Groene Kintner Morfeld Smith
Coash Haar, K. Kolowski Murante Stinner
Craighead Hadley Koltermann Pansing Brooks Sullivan
Crawford Hansen Kuehn Riepe Watermeier
Ebke Harr, B. Larson Scheer Williams
Fox Hillemann Lindstrom Schilz

Excused and not voting, 1:

Davis

The Chambers motion to recommit to committee failed with 4 ayes, 44 nays, and 1 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 43:

Baker Garrett Hughes McCoy Schumacher
Bolz Gloor Johnson Mello Seiler
Campbell Groene Kintner Morfeld Smith
Coash Haar, K. Kolowski Murante Stinner
Craighead Hadley Koltermann Pansing Brooks Sullivan
Crawford Hansen Kuehn Riepe Watermeier
Ebke Harr, B. Larson Scheer Williams
Fox Hillemann Lindstrom Schilz
Friesen Howard McCollister Schnoor

Voting in the negative, 3:
Bloomfield Chambers Krist

Present and not voting, 2:

Brasch Cook

Excused and not voting, 1:

Davis

Advanced to Enrollment and Review for Engrossment with 43 ayes, 3 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 643.** Senator B. Harr withdrew his amendment, AM1722, found on page 1734, First Session, 2015.

Senator McCoy withdrew his amendments, FA75 and AM1726, found on pages 1734 and 1735, First Session, 2015.

Senator Garrett withdrew his amendment, AM1724, found on page 1883, First Session, 2015.

Senator Howard offered her amendment, AM2599, found on page 1000.

Senator Mello offered the following amendment to the Howard amendment: AM2844

(Amendments to Howard amendments, AM2599)

1 1. Insert the following new section:
2 Sec. 57. Section 71-7611, Revised Statutes Supplement, 2015, is amended to read:
3 71-7611 (1) The Nebraska Health Care Cash Fund is created. The State
4 Treasurer shall transfer (a) sixty million three hundred thousand dollars
5 on or before July 15, 2014, (b) sixty million three hundred fifty
6 thousand dollars on or before July 15, 2015, (c) sixty million three
7 hundred fifty thousand dollars on or before July 15, 2016, (d) an
8 additional one million four hundred thousand dollars on or before August
9 1, 2016, (e) sixty million three hundred fifty thousand dollars on or
10 before July 15, 2017, (f) an additional one million dollars on or
11 before July 15, 2017, (g) sixty million three hundred fifty thousand
12 dollars on or before July 15, 2018, and (h) sixty million one hundred
13 thousand dollars on or before every July 15 thereafter from the Nebraska
14 Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco Settlement
15 Trust Fund to the Nebraska Health Care Cash Fund, except that such amount
16 shall be reduced by the amount of the unobligated balance in the Nebraska
17 Health Care Cash Fund at the time the transfer is made. The state
18 investment officer upon consultation with the Nebraska Investment Council
19 shall advise the State Treasurer on the amounts to be transferred from
21 the Nebraska Medicaid Intergovernmental Trust Fund and from the Nebraska
22 Tobacco Settlement Trust Fund under this section in order to sustain such
23 transfers in perpetuity. The state investment officer shall report
24 electronically to the Legislature on or before October 1 of every even-
25 numbered year on the sustainability of such transfers. The Nebraska
26 Health Care Cash Fund shall also include money received pursuant to
1 section 77-2602. Except as otherwise provided by law, no more than the
2 amounts specified in this subsection may be appropriated or transferred
3 from the Nebraska Health Care Cash Fund in any fiscal year.
4 It is the intent of the Legislature that no additional programs are
5 funded through the Nebraska Health Care Cash Fund until funding for all
6 programs with an appropriation from the fund during FY2012-13 are
7 restored to their FY2012-13 levels.
8 (2) Any money in the Nebraska Health Care Cash Fund available for
9 investment shall be invested by the state investment officer pursuant to
10 the Nebraska Capital Expansion Act and the Nebraska State Funds
11 Investment Act.
12 (3) The University of Nebraska and postsecondary educational
13 institutions having colleges of medicine in Nebraska and their affiliated
14 research hospitals in Nebraska, as a condition of receiving any funds
15 appropriated or transferred from the Nebraska Health Care Cash Fund,
16 shall not discriminate against any person on the basis of sexual
17 orientation.
18 (4) The State Treasurer shall transfer fifty thousand dollars on or
19 before July 15, 2016, from the Nebraska Health Care Cash Fund to the
20 Board of Regents of the University of Nebraska for the University of
21 Nebraska Medical Center. It is the intent of the Legislature that these
22 funds be used by the College of Public Health for workforce training.
23 (5) For fiscal year 2016-17, one million four hundred thousand
24 dollars is available from the Nebraska Health Care Cash Fund for
25 implementation of the Medical Cannabis Act. For fiscal year 2017-18, one
26 million dollars is available from the Nebraska Health Care Cash Fund for
27 implementation of the Medical Cannabis Act. The amounts made available
28 from the Nebraska Health Care Cash Fund for implementation of the Medical
29 Cannabis Act shall be repaid with interest on or before June 30, 2023, to
30 the fund from fees and taxes collected pursuant to the Medical Cannabis
31 Act. Interest shall begin accruing on the outstanding balance remaining
1 to be repaid on July 1, 2017. The interest rate shall be five percent
2 simple interest per year on the outstanding balance.
3 2. Renumber the remaining sections accordingly.
4 3. Correct the operative date and repealer sections so that the
5 section added by this amendment becomes operative three calendar months
6 after the adjournment of this legislative session.

Senator Mello moved the previous question. The question is, "Shall the
debate now close?"

Senator Garrett moved for a call of the house. The motion prevailed with 26
ayes, 0 nays, and 23 not voting.
Senator Mello requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 41:

Baker  Crawford  Harr, B.  Lindstrom  Schumacher
Bloomfield  Ebke  Hilkemann  McCollister  Seiler
Bolz  Fox  Howard  McCoy  Smith
Brasch  Friesen  Hughes  Mello  Sullivan
Campbell  Garrett  Johnson  Morfeld  Watermeier
Chambers  Groene  Kolowski  Murante
Coash  Haar, K.  Kolterman  Pansing  Brooks
Cook  Hadley  Krist  Scheer
Craighhead  Hansen  Kuehn  Schilz

Voting in the negative, 1:

Kintner

Present and not voting, 3:

Riepe  Stinner  Williams

Excused and not voting, 4:

Davis  Gloor  Larson  Schnoor

The motion to cease debate prevailed with 41 ayes, 1 nay, 3 present and not voting, and 4 excused and not voting.

The Mello amendment was adopted with 26 ayes, 12 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Krist offered the following amendment to the Howard amendment:

AM2869

(Amendments to Howard amendments, AM2599)

1 1. Strike original sections 48 to 54 and 56 to 64 and insert the
2 following new sections:
3 Sec. 48.  (1) Each manufacturer shall pay a tax equal to thirty-
4 three percent of its net revenue for each calendar year on or before
5 February 1 of the following calendar year. The Tax Commissioner shall
6 collect the taxes imposed under this section and shall remit them to the
7 State Treasurer for credit to the Medical Cannabis Regulation Fund.
8 (2) For purposes of this section, net revenue means the revenue
9 obtained by a manufacturer from the production and sale of cannabis
10 pursuant to the Medical Cannabis Act less normal business expenses as
11 determined by the Tax Commissioner.
12 Sec. 50. Section 77-2701.16, Revised Statutes Cumulative Supplement,
13 2014, is amended to read:
14 77-2701.16 (1) Gross receipts means the total amount of the sale or
15 lease or rental price, as the case may be, of the retail sales of
16 retailers.
17 (2) Gross receipts of every person engaged as a public utility
18 specified in this subsection, as a community antenna television service
19 operator, or as a satellite service operator or any person involved in
20 connecting and installing services defined in subdivision (2)(a), (b), or
21 (d) of this section means:
22 (a)(i) In the furnishing of telephone communication service, other
23 than mobile telecommunications service as described in section
24 77-2703.04, the gross income received from furnishing ancillary services,
25 except for conference bridging services, and intrastate
26 telecommunications services, except for value-added, nonvoice data
27 service.
28 (ii) In the furnishing of mobile telecommunications service as
29 described in section 77-2703.04, the gross income received from
30 furnishing mobile telecommunications service that originates and
31 terminates in the same state to a customer with a place of primary use in
32 Nebraska;
7 (b) In the furnishing of telegraph service, the gross income
8 received from the furnishing of intrastate telegraph services;
9 (c)(i) In the furnishing of gas, sewer, water, and electricity
10 service, other than electricity service to a customer-generator as
11 defined in section 70-2002, the gross income received from the furnishing
12 of such services upon billings or statements rendered to consumers for
13 such utility services.
14 (ii) In the furnishing of electricity service to a customer- generator as defined in section 70-2002, the net energy use upon billings
15 or statements rendered to customer-generators for such electricity
16 service;
17 (d) In the furnishing of community antenna television service or
18 satellite service, the gross income received from the furnishing of such
19 community antenna television service as regulated under sections 18-2201
20 to 18-2205 or 23-383 to 23-388 or satellite service; and
21 (e) The gross income received from the provision, installation,
22 construction, servicing, or removal of property used in conjunction with
23 the furnishing, installing, or connecting of any public utility services
24 specified in subdivision (2)(a) or (b) of this section or community
25 antenna television service or satellite service specified in subdivision
26 (2)(d) of this section, except when acting as a subcontractor for a
27 public utility, this subdivision does not apply to the gross income
28 received by a contractor electing to be treated as a consumer of building
29 materials under subdivision (2) or (3) of section 77-2701.10 for any such
30 services performed on the customer's side of the utility demarcation
31 point.
2 (3) Gross receipts of every person engaged in selling, leasing, or
3 otherwise providing intellectual or entertainment property means:
4 (a) In the furnishing of computer software, the gross income
5 received, including the charges for coding, punching, or otherwise
6 producing any computer software and the charges for the tapes, disks,
7 punched cards, or other properties furnished by the seller; and
8 (b) In the furnishing of videotapes, movie film, satellite
9 programming, satellite programming service, and satellite television
10 signal descrambling or decoding devices, the gross income received from
11 the license, franchise, or other method establishing the charge.
12 (4) Gross receipts for providing a service means:
13 (a) The gross income received for building cleaning and maintenance,
14 pest control, and security;
15 (b) The gross income received for motor vehicle washing, waxing,
16 towing, and painting;
17 (c) The gross income received for computer software training;
18 (d) The gross income received for installing and applying tangible
19 personal property if the sale of the property is subject to tax. If any
20 or all of the charge for installation is free to the customer and is paid
21 by a third-party service provider to the installer, any tax due on that
22 part of the activation commission, finder's fee, installation charge, or
23 similar payment made by the third-party service provider shall be paid
24 and remitted by the third-party service provider;
25 (e) The gross income received for services of recreational vehicle
26 parks;
27 (f) The gross income received for labor for repair or maintenance
28 services performed with regard to tangible personal property the sale of
29 which would be subject to sales and use taxes, excluding motor vehicles,
30 except as otherwise provided in section 77-2704.26 or 77-2704.50;
31 (g) The gross income received for animal specialty services except
1 (i) veterinary services, (ii) specialty services performed on livestock
2 as defined in section 54-183, and (iii) animal grooming performed by a
3 licensed veterinarian or a licensed veterinary technician in conjunction
4 with medical treatment; and
5 (h) The gross income received for detective services.
6 (5) Gross receipts includes the sale of admissions. When an
7 admission to an activity or a membership constituting an admission is
8 combined with the solicitation of a contribution, the portion or the
9 amount charged representing the fair market price of the admission shall
10 be considered a retail sale subject to the tax imposed by section
11 77-2703. The organization conducting the activity shall determine the
12 amount properly attributable to the purchase of the privilege, benefit,
13 or other consideration in advance, and such amount shall be clearly
14 indicated on any ticket, receipt, or other evidence issued in connection
15 with the payment.
16 (6) Gross receipts includes the sale of live plants incorporated
17 into real estate except when such incorporation is incidental to the
18 transfer of an improvement upon real estate or the real estate.
19 (7) Gross receipts includes the sale of any building materials
20 annexed to real estate by a person electing to be taxed as a retailer
21 pursuant to subdivision (1) of section 77-2701.10.
22 (8) Gross receipts includes the sale of and recharge of prepaid
23 calling service and prepaid wireless calling service.
24 (9) Gross receipts includes the retail sale of digital audio works,
25 digital audiovisual works, digital codes, and digital books delivered
26 electronically if the products are taxable when delivered on tangible
27 storage media. A sale includes the transfer of a permanent right of use,
28 the transfer of a right of use that terminates on some condition, and the
29 transfer of a right of use conditioned upon the receipt of continued
30 payments.
31 (10) Gross receipts does not include:
1 (a) The amount of any rebate granted by a motor vehicle or motorboat
2 manufacturer or dealer at the time of sale of the motor vehicle or
3 motorboat, which rebate functions as a discount from the sales price of
4 the motor vehicle or motorboat; or
5 (b) The price of property or services returned or rejected by
6 customers when the full sales price is refunded either in cash or credit.
7 (11) Gross receipts includes the retail sale of cannabis obtained
8 pursuant to the Medical Cannabis Act.
9 Sec. 51. Section 77-2701.32, Reissue Revised Statutes of Nebraska,
10 is amended to read:
11 77-2701.32 (1) Retailer means any seller.
12 (2) To facilitate the proper administration of the Nebraska Revenue
13 Act of 1967, the following persons have the duties and responsibilities
14 of sellers for the purposes of sales and use taxes:
15 (a) Any person in the business of making sales subject to tax under
16 section 77-2703 at auction of property owned by the person or others;
17 (b) Any person collecting the proceeds of the auction, other than
18 the owner of the property, together with his or her principal, if any,
19 when the person collecting the proceeds of the auction is not the
20 auctioneer or an agent or employee of the auctioneer. The seller does not
21 include the auctioneer in such case;
22 (c) Every person who has elected to be considered a retailer
23 pursuant to subdivision (1) of section 77-2701.10;
24 (d) Every person operating, organizing, or promoting a flea market,
25 craft show, fair, or similar event; and
26 (e) Every person engaged in the business of providing any service
27 defined in subsection (4) of section 77-2701.16; and
28 (f) Every person doing business as a compassion center pursuant to
29 the Medical Cannabis Act.
30 (3) For the proper administration of the Nebraska Revenue Act of
31 1967, the following persons do not have the duties and responsibilities
1 of a seller for purposes of sales and use taxes:
2 (a) Any person who leases or rents films when an admission tax is
3 charged under the Nebraska Revenue Act of 1967;
4 (b) Any person who leases or rents railroad rolling stock
5 interchanged pursuant to the provisions of the federal Interstate
6 Commerce Act;
7 (c) Any person engaged in the business of furnishing rooms in a
8 facility licensed under the Health Care Facility Licensure Act in which
9 rooms, lodgings, or accommodations are regularly furnished for a
consideration or a facility operated by an educational institution
established under Chapter 79 or Chapter 85 in which rooms are regularly
used to house students for a consideration for periods in excess of
thirty days; or
(d) Any person making sales at a flea market, craft show, fair, or
similar event when such person does not have a sales tax permit and has
arranged to pay sales taxes collected to the person operating,
organizing, or promoting such event.
Sec. 52. Section 77-2704.09, Reissue Revised Statutes of Nebraska,
is amended to read:

77-2704.09 (1) Sales and use taxes shall not be imposed on the gross
receipts from the sale, lease, or rental of and the storage, use, or
other consumption in this state of:
(a) Insulin;
(b) Mobility enhancing equipment and drugs, not including cannabis obtained pursuant to the
Medical Cannabis Act or over-the-counter drugs, when sold for a patient's
use under a prescription, and (c) the following when sold for a patient's
use under a prescription and which are of the type eligible for coverage
under the medical assistance program established pursuant to the Medical
Assistance Act: Durable medical equipment; home medical supplies;
prosthetic devices; oxygen; and oxygen equipment.
(2) For purposes of this section:
(a) Drug means a compound, substance, preparation, and component of
a compound, substance, or preparation, other than food and food
ingredients, dietary supplements, or alcoholic beverages:
(i) Recognized in the official United States Pharmacopoeia, official
Homeopathic Pharmacopoeia of the United States, or official National
Formulary, and any supplement to any of them;
(ii) Intended for use in the diagnosis, cure, mitigation, treatment,
mitigation, or prevention of disease; or
(iii) Intended to affect the structure or any function of the body;
(b) Durable medical equipment means equipment which can withstand
repeated use, is primarily and customarily used to serve a medical
purpose, generally is not useful to a person in the absence of illness or
injury, is appropriate for use in the home, and is not worn in or on the
body. Durable medical equipment includes repair and replacement parts for
such equipment;
(c) Home medical supplies means supplies primarily and customarily
used to serve a medical purpose which are appropriate for use in the home
and are generally not useful to a person in the absence of illness or
injury;
(d) Mobility enhancing equipment means equipment which is primarily
used to provide or increase the ability to move from one
place to another, which is not generally used by persons with normal
mobility, and which is appropriate for use either in a home or a motor
vehicle. Mobility enhancing equipment includes repair and replacement
parts for such equipment. Mobility enhancing equipment does not include
any motor vehicle or equipment on a motor vehicle normally provided by a
motor vehicle manufacturer;
(e) Over-the-counter drug means a drug that contains a label that
identifies the product as a drug as required by 21 C.F.R. 201.66, as such regulation existed on January 1, 2003. The over-the-counter drug label includes a drug facts panel or a statement of the active ingredients with a list of those ingredients contained in the compound, substance, or preparation;

(f) Oxygen equipment means oxygen cylinders, cylinder transport devices including sheaths and carts, cylinder studs and support devices, regulators, flowmeters, tank wrenches, oxygen concentrators, liquid oxygen base dispensers, liquid oxygen portable dispensers, oxygen tubing, nasal cannulas, face masks, oxygen humidifiers, and oxygen fittings and accessories;

g) Prescription means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized under the Uniform Credentialing Act; and

(h) Prosthetic devices means a replacement, corrective, or supportive device worn on or in the body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction, or support a weak or deformed portion of the body, and includes any supplies used with such device and repair and replacement parts.

Sec. 53. Section 77-4303, Reissue Revised Statutes of Nebraska, is amended to read:

77-4303 (1) A tax is hereby imposed on marijuana and controlled substances at the following rates:

(a) On each ounce of marijuana or each portion of an ounce, one hundred dollars;

(b) On each gram or portion of a gram of a controlled substance that is customarily sold by weight or volume, one hundred fifty dollars; or

(c) On each fifty dosage units or portion thereof of a controlled substance that is not customarily sold by weight, five hundred dollars.

(2) For purposes of calculating the tax under this section, marijuana or any controlled substance that is customarily sold by weight or volume shall be measured by the weight of the substance in the dealer's possession. The weight shall be the actual weight, if known, or the estimated weight as determined by the Nebraska State Patrol or other law enforcement agency. Such determination shall be presumed to be the weight of such marijuana or controlled substances for purposes of sections 77-4301 to 77-4316.

(3) The tax shall not be imposed upon a person registered or otherwise lawfully in possession of marijuana or a controlled substance pursuant to Chapter 28, article 4, or a person lawfully in possession of cannabis under the Medical Cannabis Act.

2. On page 1, line 3, strike "54" and insert "48".

3. On page 13, line 17, strike "Medical Cannabis Board" and insert "Director of Public Health".

4. On page 14, lines 2 and 3; and page 16, line 1, strike "Medical Cannabis Board" and insert "Director of Public Health".

5. On page 17, line 10, strike "Medical Cannabis Board" and insert "Director of Public Health".
15 "Director of Public Health"; and in lines 13, 17, and 18 strike "board"
16 and insert "director".
17 6. Renumber the remaining sections and correct the repealer
18 accordingly.

SENATOR SCHEER PRESIDING

Pending.

AMENDMENT(S) - Print in Journal

Senator Seiler filed the following amendment to LB1094:

AM2845 (Amendments to E & R amendments, ER226)

1 1. Strike section 5.
2 2. On page 13, line 8, strike "Person", show as stricken, and insert
3 "Until January 1, 2017, person".
4 3. On page 17, line 26, strike the comma and after "or" insert
5 "except".
6 4. On page 25, line 19, after "arrest" insert "as provided in
7 sections 20 and 21 of this act" and after "or" insert "exercise the power
8 of"; and in lines 20 and 21 strike the new matter.
9 5. On page 30, line 7, after "and" insert "assuming"; and in line 12
10 strike "incarceration" and insert "imprisonment".
11 6. On page 32, line 20, strike the comma; in line 21 strike "by his
12 or her probation officer or the court,"; in line 22 strike "violations of
13 conditions" and insert "a violation of a condition"; and strike beginning
14 with "A" in line 23 through "response" in line 26 and insert "A custodial
15 sanction may include up to thirty days in jail as the most severe
16 response and may include up to three days in jail as the second most
17 severe response".
18 7. On page 37, line 22, strike "(2)(b)" and insert "(1)(b)".
19 8. On page 38, line 9, strike "(1)" and insert "(2)"; and in line 16
20 after "probation" insert an underscored comma.
21 9. On page 40, line 4, after "sanction" insert "rests with the court
22 and"; and in line 13 strike "(2)" and insert "(3)".
23 10. On page 41, line 17, after "commitment" insert "order"; and in
24 line 23 strike "shall be" and insert "is".
25 11. On page 42, line 14, after "commitment" insert "order"; in line
26 16 after the last comma insert "and shall be made"; and in line 18 strike
1 "probation".
2 12. On page 43, strike beginning with "For" in line 30 through
3 "sanction" in line 31 and insert "A custodial sanction be imposed on a
4 probationer convicted of a felony".
5 13. On page 66, strike line 15 and insert "sections 28-105,
6 29-2204.02, 29-2260, 29-2262, 29-2263, 29-2266, 29-2267, 29-2268, 47-401,
7 47-502, 83-187, 83-1,119, 83-1,122, and 83-1,122.01 by"; and in line 16
8 strike "and 23" and insert "22, and 39".
9 14. Renumber the remaining sections and correct internal references
10 and the repealer accordingly.
Senator Scheer filed the following amendment to LB884:
FA117
Amend AM2828
On page 4, strike lines 8 through 13.

Senator Murante filed the following amendment to LB1067:
FA118
Add the emergency clause.

Senator Bloomfield filed the following amendment to LB716:
AM2841
(Amendments to E&R amendments, ER250)
1 1. On page 4, after line 8 insert the following new subsection:
2 "(5) Any person who is younger than sixteen years of age shall
3 dismount and walk his or her bicycle when crossing a highway by any
4 route, including, but not limited to, a bike path or a crosswalk."; and
5 in line 9 strike "(5)" and insert "(6)".

Senator Hilkemann filed the following amendment to LB804:
AM2848
1 1. On page 4, line 12, strike "No professional board" and insert
2 "Neither the Director of Public Health nor the chief medical officer
3 appointed pursuant to section 81-3115".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 618. Introduced by Bolz, 29.

WHEREAS, Marilyn Dongilli graduated magna cum laude from Wichita
State University with a bachelor of science in physical therapy; and
WHEREAS, Ms. Dongilli has helped Nebraskans for over 35 years in a
variety of settings, including Madonna Rehabilitation Hospital in Lincoln,
skilled rehabilitation, long-term acute care, and home health; and
WHEREAS, over the past 19 years, Ms. Dongilli has been the inpatient
clinical director of physical therapy at Madonna Rehabilitation Hospital; and
WHEREAS, in her capacity at Madonna, Ms. Dongilli has contributed to
the healthcare of Nebraskans by overseeing staff hiring, orientation, staff
competency assessment, and continuing improvement of the staff's clinical
skills and professional development; and
WHEREAS, Ms. Dongilli has presented nationally at the American
Physical Therapy Association's Combined Sections Meeting, the Annual
Education Conference of the Association of Rehabilitation Nurses, and
before the American Medical Rehabilitation Providers Association; and
WHEREAS, Ms. Dongilli has made contributions to the field of physical
therapy through clinical instruction at the University of Nebraska's physical
therapy program in the areas of documentation and neuro-developmental
treatment; and
WHEREAS, Ms. Dongilli will be retiring this year.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Marilyn Dongilli and wishes her a happy retirement after her successful career at Madonna Rehabilitation Hospital.
2. That a copy of this resolution be sent to Ms. Dongilli and Madonna Rehabilitation Hospital.

Laid over.

SELECT FILE

LEGISLATIVE BILL 643. Senator Williams offered the following motion:
MO270
Recommit to the Judiciary Committee.

Senator Williams moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Williams requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 12:

Brasch  Hilkemann  Kintner  Riepe
Fox     Hughes     Kolterman  Seiler
Friesen  Johnson  Kuehn    Watermeier

Voting in the negative, 24:

Baker    Coash     Garrett  Howard  Morfeld
Bloomfield  Cook    Groene  Kolowski  Pansing Brooks
Bolz     Craighead Haar, K. Krist    Schumacher
Campbell Crawford Hadley  Lindstrom Sullivan
Chambers  Ebke     Hansen  Mello

Present and not voting, 8:

Harr, B.  McCoy    Scheer  Stinner
McCullister Murante Smith  Williams

Excused and not voting, 5:

Davis    Gloor     Larson  Schilz  Schnoor

The Williams motion to recommit to committee failed with 12 ayes, 24 nays, 8 present and not voting, and 5 excused and not voting.
The Chair declared the call raised.

Senator Williams offered the following motion:
MO271
Reconsider the vote taken to recommit to committee.

Senator Williams asked unanimous consent to withdraw his motion to reconsider.

No objections. So ordered.

Senator Krist withdrew his amendment, AM2869, found in this day's Journal.

The Howard amendment, AM2599, found on page 1000 and considered in this day's Journal, as amended, was renewed.

**SPEAKER HADLEY PRESIDING**

Senator Murante moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Chambers requested a roll call vote on the Howard amendment, as amended.

Voting in the affirmative, 25:

<table>
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<tr>
<th>Baker</th>
<th>Coash</th>
<th>Haar, K.</th>
<th>Kolowski</th>
<th>Morfeld</th>
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<td>Bloomfield</td>
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<td>Krist</td>
<td>Pansing Brooks</td>
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<td>Lindstrom</td>
<td>Schilz</td>
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<tr>
<td>Campbell</td>
<td>Ebke</td>
<td>Harr, B.</td>
<td>McCollister</td>
<td>Schumacher</td>
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<tr>
<td>Chambers</td>
<td>Garrett</td>
<td>Howard</td>
<td>Mello</td>
<td>Sullivan</td>
</tr>
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Voting in the negative, 12:

<table>
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<th>Brasch</th>
<th>Kintner</th>
<th>McCoy</th>
<th>Stinner</th>
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<td>Hilkemann</td>
<td>Kolterman</td>
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<tr>
<td>Hughes</td>
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<td>Williams</td>
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Present and not voting, 9:

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<tr>
<th>Crawford</th>
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<th>Groene</th>
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<td>Friesen</td>
<td>Johnson</td>
<td>Scheer</td>
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</tbody>
</table>

Excused and not voting, 3:
Gloor    Larson    Schnoor

The Howard amendment, as amended, was adopted with 25 ayes, 12 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Williams offered the following motion:
MO273
Bracket until April 20, 2016.

Senator Garrett offered the following motion:
MO274
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Garrett moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Garrett requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 30:

Baker    Bloomfield    Bolz    Campbell    Chambers    Coash  
         Cook    Craighead    Harr    Ebke    Garrett    Haar, K.  
         Hadley    Hansen    Lindstrom    Hilkemann    Howard    Kolowski  
         Krist      Larson    Schilz    McCollister    Mello     Morfeld  
         Murante    Pansing Brooks     Schumacher     Smith     Sullivan  

Voting in the negative, 15:

Brasch    Fox    Friesen  
         Groene    Hughes    Johnson  
         Kintner    Kolterman    Kuehn  
         McCoy      Riepe     Seiler  
         Stinner    Watermeier     Williams  

Present and not voting, 2:

Davis    Scheer

Excused and not voting, 2:

Gloor    Schnoor

The Garrett motion to invoke cloture failed with 30 ayes, 15 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.
VISITOR(S)

Visitors to the Chamber were 37 fourth-grade students from Northwest Feeder Schools, Grand Island; 39 fourth-grade students from St. Michael's Elementary, Hastings; a group from District 30 and the state of Washington; 9 fourth-grade students and teachers from Allen; Senator Larson's grandmother, Carolyn Larson, from O'Neill; 3 fourth-grade students and sponsors from Chase County Elementary, Imperial; 76 fourth-grade students from West Dodge Station, Elkhorn; and Chris, Everett, and Evelyn Stiffler from Omaha.

The Doctor of the Day was Dr. Chelsea Williams from Bellevue.

ADJOURNMENT

At 8:42 p.m., on a motion by Senator Coash, the Legislature adjourned until 9:00 a.m., Wednesday, April 6, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
FIFTY-SIXTH DAY - APRIL 6, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 6, 2016

PRAYER

The prayer was offered by Pastor Rob Hockney, Brookside Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Coash, Craighead, Larson, Morfeld, Murante, Schilz, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fifth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 745. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 606, 607, 608, 609, and 610 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 606, 607, 608, 609, and 610.
GENERAL FILE

LEGISLATIVE BILL 901. Title read. Considered.

Committee AM2024, found on page 563, was offered.

Senator Kolterman offered his amendment, AM2213, found on page 657, to the committee amendment.

Senator Chambers offered the following motion:

MO275
Bracket until April 20, 2016.

Senator Crawford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 0.

Voting in the negative, 44:

Baker    Davis    Hansen    Kuehn    Schnoor
Bloomfield    Ebke    Harr, B.    Larson    Schumacher
Bolz    Friesen    Howard    McCollister    Smith
Brasch    Hilkemann    Lindstrom    Seiler
Campbell    Garrett    Johnson    Mello    Stinner
Coash    Gloor    Kintner    Morfeld    Sullivan
Cook    Groene    Kolowski    Pansing    Brooks    Watermeier
Craighead    Haar, K.    Kolterman    Riepe    Williams
Crawford    Hadley    Krist    Scheer

Present and not voting, 1:

Chambers

Excused and not voting, 4:

Hughes    McCoy    Murante    Schilz

The Chambers motion to bracket failed with 0 ayes, 44 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.
Senator Chambers offered the following motion:
MO276
Reconsider the vote taken to bracket.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 619. Introduced by Davis, 43.

WHEREAS, after twenty years of service, Pat Gould has stepped down as Fire Chief of the Chadron Volunteer Fire Department; and
WHEREAS, Mr. Gould continues to serve within the department; and
WHEREAS, the Chadron Volunteer Fire Department has protected the homes, farms, businesses, and natural resources of Chadron and the Nebraska Panhandle for many years, including years of harsh drought and intense wildfires; and
WHEREAS, the Chadron Volunteer Fire Department has served its community admirably under Mr. Gould's leadership, and the department continues to stand ready to protect its community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature recognizes Pat Gould for his many years of service as Fire Chief of the Chadron Volunteer Fire Department.
2. That the Legislature expresses its gratitude to Pat Gould and all the members of the Chadron Volunteer Fire Department for their work protecting their community.
3. That a copy of this resolution be sent to Pat Gould and the Chadron Volunteer Fire Department.

Laid over.

SELECT FILE

LEGISLATIVE BILL 959. ER238, found on page 1361, was adopted.

Senator Chambers offered the following amendment:
AM2878
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 37-452, Revised Statutes Cumulative Supplement, 4 2014, is amended to read:
5 37-452 (1) No person shall hunt antelope, elk, or mountain sheep, or
6 mountain lions unless such person is at least twelve years of age, and
7 any person who is twelve through fifteen years of age shall only hunt
8 antelope, elk, or mountain sheep, or mountain lions when supervised by a
9 person nineteen years of age or older having a valid hunting permit.
10 (2) No person shall hunt deer unless such person is at least ten
11 years of age, and any person who is ten through fifteen years of age
12 shall only hunt deer when supervised by a person nineteen years of age or
13 older having a valid hunting permit.
14 (3) A person nineteen years of age or older having a valid hunting
15 permit shall not supervise more than two persons while hunting deer,
16 antelope, elk, or mountain sheep, or mountain lions at the same time.
17 Sec. 2. Original section 37-452, Revised Statutes Cumulative
18 Supplement, 2014, is repealed.
19 Sec. 3. The following section is outright repealed: Section 37-473,
20 Revised Statutes Cumulative Supplement, 2014.

Senator Schnoor requested a ruling of the Chair on whether the Chambers
amendment is germane to the bill.

The Chair ruled the Chambers amendment is not germane to the bill.

Senator Chambers challenged the ruling of the Chair. The question is, "Shall
the Chair be overruled?"

SPEAKER HADLEY PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with
21 ayes, 2 nays, and 26 not voting.

Senator Chambers requested a roll call vote on the motion to overrule the
Chair.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 46:

Baker  Ebke  Howard  McCollister  Seiler
Bloomfield  Fox  Hughes  McCoy  Smith
Bolz  Friesen  Johnson  Mello  Stinner
Brasch  Garrett  Kintner  Morfeld  Sullivan
Campbell  Gloor  Kolowski  Murante  Watermeier
Coash  Groene  Kolterman  Pansing Brooks  Williams
Cook  Haar, K.  Krist  Riepe
Craighhead  Hadley  Kuehn  Scheer
Crawford  Hansen  Larson  Schnoor
Davis  Hil kemann  Lindstrom  Schumacher

Present and not voting, 1:

Harr, B.

Excused and not voting, 1:
The Chambers motion to overrule the Chair failed with 1 aye, 46 nays, 1 present and not voting, and 1 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Pending.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR540 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR540.

SELECT FILE

LEGISLATIVE BILL 959. Senator Chambers offered the following motion:

MO277

Bracket until April 20, 2016.

SENIOR SCHEER PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 0.

Voting in the negative, 41:

Baker  Davis  Harr, B.  McCoy  Smith
Bloomfield  Ebke  Howard  Mello  Stinner
Bolz  Fox  Johnson  Morfeld  Sullivan
Brels  Friesen  Kintner  Murante  Watermeier
Campbell  Garrett  Kolowski  Pansing  Brooks  Williams
Coash  Gloor  Krist  Riepe
Cook  Haar, K.  Kuehn  Scheer
Craighead  Hadley  Lindstrom  Schnoor
Crawford  Hansen  McCollister  Seiler
Present and not voting, 2:
Chambers Schumacher

Excused and not voting, 6:
Groene Hughes Larson
Hilkemann Koltermann Schilz

The Chambers motion to bracket failed with 0 ayes, 41 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

NOTICE OF COMMITTEE HEARING(S)
Dept. of Correctional Services Special Investigative Committee (LR34)

Room 1113

Monday, April 18, 2016 1:30 p.m.

Hearing To Discuss Issues Dealing With the Department Of Corrections
Note: Open to the Public, Invited Testimony Only

(Signed) Les Seiler, Chairperson

EASE

The Legislature was at ease from 12:04 p.m. until 12:25 p.m.

SENATOR GLOOR PRESIDING

MOTION - Recess

Senator Chambers moved to recess until 5:30 p.m., April 6, 2016.

Senator Hadley moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Chambers motion to recess failed with 1 aye, 37 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.
SELECT FILE

LEGISLATIVE BILL 959. Senator Chambers offered the following motion:
MO278
Reconsider the vote taken to bracket.

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 1:
Chambers

Voting in the negative, 40:

Baker     Crawford     Hadley     Kolterman    Riepe
Bloomfield  Davis     Hansen     Krist       Scheer
Bolz       Ebke       Harr, B.    Kuehn       Schnoor
Brasch  Friesen     Hilkemann  Lindstrom   Seiler
Campbell  Garrett    Howard     McCollister  Smith
Coash     Gloor      Johnson    McCoy       Stinner
Cook      Groene     Kintner    Murante     Sullivan
Craighead  Haar, K.   Kolowski   Pansing     Brooks
            Williams

Present and not voting, 1:
Schumacher

Excused and not voting, 7:

Fox       Larson      Morfeld    Watermeier
Hughes    Mello       Schilz

The Chambers motion to reconsider failed with 1 aye, 40 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:
FA119
Strike section 13.

SENATOR SCHEER PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.
Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 36:

Baker  Davis  Harr, B.  Lindstrom  Smith
Bloomfield  Ebke  Howard  McCollister  Stinner
Bolz  Friesen  Johnson  McCoy  Sullivan
Brasch  Garrett  Kintner  Pansing  Brooks  Williams
Campbell  Gloor  Kolowski  Riepe
Coash  Groene  Kolterman  Scheer
Cook  Hadley  Krist  Schnoor
Crawford  Hansen  Kuehn  Seiler

Present and not voting, 3:

Chambers  Haar, K.  Schumacher

Excused and not voting, 10:

Craighed  Hilkemann  Larson  Morfeld  Schilz
Fox  Hughes  Mello  Murante  Watermeier

The Chambers amendment lost with 0 ayes, 36 nays, 3 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)
Executive Board

LEGISLATIVE RESOLUTION 601. Reported to the Legislature for further consideration.

LEGISLATIVE RESOLUTION 547. Reported to the Legislature for further consideration with the following amendment:

AM2847
1 1. Strike the resolved clauses and insert:
2 1. That the Legislature hereby calls for the Executive Board of the
3 Legislative Council to meet forthwith and appoint a special committee of
4 the Legislature to be known as the Tribal Economic Development Committee
5 of the Legislature. The special committee shall consist of five members:
6 the chairperson of the State-Tribal Relations Committee of the
7 Legislature or his or her designee, the chairperson of the Appropriations
8 Committee of the Legislature or his or her designee, the chairperson of
9 the Revenue Committee or his or her designee, and two members of the
10 Legislature selected by the Executive Board. The members of the special
committee shall choose a chairperson from among the members of the
committee.
12. That the Tribal Economic Development Committee shall conduct a
study examining the policy tools available to the Legislature to enhance
economic development for the Native American population of Nebraska.
16. That the Tribal Economic Development Committee shall consult with
the members of the Education and Health and Human Services Committees of
the Legislature in conducting this study.
19.4. That the Tribal Economic Development Committee shall formulate
draft legislation and policy recommendations and issue a report with its
findings and recommendations to the Legislature no later than December
22, 2016.

(Signed) Bob Krist, Chairperson

MESSAGE(S) FROM THE GOVERNOR

April 6, 2016

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

   Engrossed Legislative Bills 567, 677, 678, 679, 680e, 680Ae, 684, 694,
694, 712, 725, 726, 731e, 736, 750, 770e, 783, 783A, 784e, 790, 813,
814, 814A, 816, 823e, 842, 865, and 875 were received in my office on
March 31, 2016.
   These bills were signed and delivered to the Secretary of State on April 6,
2016.

   Sincerely,

   (Signed) Pete Ricketts
   Governor

COMMITTEE REPORT(S)

Health and Human Services

The Health and Human Services Committee desires to report favorably upon
the appointment(s) listed below. The Committee suggests the
appointments(s) be confirmed by the Legislature and suggests a record vote.

Alysson Renato Muotri - Stem Cell Research Advisory Committee

Aye: 6 Campbell, Crawford, Fox, Howard, Koltermann, Riepe. Nay: 0.
Absent: 1 Baker. Present and not voting: 0.
Senator Kintner filed the following motion to LB187:

MO279

Place on General File pursuant to Rule 3, Sec. 20(b).

SELECT FILE

LEGISLATIVE BILL 959. Senator Chambers offered the following motion:

MO280

Reconsider the vote taken on FA119.

SPEAKER HADLEY PRESIDING

Senator Sullivan offered the following motion:

MO281

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Sullivan moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Sullivan requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 44:

Baker Ebke Hilkemann Lindstrom Schnoor
Bloomfield Fox Howard McCollister Schumacher
Bolz Friesen Hughes McCoy Seiler
Brasch Garrett Johnson Mello Smith
Campbell Gloor Kintner Morfeld Stinner
Coash Groene Kolowski Murante Sullivan
Cook Haar, K. Koltermann Pansing Brooks Watermeier
Craighead Hadley Kuehn Scheer Williams
Crawford Harr, B. Larson Schilz

Voting in the negative, 1:

Chambers

Present and not voting, 4:

Davis Hansen Krist Riepe

The Sullivan motion to invoke cloture prevailed with 44 ayes, 1 nay, and 4 present and not voting.
Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 48:

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Not voting, 0.

The Chambers motion to reconsider failed with 1 aye, 48 nays, and 0 not voting.

Senator Sullivan requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 45:

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Voting in the negative, 1:

Chambers

Present and not voting, 3:

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<th>Hansen</th>
<th>Riepe</th>
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Advanced to Enrollment and Review for Engrossment with 45 ayes, 1 nay, and 3 present and not voting.

The Chair declared the call raised.
LEGISLATIVE BILL 959A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1067. ER241, found on page 1430, was adopted.

Senator Murante withdrew his amendment, FA118, found on page 1489.

Senator Sullivan offered the following amendment:
AM2875 is available in the Bill Room.

Senator Groene offered the following amendment to the Sullivan amendment:
AM2897
(Amendments to AM2875)
1 1. On page 11, strike beginning with "0.4643" in line 5 through the
2 first "community" in line 8 and insert "or be less than five million
3 seven hundred thousand dollars".

SENATOR WATERMEIER PRESIDING

Senator Groene moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Groene requested a roll call vote on his amendment.

Voting in the affirmative, 9:

Bloomfield Groene Kintner Schnoor Watermeier
Brasch Hughes Kuehn Schumacher

Voting in the negative, 18:

Bolz Cook Hadley Morfeld Seiler
Campbell Crawford Hansen Pansing Brooks Sullivan
Chambers Fox Harr, B. Riepe
Coash Haar, K. Mello Scheer

Present and not voting, 19:

Baker Friesen Johnson Lindstrom Smith
Craighead Garrett Kolowski McCollister Stinner
Davis Gloor Koltermann McCoy Williams
Ebke Hilkemann Krist Murante

Excused and not voting, 3:

Howard Larson Schilz

The Groene amendment lost with 9 ayes, 18 nays, 19 present and not voting,
and 3 excused and not voting.

The Chair declared the call raised.

Senator Krist moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Sullivan moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

The Sullivan amendment was adopted with 40 ayes, 1 nay, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Krist offered the following amendment:
AM2903 is available in the Bill Room.

SPEAKER HADLEY PRESIDING

Senator McCollister moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Senator Krist moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Senator Krist requested a roll call vote on his amendment.

Voting in the affirmative, 13:
Bolz    Ebke    Hansen    Morfeld    Seiler
Chambers Gloor    Krist    Pansing    Brooks
Davis    Groene    Lindstrom    Schumacher

Voting in the negative, 14:
Bloomfield Cook    Garrett    McCollister    Sullivan
Brasch    Craighead    Hilkemann    Murante    Watermeier
Coash    Crawford    Kintner    Smith

Present and not voting, 19:
Baker    Haar, K.    Johnson    McCoy    Schnoor
Campbell Hadley    Kolowski    Mello    Stinner
Fox    Harr, B.    Koltermann    Riepe    Williams
Friesen Hughes    Kuehn    Scheer
The Krist amendment lost with 13 ayes, 14 nays, 19 present and not voting,
and 3 excused and not voting.

The Chair declared the call raised.

Pending.

**AMENDMENT(S) - Print in Journal**

Senator Chambers filed the following amendment to LB901:
AM2873
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 37-452, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 37-452 (1) No person shall hunt antelope, elk, or mountain sheep, or
6 mountain lions unless such person is at least twelve years of age, and
7 any person who is twelve through fifteen years of age shall only hunt
8 antelope, elk, or mountain sheep, or mountain lions when supervised by a
9 person nineteen years of age or older having a valid hunting permit.
10 (2) No person shall hunt deer unless such person is at least ten
11 years of age, and any person who is ten through fifteen years of age
12 shall only hunt deer when supervised by a person nineteen years of age or
13 older having a valid hunting permit.
14 (3) A person nineteen years of age or older having a valid hunting
15 permit shall not supervise more than two persons while hunting deer,
16 antelope, elk, or mountain sheep, or mountain lions at the same time.
17 Sec. 2. Original section 37-452, Revised Statutes Cumulative
18 Supplement, 2014, is repealed.
19 Sec. 3. The following section is outright repealed: Section 37-473,
20 Revised Statutes Cumulative Supplement, 2014.

Senator Scheer filed the following amendment to LB884:
AM2893 is available in the Bill Room.

Senator K. Haar filed the following amendment to LR455:
AM2892
1 1. Strike the second resolved clause and insert "The committee
2 members shall select co-chairpersons from the membership of the
3 committee.".
COMMITTEE REPORT(S)
Nebraska Retirement Systems

The Nebraska Retirement Systems Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Pamela E. Lancaster - Public Employees Retirement Board


(Signed) Mark Kolterman, Chairperson

SELECT FILE

LEGISLATIVE BILL 1067. Senator Davis offered the following amendment:

AM2905

(Amendments to E and R amendments, ER241)

1 1. Insert the following new section:
2 Sec. 67. This act is a complete act and its provisions inseverable.
3 If any provision is declared unconstitutional, the entire act is invalid.
4 2. Renumber the remaining sections accordingly.

Senator Davis moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Davis requested a roll call vote on his amendment.

Voting in the affirmative, 6:

Chambers Davis Haar, K.
Cook Groene Seiler

Voting in the negative, 17:

Baker Craighead Hansen Murante Watermeier
Bloomfield Crawford Kintner Riepe
Boz Fox Larson Schnoor
Campbell Garrett McCollister Sullivan

Present and not voting, 24:

Brasch Hadley Kolowski Mello Schumacher
Coash Harr, B. Kolterman Morfeld Smith
Ebke Hillemann Kuehn Pansing Brooks Stinner
Friesen Hughes Lindstrom Scheer Williams
Gloor Johnson McCoy Schilz
Excused and not voting, 2:

Howard Kris

The Davis amendment lost with 6 ayes, 17 nays, 24 present and not voting, and 2 excused and not voting.

Senator Sullivan offered the following motion:

MO282
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Sullivan requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 42:

Baker Fox Hughes McCoy Seiler
Bloomfield Friesen Johnson Mello Smith
Bolz Garrett Kintner Morfeld Stinner
Brasch Gloor Kolowski Murante Sullivan
Campbell Groene Koltermann Pansing Brooks Watermeier
Coash Haar, K. Kuehn Riepe Williams
Craighead Hadley Larson Scheer
Crawford Harr, B. Lindstrom Schilz
Ebke Hilkemann McCollister Schnoor

Voting in the negative, 2:

Chambers Davis

Present and not voting, 3:

Cook Hansen Schumacher

Excused and not voting, 2:

Howard Kris

The Sullivan motion to invoke cloture prevailed with 42 ayes, 2 nays, 3 present and not voting, and 2 excused and not voting.
Senator Sullivan requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 40:

Baker  Ebke  Hughes  McCollister  Schilz
Bloomfield  Friesen  Johnson  McCoy  Schnoor
Bolz  Garrett  Kintner  Mello  Seiler
Brasch  Gloor  Kolowski  Morfeld  Smith
Campbell  Haar, K.  Koltermann  Murante  Stinner
Coash  Hadley  Kuehn  Pansing Brooks  Sullivan
Craighead  Harr, B.  Larson  Riepe  Watermeier
Crawford  Hilkemann  Lindstrom  Scheer  Williams

Voting in the negative, 5:

Chambers  Cook  Davis  Fox  Schumacher

Present and not voting, 2:

Groene  Hansen

Excused and not voting, 2:

Howard  Krist

Advanced to Enrollment and Review for Engrossment with 40 ayes, 5 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 1067A.** Senator Chambers offered the following motion:

MO283
Bracket until April 20, 2016.

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 2 nays, and 27 not voting.

Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 1:

Cook

Voting in the negative, 40:
Present and not voting, 3:
Chambers  Davis  Kolowski

Excused and not voting, 5:
Baker  Howard  Krist  Larson  McCollister

The Chambers motion to bracket failed with 1 aye, 40 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
MO285
Reconsider the vote taken to bracket.

Senator McCoy moved the previous question. The question is, "Shall the debate now close?"

Senator McCoy moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 2:
Chambers  Cook

Voting in the negative, 35:
FIFTY-SIXTH DAY - APRIL 6, 2016

Present and not voting, 7:

Davis  Friesen  Kolowski  Schumacher
Ebke   Harr, B.  Pansing  Brooks

Excused and not voting, 5:

Baker  Howard  Krist  Larson  McCollister

The Chambers motion to reconsider failed with 2 ayes, 35 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 959.  Placed on Final Reading.
LEGISLATIVE BILL 959A. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB1067:
AM2910  
(Amendments to E and R amendments, ER241)
1 1. Insert the following new section:
2 Sec. 19. Section 79-409, Reissue Revised Statutes of Nebraska, is amended to read:
3 79-409 Each incorporated city of the metropolitan class in the State of Nebraska shall constitute or contain at least one Class V school district. A Class V school district shall be a body corporate and possess all the usual powers of a corporation for public purposes and may sue and be sued, purchase, hold, and sell such personal and real property, and control such obligations as are authorized by law.
4 2. Renumber the remaining sections, correct internal references, and amend the repealer accordingly.
Senator Mello filed the following amendment to **LB947**:

AM2899

(Amendments to Standing Committee amendments, AM2148)

1. On page 2, line 6, after the period insert "Such license shall be valid only for the period of time during which such person's employment authorization document is valid."; after line 9 insert the following new subdivisions:

   "(c) Nothing in this subsection shall be construed to grant eligibility for any public benefits other than obtaining a professional or commercial license.

   (d) Any person who has complied with the requirements of this subsection shall have his or her employment authorization document verified through the Systematic Alien Verification for Entitlements Program operated by the United States Department of Homeland Security or an equivalent program designated by the United States Department of Homeland Security."); in line 10 strike "(c)" and insert "(e)"; strike beginning with "or" in line 15 through "4-111" in line 16; and in lines 21 and 22 strike the new matter and reinstate the stricken matter.

2. On page 3, line 14, after the period insert "Such credential shall be valid only for the period of time during which such person's employment authorization document is valid.".

Senator Sullivan filed the following amendment to **LB1067A**:

AM2889

1. On page 2, lines 1 and 5, strike "$17,314,000" and insert 2 "$13,443,988".

**MOTION - Print in Journal**

Senator Mello filed the following motion to **LB1067A**:

MO284

Indefinitely postpone.

**AMENDMENT(S) - Print in Journal**

Senator Chambers filed the following amendment to **LB1067A**:

FA120

Page 2, lines 10-12 strike all language.

Senator Chambers filed the following amendment to **LB1067A**:

FA121

Page 2, strike lines 5-9.

Senator Chambers filed the following amendment to **LB1067A**:

FA122

Page 2, strike lines 1-4.
VISITOR(S)

Visitors to the Chamber were Jill Brown from Omaha; 50 fourth-grade students from Conestoga Elementary, Murray; members of HomeTown Leadership Institute from O'Neill; 7 fifth- and sixth-grade students, teacher, and sponsors from St. Wenceslas School, Dodge; 50 fourth-grade students from North Bend Central; members of the NE Federation of Women's Clubs from across the state; 50 fourth-grade students and teachers from Two Springs Elementary, Bellevue; 22 members Omaha Student Voice Council from 7 OPS Schools; 23 fourth-grade students from Humphery; Senator Kolterman's brother-in-law, sister-in-law, and niece, Doug, Kim, and Caroline Geis, from Yorktown, VA; Blake Ristine from Gothenburg; Brynn Westenburg, Emily Oestmann, and Darren Oestmann from Johnson; 88 fourth-grade students from Pershing Elementary, Lexington; Senator Krist's daughter, Courtney, from Omaha; 7 FFA members, including Senator Williams' granddaughter, Ainsley, from Gothenburg; and Tim, Christopher, and Stephen Sullivan from Lincoln.

The Doctor of the Day was Dr. Eric Daharsh from Friend.

ADJOURNMENT

At 7:58 p.m., on a motion by Senator Craighead, the Legislature adjourned until 9:00 a.m., Thursday, April 7, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
FIFTY-SEVENTH DAY - APRIL 7, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 7, 2016

PRAYER

The prayer was offered by Pastor Sarah Cordray, Luther Memorial Church, Syracuse.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Craighead, Groene, Hilkemann, Kolowski, Morfeld, Pansing Brooks, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-sixth day was approved.

MOTION(S) - Print in Journal

Speaker Hadley filed the following motion:

Speaker Hadley filed the following motion:
Suspend the rules, Rule 6, Sections 6, 7, and 8, Rule 7, Sections 3 and 7, and Rule 5, Section 7 and vote on the final passage without further amendments, motions, or debate on the following bill: LB1067.
REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 6, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Karnes, David K.
Nebraska Investment Finance Authority
McKee, Nancy
Sunovion Pharmaceuticals Inc.

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
http://www.nebraskalegislature.gov/agencies/view.php

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR611 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR611.

SELECT FILE

LEGISLATIVE BILL 958. ER240, found on page 1433, was adopted.

Senator Gloor withdrew his amendment, AM2617, found on page 1044.

Senator Gloor offered his amendment, AM2814, found on page 1378.

The Gloor amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Senator Davis offered his amendment, AM2813, found on page 1378.

Senator Davis requested a roll call vote on his amendment.

The Davis amendment lost with 8 ayes, 18 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 1094. ER226, found on page 1244, was adopted.

Senator Seiler offered his amendment, AM2845, found on page 1488.

The Seiler amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 947. ER229, found on page 1245, was adopted.

Senator Mello withdrew his amendment, AM2741, found on page 1368.

Senator Mello offered his amendment, AM2899, found on page 1514.

Senator Murante offered the following amendment to the Mello amendment: AM2842

(Amendments to Mello amendments, AM2741)

1 1. Insert the following new amendment:
2 1. On page 1, line 26; and page 3, line 8, strike "or Form I-688B".
3 2. Renumber the remaining amendments accordingly.

The Murante amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

The Mello amendment, as amended, was adopted with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 884. ER237, found on page 1334, was adopted.

Senator Kintner withdrew his amendment, AM2819, found on page 1426.

Senator Scheer withdrew his amendments, AM2828 and FA117, found on pages 1449 and 1489.

Senator Scheer offered his amendment, AM2893, found on page 1508.

The Scheer amendment was adopted with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 821. ER239, found on page 1430, was adopted.

Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 824. ER230, found on page 1310, was adopted.

Senator K. Haar offered his amendment, AM2720, found on page 1204.

Senator Hughes offered the following motion:
MO286
Recommit to the Natural Resources Committee.

SPEAKER HADLEY PRESIDING

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 620. Introduced by Hansen, 26; Baker, 30; Bolz, 29; Campbell, 25; Coash, 27; Haar, K., 21; Kolterman, 24; Morfeld, 46; Pansing Brooks, 28.

WHEREAS, Lincoln Northeast High School was founded on September 9, 1941, and is celebrating its 75th year; and
WHEREAS, Lincoln Northeast High School’s first senior class was made up of 196 students from the historic neighborhoods of Bethany, Havelock, and University Place; and
WHEREAS, Lincoln Northeast High School has grown into a symbol of community pride for northeast Lincoln; and
WHEREAS, the Lincoln Northeast Rockets took their mascot from the Rock Island Rocket, the passenger train that once moved through northeast Lincoln’s neighborhoods; and
WHEREAS, both students and alumni live by the motto: Once a Rocket, Always a Rocket; and
WHEREAS, Lincoln Northeast has continually produced graduates over 75 years with strong dedication to community service and their neighborhoods.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates Lincoln Northeast High School on its 75th anniversary.
2. That a copy of this resolution be sent to Lincoln Northeast High School.

Laid over.

EASE

The Legislature was at ease from 11:58 a.m. until 12:25 p.m.

SENATOR SCHEEL PRESHIDING
SELECT FILE

LEGISLATIVE BILL 824. The Hughes motion, MO286, found in this day's Journal, to recommit to the Natural Resources Committee, was renewed.

Senator Pansing Brooks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator McCollister moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator McCollister requested a roll call vote, in reverse order, on the motion to recommit to committee.

Voting in the affirmative, 12:

Baker  Groene  Kintner  Lindstrom
Bloomfield  Hughes  Kolterman  Schnoor
Friesen  Johnson  Kuehn  Sullivan

Voting in the negative, 21:

Bolz  Craighead  Hilkemann  Morfeld  Williams
Campbell  Crawford  Howard  Murante
Chambers  Davis  Kolowski  Pansing Brooks
Coash  Fox  McCollister  Schilz
Cook  Haar, K.  Mello  Watermeier

Present and not voting, 13:

Brasch  Gloor  McCoy  Schumacher  Stinner
Ebke  Hadley  Riepe  Seiler
Garrett  Hansen  Scheer  Smith

Excused and not voting, 3:

Harr, B.  Krist  Larson

The Hughes motion to recommit to committee failed with 12 ayes, 21 nays, 13 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.
The K. Haar amendment, AM2720, found on page 1204 and considered in this day's Journal, was renewed.

Senator Friesen offered the following amendment to the K. Haar amendment:

AM2854  (Amendments to Haar amendments, AM2720)
1 1. On page 3, line 31, after "wind," insert "natural gas."

SENATOR COASH PRESIDING

Senator Pansing Brooks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator McCollister moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Friesen amendment lost with 11 ayes, 22 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

SENATOR SCHEER PRESIDING

Senator Friesen offered the following amendment to the K. Haar amendment:

AM2855  (Amendments to Haar amendments, AM2720)
1 1. On page 4, line 25, strike the new matter; in line 26 after the 2 stricken "(7)" insert "(8)"; reinstate the stricken matter beginning with 3 "Stranded" in line 26 through "supplier" in line 27; and reinstate the 4 stricken matter beginning with "which" in line 28 through line 31.  5 2. On page 5, line 1, reinstate the stricken matter; and in line 2 6 strike "(8)"; show as stricken, and insert "(9)".

SENATOR COASH PRESIDING

Pending.
MESSAGE(S) FROM THE GOVERNOR

April 7, 2016

Patrick J. O’Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O’Donnell:

Engrossed Legislative Bills 742, 837, 881, 887e, 894, 895e, 899, 902, 908, 908A, 909, 913, 924, 942e, 948, 952, 973, 978, 1002, 1010, 1011, 1039, 1050, 1075, 1080, 1083, 1083A, 1086, 1093e, 1093Ae, and 1101 were received in my office on April 1, 2016.

These bills were signed and delivered to the Secretary of State on April 7, 2016.

Sincerely,

(Signed) Pete Ricketts
Governor

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 958. Placed on Final Reading.
ST86
The following changes, required to be reported for publication in the Journal, have been made:
1. In the E&R amendments, ER240, section 3 has been renumbered as section 1, and section 4 and all amendments thereto have been struck and the following new section inserted:
   Sec. 2. Original section 77-4212, Revised Statutes Cumulative Supplement, 2014, is repealed.
   2. On page 1, the matter beginning with "sections" in line 1 through line 8 and all amendments thereto has been struck and "section 77-4212, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to property tax credits; and to repeal the original section." inserted.

LEGISLATIVE BILL 1067. Placed on Final Reading.
ST85
The following changes, required to be reported for publication in the Journal, have been made:
1. In the E & R amendments, ER241:
   a. On page 22, line 13; page 26, line 17; page 27, line 6; page 28, lines 2, 14, and 18; page 31, line 31; page 32, line 25; page 34, line 16; and page 88, line 25, "14" has been struck and "15" inserted;
   b. On page 71, line 24; and page 76, line 13, "31" has been struck and "33" inserted; and
c. On page 113, line 16, "79-703, 79-1005.01," has been inserted after "79-611,;" in line 23 "9-812," has been inserted after "sections;" and in line 24 "79-1007.06," has been struck.


(Signed) Matt Hansen, Chairperson

SELECT FILE

LEGISLATIVE BILL 824. The Friesen amendment, AM2855, found in this day's Journal, to the K. Haar amendment, AM2720, was renewed.

Senator McCollister offered the following motion:
MO287
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator McCollister moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator McCollister requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 34:
FIFTY-SEVENTH DAY - APRIL 7, 2016

Bolz  Davis  Hansen  McCollister  Schilz
Brasch  Ebke  Harr, B.  McCoy  Schumacher
Campbell  Fox  Hilkemann  Mello  Smith
Chambers  Garrett  Howard  Morfeld  Stinner
Coash  Gloor  Kolowski  Murante  Watermeier
Cook  Haar, K.  Larson  Pansing  Brooks  Williams
Crawford  Hadley  Lindstrom  Scheer

Voting in the negative, 8:
Bloomfield  Groene  Kintner  Kuehn
Friesen  Hughes  Kolterman  Schnoor

Present and not voting, 5:
Baker  Johnson  Riepe  Seiler  Sullivan

Excused and not voting, 2:
Craighead  Krist

The McCollister motion to invoke cloture prevailed with 34 ayes, 8 nays, 5 present and not voting, and 2 excused and not voting.

The Friesen amendment lost with 12 ayes, 24 nays, 11 present and not voting, and 2 excused and not voting.

The K. Haar amendment, AM2720, was adopted with 32 ayes, 8 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

LEGISLATIVE BILL 756. ER242, found on page 1455, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 829. ER243, found on page 1455, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 851. ER246, found on page 1455, was adopted.

Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 851A. Senator McCollister offered the following amendment:
AM2898
1 1. Strike section 2.

The McCollister amendment was adopted with 28 ayes, 1 nay, 18 present
and not voting, and 2 excused and not voting.

Senator Mello offered the following amendment:
AM2915
1 1. Insert the following new section:
2 Sec. 3. There is hereby appropriated $500,000 from the Sector
3 Partnership Program Fund for FY2016-17 to the Department of Labor, for
4 Program 31, to aid in carrying out the provisions of Legislative Bill
5 1110, One Hundred Fourth Legislature, Second Session, 2016.
6 Total expenditures for permanent and temporary salaries and per
7 diems from funds appropriated in this section shall not exceed $139,197
8 for FY2016-17.
9 2. On page 1, line 3, after "2016" insert "; and to appropriate
10 funds to aid in carrying out the provisions of Legislative Bill 1110, One
11 Hundred Fourth Legislature, Second Session, 2016".

The Mello amendment was adopted with 25 ayes, 0 nays, 22 present and not
voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 930. ER244, found on page 1456, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 721. ER248, found on page 1466, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 235. ER245, found on page 1466, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 580. ER247, found on page 1459, was adopted.

Advanced to Enrollment and Review for Engrossment.

SENATOR SCHEER PRESIDING
LEGISLATIVE BILL 1106. ER251, found on page 1466, was adopted.

Senator Garrett offered the following amendment:
AM2840 is available in the Bill Room.

SPEAKER HADLEY PRESIDING

Senator Mello offered the following amendment to the Garrett amendment:
AM2920

(Amendments to AM2840)

1 1. Insert the following new section:

2 Sec. 13. No law enforcement agency or prosecuting authority of this
3 state or its political subdivisions shall transfer or refer any money or
4 property to a federal law enforcement authority or other federal agency
5 by any means unless:
6 (1) The money or property seized exceeds twenty-five thousand
7 dollars in currency or value;
8 (2) The money or property is physically seized by a federal agent
9 who is employed by the federal government; or
10 (3) The person from whom the money or property was seized is the
11 subject of a federal prosecution or the facts and circumstances
12 surrounding the money or property seized are the subject of a federal
13 prosecution.
14 2. On page 7, line 11, strike "and property" and insert ",
15 securities, negotiable instruments, firearms, conveyances, or real
16 estate".
17 3. On page 8, line 14; and page 23, line 16, strike "a quarterly"
18 and insert "an annual".
19 4. On page 8, line 30, strike "and 12" and insert "to 13".
20 5. On page 17, strike lines 3 through 10; and in line 11 strike "20"
21 and insert "19".
22 6. On page 22, line 17, strike "and property" and insert ",
23 securities, negotiable instruments, conveyances, or real estate"; and in
24 lines 23 and 24 strike ", currency, or a firearm" and insert "or
25 currency".
26 7. Renumber the remaining sections accordingly.

The Mello amendment was adopted with 32 ayes, 0 nays, 16 present and not
voting, and 1 excused and not voting.

The Garrett amendment, as amended, was adopted with 39 ayes, 0 nays, 9
present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 716. ER250, found on page 1468, was adopted.

Senator Coash withdrew his amendment, AM2360, found on page 1465.

Senator Coash offered his amendment, AM2852, found on page 1478.

Senator Coash withdrew his amendment.

Senator Bloomfield offered the following amendment:

AM2914

(Amendments to E and R amendments, ER250)

1 1. On page 4, strike beginning with "A" in line 3 through the period
2 in line 6 and insert "A bicyclist riding a bicycle on a sidewalk or
3 across a roadway or shoulder in a crosswalk shall have all the rights and
4 duties applicable to a pedestrian under the same circumstances but shall
5 yield the right-of-way to pedestrians.".

The Bloomfield amendment was adopted with 32 ayes, 0 nays, 16 present
and not voting, and 1 excused and not voting.

Senator Bloomfield offered his amendment, AM2841, found on page 1489.

Senator Bloomfield moved for a call of the house. The motion prevailed
with 25 ayes, 0 nays, and 24 not voting.

Senator Bloomfield requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Bloomfield  Ebke  Johnson  Scheer  Schumacher
Brasch     Groene  Kintner  Schnoor  Watermeier

Voting in the negative, 27:

Baker      Davis  Harr, B.  McCollister  Stinner
Bolz       Fox    Hilkemann  Mello  Sullivan
Campbell   Gloor  Hughes  Morfeld  Williams
Chambers   Haar, K.  Kolowski  Pansing  Brooks
Cook       Hadley  Kolterman  Schilz
Crawford   Hansen  Lindstrom  Schilz

Present and not voting, 9:

Coash      Friesen  Howard  McCoy  Riepe
Craighead  Garrett  Kuehn  Murante

Excused and not voting, 3:

Krist      Larson  Seiler
The Bloomfield amendment lost with 10 ayes, 27 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

LEGISLATIVE BILL 1067A. Senator Sullivan withdrew her amendment, AM2889, found on page 1514.

Senator Mello withdrew his motion, MO284, found on page 1514, to indefinitely postpone.

Senator Chambers withdrew his amendments, FA120, FA121, and FA122, found on page 1514.

Advanced to Enrollment and Review for Engrossment.

MOTION - Return LB1022 to Select File

Senator Groene moved to return LB1022 to Select File for his specific amendment, AM2676, found on page 1204.

Senator Groene withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 686.

A BILL FOR AN ACT relating to law; to amend section 49-501.01, Reissue Revised Statutes of Nebraska; to provide for the publication and distribution of the Constitution of Nebraska; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:
Voting in the negative, 0.

Present and not voting, 1:

Craighead

Excused and not voting, 3:

Krist Larson Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 744.**

A BILL FOR AN ACT relating to adoptions; to provide for written communication and contact agreements in private and agency adoptions as prescribed; to authorize enforcement, modification, or termination of agreements in a civil action as prescribed; and to require certain agreement disclosures.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Baker Davis Hansen Kuehn Scheer
Bloomfield Ebke Harr, B. Lindstrom Schilz
Bolz Fox Hilkemann McCollister Schnoor
Brasch Friesen Howard McCoy Schumacher
Campbell Garrett Hughes Mello Smith
Chambers Gloor Johnson Morfeld Stinner
Coash Groene Kintner Murante Sullivan
Cook Haar, K. Kolowski Pansing Brooks Watermeier
Crawford Hadley Kolterman Riepe Williams

Voting in the negative, 0.
Excused and not voting, 3:

Krist Larson Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB835 with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 835.

A BILL FOR AN ACT relating to consumer protection; to amend sections 8-2601, 8-2602, 8-2603, 8-2604, 8-2605, 8-2606, 8-2608, 8-2609, 8-2610, 8-2611, 8-2612, 8-2613, 8-2614, 8-2615, 20-149, 59-1611, 59-1614, 87-301, 87-302, 87-303, 87-802, 87-803, and 87-804, Reissue Revised Statutes of Nebraska; to change provisions relating to the Credit Report Protection Act, Consumer Protection Act, Uniform Deceptive Trade Practices Act, and Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006; to harmonize provisions; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Baker Davis Harr, B. McCollister Schumacher
Bloomfield Ebke Hilkemann McCoy Smith
Bolz Fox Hilkemann McCoy Stinner
Brasch Friesen Hughes Morfeld Sullivan
Campbell Garrett Johnson Murante Watermeier
Chambers Gloor Kintner Pansing Brooks Williams
Coash Groene Kolowski Riepe
Cook Haar, K. Kolterman Scheer
Craighead Hadley Kuehn Schilz
Crawford Hansen Lindstrom Schnoor

Voting in the negative, 0.

Excused and not voting, 3:

Krist Larson Seiler
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 843.**

A BILL FOR AN ACT relating to crimes and offenses; to amend section 81-2010.03, Reissue Revised Statutes of Nebraska, section 28-801, Revised Statutes Cumulative Supplement, 2014, and sections 81-1415, 81-1416, and 81-1423, Revised Statutes Supplement, 2015; to provide immunity from prosecution for prostitution; to transfer, change, and eliminate provisions relating to payment for sexual assault forensic medical examinations; to create a fund and a program; to provide for an administrator; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 13-607 and 13-608, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Baker  Davis  Hilkemann  McCollister  Schnoor  
Bolz  Ebke  Howard  McCoy  Smith  
Brasch  Fox  Hughes  Mello  Stinner  
Campbell  Friesen  Johnson  Morfeld  Sullivan  
Chambers  Garrett  Kintner  Murante  Watermeier  
Coash  Gloor  Kolowski  Pansing  Brooks  Williams  
Cook  Haar, K.  Koltermann  Riepe  
Craighead  Hadley  Kuehn  Scheer  
Crawford  Hansen  Lindstrom  Schilz  

Voting in the negative, 0.

Present and not voting, 3:

Bloomfield  Harr, B.  Schumacher  

Excused and not voting, 4:

Groene  Krist  Larson  Seiler  

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB874 with 40 ayes, 2 nays, 3 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 874.** With Emergency Clause.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-1524 and 32-1527, Reissue Revised Statutes of Nebraska, sections 32-570, 32-618, and 32-949.01, Revised Statutes Cumulative Supplement, 2014, and sections 32-941, 32-947, and 32-953, Revised Statutes Supplement, 2015; to change procedures for filling vacancies on school boards, requirements for certain petition candidates, deadlines for ballots for early voting and special elections by mail, and prohibitions related to yard signs; to allow a voter to photograph and reveal a marked ballot as prescribed; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Baker  Crawford  Hansen  Kuehn  Scheer  
Bloomfield  Davis  Harr, B.  Lindstrom  Schilz  
Bolz  Ebke  Hilkemann  McCollister  Schnoor  
Brasch  Fox  Howard  McCoy  Schumacher  
Campbell  Friesen  Hughes  Mello  Smith  
Chambers  Garrett  Johnson  Morfeld  Stinner  
Coash  Gloor  Kintner  Murante  Sullivan  
Cook  Haar, K.  Kolowski  Pansing  Brooks  Watermeier  
Craighead  Haar, K.  Kolowski  Pansing  Brooks  Watermeier  

Voting in the negative, 0.

Excused and not voting, 4:

Groene  Krist  Larson  Seiler  

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.
Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1000 with 37 ayes, 1 nay, 7 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1000.**

A BILL FOR AN ACT relating to law enforcement; to amend sections 29-1404, 29-1406, 29-1407.01, and 29-1420, Reissue Revised Statutes of Nebraska, and section 29-1401, Revised Statutes Cumulative Supplement, 2014; to provide for adoption of policies relating to body-worn cameras and eyewitness suspect identifications; to provide and change provisions relating to grand juries; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Baker, Crawford, Hansen, Kuehn, Scheer
Bloomfield, Davis, Harr, B., Lindstrom, Schilz
Bolz, Ebke, Hilkemann, McCollister, Schnoor
Brasch, Fox, Howard, McCoy, Schumacher
Campbell, Friesen, Hughes, Mello, Smith
Chambers, Garrett, Johnson, Morfeld, Stinner
Coash, Gloor, Kintner, Murante, Sullivan
Cook, Haar, K., Kolowski, Pansing Brooks, Watermeier
Craighead, Hadley, Koltermann, Riepe, Williams

Voting in the negative, 0.

Excused and not voting, 4:

Groene, Krist, Larson, Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1012 with 40 ayes, 1 nay, 4 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1012.

A BILL FOR AN ACT relating to municipalities; to adopt the Property Assessed Clean Energy Act; and to provide a duty for the Revisor of Statutes.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Baker  Crawford  Hansen  Kuehn  Scheer
Bloomfield  Davis  Harr, B.  Lindstrom  Schilz
Bolz  Ebke  Hilkemann  McCollister  Schnoor
Brasch  Fox  Howard  McCoy  Schumacher
Campbell  Friesen  Hughes  Mello  Smith
Chambers  Garrett  Johnson  Morfeld  Stinner
Coash  Gloor  Kintner  Murante  Sullivan
Cook  Haar, K.  Kolowski  Pansing  Brooks  Watermeier
Craighead  Hadley  Koltermann  Riepe  Williams

Voting in the negative, 0.

Excused and not voting, 4:

Groene  Krist  Larson  Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1066 with 38 ayes, 1 nay, 6 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1066.

A BILL FOR AN ACT relating to education; to amend sections 79-234,
Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Baker    Davis    Harr, B.    Lindstrom    Schilz
Bloomfield    Ebke    Hilkemann    McCollister    Schnoor
Bolz    Fox    Howard    McCoy    Schumacher
Brasch    Friesen    Hughes    Mello    Smith
Chambers    Garrett    Johnson    Morfeld    Stinner
Coash    Gloor    Kintner    Murante    Sullivan
Cook    Haar, K.    Kolowski    Pansing    Brooks    Watermeier
Craighead    Hadley    Kolterman    Riepe    Williams
Crawford    Hansen    Kuehn    Scheer

Voting in the negative, 0.

Present and not voting, 1:

Campbell

Excused and not voting, 4:

Groene    Krist    Larson    Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
The following bills were read and put upon final passage:

**LEGISLATIVE BILL 1098.**

A BILL FOR AN ACT relating to fees; to amend section 33-107.01, Reissue Revised Statutes of Nebraska; to increase legal services fees as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Baker  Ebbe  Hilkemann  Lindstrom  Schilz
Bolz    Fox    Howard  McCollister  Schnoor
Campbell Friesen Hughes McCoy Schumacher
Chambers Garrett Johnson Mello Smith
Cook    Haar, K. Kintner Morfeld Stinner
Craighead Hadley Kolowski Pansing Brooks Sullivan
Crawford Hansen Koltermann Riepe Watermeier
Davis   Harr, B. Kuehn Scheer Williams

Voting in the negative, 0.

Present and not voting, 5:

Bloomfield Brasch Coash Gloor Murante

Excused and not voting, 4:

Groene  Krist Larson Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 1098A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1098, One Hundred Fourth Legislature, Second Session, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:
Voting in the negative, 0.

Present and not voting, 5:
Bloomfield Davis Hilkemann Morfeld Murante

Excused and not voting, 4:
Groene Krist Larson Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1110 with 40 ayes, 1 nay, 4 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1110. With Emergency Clause.

A BILL FOR AN ACT relating to labor; to amend section 48-622.02, Revised Statutes Cumulative Supplement, 2014, and section 81-1201.21, Revised Statutes Supplement, 2015; to adopt the Nebraska Workforce Innovation and Opportunity Act and the Sector Partnership Program Act; to create a fund; to transfer funds; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?""

Voting in the affirmative, 44:
Voting in the negative, 0.

Present and not voting, 1:

Kolterman

Excused and not voting, 4:

Groene      Krist   Larson   Seiler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB1110A to Select File

Senator Mello moved to return LB1110A to Select File for the following specific amendment:
FA123
Strike the enacting clause.

Senator Mello withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1110A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1110, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 0.

Voting in the negative, 44:
Present and not voting, 1:

Watermeier

Excused and not voting, 4:

Groene                 Krist                 Larson                 Seiler

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass.

**MOTION - Return LB824 to Select File**

Senator McCollister moved to return LB824 to Select File for the following specific amendment:

AM2921

1. Insert the following new section:
2. Sec. 15, There is hereby appropriated (1) $19,000 from the Nebraska Power Review Fund for FY2016-17 and (2) $19,000 from the Nebraska Power Review Fund for FY2017-18 to the Nebraska Power Review Board, for Program 72, to aid in carrying out the provisions of this act.
3. Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $19,000 for FY2016-17 or $19,000 for FY2017-18.

The McCollister motion to return prevailed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 824.** The McCollister specific amendment, AM2921, found in this day's Journal, was adopted with 34 ayes, 3 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.
SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 686, 744, 835, 843, 874, 1000, 1012, 1066, 1098, 1098A, and 1110.

MESSAGE(S) FROM THE GOVERNOR

April 7, 2016

Patrick J. O’Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O’Donnell:

Engrossed Legislative Bill 891 was received in my office on April 1, 2016.
This bill was signed and delivered to the Secretary of State on April 7, 2016.

Sincerely,
(Signed) Pete Ricketts
Governor

RESOLUTION(S)

LEGISLATIVE RESOLUTION 621. Introduced by Garrett, 3; Ebke, 32.

WHEREAS, the late Okie from Muskogee, Merle "The Pearl" Haggard, an embodiment of the American dream, was born in a boxcar in Oildale, California, on April 6, 1937; and
WHEREAS, Merle's mama, Flossie Mae Haggard, tried to raise him better. Flossie worked as a bookkeeper during the Great Depression and encouraged Merle's interest in the guitar while ensuring that he got some "Sunday Learning" after her husband, James Haggard, died of a brain hemorrhage when Merle was only nine; and
WHEREAS, despite all his Sunday learning, toward the bad Merle kept on turning, until the night the bottle let Merle down and he ended up in a juvenile detention facility; and
WHEREAS, after leaving the juvenile detention facility, the lonesome fugitive started his love affair with trains by running away and riding freight trains to Texas to live out the legend of Bonnie and Clyde; and
WHEREAS, the legend ended when Merle was picked up for attempted robbery and sent to jail; and
WHEREAS, yet again one night the bottle let Merle down, and after being caught drunk in prison he was sent to spend a week in solitary confinement where, like Hank Williams before him, he said, "I saw the light"; and
WHEREAS, Merle eventually made it through December, was released from prison, and caught the rambling fever—the type that can't be measured in degrees—and started a successful career in the country music business; and

WHEREAS, in 1972, Governor Ronald Reagan expunged the Lonesome Fugitive Kentucky Gambler's criminal record after Merle remembered the roots of his raising; and

WHEREAS, ever since his pardon, Merle has rode the freedom train, until passing away on his 79th birthday; and

WHEREAS, If We Make It Through December, or the end of session, Someday We'll Look Back on the Old Man from the Mountain and he won't ever have to ask "I Wonder If They Ever Think of Me?"; and

WHEREAS, right now Things Aren't Funny Anymore, but we'll be Movin' On and If We're Not Back in Love by Monday, we can agree we all shared My Favorite Memory of Merle Haggard over Rainbow Stew, making us say It's Been a Great Afternoon; and

WHEREAS, Leonard in the Red Bandana in the Big City is asking, "Are the Good Times Really Over?"; and

WHEREAS, Just Between the Two of Us, we had A Friend in California who is now Out Among the Stars, up above Walking the Floor Over You, now himself a Twinkle, Twinkle Lucky Star enjoying Yesterday's Wine and a Natural High, and reminding us from Graceland to the Promised Land that Someday When Things Are Good, We'll Chase Each Other Around the Room, and When It Rains It Pours from above over the Amber Waves of Grain we'll all meet again on the never-ending Freedom Train.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That even though he was born in California and known as an Okie from Muskogee, the State of Nebraska appreciates Merle Ronald Haggard's contributions to American culture and commends him for riding his freedom train to the Ralston Arena in February 2015.

Laid over.

LEGISLATIVE RESOLUTION 622. Introduced by Garrett, 3; Craighead, 6.

WHEREAS, the Army Reserve Officers' Training Corps (ROTC), as it exists today, began with President Wilson signing the National Defense Act of 1916; and

WHEREAS, the signing of the National Defense Act brought military training under a single, federally controlled entity: The Reserve Officers' Training Corps; and

WHEREAS, the Air Force ROTC grew out of the Army ROTC created under the National Defense Act; and

WHEREAS, the collegiate ROTC program in Nebraska's colleges and universities has produced leaders for America for over a century; and

WHEREAS, the National Defense Act also created the Junior Reserve Officers' Training Corps (JROTC) which fulfills the mission of instilling in
students in United States secondary educational institutions the value of citizenship, service to the United States, personal responsibility, and a sense of accomplishment; and

WHEREAS, the JROTC program in Nebraska's high schools has encouraged the moral, physical, and educational development of Nebraska youth.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends the ROTC and JROTC programs for their over 100 years of service building leaders of character in Nebraska.

Laid over.

**AMENDMENT(S) - Print in Journal**

Senator Friesen filed the following amendments to LB824:

AM2856  
(Amendments to Haar amendments, AM2720)  
1 1. On page 7, lines 3, 19, and 20, strike the new matter.

AM2857  
(Amendments to Haar amendments, AM2720)  
1 1. On page 7, lines 25 and 26, reinstate the stricken matter.

AM2858  
(Amendments to Haar amendments, AM2720)  
1 1. On page 8, strike lines 9 and 10.

AM2859  
(Amendments to Haar amendments, AM2720)  
1 1. On page 8, line 19, after "wind," insert "natural gas."

AM2860  
(Amendments to Haar amendments, AM2720)  
1 1. On page 10, line 22, strike "thirty" and insert "one hundred twenty".

AM2861  
(Amendments to Haar amendments, AM2720)  
1 1. On page 11, strike beginning with the first comma in line 20 through "construction" in line 21.

AM2862  
(Amendments to Haar amendments, AM2720)  
1 1. On page 1, line 22; page 2, line 26; page 9, lines 4, 8, 17, 18, 2 26, and 31; page 10, line 2; page 24, lines 18, 20, and 23; page 25, 3 lines 1, 3, 11, 16, 25, 26, 28, and 31; page 26, lines 3, 5, 6, 7, 9, and 4 17; and page 27, line 1, strike each occurrence of "renewable", show as
5 stricken, and insert "clean".
6 2. On page 1, line 26; page 3, lines 25 and 30; page 6, lines 3 and
7 30; page 7, line 19; page 8, line 9; page 10, lines 15, 20, 25, and 28;
8 page 11, lines 2, 5, 15, and 31; page 12, lines 5, 11, 17, 20, 25, and
9 31; and page 13, lines 2, 7, and 16, strike "renewable" and insert
10 "clean".

MOTION(S) - Print in Journal

Speaker Hadley filed the following motion:
Suspend the rules, Rule 6, Sections 6, 7, and 8 and Rule 7, Sections 3 and 7
and vote on the final passage without further amendments, motions, or
debate on the following bills: LBs 1094, 884, 821, 756, 829, 851, 851A,
930, 721, 235, 580, 1106, and 716.

AMENDMENT(S) - Print in Journal

Senator Kintner filed the following amendment to LB580:
FA124
Amend ER247
On page 5, line 5, strike "five" and insert "six".

Senator Kintner filed the following amendment to LB716:
FA125
On page 1, strike lines 17 to 21.

EASE

The Legislature was at ease from 5:40 p.m. until 7:37 p.m.

SENATOR MURANTE PRESIDING

SPEAKER HADLEY PRESIDING

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 7, 2016, at 5:51 p.m. were the following:
LBs 686, 744, 835, 843, 874e, 1000, 1012, 1066, 1098, 1098A, and 1110e.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 235. Placed on Final Reading.
LEGISLATIVE BILL 580. Placed on Final Reading.
LEGISLATIVE BILL 716. Placed on Final Reading.
LEGISLATIVE BILL 721. Placed on Final Reading.
LEGISLATIVE BILL 756. Placed on Final Reading.
LEGISLATIVE BILL 821. Placed on Final Reading.

LEGISLATIVE BILL 824. Placed on Final Reading.

ST90
The following changes, required to be reported for publication in the Journal, have been made:
1. On page 1, the matter beginning with "public" in line 1 through line 11 and all amendments thereto have been struck and "power generation; to amend sections 70-670, 70-1012, and 70-1012.01, Reissue Revised Statutes of Nebraska, sections 70-1001, 70-1001.01, 70-1003, 70-1013, 70-1014, 70-1014.01, 70-1014.02, 70-1015, and 70-1028, Revised Statutes Cumulative Supplement, 2014, and sections 70-1903 and 77-6203, Revised Statutes Supplement, 2015; to prohibit the use of eminent domain as prescribed; to change provisions relating to private developers; to provide, change, and eliminate definitions; to change provisions relating to compensation for certain members of the Nebraska Power Review Board as prescribed; to exempt certain privately developed renewable energy generation facilities from regulation as prescribed; to eliminate provisions related to certified renewable export facilities; to harmonize provisions; to appropriate funds to aid in carrying out the provisions of this legislative bill; and to repeal the original sections." inserted.

LEGISLATIVE BILL 829. Placed on Final Reading.
LEGISLATIVE BILL 851. Placed on Final Reading.
LEGISLATIVE BILL 851A. Placed on Final Reading.

LEGISLATIVE BILL 884. Placed on Final Reading.

ST89
The following changes, required to be reported for publication in the Journal, have been made:
1. In the E & R amendments, ER237, on page 1, line 3, "13-2609," has been struck.

LEGISLATIVE BILL 930. Placed on Final Reading.

LEGISLATIVE BILL 947. Placed on Final Reading.

ST88
The following changes, required to be reported for publication in the Journal, have been made:
1. The Murante amendment, AM2842, has been incorporated into the Mello amendment, AM2899.

LEGISLATIVE BILL 1067A. Placed on Final Reading.
LEGISLATIVE BILL 1094. Placed on Final Reading.

ST87

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E&R amendments, ER226:
   a. On page 3, line 20, "22" has been struck and "21" inserted;
   b. On page 31, lines 14 and 15, "21 and 22" has been struck and "20 and 21" inserted; and in line 26 "21 to 23" has been struck and "20 to 22" inserted;
   c. On page 40, line 11, "23" has been struck and "22" inserted; and in line 13 "22" and all amendments thereto have been struck and "22" inserted;
   d. On page 43, line 31, "23" has been struck and "22" inserted;
   e. On page 44, line 5, "21 to 23" has been struck and "20 to 22" inserted;
   f. On page 45, line 29, "32" has been struck and "31" inserted;
   g. On page 65, line 29, "40" has been struck and "39" inserted;
   h. On page 66, line 16, "21, 22" has been struck and "20, 21" inserted;
   i. On page 68, line 20, "28-116," has been struck; and
   j. On page 69, line 1, "28-116," has been struck.

LEGISLATIVE BILL 1106. Placed on Final Reading.

ST91

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER251, on page 1, line 7, "to provide restrictions on the disposition of money or property seized as prescribed;" has been inserted after the semicolon.

(Signed) Matt Hansen, Chairperson

VISITOR(S)

Visitors to the Chamber were 16 high school students and teachers from Norris High School, Firth; 90 fourth-grade students from St. Stephen the Martyr, Omaha; 9 FFA students and teacher from Wood River; 40 fourth-grade students from St. Cecilia, Omaha; 25 fourth-grade students and teachers from Arapahoe; 65 fourth-grade students from Ackerman Elementary, Omaha; 65 fourth-grade students from Ackerman Elementary; Jocelyn Bradley from London, UK, and Alessia and Adrienne Bradley; 47 fourth-grade students from Hawthorne Elementary, Hastings; 6 FFA students from Sutherland; 20 high school students and teachers from Allen; Kailey Kumm from O'Neill and Elizabeth Clancy from Fort Collins, CO; and Brody Weber from Lincoln.

The Doctor of the Day was Dr. George Voigtlander from Pawnee City.

ADJOURNMENT

At 7:38 p.m., on a motion by Senator Murante, the Legislature adjourned until 9:00 a.m., Tuesday, April 12, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
FIFTY-EIGHTH DAY - APRIL 12, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 12, 2016

PRAYER

The prayer was offered by Reverend Matt Bahmfleth, Christ the Servant, Norfolk.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Fox and Larson who were excused until they arrive.

SENATOR GLOOR PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-seventh day was approved.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 623. Introduced by Bolz, 29.

WHEREAS, ENCOR has served individuals with developmental disabilities since 1968, and was the nation's first comprehensive provider of community-based services; and

WHEREAS, ENCOR provides specialized and crucial support services for Cass, Dodge, Douglas, Sarpy, and Washington counties, including residential and day services and support, specialized support, and employment opportunities for those with developmental disabilities; and

WHEREAS, Bob Brinker has served as Director of ENCOR for over a decade; and

WHEREAS, during this time, Mr. Brinker has ensured that ENCOR has continued to make an impact in the lives of persons with disabilities; and

WHEREAS, Mr. Brinker oversaw the opening of a second Medical Support Unit, a home that provides full-time licensed registered nurse staff
support for children, adolescents, and adults with complex medical needs; and
WHEREAS, Mr. Brinker has shown a deep dedication to helping others throughout his tenure at ENCOR; and
WHEREAS, Mr. Brinker recently announced his upcoming retirement.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature thanks Bob Brinker for his service to Nebraska and wishes him a happy retirement after his successful career at ENCOR.
2. That a copy of this resolution be sent to Bob Brinker and ENCOR.

Laid over.

MOTION(S) - Suspend Rules


Speaker Hadley withdrew his motion to suspend the rules.

SPEAKER HADLEY PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 400.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1493 and 49-1494, Reissue Revised Statutes of Nebraska; to change requirements for statements of financial interest; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:
LEGISLATIVE BILL 400A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 400, One Hundred Fourth Legislature, Second Session, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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Voting in the negative, 0.

Excused and not voting, 2:

Hughes

Fox    Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 465.**

A BILL FOR AN ACT relating to notaries public; to adopt the Electronic Notary Public Act; and to provide an operative date.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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Voting in the negative, 0.

Excused and not voting, 2:

| Fox | Larson |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 465A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 465, One Hundred Fourth Legislature, Second Session, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:
Voting in the negative, 0.

Excused and not voting, 2:

Fox                        Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB467 with 40 ayes, 2 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 467. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend sections 81-2014, 81-2014.01, 81-2017, 81-2026, 81-2027.08, and 81-2041, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions relating to contributions, benefit calculations, benefit adjustments, and DROP participation; to provide for cost-of-living payments as prescribed; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:
Voting in the affirmative, 47:

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Voting in the negative, 0.

Excused and not voting, 2:

Fox Larson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 467A. With Emergency Clause.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 467, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

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Voting in the negative, 0.

Excused and not voting, 2:
Fox Larson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 505.**

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-3523, Revised Statutes Supplement, 2015; to change provisions relating to the Security, Privacy, and Dissemination of Criminal History Information Act; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

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Voting in the negative, 0.

Excused and not voting, 1:

| Fox |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 505A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 505, One Hundred Fourth Legislature, Second Session, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:
Excused and not voting, 1:

Fox

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 683.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3506, Revised Statutes Cumulative Supplement, 2014, and section 77-3509, Revised Statutes Supplement, 2015; to change provisions relating to homestead exemptions for certain surviving spouses as prescribed; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Baker    Davis      Hilkemann   Lindstrom  Schnoor
Bloomfield Ebke      Howard      McCollister Schumacher
Bolz      Friesen    Hughes      McCoy      Seiler
Brasch    Garrett     Johnson     Mello      Smith
Campbell  Gloor       Kintner     Morfeld    Stinner
Chambers  Groene     Kolowski    Murante    Sullivan
Coash     Haar, K.    Kolterman  Pansing Brooks Watermeier
Cook      Hadley      Krist       Riepe      Williams
Craighead Hansen     Kuehn       Scheer     
Crawford Harr, B.   Larson      Schilz
Excused and not voting, 1:

Fox

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 722.**

A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-1217 and 38-1221, Revised Statutes Cumulative Supplement, 2014, and section 71-401, Revised Statutes Supplement, 2015; to adopt the Stroke System of Care Act; to provide for establishment of model protocols under the Emergency Medical Services Practice Act; to restrict advertising by hospitals; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Baker  Crawford  Harr, B.  Larson  Schilz
Bloomfield  Davis  Hilkemann  Lindstrom  Schnoor
Bolz  Ebke  Howard  McCollister  Schumacher
Brasch  Friesen  Hughes  McCoy  Seiler
Campbell  Garrett  Johnson  Mello  Smith
Chambers  Gloor  Kolowski  Morfeld  Stinner
Coash  Haar, K.  Kolterman  Murante  Sullivan
Cook  Hadley  Krist  Pansing Brooks  Watermeier
Craighead  Hansen  Kuehn  Scheer  Williams

Voting in the negative, 2:

Groene  Kintner

Present and not voting, 1:

Riepe

Excused and not voting, 1:

Fox

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
LEGISLATIVE BILL 722A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 722, One Hundred Fourth Legislature, Second Session, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Baker   Davis   Howard   McCollister   Schumacher
Bolz    Ebke    Hughes   McCoy    Smith   
Brasch  Garrett Johnson Mello    Stinner  
Campbell Gloor Kolowski Morfeld Sullivan  
Chambers Haar, K. Kolterman Murante Watermeier
Coash  Hadley  Krist    Pansing Brooks Williams
Cook    Hansen  Kuehn    Scheer    
Craighead Harr, B. Larson Schilz    
Crawford Hilkemann Lindstrom Schnoor

Voting in the negative, 2:

Groene  Kintner

Present and not voting, 4:

Bloomfield  Friesen  Riepe  Seiler

Excused and not voting, 1:

Fox

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB754 with 42 ayes, 1 nay, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 754.

A BILL FOR AN ACT relating to the military; to amend sections 55-401, 55-402, 55-416, 55-418, 55-419, 55-427, 55-428, and 55-452, Reissue Revised Statutes of Nebraska; to create the Commission on Military and
Veteran Affairs; to provide for membership, terms, duties, expenses, and staff; to require a report; to authorize summary discipline under the Nebraska Code of Military Justice for minor offenses as prescribed; to change certain references to the code; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Baker Davis Hilkemann Lindstrom Schumacher
Bloomfield Ebke Howard McCollister Seiler
Bolz Friesen Hughes McCoy Smith
Brasch Garrett Johnson Mello Stinner
Campbell Gloor Kintner Morfeld Sullivan
Chambers Groene Kolowski Murante Watermeier
Coash Haar, K. Kolterman Pansing Brooks Williams
Cook Hadley Krist Scheer
Craighead Hansen Kuehn Schilz
Crawford Harr, B. Larson Schnoor

Voting in the negative, 0.

Present and not voting, 1:

Riepe

Excused and not voting, 1:

Fox

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 754A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 754, One Hundred Fourth Legislature, Second Session, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:
Baker  Davis  Hilkemann  Lindstrom  Schumacher
Bloomfield  Ebke  Howard  McCollister  Seiler
Bolz  Friesen  Hughes  McCoy  Smith
Brasch  Garrett  Johnson  Mello  Stinner
Campbell  Gloor  Kintner  Morfeld  Sullivan
Chambers  Groene  Kolowski  Murante  Watermeier
Coash  Haar, K.  Kolterman  Pansing  Brooks  Williams
Cook  Hadley  Krist  Scheer
Craighead  Hansen  Kuehn  Schilz
Crawford  Harr, B.  Larson  Schnoor

Voting in the negative, 0.

Present and not voting, 1:

Riepe

Excused and not voting, 1:

Fox

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 803.** With Emergency Clause.

A BILL FOR AN ACT relating to fees; to amend section 33-106.02, Reissue Revised Statutes of Nebraska; to change disposition of docket fees as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Baker  Davis  Howard  McCollister  Schumacher
Bloomfield  Ebke  Hughes  McCoy  Seiler
Bolz  Friesen  Johnson  Mello  Smith
Brasch  Garrett  Kintner  Morfeld  Stinner
Campbell  Gloor  Kolowski  Murante  Sullivan
Chambers  Haar, K.  Kolterman  Pansing  Brooks  Watermeier
Coash  Hadley  Krist  Riepe  Williams
Cook  Hansen  Kuehn  Scheer
Craighead  Harr, B.  Larson  Schilz
Crawford  Hilkemann  Lindstrom  Schnoor

Voting in the negative, 0.
Present and not voting, 1:
Groene

Excused and not voting, 1:
Fox

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB830 with 42 ayes, 1 nay, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 830.**

A BILL FOR AN ACT relating to employment law; to amend section 81-1328, Reissue Revised Statutes of Nebraska, and section 48-604, Revised Statutes Cumulative Supplement, 2014; to redefine employment under the Employment Security Law; to change provisions relating to vacation leave and to authorize payment for unused vacation leave for state employees as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Baker    Davis    Hilkemann    Lindstrom    Schnoor
Bloomfield    Ebke    Howard    McCollister    Schumacher
Bolz    Friesen    Hughes    McCoy    Seiler
Brasch    Garrett    Johnson    Mello    Smith
Campbell    Gloor    Kintner    Morfeld    Stinner
Chambers    Groene    Kolowski    Murante    Sullivan
Coash    Haar, K.    Koltermann    Lansing Brooks    Watermeier
Cook    Hadley    Krist    Riepe    Williams
Craighed    Hansen    Kuehn    Scheer
Crawford    Harr, B.    Larson    Schilz

Voting in the negative, 0.

Excused and not voting, 1:
Fox
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB867 with 41 ayes, 1 nay, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 867.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend sections 84-901, 84-902, 84-906, 84-906.03, 84-906.04, 84-907, 84-907.06, 84-907.07, 84-907.09, 84-908, and 84-920, Reissue Revised Statutes of Nebraska, and sections 83-173.03 and 83-1,135, Revised Statutes Supplement, 2015; to state intent; to define and redefine terms; to provide for issuance of guidance documents; to allow for emergency rules and regulations; to provide, change, and eliminate requirements for guidance documents, rules, and regulations; to exempt security policies and procedures; to change powers and duties of the Secretary of State; to require the Department of Correctional Services to adopt and promulgate rules and regulations; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 84-907.01 and 84-907.02, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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<td>Crawford</td>
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<td>Lindstrom</td>
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<td>Crawford</td>
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<td>Schnoor</td>
<td>Crawford</td>
<td>Groene</td>
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</tbody>
</table>

Voting in the negative, 0.

Present and not voting, 1:

Groene
Excused and not voting, 1:

Fox

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 867A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 867, One Hundred Fourth Legislature, Second Session, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Baker  Davis  Hilkemann  Lindstrom  Schumacher
Bloomfield  Ebke  Howard  McCollister  Seiler
Boz  Friesen  Hughes  McCoy  Smith
Brasch  Garrett  Johnson  Mello  Stinner
Campbell  Gloor  Kintner  Morfeld  Sullivan
Chambers  Groene  Kolowski  Murante  Watermeier
Coash  Haar, K.  Koltermann  Pansing  Brooks  Williams
Cook  Hadley  Krist  Scheer
Craighead  Hansen  Kuehn  Schilz
Crawford  Harr, B.  Larson  Schnoor

Voting in the negative, 0.

Present and not voting, 1:

Riepe

Excused and not voting, 1:

Fox

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
LEGISLATIVE BILL 919.

A BILL FOR AN ACT relating to courts; to amend sections 24-1301 and 24-1302, Reissue Revised Statutes of Nebraska, and section 29-2246, Revised Statutes Supplement, 2015; to change legislative intent regarding problem solving courts and appropriations for such courts; to require the Supreme Court to promulgate rules; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Baker  Davis  Hilkemann  Lindstrom  Schumacher
Bloomfield  Ebke  Howard  McCollister  Seiler
Bolz  Friesen  Hughes  McCoy  Smith
Brasch  Garrett  Johnson  Mello  Stinner
Campbell  Gloor  Kintner  Morfeld  Sullivan
Chambers  Groene  Kolowski  Murante  Watermeier
Coash  Haar, K.  Kolterman  Pansing  Brooks  Williams
Cook  Hadley  Krist  Scheer
Craighead  Hansen  Kuehn  Schilz
Crawford  Harr, B.  Larson  Schnoor

Voting in the negative, 0.

Present and not voting, 0.

Riepe

Excused and not voting, 1:

Fox

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 919A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 919, One Hundred Fourth Legislature, Second Session, 2016; and to state intent.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:
Voting in the negative, 0.

Present and not voting, 1:

Riepe

Excused and not voting, 1:

Fox

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB934 with 41 ayes, 2 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 934, With Emergency Clause.

A BILL FOR AN ACT relating to public health and safety; to amend sections 28-371, 30-2222, 30-2636, and 83-174.02, Reissue Revised Statutes of Nebraska, sections 28-348, 28-350, 28-358, 28-374, 28-386, 29-110, 29-4003, 29-4103, 30-2601, 30-4103, 30-4104, 30-4115, and 30-4116, Revised Statutes Cumulative Supplement, 2014, and sections 28-101, 30-2201, and 30-2619, Revised Statutes Supplement, 2015; to change provisions relating to vulnerable adults and senior adults under the Adult Protective Services Act; to define and redefine terms; to change the statute of limitations for knowing and intentional abuse, neglect, or exploitation of a vulnerable adult; to change penalty provisions; to provide qualification requirements, powers, duties, and limitations for guardians ad litem in guardianship, conservatorship, and other protective proceedings; to state legislative findings; to require reports; to allow payment for costs of evaluations; to change provisions relating to the Public Guardianship Act; to harmonize provisions; to repeal the original sections; and to declare an
emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 48:

- Baker
-Davis
-Hilkemann
-Lindstrom
-Schnoor
-Bloomfield
-Ebbe
-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.
-Koltermann
-Pansing Brooks
-Watermeier
-Cook
-Hadley
-Krist
-Riepe
-Williams
-Craighead
-Hansen
-Kuehn
-Scheer
-Crawford
-Harr, B.
-Larson
-Schilz

Voting in the negative, 0.

Excused and not voting, 1:

-Fox

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 934A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 934, One Hundred Fourth Legislature, Second Session, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:
Baker       Davis       Hilkemann     Lindstrom    Schumacher
Bloomfield  Ebke       Howard       McCollister  Seiler
Bolz        Friesen    Hughes       McCoy        Smith
Brasch       Garrett    Johnson      Mello        Stinner
Campbell     Gloor      Kintner      Morfeld      Sullivan
Chambers     Groene     Kolowski     Murante      Watermeier
Coash        Haar, K.  Kolterman     Pansing       Brooks       Williams
Cook         Hadley     Krist        Riepe
Craighed     Hansen     Kuehn        Scheer
Crawford     Harr, B.  Larson       Schilz

Voting in the negative, 0.

Present and not voting, 1:

Schnoor

Excused and not voting, 1:

Fox

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 400, 400A, 465, 465A, 467, 467A, 505, 505A, 683, 722, 722A, 754, 754A, 803, 830, 867, 867A, 919, 919A, 934, and 934A.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB960 with 41 ayes, 1 nay, 6 present and no t voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 960. With Emergency Clause.

A BILL FOR AN ACT relating to transportation; to amend sections 39-1365 and 73-101, Reissue Revised Statutes of Nebraska, sections 39-1365.02 and 73-307, Revised Statutes Cumulative Supplement, 2014, and sections 39-1348, 81-1701, and 84-612, Revised Statutes Supplement, 2015; to adopt the Transportation Innovation Act; to change provisions relating to road and bridge construction projects; to restate intent; to change reporting requirements; to exempt certain projects from public bidding and contracting requirements as prescribed; to provide for a transfer from the
Cash Reserve Fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 48:

<table>
<thead>
<tr>
<th>Baker</th>
<th>Davis</th>
<th>Hilkemann</th>
<th>Lindstrom</th>
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<td>Bloomfield</td>
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<td>Crawford</td>
<td>Harr, B.</td>
<td>Larson</td>
<td>Scheilz</td>
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</tr>
</tbody>
</table>

Voting in the negative, 0.

Excused and not voting, 1:

Fox

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 960A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 960, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:
Voting in the negative, 0.

Present and not voting, 2:

Craighed Groene

Excused and not voting, 1:

Fox

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB977 with 40 ayes, 1 nay, 7 present and no t voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 977, With Emergency Clause.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 13-1209, 13-1210, 13-1212, 60-3,104.02, 60-4,148, 60-681, 60-6,144, 60-6,294, and 60-1403, Reissue Revised Statutes of Nebraska, sections 60-3,186, 60-3,202, 60-4,131, 60-4,146, 60-4,149, 60-4,150, 60-1438.01, and 60-1505, Revised Statutes Cumulative Supplement, 2014, and sections 23-187, 60-301, 60-3,104, 60-3,130.04, 60-462, 60-601, and 60-6,230, Revised Statutes Supplement, 2015; to authorize state financial assistance for capital acquisition costs for public transportation as prescribed; to provide and change ordinance and resolution powers regarding weight restrictions; to provide for Breast Cancer Awareness Plates; to change provisions relating to specialty license plates; to change the use of motor vehicle tax proceeds; to provide for placement of taxes and fees in the Vehicle Title and Registration System Replacement and Maintenance Cash Fund as prescribed; to change provisions relating to distribution of the Motor Vehicle Tax Fund; to eliminate obsolete provisions; to provide for
electronic issuance of commercial drivers' licenses and electronic application for renewal and replacement of commercial drivers' licenses and CLP-commercial learners' permits; to change provisions relating to the operation of implements of husbandry on highways, use of rotating or flashing blue and amber lights, and powers and duties of the Nebraska Motor Vehicle Industry Licensing Board; to change provisions relating to the Motor Vehicle Industry Regulation Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?"

Voting in the affirmative, 49:

Baker  Davis  Harr, B.  Larson  Schilz
Bloomfield  Ebke  Hilkemann  Lindstrom  Schnoor
Bolz  Fox  Howard  McCollister  Schumacher
Brasch  Friesen  Hughes  McCoy  Seiler
Campbell  Garrett  Johnson  Mello  Smith
Chambers  Gloor  Kintner  Morfeld  Stinner
Coash  Groene  Kolowski  Murante  Sullivan
Cook  Haar, K.  Koltermann  Pansing  Brooks  Watermeier
Craighead  Hadley  Krist  Riepe  Williams
Crawford  Hansen  Kuehn  Scheer

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 977A. With Emergency Clause.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 977, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?"

Voting in the affirmative, 49:
Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1022 with 41 ayes, 1 nay, and 7 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1022. With Emergency Clause.

A BILL FOR AN ACT relating to the office of Legislative Audit; to amend sections 50-1212, 50-1213, 77-1116, 77-2711, 77-27,119, 77-27,187.02, 77-2912, 77-5208, 77-5725, 77-5806, 77-5905, and 77-6306, Revised Statutes Supplement, 2015; to require a report; to change provisions relating to access to records, sharing of confidential information, and notifying the Tax Commissioner of the intent to conduct an audit; to change dates for application of incentives; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:
Baker    Davis     Hilkemann   Lindstrom   Schnoor
Bolz     Ebke      Howard     McCollister Schumacher
Brasch   Fox       Hughes     McCoy      Seiler
Campbell Garrett   Johnson   Mello      Smith
Chambers Gloor     Kolowski  Morfeld    Stinner
Coash    Haar, K.  Kolterman  Murante    Sullivan
Cook     Hadley    Krist      Pansing     Brooks Watermeier
Craighead Hansen    Kuehn     Scheer     Williams
Crawford Harr, B.  Larson     Schilz

Voting in the negative, 4:

Bloomfield Friesen Groene Kintner

Present and not voting, 1:

Riepe

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1033.** With Emergency Clause.

A BILL FOR AN ACT relating to persons with disabilities; to provide legislative intent; to create an advisory committee within the Department of Health and Human Services and provide powers and duties to the department; to require reports; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 49:

Baker    Davis     Harr, B.  Larson     Schilz
Bloomfield Ebke      Hilkemann Lindstrom Schnoor
Bolz     Fox       Howard     McCollister Schumacher
Brasch   Friesen   Hughes     McCoy      Seiler
Campbell Garrett   Johnson   Mello      Smith
Chambers Gloor     Kintner    Morfeld    Stinner
Coash    Groene    Kolowski  Murante    Sullivan
Cook     Haar, K.  Kolterman Pansing     Brooks Watermeier
Craighead Hadley    Krist     Riepe      Williams
Crawford Harr, B.  Kuehn     Scheer

Voting in the negative, 0.
Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendment to LB1105

Senator Larson withdrew his amendment, AM1928, found on page 473, to LB1105.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1105 with 41 ayes, 1 nay, and 7 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1105. With Emergency Clause.

A BILL FOR AN ACT relating to beverage regulation; to amend sections 53-103.09, 53-103.18, 53-103.20, 53-103.41, 53-123.01, 53-124.11, 53-125, 53-129, 53-131.01, 53-132, 53-168.06, 53-169, 53-171, 53-175, 53-178, 53-187, 53-194.03, and 53-1,100, Reissue Revised Statutes of Nebraska, sections 53-123.14, 53-123.17, and 53-124.12, Revised Statutes Cumulative Supplement, 2014, and sections 53-103.44, 53-123.15, 53-124, 53-124.01, and 53-135, Revised Statutes Supplement, 2015; to create and provide powers and duties for the Nebraska Craft Brewery Board; to create the Nebraska Beer Industry Promotional Fund; to impose and provide for fees; to require reports; to redefine terms; to provide for and change licensure provisions for certain manufacturers and retailers; to change disposition of manufacturers' license fees as prescribed; to eliminate provisions regarding licensure in annexed areas; to change prohibitions related to selling and serving alcoholic liquor; to eliminate provisions relating to purchases by retailers as prescribed; to place restrictions on manufacturing and sales at wholesale; to change penalty provisions related to nonbeverage users and manufacturing spirits without a license; to eliminate the prohibition and penalty on the sale of carbonated soft drink or beer cans with removable, disposable tabs or grips as prescribed; to change provisions relating to limits on bringing alcoholic liquor into the state for personal consumption; to change a requirement for eligibility to obtain a license; to harmonize provisions; to provide severability; to repeal the original sections; to outright repeal section 28-1479, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the
emergency clause attached?"

Voting in the affirmative, 45:

Baker    Ebke    Hilkemann    Lindstrom    Schilz
Bolz     Fox     Howard    McCollister    Schnoor
Brasch   Friesen Hughes    McCoy    Schumacher
Campbell Garrett   Kintner    Mello    Seiler
Coash    Gloor    Kolowski    Morfeld    Smith
Cook     Haar, K. Kolterman    Murante    Stinner
Craighead Hadley   Krist    Pansing    Brooks    Sullivan
Crawford Hansen    Kuehn    Riepe    Watermeier
Davis    Harr, B. Larson    Scheer    Williams

Voting in the negative, 2:

Chambers    Johnson

Present and not voting, 2:

Bloomfield    Groene

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1105A. With Emergency Clause.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1105, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Baker    Fox     Howard    McCoy    Schumacher
Bolz     Friesen Hughes    Mello    Seiler
Brasch   Garrett   Kintner    Morfeld    Smith
Campbell Gloor    Kolowski    Murante    Stinner
Coash    Haar, K. Kolterman    Pansing    Brooks    Sullivan
Cook     Hadley   Kuehn    Riepe    Watermeier
Craighead Hansen    Larson    Scheer    Williams
Crawford Harr, B. Lindstrom    Schilz
Ebke    Hilkemann    McCollister    Schnoor
Voting in the negative, 0.

Present and not voting, 6:

Bloomfield    Davis    Johnson
Chambers      Groene   Krist

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB746 with 39 ayes, 1 nay, and 9 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 746. With Emergency Clause.

A BILL FOR AN ACT relating to children and families; to amend sections 43-532, 43-535, and 43-2502, Reissue Revised Statutes of Nebraska, sections 43-1311.03, 43-1312, 43-2404.01, and 43-4203, Revised Statutes Cumulative Supplement, 2014, and sections 43-272.01, 43-285, and 43-4202, Revised Statutes Supplement, 2015; to adopt the Nebraska Strengthening Families Act; to change reporting requirements for guardians ad litem; to change provisions relating to independent living transition proposals and permanency plans, foster child plans, and comprehensive juvenile services plans; to create the Normalcy Task Force; to change provisions relating to the Nebraska Children's Commission; to state intent to reduce a cash fund appropriation; to eliminate a reporting requirement; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 43-534, Revised Statutes Cumulative Supplement, 2014, and section 50-424, Revised Statutes Supplement, 2015; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 48:
A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 746A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2015, LB657, section 10; to appropriate funds to aid in carrying out the provisions of Legislative Bill 746, One Hundred Fourth Legislature, Second Session, 2016; to change an appropriation; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Baker    Davis    Hilkemann    McCoy    Seiler
Bloomfield Ebke    Hilkemann    McCollister    Schumacher
Bolz     Fox      Howard      McCoy      Seiler
Brasch   Friesen  Hughes     Mello      Smith
Campbell Garrett  Johnson    Morfeld    Stinner
Chambers Gloor    Kolowski    Murante    Sullivan
Coash    Groene   Kolkerman  Pansing    Brooks    Watermeier
Cook     Haar, K. Krist     Riepe      Williams
Craighead Hadley  Kuehn      Scheer
Crawford Hansen    Lindstrom  Schnoor

Voting in the negative, 0.
Present and not voting, 3:

Groene Kintner Kolowski

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**MOTION - Return LB774 to Select File**

Senator Scheer moved to return LB774 to Select File for the following specific amendment:

FA129

Strike the enacting clause.

Senator Scheer withdrew his motion to return.

**MOTION - Return LB774 to Select File**

Senator Groene moved to return LB774 to Select File for the following specific amendment:

FA136

Strike the enacting clause.

Senator Groene withdrew his motion to return.

**BILLS ON FINAL READING**

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB774 with 42 ayes, 1 nay, and 6 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 774. With Emergency Clause.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 3-613 and 77-2704.56, Reissue Revised Statutes of Nebraska, sections 77-2704.12, 77-2704.13, 77-2717, 77-2734.03, 77-2905, and 77-2909, Revised Statutes Cumulative Supplement, 2014, and sections 77-2701, 77-2704.15, 77-2715.07, and 77-2904, Revised Statutes Supplement, 2015; to change provisions relating to levy limitations for certain airport authorities; to provide a sales and use tax exemption for purchases by nonprofit centers for independent living and substance abuse treatment centers and county agricultural societies; to change sales tax exemption provisions relating to certain purchases of energy and fuels and purchases by museums; to provide an income tax credit to employers of recipients of certain public assistance as prescribed; to change the Nebraska Job Creation and Mainstreet Revitalization Act; to harmonize provisions; to provide
operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

- Baker
- Bolz
- Brasch
- Campbell
- Cook
- Craighead
- Crawford
- Davis

- Fox
- Garrett
- Gloor
- Haar, K.
- Hadley
- Hansen
- Harr, B.
- Hilkemann

- Howard
- Johnson
- Kolowski
- Kolterman
- Krist
- Larson
- Lindstrom
- McCoy

- Mello
- Morfeld
- Murante
- Pansing
- Scheer
- Schilz
- Schumacher
- Seiler

- Smith
- Stinner
- Sullivan
- Watermeier
- Williams

Voting in the negative, 10:

- Bloomfield
- Chambers
- Craighead
- Crawford
- Davis

- Ebke
- Friesen
- Harr, B.
- Hilkemann

- Groene
- Hughes
- Lindstrom
- McCoy

- Kintner
- Kuehn
- Schumacher
- Seiler

- Riepe
- Schnoor

Present and not voting, 2:

- Coash
- McCollister

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 774A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 774, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:
Voting in the affirmative, 6:

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<tr>
<th>Baker</th>
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<th>Harr, B.</th>
<th>McCoy</th>
<th>Schumacher</th>
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Voting in the negative, 6:

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<th>Bloomfield</th>
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<tr>
<td>Friesen</td>
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Present and not voting, 4:

| Chambers | Hilkemann | Kuehn | Lindstrom |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB886 with 41 ayes, 1 nay, and 7 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 886.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 2015; to adopt the Volunteer Emergency Responders Incentive Act; to provide income tax credits; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:
Voting in the negative, 0.

Present and not voting, 3:

Cook Kintner Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 613, 614, 615, and 616 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 613, 614, 615, and 616.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 886A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 886, One Hundred Fourth Legislature, Second Session, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:
FIFTY-EIGHTH DAY - APRIL 12, 2016

Present and not voting, 1:

Kuehn

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB935 to Select File

Senator Groene moved to return LB935 to Select File for the following specific amendment:

FA137
Strike the enacting clause.

Senator Groene withdrew his motion to return.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 935.

A BILL FOR AN ACT relating to state and local government; to amend sections 81-1118, 81-1174, 81-1175, 81-1176, 81-1180, 81-1348, and 84-321, Reissue Revised Statutes of Nebraska, sections 13-513 and 73-506, Revised Statutes Cumulative Supplement, 2014, and sections 84-304 and 84-311, Revised Statutes Supplement, 2015; to change provisions relating to the Nebraska Budget Act; to provide for late fees and remedial fees; to change provisions relating to the duration of certain state agency contracts, procedures and rates for reimbursement for expenses incurred in the line of duty, and membership of the Suggestion Award Board; to authorize additional assistant deputies for and sharing of working papers by the Auditor of Public Accounts; to provide the rate of interest on and liability for certain delinquent payments; to harmonize provisions; and to repeal the original sections.
Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

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Voting in the negative, 8:

| Bloomfield | Craighead | Groene | Riepe |
| Brasch | Davis | Kintner | Schnoor |

Present and not voting, 4:

| Chambers | Friesen | McCollister | Schumacher |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB938 with 39 ayes, 1 nay, and 9 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 938.** With Emergency Clause.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-163, 86-458, and 86-463, Reissue Revised Statutes of Nebraska; to adopt the 911 Service System Act; to change a reporting requirement; to provide for the transfer of funds; to remove obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 48:
Voting in the negative, 0.

Present and not voting, 1:

Stinner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 938A. With Emergency Clause.**

A BILL FOR AN ACT relating to appropriations; to amend Laws 2015, LB657, section 63; to appropriate funds to aid in carrying out the provisions of Legislative Bill 938, One Hundred Fourth Legislature, Second Session, 2016; to change an appropriation; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 49:

Baker Davis Harr, B. Larson Schilz
Bloomfield Ebke Hilkemann Lindstrom Schnoor
Bolz Fox Howard McCollister Schumacher
Brasch Friesen Hughes McCoy Seiler
Campbell Garrett Johnson Mello Smith
Chambers Gloor Kintner Morfeld Sullivan
Coash Groene Kolowski Murante Watermeier
Cook Haar, K. Kolterman Pansing Brooks Williams
Craighead Hadley Krist Riepe
Crawford Hansen Kuehn Scheer

Voting in the negative, 0.
Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1038 with 43 ayes, 1 nay, and 5 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1038.**

A BILL FOR AN ACT relating to natural resources; to amend sections 2-945.01, 2-958.02, 39-891, 39-893, 39-1301, 39-1302, 39-1309, 39-1320, 46-290, 70-668, 70-669, and 72-2008, Reissue Revised Statutes of Nebraska, and section 72-2007, Revised Statutes Supplement, 2015; to change provisions relating to grants for certain vegetation management programs; to create the Riparian Vegetation Management Task Force; to provide powers and duties; to require an annual report; to provide for the issuance of permits to control vegetation obscuring advertising signage along highways as prescribed; to provide duties for the Department of Roads; to change provisions relating to water appropriations; to require legislative confirmation of certain appointments to the Niobrara Council; to change provisions relating to support by the Game and Parks Commission under the Niobrara Scenic River Act; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-967 and 2-968, Revised Statutes Cumulative Supplement, 2014.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

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Voting in the negative, 0.
Present and not voting, 1:

Bloomfield

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1038A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1038, One Hundred Fourth Legislature, Second Session, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Baker  Ebke  Hilkemann  Lindstrom  Schumacher
Bolz   Fox   Howard  McCollister  Seiler
Brasch  Friesen  Hughes  McCoy  Smith
Campbell  Garrett  Johnson  Mello  Stinner
Chambers  Gloor  Kintner  Morfeld  Sullivan
Coash  Groene  Kolowski  Pansing Brooks  Watermeier
Cook  Haar, K.  Kolterman  Riepe  Williams
Craighead  Hadley  Krist  Scheer
Crawford  Hansen  Kuehn  Schilz
Davis  Harr, B.  Larson  Schnoor

Voting in the negative, 0.

Present and not voting, 2:

Bloomfield  Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB889 with 40 ayes, 1 nay, and 8 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 889.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2717 and 77-2734.03, Revised Statutes Cumulative Supplement, 2014, and sections 68-1201, 71-1962, and 77-2715.07, Revised Statutes Supplement, 2015; to adopt the School Readiness Tax Credit Act; to provide income tax credits; to exclude tax credits from certain eligibility determinations; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Baker  Davis  Hilkemann  McCollister  Schumacher
Bolz  Ebke  Howard  McCoy  Seiler
Brasch  Fox  Hughes  Mello  Smith
Campbell  Garrett  Johnson  Morfeld  Stinner
Chambers  Gloor  Kolowski  Pansing Brooks Sullivan
Coash  Haar, K.  Koltermann  Riepe  Williams
Cook  Hadley  Krist  Scheer
Craighead  Hansen  Larson  Schilz
Crawford  Harr, B.  Lindstrom  Schnoor

Voting in the negative, 5:

Bloomfield  Friesen  Groene  Kintner  Watermeier

Present and not voting, 2:

Kuehn  Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
The following bill was read and put upon final passage:

**LEGISLATIVE BILL 889A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 889, One Hundred Fourth Legislature, Second Session, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Baker  Davis  Hilkemann  McCollister  Schnoor
Bolz  Ebke  Howard  McCoy  Schumacher
Brasch  Fox  Hughes  Mello  Seiler
Campbell  Garrett  Johnson  Morfeld  Smith
Chambers  Gloor  Kolowski  Murante  Stinner
Coash  Haar, K.  Kolterman  Pansing  Brooks  Sullivan
Cook  Hadley  Krist  Riepe  Williams
Craighead  Hansen  Larson  Scheer
Crawford  Harr, B.  Lindstrom  Schilz

Voting in the negative, 3:

Friesen  Groene  Kintner

Present and not voting, 3:

Bloomfield  Kuehn  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 LB959 with 43 ayes, 1 nay, and 5 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 959.** With Emergency Clause.

A BILL FOR AN ACT relating to education; to amend sections 79-1005.01, 79-1007.18, 79-1008.01, 79-1008.02, 79-1075, 79-10,110, and 79-10,110.01, Reissue Revised Statutes of Nebraska, and sections 77-3442, 79-1003, and 79-1017.01, Revised Statutes Supplement, 2015; to change provisions relating to minimum levy adjustments and averaging adjustments under the Tax Equity and Educational Opportunities Support Act; to change
provisions relating to and provide for school district levy and bonding authority for certain projects as prescribed; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:


Voting in the negative, 0.

Present and not voting, 2:

Chambers  Garrett

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 959A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 959, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 48:
Voting in the negative, 0.

Present and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendments to LB745

Senator Chambers withdrew his amendments, AM2503, AM2504, AM2505, AM2506, AM2507, AM2508, AM2509, AM2510, AM2511, AM2512, AM2515, AM2516, AM2517, and AM2518, found on pages 974, 975, 976, and 977, to LB745.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB745 with 44 ayes, 2 nays, and 3 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 745.

A BILL FOR AN ACT relating to game and parks; to amend section 37-406, Reissue Revised Statutes of Nebraska, and sections 37-327, 37-405, 37-407, 37-415, 37-420, 37-421, 37-421.01, 37-426, 37-438, 37-447, 37-449, 37-450, 37-451, 37-457, 37-484, 37-490, 37-497, and 37-4,111, Revised Statutes Cumulative Supplement, 2014; to change the limit for increasing fees by the Game and Parks Commission; to change provisions relating to permits, permit applications, and game breeding and controlled shooting areas; to change license, permit, stamp, and application fees as prescribed; and to repeal the original sections.
Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Baker          Fox          Hilkemann    Larson      Schilz
Bolz           Friesen      Howard       Lindstrom   Schnoor
Brasch         Garrett      Hughes       McCollister Schumacher
Campbell       Gloor        Johnson      McCoy       Seiler
Coash          Groene       Kintner      Mello       Smith
Craighead      Haar, K.     Kolowski     Morfeld     Stinner
Crawford       Hadley       Koterman     Pansing      Brooks Sullivan
Davis          Hansen       Krist        Riepe       Watermeier
Ebke           Harr, B.     Kuehn        Scheer      Williams

Voting in the negative, 3:

Bloomfield    Chambers    Cook

Present and not voting, 1:

Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 960, 960A, 977, 977A, 1022, 1033, 1105, 1105A, 746, 746A, 774, 774A, 886, 886A, 935, 938, 938A, 1038, 1038A, 889, 889A, 959, 959A, and 745.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 12, 2016, at 10:06 a.m. were the following: LBs 400, 400A, 465, 465A, 467e, 467Ae, 505, 505A, 683, 722, 722A, 754, 754A, 803e, 830, 867, 867A, 919, 919A, 934e, and 934A.

(Signed) Jamie Leishman  
Clerk of the Legislature's Office

VISITOR(S)

Visitors to the Chamber were 39 fourth-grade students and sponsors from Plattsmouth; and 66 fourth-grade students from Mary Our Queen, Omaha.
RECESS

At 11:17 a.m., on a motion by Senator Campbell, the Legislature recessed until 12:15 p.m.

AFTER RECESS

The Legislature reconvened at 12:15 p.m., Senator Krist presiding.

ROLL CALL

The roll was called and all members were present except Senators Groene, B. Harr, Howard, Kuehn, Mello, Schilz, and Watermeier who were excused until they arrive.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 624. Introduced by McCoy, 39.

WHEREAS, Douglas County West Elementary School in Valley was recognized as a 2015 National Blue Ribbon School by the United States Department of Education; and
WHEREAS, the Blue Ribbon Schools Program honors public and private elementary, middle, and high schools that are exemplary, high-performing schools or that have improved student achievement to high levels, especially among disadvantaged and minority students; and
WHEREAS, these achievements are a testament to the dedication of the students of Douglas County West Elementary School, as well as the commitment of the faculty and staff to providing the best educational opportunities for their students.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates the students, faculty, and staff of Douglas County West Elementary School on their admirable achievement and applauds their dedication to a high standard of education.
2. That the Legislature recognizes the work of Principal Duane Krusemark and thanks him for his commitment to his students.
3. That a copy of this resolution be sent to Douglas County West Elementary School and Principal Duane Krusemark.

Laid over.

LEGISLATIVE RESOLUTION 625. Introduced by McCoy, 39.

WHEREAS, the Elkhorn South High School cheer and dance teams were victorious at the 2016 Class B Nebraska State Cheer and Dance Championships; and
WHEREAS, the Elkhorn South cheer team won first place in the Tumbling division for the third consecutive year and earned second place in the Sideline Division; and
WHEREAS, the Elkhorn South dance team won first place in the Hip Hop division for the fifth consecutive year and placed second in the Jazz division; and
WHEREAS, both teams showed outstanding determination, perseverance, and skill throughout the competition; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates the Elkhorn South High School cheer and dance teams on their victories at the 2016 Class B State Cheer and Dance Championships.
2. That a copy of this resolution be sent to the Elkhorn South High School cheer and dance teams.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 12, 2016, at 11:28 a.m. were the following: LBs 960e, 960Ae, 977e, 977Ae, 1022e, 1033e, 1105e, 1105Ae, 746e, 746Ae, 774e, 774Ae, 886, 886A, 935, 938e, 938Ae, 1038, 1038A, 889, 889A, 959e, 959Ae, and 745.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

RESOLUTION(S)

LEGISLATIVE RESOLUTION 601. Read. Considered.
LR601 was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

LEGISLATIVE RESOLUTION 547. Read. Considered.

SPEAKER HADLEY PRESIDING

Committee AM2847, found on page 1502, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.
LR547, as amended, was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

SENATOR KRIST PRESIDING
MOTION - Return LB10 to Select File

Senator Cook moved to return LB10 to Select File for her specific amendment, AM333, found on page 691, First Session, 2015.

SPEAKER HADLEY PRESIDING

Senator McCoy offered the following motion:

MO288
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator McCoy requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 32:

Baker  Fox  Johnson  McCoy  Smith
Bloomfield  Friesen  Kintner  Murante  Stinner
Brasch  Gloor  Koterman  Riepe  Watermeier
Coash  Groene  Kuehn  Scheer  Williams
Craighead  Hadley  Larson  Schilz
Davis  Hilkemann  Lindstrom  Schnoor
Ebke  Hughes  McCollister  Seiler

Voting in the negative, 17:

Bolz  Crawford  Harr, B.  Mello  Sullivan
Campbell  Garrett  Howard  Morfeld
Chambers  Haar, K.  Kolowski  Pansing  Brooks
Cook  Hansen  Krist  Schumacher

Not voting, 0.

The McCoy motion to invoke cloture failed with 32 ayes, 17 nays, and 0 not voting.

COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR547.

(Signed) Matt Hansen, Chairperson

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 547. Introduced by Larson, 40.
WHEREAS, the Legislature has a variety of tools that it can utilize to enhance economic development for the Native American population of Nebraska; and

WHEREAS, these tools include tax incentives, housing opportunities, grants, special education policies, and access to health care; and

WHEREAS, the Legislature would benefit from the advice and recommendations of the State-Tribal Relations Committee of the Legislature regarding the development of policies and refinements to existing laws that can be made to encourage and enhance economic development for the Native American population of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the Tribal Economic Development Committee of the Legislature. The special committee shall consist of five members: The chairperson of the State-Tribal Relations Committee of the Legislature or his or her designee, the chairperson of the Appropriations Committee of the Legislature or his or her designee, the chairperson of the Revenue Committee or his or her designee, and two members of the Legislature selected by the Executive Board. The members of the special committee shall choose a chairperson from among the members of the committee.

2. That the Tribal Economic Development Committee shall conduct a study examining the policy tools available to the Legislature to enhance economic development for the Native American population of Nebraska.

3. That the Tribal Economic Development Committee shall consult with the members of the Education and Health and Human Services Committees of the Legislature in conducting this study.

4. That the Tribal Economic Development Committee shall formulate draft legislation and policy recommendations and issue a report with its findings and recommendations to the Legislature no later than December 15, 2016.

VISITOR(S)

Visitors to the Chamber were 31 fourth-grade students from Ponca; and John Ross from Bancroft.

The Doctor of the Day was Dr. Jason Bespalec from Geneva.

ADJOURNMENT

At 2:42 p.m., on a motion by Senator Kolterman, the Legislature adjourned until 9:00 a.m., Wednesday, April 13, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
FIFTY-NINTH DAY - APRIL 13, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 13, 2016

PRAYER

The prayer was offered by Reverend Jim Miller, Retired Methodist Minister, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Davis, Garrett, Groene, Hansen, Mello, Morfeld, and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-eighth day was approved.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 626. Introduced by Seiler, 33.

WHEREAS, William M. Connolly is a judge on the Nebraska Supreme Court; and
WHEREAS, Judge Connolly began his distinguished legal career after graduating from Creighton University in 1960 and Creighton University School of Law in 1963; and
WHEREAS, Judge Connolly served the residents of Adams County as Deputy County Attorney from 1964 to 1967 and as County Attorney from 1967 to 1973; and
WHEREAS, Judge Connolly worked in private practice in Hastings from 1973 to 1991; and
WHEREAS, Judge Connolly served on the Court of Appeals from 1992 to 1994 and the Supreme Court from 1994 to the present; and
WHEREAS, Judge Connolly has announced his decision to retire from the high court on August 1, 2016; and
WHEREAS, Judge Connolly is a well-respected jurist and is known for his keen legal mind and exceptional writing skills.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Judge William M. Connolly on his upcoming retirement after many years of public service on behalf of the citizens of this state.
2. That a copy of this resolution be sent to Judge William M. Connolly.

Laid over.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 12, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Padilla, Julie
   Renovate America, Inc.
Rountree, Cory
   College Board (Withdrawn 04/11/2016)

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
http://www.nebraskalegislature.gov/agencies/view.php

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 617, 618, and 619 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 617, 618, and 619.
MOTION(S) - Confirmation Report(s)

Senator Larson moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1452:
- Nebraska Commission on Problem Gambling
  - Mark Canada
  - Susan Lutz
  - James D. Patterson

Voting in the affirmative, 34:

Baker        Craighead      Johnson       McCollister       Seiler
Bolz         Crawford       Kolowski      McCoy            Smith
Brasch        Ebke           Kolterman     Pansing          Brooks Stinner
Campbell      Fox            Krist         Riepe            Sullivan
Chambers      Haar, K.       Kuehn         Scheer           Watermeier
Coash         Hadley         Larson        Schilz           Williams
Cook          Howard         Lindstrom     Schumacher

Voting in the negative, 0.

Present and not voting, 8:

Bloomfield    Gloor          Hilkemann     Kintner
Friesen       Harr, B.       Hughes        Schnoor

Excused and not voting, 7:

Davis         Groene         Mello         Murante
Garrett       Hansen         Morfeld

The appointments were confirmed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1465:
- Nebraska Natural Resources Commission
  - Brian Barels
  - Joel Christensen
  - Stanley A. Clouse
  - Brad B. Dunbar
  - Thomas Knutson
  - Scott Smathers
  - Chad Wright

Voting in the affirmative, 39:
The appointments were confirmed with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1465:

Nebraska Game and Parks Commission
Patrick Berggren

Voting in the affirmative, 39:

Baker Ebke Hilkemann Lindstrom Schumacher
Bolz Fox Howard McCollister Seiler
Brasch Friesen Hughes McCoy Smith
Campbell Garrett Johnson Pansing Brooks Stinner
Chambers Gloor Kolowski Riepe Sullivan
Coash Haar, K. Kolterman Scheer Watermeier
Cook Hansen Kuehn Schilz Williams
Craighead Harr, B. Larson Schnoor

Voting in the negative, 0.

Present and not voting, 6:

Bloomfield Groene Kintner Kuehn Scheer

Excused and not voting, 4:

Davis Mello Morfeld Murante
The appointment was confirmed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Senator Garrett moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 1477:

- State Emergency Response Commission
  Kimboey Plouzek

Voting in the affirmative, 36:

Baker  Crawford  Harr, B.  McCollister  Stinner
Bloomfield  Ebke  Howard  McCoy  Sullivan
Bolz  Fox  Hughes  Pansing  Brooks  Watermeier
Brasch  Garrett  Johnson  Scheer  Williams
Campbell  Gloor  Kolowski  Schilz
Chambers  Haar, K.  Kolterman  Schumacher
Cook  Hadley  Larson  Seiler
Craighead  Hansen  Lindstrom  Smith

Voting in the negative, 0.

Present and not voting, 9:

Coash  Groene  Kintner  Kuehn  Schnoor
Friesen  Hilkemann  Krist  Riepe

Excused and not voting, 4:

Davis  Mello  Morfeld  Murante

The appointment was confirmed with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Senator Garrett moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on pages 1476 and 1477:

- Nebraska Accountability and Disclosure Commission
  Jeffery Davis
  Douglas Hegarty
  James J. Ziebarth

Voting in the affirmative, 42:
The appointments were confirmed with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1503:

Stem Cell Research Advisory Committee
Alysson Renato Muotri

Voting in the affirmative, 41:

Baker Ebke Hughes Morfeld Smith
Bolz Garrett Johnson Murante Stinner
Brasch Garrett Kolowski Pansing Brooks Sullivan
Campbell Gloor Koltermann Riepe Watermeier
Chambers Haar, K. Kuehn Scheer Williams
Coash Hadley Larson Schilz
Cook Hansen Lindstrom Schnoor
Craighead Hilkemann McCollister Schumacher

Voting in the negative, 0.

Present and not voting, 6:

Bloomfield Friesen Harr, B. Kintner
Fox Harr, B. Krist

Excused and not voting, 2:
The appointment was confirmed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 1509:

   Public Employees Retirement Board
   Pamela E. Lancaster

Voting in the affirmative, 42:

   Baker    Ebke  Hilkemann  McCoy  Seiler
   Bloomfield  Fox  Howard  Mello  Smith
   Bolz  Friesen  Hughes  Morfeld  Stinner
   Campbell  Garrett  Johnson  Murante  Sullivan
   Chambers  Gloor  Kolowski  Pansing  Brooks  Watermeier
   Coash  Groene  Kolterman  Riepe  Williams
   Cook  Haar, K.  Larson  Schieber
   Craighead Hadley  Lindstrom  Schilz
   Crawford  Hansen  McCollister  Schumacher

Voting in the negative, 0.

Present and not voting, 6:

   Brasch  Kintner  Kuehn
   Harr, B.  Krist  Schnoor

Excused and not voting, 1:

   Davis

The appointment was confirmed with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

MOTION(S) - Suspend Rules

Speaker Hadley offered his motion, found on page 1517, to suspend the rules, Rule 6, Sections 6, 7, and 8, Rule 7, Sections 3 and 7, and Rule 5, Section 7 and vote on the final passage without further amendments, motions, or debate on the following bill: LB1067.

Speaker Hadley withdrew his motion to suspend the rules.
Speaker Hadley offered his motion, found on page 1544, to suspend the rules, Rule 6, Sections 6, 7, and 8 and Rule 7, Sections 3 and 7 and vote on the final passage without further amendments, motions, or debate on the following bills: LBs 1094, 884, 821, 756, 829, 851, 851A, 930, 721, 235, 580, 1106, and 716.

Speaker Hadley withdrew his motion to suspend the rules.

**BILLS ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 235.**

A BILL FOR AN ACT relating to public health and welfare; to adopt the Consumer Protection in Eye Care Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

Baker, Davis, Harr, B., Larson, Schilz
Bloomfield, Ebke, Hilkemann, Lindstrom, Schnoor
Bolz, Fox, Howard, McCollister, Schumacher
Brasch, Friesen, Hughes, McCoy, Seiler
Campbell, Garrett, Johnson, Mello, Smith
Chambers, Gloor, Kintner, Morfeld, Stinner
Coash, Groene, Kolowski, Murante, Sullivan
Cook, Haar, K., Kolterman, Pansing, Brooks, Watermeier
Craighead, Hadley, Krist, Riepe, Williams
Crawford, Hansen, Kuehn, Scheer

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB721 with 42 ayes, 1 nay, and 6 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 721.**

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-2025, Reissue Revised Statutes of Nebraska, section 38-121, Revised Statutes Cumulative Supplement, 2014, and section 38-101, Revised Statutes Supplement, 2015; to adopt the Surgical First Assistant Practice Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Baker       Davis       Hilkemann      Lindstrom    Schnoor
Bloomfield  Ebke        Howard       McCollister  Schumacher
Bolz        Fox          Hughes       McCoy        Seiler
Brasch      Friesen     Johnson      Mello        Smith
Campbell    Garrett      Kintner      Morfeld      Stinner
Chambers    Gloor       Kolowski     Murante      Sullivan
Coash       Haar, K.    Koltermann   Pansing       Brooks Watermeier
Cook        Hadley       Krist        Riepe        Williams
Craighhead  Hansen      Kuehn        Scheer
Crawford    Harr, B.    Larson       Schilz

Voting in the negative, 0.

Present and not voting, 1:

Groene

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 756.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-6101 and 77-6105, Reissue Revised Statutes of Nebraska, and section 77-2716, Revised Statutes Supplement, 2015; to terminate the Long-Term Care Savings Plan Act; to harmonize provisions; and to repeal the original
Whereupon the 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:

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Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 821.**

A BILL FOR AN ACT relating to employment; to adopt the Workplace Privacy Act; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

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Voting in the negative, 0.

Present and not voting, 3:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB829 with 40 ayes, 2 nays, and 7 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 829.**

A BILL FOR AN ACT relating to fiduciaries; to adopt the Revised Uniform Fiduciary Access to Digital Assets Act (2015); to provide an operative date; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

Baker Davis Harr, B. Larson Schilz
Bloomfield Ebke Hilkemann Lindstrom Schnoor
Bolz Fox Howard McCollister Schumacher
Brasch Friesen Hughes McCoy Seiler
Campbell Garrett Johnson Mello Smith
Chambers Gloor Kintner Morfeld Stinner
Coash Groene Kolowski Murante Sullivan
Cook Haar, K. Kolterman Pansin Brooks Watermeier
Craighead Hadley Krist Riepe Williams
Crawford Hansen Kuehn Scheer

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 851.**

A BILL FOR AN ACT relating to state government; to amend sections 84-602 and 84-602.01, Reissue Revised Statutes of Nebraska, and section
84-602.02, Revised Statutes Supplement, 2015; to change the Taxpayer Transparency Act; to define and redefine terms; to change provisions relating to exempt contracts; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Baker Davis Hilkemann Lindstrom Schnoor
Bloomfield Ebke Howard McCollister Schumacher
Boz Fox Hughes McCoy Seiler
Brasch Friesen Johnson Mello Smith
Campbell Garrett Kintner Morfeld Stinner
Chambers Gloor Kolowski Murante Sullivan
Coash Haar, K. Kolterman Pansing Brooks Watermeier
Cook Hadley Krist Riepe Williams
Craighead Hansen Kuehn Scheer
Crawford Harr, B. Larson Schilz

Voting in the negative, 0.

Present and not voting, 1:

Groene

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 851A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 851, One Hundred Fourth Legislature, Second Session, 2016; and to appropriate funds to aid in carrying out the provisions of Legislative Bill 1110, One Hundred Fourth Legislature, Second Session, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:
Baker  Davis  Hilkemann  Lindstrom  Schnoor
Bloomfield  Ebke  Howard  McCollister  Schumacher
Bolz  Fox  Hughes  McCoy  Seiler
Brasch  Friesen  Johnson  Mello  Smith
Campbell  Garrett  Kintner  Morfeld  Stinner
Chambers  Gloor  Kolowski  Murante  Sullivan
Coash  Haar, K.  Koltermann  Pansing Brooks  Watermeier
Cook  Hadley  Krist  Riepe  Williams
Craighead  Hansen  Kuehn  Scheer
Crawford  Harr, B.  Larson  Schilz

Voting in the negative, 0.

Present and not voting, 1:

Groene

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB884 to Select File**

Senator Groene moved to return LB884 to Select File for the following specific amendment:

FA139
Strike the enacting clause.

Senator Groene withdrew his motion to return.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 235, 721, 756, 821, 829, 851, and 851A.

**MOTION - Return LB884 to Select File**

Senator Chambers moved to return LB884 to Select File for the following specific amendment:

FA143
Strike section 1.

Senator Chambers withdrew his motion to return.

**SPEAKER HADLEY PRESIDING**
Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB884 with 43 ayes, 1 nay, and 5 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 884.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-2603, 13-2604, 13-2605, 13-3102, 13-3103, 13-3104, and 13-3106, Reissue Revised Statutes of Nebraska, sections 13-2709, 77-908, 77-2717, 77-2734.03, and 77-3806, Revised Statutes Cumulative Supplement, 2014, and sections 13-2610, 13-3108, and 77-2715.07, Revised Statutes Supplement, 2015; to change provisions of the Convention Center Facility Financing Assistance Act and the Sports Arena Facility Financing Assistance Act; to adopt the Affordable Housing Tax Credit Act; to harmonize provisions; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

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Voting in the negative, 4:

| Davis  | Groene | Hughes | Kintner |

Present and not voting, 2:

| Bloomfield | Hansen |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB930 with 41 ayes, 4 nays, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 930.

A BILL FOR AN ACT relating to education; to amend sections 79-759 and 79-760.03, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Supplement, 2015; to change provisions relating to statewide assessments and college admission testing as prescribed; to provide powers and duties for the State Board of Education as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Baker    Davis    Hilkemann    Lindstrom    Schumacher
Bloomfield    Ebke    Howard    McCollister    Seiler
Bolz    Fox    Hughes    McCoy    Smith
Brasch    Friesen    Johnson    Mello    Sullivan
Campbell    Garrett    Kintner    Morfeld    Watermeier
Chambers    Gloor    Kolowski    Murante    Williams
Coash    Haar, K.    Kolterman    Pansing    Brooks
Cook    Hadley    Krist    Riepe
Craighead    Hansen    Kuehn    Scheer
Crawford    Harr, B.    Larson    Schilz

Voting in the negative, 1:

Groene

Present and not voting, 2:

Schnoor    Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1094 with 40 ayes, 3 nays, and 6 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1094. With Emergency Clause.**

A BILL FOR AN ACT relating to criminal law; to amend sections 27-1101, 28-605, 28-626, 29-2256, 29-2267, 47-401, 47-502, 83-187, and 83-1,101, Reissue Revised Statutes of Nebraska, sections 28-115, 28-1354, 29-2258, and 29-2269, Revised Statutes Cumulative Supplement, 2014, sections 28-106, 28-204, 28-394, 28-514, 29-2204.02, 29-2252, 29-2252.01, 29-2260, 29-2262, 29-2263, 29-2266, 29-2268, 47-901, 47-903, 47-908, 60-6,197.03, 71-2482, 83-1,100.02, 83-1,119, 83-1,122, 83-1,122.01, 83-1,135, 83-1,135.02, and 83-4,114, Revised Statutes Supplement, 2015, and section 28-105, Revised Statutes Cumulative Supplement, 2014, as amended by Laws 2015, LB605, section 6; to exempt certain proceedings from the Nebraska Evidence Rules; to provide and change penalties for certain offenses; to provide for applicability of certain changes; to change provisions relating to certain offenses; to change provisions relating to post-release supervision, probation, and parole; to change reporting requirements regarding probation and restrictive housing; to require cooperation by and access to information from the Office of Parole Administration; to provide a minimum sentence of imprisonment for certain offenses; to change provisions relating to the Office of Inspector General of the Nebraska Correctional System Act; to change training requirements for certain parole officers; to change appointment and qualification provisions for the Parole Administrator; to change membership of a restrictive housing work group; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:
FIFTY-NINTH DAY - APRIL 13, 2016

Baker Davis Harr, B. Lindstrom Schnoor
Bloomfield Ebke Hilkemann McCollister Schumacher
Bolz Fox Howard McCoy Seiler
Brasch Friesen Hughes Mello Smith
Campbell Garrett Johnson Morfeld Sullivan
Chambers Gloor Kintner Murante Watermeier
Coash Groene Kolterman Pansing Brooks Williams
Cook Haar, K. Krist Riepe
Craighed Hadley Kuehn Scheer
Crawford Hansen Larson Schilz

Voting in the negative, 0.
Present and not voting, 2:
Kolowski Stinner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1106 with 37 ayes, 2 nays, and 10 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1106.

A BILL FOR AN ACT relating to forfeiture of property; to amend sections 28-431, 28-1111, and 28-1463.01, Reissue Revised Statutes of Nebraska, and sections 25-21,302, 28-101, 28-109, 28-416, and 28-813.01, Revised Statutes Supplement, 2015; to change and provide forfeiture provisions for certain offenses as prescribed; to provide for reports regarding forfeitures; to provide duties for a prosecuting attorney seeking forfeiture; to provide restrictions on the disposition of money or property seized as prescribed; to harmonize provisions; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 38:
Voting in the negative, 8:

Bloomfield Groene Kintner McCoy
Fox Johnson Larson Riepe

Present and not voting, 3:

Hilkemann Kuehn Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB1067

Senator Chambers withdrew his amendment, AM2910, found on page 1513, to LB1067.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1067 with 39 ayes, 4 nays, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1067.

to adopt, change, and eliminate provisions relating to lottery proceeds, budget statements, property tax notices, levies, refunds, and distributions, the enrollment option program, open enrollment, accreditation standards, state aid, reorganization of school districts, learning community coordinating councils, the student achievement coordinator, community achievement plans, learning communities, advisory committees, and powers and duties; to change provisions relating to educational service units; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-1007.22, 79-1073.01, and 79-2107, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

- Baker
- Ebke
- Hughes
- McCollister
- Schnoor
- Bloomfield
- Friesen
- Johnson
- McCoy
- Schumacher
- Bolz
- Garrett
- Kintner
- Mello
- Seiler
- Brasch
- Gloor
- Kolowski
- Morfeld
- Smith
- Campbell
- Haar, K.
- Kolterman
- Murante
- Stinner
- Coash
- Hadley
- Kuehn
- Riepe
- Sullivan
- Craighead
- Harr, B.
- Larson
- Scheer
- Watermeier
- Crawford
- Hilkemann
- Lindstrom
- Schilz
- Williams

Voting in the negative, 7:

- Chambers
- Davis
- Groene
- Krist
- Cook
- Fox
- Hansen

Present and not voting, 2:

- Howard
- Pansing

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1067A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1067, One Hundred Fourth Legislature, Second Session, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:
Voting in the negative, 5:
Chambers Cook Fox Groene Krist

Present and not voting, 3:
Coash Davis Pansing Brooks

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB958 to Select File**

Senator Davis moved to return LB958 to Select File for the following specific amendment:
FA142
Strike the enacting clause.

Senator Davis withdrew his motion to return.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 958.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-4212, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to property tax credits; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:
Voting in the negative, 1:

Krist

Present and not voting, 1:

Coash

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 884, 930, 1094, 1106, 1067, 1067A, and 958.

**MOTIONS - Return LB947 to Select File**

Senator Kintner moved to return LB947 to Select File for the following specific amendment:

FA138
Strike section 1.

Senator Kintner withdrew his motion to return.

Senator Kintner moved to return LB947 to Select File for the following specific amendment:

FA140
On page 4, line 9, after "(d)" insert "Beginning January 1, 2018".

Senator Kintner withdrew his motion to return.
BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 947. With Emergency Clause.

A BILL FOR AN ACT relating to aliens; to amend sections 4-111 and 4-112, Reissue Revised Statutes of Nebraska, and section 38-129, Revised Statutes Cumulative Supplement, 2014; to state intent relating to professional or commercial licenses; to provide for issuance of credentials as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Baker    Ebke    Harr, B.    McCollister    Seiler
Bolz    Friesen    Hilkemann    Mello    Smith
Campbell    Garrett    Howard    Morfeld    Stinner
Chambers    Gloor    Hughes    Pansing    Brooks    Sullivan
Coash    Haar, K.    Kolowski    Scheer    Williams
Cook    Hadley    Krist    Schilz
Crawford    Hansen    Lindstrom    Schumacher

Voting in the negative, 11:

Bloomfield    Fox    Kuehn    Murante
Brasch    Groene    Larson    Riepe
Davis    Kintner    McCoy

Present and not voting, 5:

Craighead    Johnson    Kolterman    Schnoor    Watermeier

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendments to LB824

Senator Friesen withdrew his amendments, AM2856, AM2857, AM2858, and AM2859, found on page 1543, to LB824.
MOTION - Return LB824 to Select File

Senator Friesen moved to return LB824 to Select File for his specific amendment, AM2860, found on page 1543.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 547 and 601.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 627. Introduced by Hadley, 37.

WHEREAS, nationally renowned wildlife and landscape photographers Joel Sartore and Michael Forsberg are lifelong Nebraskans living in Lincoln; and
WHEREAS, Joel Sartore's photographs from the Photo Ark project grace the cover and several pages of the April 2016 issue of National Geographic; and
WHEREAS, an article on wildlife photography by Michael Forsberg, along with several of his photographs, are featured in the April 2016 issue of Outdoor Photographer; and
WHEREAS, both Joel Sartore and Michael Forsberg bring the beauty of the Nebraska landscape and the bounty of Nebraska's wildlife to the attention of an international audience.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature applauds and commends both of these supremely talented individuals and encourages both to continue to dedicate their efforts to documenting and conserving our natural resources.
2. That a copy of this resolution be sent to Joel Sartore and Michael Forsberg.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 13, 2016, at 10:24 a.m. were the following: LBs 235, 721, 756, 821, 829, 851, and 851A.

Presented to the Governor on April 13, 2016, at 11:05 a.m. were the following: LBs 884, 930, 1094e, 1106, 1067, 1067A, and 958.

(Signed) Jamie Leishman
Clerk of the Legislature's Office
VISITOR(S)

Visitors to the Chamber were Senator Schnoor's wife, Nickie, and nephews, Jake and Shaw, from Scribner; Pastor Dwayne Hawkins of Billy Graham Evangelistic Association and Antioch Baptist Church and Reverend Perry Gauthier of Capitol Ministries; 46 fourth-grade students from Ft. Calhoun; 20 leaders and volunteers from Young Nebraskans in Action and the Heartland Workers Center; and 55 fourth-grade students from Betz Elementary, Bellevue.

RECESS

At 11:57 a.m., on a motion by Senator Krist, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., Senator Krist presiding.

ROLL CALL

The roll was called and all members were present except Senators Fox, Larson, Scheer, and Stinner who were excused until they arrive.

MOTION - Return LB824 to Select File

Senator Friesen renewed his motion, found in this day's Journal, to return LB824 to Select File for his specific amendment, AM2860, found on page 1543.

Senator McCollister offered the following motion:

MO289
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator McCollister requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 34:

<table>
<thead>
<tr>
<th>Bolz</th>
<th>Crawford</th>
<th>Hansen</th>
<th>Lindstrom</th>
<th>Schilz</th>
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<tr>
<td>Brasch</td>
<td>Davis</td>
<td>Harr, B.</td>
<td>McCollister</td>
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<td>Campbell</td>
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<td>Chambers</td>
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<td>Morfeld</td>
<td>Watermeier</td>
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<tr>
<td>Cook</td>
<td>Haar, K.</td>
<td>Krist</td>
<td>Murante</td>
<td>Williams</td>
</tr>
<tr>
<td>Craighead</td>
<td>Hadley</td>
<td>Larson</td>
<td>Pansing Brooks</td>
<td></td>
</tr>
</tbody>
</table>

Voting in the negative, 11:
Bloomfield  Hughes  Kolterman  Schumacher
Friesen  Johnson  Kuehn  Sullivan
Groene  Kintner  Schnoor

Present and not voting, 4:
Baker  Ebke  Riepe  Scheer

The McCollister motion to invoke cloture prevailed with 34 ayes, 11 nays, and 4 present and not voting.

The Friesen motion to return to Select File for his specific amendment, AM2860, failed with 11 ayes, 33 nays, and 5 present and not voting.

BILL ON FINAL READING
Dispense With Reading at Large
Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB824 with 37 ayes, 4 nays, and 8 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 824.
A BILL FOR AN ACT relating to power generation; to amend sections 70-670, 70-1012, and 70-1012.01, Reissue Revised Statutes of Nebraska, sections 70-1001, 70-1001.01, 70-1003, 70-1013, 70-1014, 70-1014.01, 70-1014.02, 70-1015, and 70-1028, Revised Statutes Cumulative Supplement, 2014, and sections 70-1903 and 77-6203, Revised Statutes Supplement, 2015; to prohibit the use of eminent domain as prescribed; to change provisions relating to private developers; to provide, change, and eliminate definitions; to change provisions relating to compensation for certain members of the Nebraska Power Review Board as prescribed; to exempt certain privately developed renewable energy generation facilities from regulation as prescribed; to eliminate provisions related to certified renewable export facilities; to harmonize provisions; to appropriate funds to aid in carrying out the provisions of this legislative bill; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?""

Voting in the affirmative, 34:
Voting in the negative, 10:

Bloomfield, Groene, Johnson, Kolterman, Schnoor
Friesen, Hughes, Kintner, Kuehn, Sullivan

Present and not voting, 5:

Baker, McCoy, Scheer, Schilz, Schumacher

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB580 to Select File**

Senator Kintner moved to return LB580 to Select File for his specific amendment, FA124, found on page 1544.

Senator Kintner withdrew his motion to return.

**SPEAKER HADLEY PRESIDING**

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 947 and 824.

**MOTION - Return LB580 to Select File**

Senator Bloomfield moved to return LB580 to Select File for the following specific amendment:

AM2925

(Amendments to Final Reading copy)

1. Strike original section 35 and insert the following new sections:
2. Sec. 32. Section 32-710, Revised Statutes Supplement, 2015, is amended to read:
3. 32-710 Each political party shall hold a state convention biennially on a date to be fixed by the state central committee but not later than September 1. Candidates for elective offices may be nominated at such conventions pursuant to section 32-627 or 32-721. Such nominations shall be certified to the Secretary of State by the chairperson and secretary of the convention. The certificates shall have the same force and effect.
10 as nominations in primary elections. A political party may not nominate a
11 candidate at the convention for an office for which the party did not
12 nominate a candidate at the primary election except as provided for new
13 political parties in section 32-621. The convention shall formulate and
14 promulgate a state platform, select a state central committee, select
15 electors for President and Vice President of the United States, and
16 transact the business which is properly before it. One presidential
elector shall be chosen from each congressional district, and two
presidential electors shall be chosen at large. The officers of the
19 convention shall certify the names of the electors to the Governor and
20 Secretary of State.
21 Sec. 33. Section 32-713, Revised Statutes Cumulative Supplement,
22 2014, is amended to read:
23 32-713 (1) The certificates of appointment for presidential electors
24 shall be served by the Governor on each person appointed. The Governor
25 shall notify the presidential electors to be at the State Capitol at noon
26 on the first Monday after the second Wednesday in December after
1 appointment and report to the Governor at his or her office in the
2 capitol as being in attendance. The Governor shall serve the certificates
3 of appointment by registered or certified mail. In submitting this
4 state's certificate of ascertainment as required by 3 U.S.C. 6, the
5 Governor shall certify this state's presidential electors and state in
6 the certificate that:
7 (a) The presidential electors will serve as presidential electors
8 unless a vacancy occurs in the office of presidential elector before the
9 end of the meeting at which the presidential electors cast their votes,
10 in which case a substitute presidential elector will fill the vacancy;
11 and
12 (b) If a substitute presidential elector is appointed to fill a
13 vacancy, the Governor will submit an amended certificate of ascertainment
14 stating the names on the final list of this state's presidential
15 electors.
16 (2) The presidential electors shall convene at 2 p.m. of such Monday
17 at the Governor's office in the capitol. Each presidential elector shall
18 execute the following pledge: As a presidential elector duly selected (or
19 appointed) for this position, I agree to serve and to mark my ballots for
20 President and Vice President for the presidential and vice-presidential
21 candidates who received the highest number of votes in the state if I am
22 an at large presidential elector or the highest number of votes in my
23 congressional district if I am a congressional district presidential
24 elector.
25 Sec. 34. Section 32-714, Revised Statutes Cumulative Supplement,
26 2014, is amended to read:
27 32-714 (1) The Governor shall provide each presidential elector with
28 a list of all the presidential electors. If any presidential elector is
29 absent or if there is a deficiency in the proper number of presidential
30 electors, those present shall elect from the citizens of the state so
31 many persons as will supply the deficiency and immediately issue a
1 certificate of election, signed by those present or a majority of them,
2 to the person or persons so chosen. In case of failure to elect as
3 required in this subsection by 3 p.m. of such day or in case of a vacancy
4 created under subsection (4) of this section, the Governor shall fill the
5 vacancies by appointment. Each appointee shall execute the pledge in
6 section 32-713. After all vacancies are filled, the presidential electors
7 shall proceed with the election of a President of the United States and a
8 Vice President of the United States and certify their votes in conformity
9 with the Constitution and laws of the United States.
10 (2) The Secretary of State shall provide each presidential elector
11 with a presidential and vice-presidential ballot. Each at-large
12 presidential elector shall mark his or her ballot for the presidential
13 and vice-presidential candidates who received the highest number of votes
14 in the state and consistent with his or her pledge. Each congressional
15 district presidential elector shall mark his or her ballot for the
16 presidential and vice-presidential candidates who received the highest
17 number of votes in his or her congressional district and consistent with
18 his or her pledge.
19 (3) Each presidential elector shall present the completed ballot to
20 the Secretary of State. The Secretary of State shall examine each ballot
21 and accept as cast each ballot marked by a presidential elector
22 consistent with his or her pledge. The Secretary of State shall not
23 accept and shall not count the ballot if the presidential elector has not
24 marked the ballot or has marked the ballot in violation of his or her
25 pledge.
26 (4) A presidential elector who refuses to present a ballot, who
27 attempts to present an unmarked ballot, or who attempts to present a
28 ballot marked in violation of his or her pledge vacates the office of
29 presidential elector.
30 Sec. 35. Section 32-1038, Reissue Revised Statutes of Nebraska, is
31 amended to read:
1 32-1038 (1) The board of state canvassers shall authorize the
2 Secretary of State to open the abstracts of votes from the various
3 counties and prepare an abstract stating the number of ballots cast for
4 each office, the names of all the persons voted for, for what office they
5 respectively received the votes, and the number of votes each received.
6 The abstract shall be signed by the members of the board and shall have
7 the seal of the state affixed by the Secretary of State. The canvass of
8 the votes for candidates for President and Vice President of the United
9 States and the return thereof shall be a canvass and return of the votes
10 cast for the presidential electors of the same party or group of
11 petitioners respectively, and the certificate of such election made by
12 the Governor shall be in accord with such return. Receipt by the
13 presidential electors of a party or a group of petitioners of the highest
14 number of votes statewide shall constitute election of the two at-large
15 presidential electors of that party or group of petitioners. Receipt by
16 the presidential electors of a party or a group of petitioners of the
17 highest number of votes in a congressional district shall constitute
18 election of the congressional district presidential elector of that party
19 or group of petitioners.
The board of state canvassers shall determine from the completed abstract the names of those candidates who have been nominated or elected. If any two or more persons are returned with an equal and the highest number of votes, the board of state canvassers shall decide by lot which of such persons is elected except for officers elected to the executive branch. The board of state canvassers shall also declare those measures carried which have received the required percentage of votes as provided by law.

Sec. 39. Original sections 32-1038, 49-1493, and 49-1499.03, Reissue Revised Statutes of Nebraska, sections 32-713 and 32-714, Revised Statutes Cumulative Supplement, 2014, and section 32-710, Revised Statutes Supplement, 2015, are repealed.

Senator Murante offered the following motion:
MO290
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Bloomfield requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 35:

Baker Crawford Haar, K. Larson Schilz
Bolz Davis Hadley McCollister Schumacher
Campbell Ebke Hansen Mello Seiler
Chambers Fox Harr, B. Morfeld Stinner
Coash Friesen Kolowski Murante Sullivan
Cook Garrett Kolterman Pansing Brooks Watermeier
Craighead Gloor Krist Scheer Williams

Voting in the negative, 11:

Bloomfield Hilkemann Kintner McCoy
Brasch Hughes Kuehn Riepe
Groene Johnson Lindstrom

Present and not voting, 2:
Schnoor Smith

Excused and not voting, 1:

Howard

The Murante motion to invoke cloture prevailed with 35 ayes, 11 nays, 2 present and not voting, and 1 excused and not voting.

The Bloomfield motion to return to Select File for his specific amendment, AM2925, failed with 16 ayes, 27 nays, 5 present and not voting, and 1 excused and not voting.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB580 with 38 ayes, 2 nays, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 580.

A BILL FOR AN ACT relating to redistricting; to amend sections 49-1493 and 49-1499.03, Reissue Revised Statutes of Nebraska; to adopt the Redistricting Act; to require statements of financial interest and conflict of interest statements as prescribed; to harmonize provisions; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 29:

Baker Crawford Hansen Mello Schumacher
Bolz Davis Harr, B. Morfeld Seiler
Campbell Garrett Kolowski Murante Stinner
Chambers Gloor Koltermann Pansing Brooks Sullivan
Coash Haar, K. Krist Scheer Williams
Cook Hadley McCollister Schilz

Voting in the negative, 15:

Bloomfield Ebke Groene Johnson Lindstrom
Brasch Fox Hilkemann Kintner McCoy
Craighead Friesen Hughes Kuehn Smith
Present and not voting, 4:
Larson Riepe Schnoor Watermeier

Excused and not voting, 1:
Howard

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB716

Senator Kintner withdrew his amendment, FA125, found on page 1544, to LB716.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 716.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,153, 60-6,154, and 60-6,317, Reissue Revised Statutes of Nebraska; to provide for the right-of-way for pedestrians; to provide and eliminate requirements for persons operating bicycles; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 38:
Baker Davis Harr, B. Lindstrom Schumacher
Bolz Ebke Hil kemann McCollister Seier
Campbell Friesen Johnson Mello Smith
Chambers Garrett Kintner Morfeld Stinner
Coash Gloor Kolowski Pansing Brooks Sullivan
Cook Haar, K. Kolterm an Scheer Williams
Craighead Hadley Krist Schilz
Crawford Hansen Kuehn Schnoor

Voting in the negative, 3:
Bloomfield Groene McCoy

Present and not voting, 7:
Excused and not voting, 1:

Howard

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 580 and 716.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 455.** Read. Considered.

**SENATOR KRIST PRESIDING**

Committee AM2521, found on page 945, was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Senator K. Haar offered his amendment, AM2892, found on page 1508.

The K. Haar amendment was adopted with 29 ayes, 2 nays, 16 present and not voting, and 2 excused and not voting.

LR455, as amended, was adopted with 28 ayes, 3 nays, 16 present and not voting, and 2 excused and not voting.

**LEGISLATIVE RESOLUTION 414.** Read. Considered.

Pending.

**LEGISLATIVE RESOLUTION 415.** Read. Considered.

LR415 was adopted with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.
MESSAGE(S) FROM THE GOVERNOR

April 13, 2016

Patrick J. O’Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O’Donnell:

Engrossed Legislative Bills 686, 744, 835, 843, 874e, 1000, 1012, 1066, 1098, 1098A, and 1110e were received in my office on April 7, 2016. These bills were signed and delivered to the Secretary of State on April 13, 2016.

Sincerely,

(Signed) Pete Ricketts  
Governor

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 13, 2016, at 2:50 p.m. were the following: LBs 947e and 824.

Presented to the Governor on April 13, 2016, at 4:52 p.m. were the following: LBs 580 and 716.

(Signed) Jamie Leishman  
Clerk of the Legislature's Office

ANNOUNCEMENT

The Building Maintenance Committee will meet Wednesday, April 20, 2016, at 8:00 a.m. in Senator Watermeier's office.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 1048. Placed on General File with amendment. AM2930

1 1. On page 6, line 20, strike "seventy" and insert "five" and after 2 "dollars" insert "per year".

(Signed) Mike Gloor, Chairperson
LEGISLATIVE RESOLUTION 455. Introduced by Haar, K., 21; Mello, 5.

WHEREAS, climate change presents serious, diverse, and ongoing issues for Nebraska. Many sectors are impacted, including water resources, agriculture, health care, energy generation and use, ecosystems, forestry, rural and urban communities, and insurance. Nebraska's life-giving water and soil resources will be subject to new stresses and risks. The impacts of climate change are projected to become far more serious for future generations; and

WHEREAS, the 2014 report by the University of Nebraska-Lincoln (UNL) entitled "Understanding and Assessing Climate Change: Implications for Nebraska" provides a compilation of the scientific basis for understanding the impacts of climate change for our state; and

WHEREAS, stakeholder roundtables on the impacts of climate change representing the various sectors impacted by climate change were conducted in 2015 as a followup to the UNL report; and

WHEREAS, both the UNL report and the report from the stakeholder roundtables recommended the creation of a climate action plan. As the UNL report stated, "Action now is preferable and more cost effective than reaction later"; and

WHEREAS, the 2015 Nebraska Rural Poll found that 61 percent of rural Nebraskans agree or strongly agree that the state should develop a plan to address the impacts of climate change; and

WHEREAS, an effective plan is needed both to reduce the potential negative impacts of climate change and to enable the state and its communities to take advantage of opportunities from adaptation and mitigation strategies, including attracting new businesses and investment to Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. The Legislature calls for the Executive Board of the Legislative Council to appoint a special committee to examine issues related to the impacts of climate change on the State of Nebraska and its residents, including assessments of vulnerability, risks, and economic impacts. The committee shall also examine opportunities, including methods of producing food, generating power, or protecting land and water, that can be used to
adapt and mitigate the impacts of climate change and that will provide jobs and economic benefits to Nebraskans. The committee shall consist of the following members:
(a) The chairperson of the Appropriations Committee of the Legislature or his or her designee;
(b) The chairperson of the Natural Resources Committee of the Legislature or his or her designee; and
(c) Five at-large members of the Legislature appointed by the Executive Board of the Legislative Council.
2. The committee members shall select co-chairpersons from the membership of the committee.
3. The committee shall gather, share, examine, and analyze data and information related to the impacts of climate change on the State of Nebraska and its resources and people.
4. The committee shall examine laws, policies, and planning efforts related to climate change in other states, and current laws, programs, and policies in the State of Nebraska that are related to climate change.
5. The committee shall examine funding opportunities including grant programs and opportunities to work with state agencies, political subdivisions, and educational institutions.
6. The committee shall establish a framework for a plan for the State of Nebraska related to the impacts of climate change on Nebraskans that includes:
(a) Measurable goals for addressing the negative impacts of climate change and opportunities to benefit Nebraskans, including strategies for adaptation and mitigation; and
(b) Recommendations for new policies and changes to policies and programs that support such goals based on the information and data collected and generated, as well as funding needs and recommendations for legislation.
7. The committee shall seek information and encourage participation from state agencies, political subdivisions, educational institutions, academic experts, advocacy organizations, and members of the public in exploring methods to address issues of climate change as well as opportunities to adapt, mitigate, and create resiliency related to climate change. The committee may conduct one or more public hearings to gather such information.
8. The committee shall submit a framework for a climate plan together with its findings and recommendations to the Legislature on or before December 31, 2016.

VISITOR(S)

Visitors to the Chamber were 52 fourth-grade students from Birchcrest Elementary, Bellevue; Senator Gloor’s fiancée, Marie de Martinez, from Grand Island; and 16 fourth-grade students from Omaha Christian.

The Doctor of the Day was Dr. David Minnick from Broken Bow.
ADJOURNMENT

At 5:45 p.m., on a motion by Senator Smith, the Legislature adjourned until 9:00 a.m., Wednesday, April 20, 2016.

Patrick J. O'Donnell
Clerk of the Legislature
PRAYER

The prayer was offered by Senator Campbell.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Fox who was excused until she arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-ninth day was approved.

MESSAGE(S) FROM THE GOVERNOR

April 15, 2016

Mr. President, Mr. Speaker, and
    Members of the Legislature
State Capitol
Lincoln, NE  68509

Dear Mr. President and Members of the Legislature:

I am returning LB 935 without my signature and with my objections.

LB 935 includes many provisions that would operationally assist the Auditor of Public Accounts. I do not object to those policy changes. Unfortunately, the new proposal to convert the reimbursement of state employee travel costs from the current system of paying based on the submission of actual receipts to a new system based upon the federal government’s per diem rate will increase costs to the State, decrease taxpayer transparency, and open the door for the misuse of taxpayer dollars.
I am pleased to let you know that I have reached an agreement with Auditor Janssen to work with him on a new proposal for next year. With additional vetting, I believe we can achieve the policy objective of LB 935 and reduce bureaucratic paperwork. There were several good government measures in this bill, and we will work on this issue before the next legislative session to come up with a solution that both respects the taxpayer and reduces bureaucratic audit processes.

For these reasons, I respectfully urge you to sustain my veto of LB 935.

Sincerely,

(Signed) Pete Ricketts
Governor

April 15, 2016

Mr. President, Mr. Speaker, and Members of the Nebraska Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 947e without my signature and with my objections.

As I wrote to you earlier this week, not only is the bill unfair but I have serious concerns on the breadth and scope of LB 947. While proponents of this legislation have artfully focused only on the DACA youth, the bill, in its current form, would provide business licenses to a much broader group of illegal immigrants than just the young adults under the federal DACA program.

LB 947 clearly will require state agencies to issue Nebraska business licenses to multiple classes of non-qualified aliens, including those persons who have a pending application for asylum, those who have, or are pending review for, temporary protected status, and those individuals granted temporary deferred action status – a status which is much more expansive than covering only DACA youth.

I understand the desire to help these individuals, but first let's review how we got to this point and what passing LB 947 will ultimately mean for the State of Nebraska.

On June 15, 2012, President Obama usurped congressional authority and created the "Deferred Action for Childhood Arrivals ("DACA")" initiative. Deferred action, by federal definition, does not provide anyone with lawful permanent resident status or any legal status in the United States. It confers no legal immigration status, nor a pathway to citizenship.
DACA status does not confer any right or ability to remain permanently in the United States. It is merely an indication that deportation proceedings for illegal immigrants will not occur within a time specified by the federal government.

The President's unilateral executive action created a temporary status that placed a large group of illegal immigrants in limbo. There are currently estimated to be over 3,000 individuals in Nebraska with DACA status.

On November 20, 2014, President Obama once again usurped congressional authority and unilaterally announced his "Deferred Action for Parents of Americans and Lawful Permanent Residents ("DAPA")" initiative. There are an estimated 18,000 individuals in Nebraska with this status and with the proposed extended DACA status.

Last year, the U.S. District Court for the Southern District of Texas issued a preliminary injunction against implementation of DAPA and further expansion of the DACA status. The federal court agreed with Nebraska and 25 other states which sued the federal government challenging the lack of the President's authority to create an immigration status out of thin air.

A federal circuit court then agreed that the DACA and DAPA temporary stay of deportation status conferred by the President was not lawful.

Next week, the U.S. Supreme Court will consider arguments and review the legality of the DACA and DAPA initiatives. A decision is expected within the next several months. Depending on the Supreme Court's decision, or a new president's policy, or further action taken by the states, there could be a reversal or complete elimination of the DACA and DAPA deferred action status.

LB 947 is premature and exacerbates the uncertain situation of individuals in a deferred action status. It is also an attempt to codify benefits in state law at the same time as there are serious legal challenges to the federal government's extension of the temporary deferred status to the DACA and DAPA groups.

The extension of business licenses proposed in this bill is not a policy that has long-term solutions in mind. It is poorly conceived policy that does not consider what happens when the deferred status is removed – by federal court order or by a change in federal policy.

LB 947 is an affront to the individuals who are observing our laws and navigating proper immigration channels to obtain jobs and legal status. The enactment of this bill would unjustly allow individuals who are here illegally to be ahead of those who have been waiting years to be granted a proper permanent or legal status in our country.

For each of these reasons, I urge you to sustain my veto of LB 947.
Dear Mr. O'Donnell:

Engrossed Legislative Bills 400, 400A, 465, 465A, 467e, 467 Ae, 505, 505A, 683, 722, 722A, 745, 746e, 746 Ae, 754, 754A, 774e, 774 Ae, 803e, 830, 867, 886, 886A, 889, 889A, 919, 919A, 934e, 934A, 938e, 977e, 977 Ae, 1022e, 1033e, 1038, 1038A, 1105e, and 1105 Ae were received in my office on April 12, 2016.
These bills were signed and delivered to the Secretary of State on April 18, 2016.

Sincerely,
(Signed) Pete Ricketts
Governor

April 18, 2016

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 959e and 959 Ae were received in my office on April 12, 2016.
These bills were signed and delivered to the Secretary of State on April 18, 2016.

Sincerely,
(Signed) Pete Ricketts
Governor

April 18, 2016

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509
April 18, 2016

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 960e and 960Ae were received in my office on April 12, 2016. These bills were signed and delivered to the Secretary of State on April 18, 2016.

Sincerely,

(Signed) Pete Ricketts
Governor

April 18, 2016

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 580 without my signature and with my objections.

The legislation has been described as an effort to remove partisanship from the redistricting process by creating and authorizing a so-called "Independent Redistricting Citizen's Advisory Commission" to perform this constitutionally required function.

LB 580 presents serious concerns regarding the partisan political nature of the newly created commission and raises significant constitutional questions. The bill creates what could become a hyper-partisan, unelected advisory commission that will likely be comprised of former political party activists and former elected officials.

Under the Nebraska Constitution, the people's elected representatives in our non-partisan Legislature are required to redistrict every ten years. While redistricting can be a tough process, handing this vital authority over to an unelected board -- which will be appointed by legislative caucuses based upon partisan political party affiliation -- is outside the spirit and tradition of our non-partisan Unicameral Legislature.

Article III, Section 5 of Nebraska's Constitution requires the Legislature to conduct legislative redistricting; not anyone else. The bill does not merely
delegate details of the redistricting process to an administrative advisory agency, rather it improperly delegates nearly all of the actual aspects of redistricting authority to an "advisory commission."

Under LB 580, only the unelected advisory commission can draft redistricting bills. Those bills do not receive a formal public hearing by a legislative committee -- a requirement for all other legislative bills. Instead, the highly substantive and politically sensitive redistricting plans are placed immediately on General File for the first round of debate.

While there is no bar in the Constitution precluding the Legislature from seeking input or advice, the bill presents an improper delegation of legislative power in violation of Article III, Section 1 of the Nebraska Constitution.

The Legislature may not properly delegate to an advisory commission power that is solely conferred upon the Legislature by the Constitution. The Legislature is granted the explicit authority to draw district boundaries for the U.S. House of Representatives, the Legislature, State Supreme Court, Board of Regents, Public Service Commission, and the State Board of Education.

Another constitutional problem with LB 580 is its requirement to have the Secretary of State provide formal opinions regarding the constitutionality of the proposed maps. This is clearly a legal function; therefore, the bill infringes on the actual and inherent duties of the Nebraska Attorney General as set forth in Article IV, Section 1 of the Constitution. The Legislature may not delegate duties or powers of one constitutional officer to another officer or agency.

Pragmatic considerations also exist with the actual structure of the bill. The timeline in it presents challenges and increases the likelihood of needing a special session to be called for the purpose of enacting redistricting plans.

LB 580 proposes a major policy shift that violates several provisions of Nebraska's Constitution. At stake are the voting rights of all Nebraskans. Contemplating a better way to do redistricting than has been done in the past is not a bad thing. Doing redistricting as proposed in LB 580 is unworkable.

For each of these reasons, I respectfully urge you to sustain my veto of LB 580.

Sincerely,

(Signed) Pete Ricketts
Governor
April 18, 2016

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

I have signed LB 867 but am returning LB 867A with line-item reductions. My vetoes in LB 867A, Section 2, total $43,621 General Funds and $21,489 Salary Limit in FY 2016-17.

LB 867A, Section 2, appropriates the incorrect amounts to the Department of Corrections in FY 2016-17 and FY 2017-18 to implement LB 867.

My line-item reductions correct LB 867A to comport with the costs of LB 867 for FY 2016-17 according to the fiscal note prepared by the Legislative Fiscal Office.

I urge you to sustain these technical reductions to LB 867A.

Sincerely,

(Signed) Pete Ricketts
Governor

April 18, 2016

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

I have signed LB 938 but am returning LB 938A with line-item reductions. My vetoes in LB 938A, Section 1, total a $1,000,000 Cash Fund reduction in FY 2015-2016, a $1,267,833 Cash Fund reduction in FY 2016-17, and a PSL reduction of $165,741 in FY 2016-17.

LB 938A does not correctly appropriate the funds necessary to implement the provisions of LB 938.

My line-item reductions correct LB 938A to comport with the costs of LB 938 according to the fiscal note prepared by the Public Service Commission and the Legislative Fiscal Office.

I urge you to sustain my technical line-item reductions in LB 938A.
Sincerely,

(Signed) Pete Ricketts
Governor

April 19, 2016

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 235, 716, 721, 756, 821, 824, 829, 851, 851A, 884, 930, 958, 1067, 1094e, and 1106 were received in my office on April 13, 2016.

These bills were signed and delivered to the Secretary of State on April 19, 2016.

Sincerely,

(Signed) Pete Ricketts
Governor

April 19, 2016

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

I have signed LB 1067 but am returning LB 1067A with line-item reductions. My vetoes in LB 1067A total a $3,855,627 General Fund appropriation reduction and a $3,855,627 earmark reduction in FY 2017-18.

LB 1067 was passed by the Legislature with several adopted amendments which changed the financial requirements of the bill. My line-item reductions merely reflect the final cost estimates of LB 1067 provided by the Legislative Fiscal Office on final passage and reflected on the Legislature's General Fund Financial Status.

I urge the Legislature to sustain my technical line-item reductions in LB 1067A.

Sincerely,

(Signed) Pete Ricketts
Governor
REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
http://www.nebraskalegislature.gov/agencies/view.php

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 19, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

American Communications Group, Inc.
Nebraska Psychological Association

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on April 4, 2016, was the following:
LR381.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

MOTION - Override Veto on LB947

Senator Mello offered the following motion to LB947:
MO291
Becomes law notwithstanding the objections of the Governor.

Senator Davis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

Senator Mello moved for a call of the house. The motion prevailed with 48 ayes, 0 nays, and 1 not voting.

Senator Mello requested a roll call vote on the motion to override the Governor's veto.

Voting in the affirmative, 31:
Voting in the negative, 13:

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<td>Cook</td>
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<td>McCollister</td>
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<tr>
<td>Crawford</td>
<td>Harr, B.</td>
<td>Mello</td>
<td>Smith</td>
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Present and not voting, 5:

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<th>Friesen</th>
<th>Hughes</th>
<th>Johnson</th>
<th>Kolterman</th>
<th>Larson</th>
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Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 626.** Read. Considered.

LR626 was adopted with 37 ayes, 0 nays, and 12 present and not voting.

**LEGISLATIVE RESOLUTION 627.** Read. Considered.

LR627 was adopted with 34 ayes, 0 nays, and 15 present and not voting.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 620, 621, 622, 623, 624, and 625 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 620, 621, 622, 623, 624, and 625.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 415, 455, 626, and 627.
COMMUNICATION

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB947e with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB947e, notwithstanding the objections of the Governor.

Sincerely,

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Enc.

CERTIFICATE

Legislative Bill 947e, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 20th day of April 2016.

(Signed) Mike Foley
President of the Legislature

COMMUNICATION(S)

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the veto by Governor Ricketts of LB935, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

Sincerely,

(Signed) Patrick J. O'Donnell
Clerk of the Legislature
April 20, 2016

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Ricketts of LB867A, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

April 20, 2016

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Ricketts of LB867A, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

April 20, 2016

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the line-item vetoes by
Governor Ricketts of LB938A, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

April 20, 2016

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Ricketts of LB1067A, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

EXECUTIVE BOARD REPORT

Senator Krist, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committees:

**LB1083 – Venture Development and Innovation Task Force:**
Senators Davis, Kolterman, Schumacher, Stinner, Watermeier, and Williams.
In addition, the Executive Board appointed Senator Watermeier as the Chairperson and Senator Williams as the Vice Chairperson of the committee.

**LB1093 – Bioscience Steering Committee:**
Senators Johnson, Kuehn, and Morfeld;
Senator Schumacher as the designee from the Revenue Committee; and
Senator Mello, Chairperson of the Appropriations Committee.
In addition, the Executive Board appointed Senator Morfeld as the Chairperson and Senator Kuehn as the Vice Chairperson of the committee.
LR547 – Tribal Economic Development Committee:
Senators Larson and Schilz;
Senator Lindstrom, Chairperson of the State-Tribal Relations Committee;
Senator Mello, Chairperson of the Appropriations Committee; and
Senator Smith, as the designee from the Revenue Committee.

LR601 – Special committee to review present facilities and determine the
needs and options for developing a regional certified crime laboratory in the
Omaha area:
Senators Chambers, Kolowski, and McCollister;
Senator Mello, Chairperson of the Appropriations Committee;
Senator Hilkemann, member of the Appropriations Committee;
Senator Seiler, Chairperson of the Judiciary Committee; and
Senator Williams, member of the Judiciary Committee.

LR455 – Special committee to examine issues relating to the impacts of
climate change on the State of Nebraska.
Senators K. Haar, Mello, Pansing Brooks, Stinner, Kuehn, Schilz, and
Larson.

(Signed) Bob Krist, Chairperson
Legislative Council, Executive Board

MOTION - Notify Governor

Senator Bloomfield moved that a committee of five be appointed to notify
the Governor that the One Hundred Fourth Legislature, Second Session of
the Nebraska Legislature, is about to complete its work, and to return with
any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Senators Cook, K. Haar, Coash, McCoy, and Schilz to
serve on said committee.

The committee returned and escorted Governor Pete Ricketts to the rostrum
where he delivered a message to the members.

The committee escorted Governor Pete Ricketts from the Chamber.

SPEAKER HADLEY PRESIDING

SENATOR COASH PRESIDING
MOTION - Disposition of Bills

Senator Sullivan moved that all bills not otherwise disposed of, excluding bills on Final Reading and vetoed or line-item vetoed bills on this date, be indefinitely postponed.

The motion prevailed.

MOTION - Committee Records

Senator Gloor moved that the chairpersons of all standing committees file with the Clerk of the Legislature all standing committee records so that a proper record may be made of the final disposition of all bills.

The motion prevailed.

MOTION - Legislative Journal, Session Laws, and Indexes

Senator Campbell moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell, and that he be directed to send to each member of the Legislature a copy of the permanent Legislative Journal and Session Laws.

The motion prevailed.

MOTION - Sixtieth Day Journal

Senator Mello moved that the Journal for the Sixtieth Day, as prepared by the Clerk of the Legislature, be approved.

The motion prevailed.

VISITOR(S)

Visitors to the Chamber were Senator Johnson's wife, Arlene, from Wahoo; Joel and Kathy Sartore from Lincoln; Senator Sullivan's husband, Mike, grandchildren, River, Clara, and Nora, daughters, Jill and Molly, and son-in-law, John Morrow; Senator Mello's wife, Catherine, daughter, Angelina, and son, John, from Omaha; 22 fourth-grade students from Freeman Public, Adams; 8 fourth-grade students from Howells-Dodge Consolidated, Dodge; Senator McCoy's father and mother, John and Tracy, from Omaha; Senator Gloor's wife, Marie de Martinez-Gloor, from Grand Island; Senator Coash's wife and son, Rhonda and Cole, from Lincoln; Senator Seiler's wife, Jo; Senator McCoy's wife and children, Shauna, Audrey, Ryan, Nora, Tess, and Millie; members of South Omaha High School, Young Nebraskans in Action, Heartland Worker Center, Justice for Our Neighbors, and Nebraska Appleseed, from Lincoln and Omaha; 30 fourth-grade students from Southern Elementary, Blue Springs; Kathy Utter
from Hastings and Denise Ott from Gretna; Senator Schilz's wife, son, and daughter, Deb, Jake, and Libby, from Ogallala; Taylor Finke from Malcolm and Jack Borden from Naperville, IL.

The Doctor of the Day was Dr. Patrick Hotovy from York.

**MOTION - Adjourn Sine Die**

Speaker Hadley moved that the One Hundred Fourth Legislature, Second Session of the Nebraska Legislature, having finished all business before it, now at 1:32 p.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature