

FORTY-EIGHTH DAY - MARCH 25, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****FORTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 25, 2013

PRAYER

The prayer was offered by Senator Brasch.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senators Christensen, Dubas, and Hadley who were excused; and Senators Chambers, Karpisek, Lathrop, and McCoy who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-seventh day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 613. Placed on Select File with amendment.
ER31

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. The Legislature finds that the economy is
- 4 continually changing, requiring the need to continually review and
- 5 update the state tax laws. Furthermore, the Legislature finds that
- 6 state, county, and other local tax policies are interdependent
- 7 and that there are consequences that need to be studied when
- 8 adjustments are made to the state tax laws. The Tax Modernization
- 9 Committee's purpose is to review and study the state's tax laws,
- 10 including, but not limited to, sales and use taxes, income taxes,
- 11 property taxes, and other miscellaneous taxes and credits.
- 12 Sec. 2. The Tax Modernization Committee is created as
- 13 a special legislative committee. The committee shall comprise the
- 14 following individuals:

15 (1) The members of the Revenue Committee of the
16 Legislature;

17 (2) The chairperson of the Appropriations Committee of
18 the Legislature;

19 (3) The chairperson of the Health and Human Services
20 Committee of the Legislature;

21 (4) The chairperson of the Education Committee of the
22 Legislature;

23 (5) The chairperson of the Agriculture Committee of the
1 Legislature; and

2 (6) The chairperson of the Legislature's Planning
3 Committee.

4 Sec. 3. The chairperson of the Revenue Committee of the
5 Legislature shall serve as the chairperson of the Tax Modernization
6 Committee. The committee shall meet as often as necessary to
7 accomplish the objectives established in sections 1 to 7 of this
8 act. At least one meeting shall be held concurrently with a
9 meeting of the Legislative Council called by the chairperson of the
10 Executive Board of the Legislative Council for such purpose.

11 Sec. 4. The Tax Modernization Committee shall consider,
12 but not be limited to, the following six elements for successful
13 tax modernization:

14 (1) Fairness. In order to formulate an equitable system
15 of taxation, the committee shall review and analyze the tax burden
16 created by sales and use taxes, income taxes, property taxes,
17 and other miscellaneous taxes imposed on families, businesses, and
18 sectors of industry within the state;

19 (2) Competitiveness. Any modification of the tax system
20 should be designed to ensure that such modification in no way
21 impedes or restricts the state's ability to attract well paying
22 jobs and investment while keeping and protecting existing jobs and
23 businesses. The committee also shall review and analyze how the
24 state compares to other states with reference to taxes imposed on
25 businesses and identify ways to enhance business competitiveness;

26 (3) Simplicity and compliance. The tax system should
27 be easy to understand and comply with. The committee shall
1 formulate recommendations designed to ensure ease of compliance
2 for individuals and businesses and efficient administration by the
3 state;

4 (4) Stability. A stable tax system has revenue that is
5 relatively reliable over time and not subject to unpredictable
6 fluctuations. The committee shall not only address the stability
7 of Nebraska's current tax system but shall also ensure that any
8 recommended changes will maintain or improve stability;

9 (5) Adequacy. The tax modernization process should create
10 a tax system that provides adequate revenue to fund critical state
11 services. The tax structure should allow revenue to keep pace with
12 spending needs; and

13 (6) Complementary tax systems. Updating of the tax system
 14 should address the interrelationships of tax systems within the
 15 state revenue system as a whole.

16 Sec. 5. The Legislature finds that community discourse
 17 and involvement is essential to the success of the Tax
 18 Modernization Committee. The committee shall engage the public in
 19 a variety of ways.

20 Sec. 6. The Tax Modernization Committee shall examine
 21 previous studies, including, but not limited to, the Tax Policy
 22 Reform Commission from 2005 to 2007 and the comprehensive tax
 23 study done by Syracuse University from 1986 to 1988, and ascertain
 24 which recommendations from such studies can be utilized in the
 25 committee's research. The committee may require any state agency
 26 or political subdivision to provide information relevant to the
 27 committee's work, and the state agency or political subdivision
 1 shall provide the information requested within thirty days after
 2 the request. The committee may hold public hearings and, pursuant
 3 to section 50-406 and the Rules of the Nebraska Unicameral
 4 Legislature, may exercise its authority to administer oaths, issue
 5 subpoenas, compel attendance of witnesses and the production of
 6 documents, and cause depositions of witnesses to be taken in the
 7 manner prescribed by law for taking depositions in civil actions
 8 in the district court. The committee shall issue a report to the
 9 Executive Board of the Legislative Council and the Governor by
 10 December 15, 2013, containing any recommendations to update state,
 11 county, and local tax policies and corresponding proposed language
 12 for legislation. The report submitted to the Legislature shall be
 13 submitted electronically. The committee shall also identify areas
 14 of concern that require further indepth analysis and study.

15 Sec. 7. Once the report required under section 6 of
 16 this act has been submitted, the Tax Modernization Committee shall
 17 continue meeting as necessary until December 31, 2015.

18 Sec. 8. Since an emergency exists, this act takes effect
 19 when passed and approved according to law.

20 2. On page 1, strike beginning with "create" in line
 21 1 through line 3 and insert "state findings; to create the Tax
 22 Modernization Committee; to provide powers and duties; to require a
 23 report; and to declare an emergency."

LEGISLATIVE BILL 203. Placed on Select File with amendment.
 ER32

- 1 1. On page 1, line 3, strike "define and redefine terms
- 2 relating to" and insert "redefine".

LEGISLATIVE BILL 464. Placed on Select File with amendment.
 ER33

- 1 1. Insert the following new section:
- 2 Sec. 9. Section 43-4203, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:

4 43-4203 (1) The Nebraska Children's Commission shall work
5 with administrators from each of the service areas designated
6 pursuant to section 81-3116, the teams created pursuant to section
7 28-728, local foster care review boards, child advocacy centers,
8 the teams created pursuant to the Supreme Court's Through the Eyes
9 of the Child Initiative, community stakeholders, and advocates for
10 child welfare programs and services to establish networks in each
11 of such service areas. Such networks shall permit collaboration
12 to strengthen the continuum of services available to child welfare
13 agencies and to provide resources for children and juveniles
14 outside the child protection system. Each service area shall
15 develop its own unique strategies to be included in the statewide
16 strategic plan. The Department of Health and Human Services shall
17 assist in identifying the needs of each service area.

18 (2)(a) The commission shall create a committee to examine
19 state policy regarding the prescription of psychotropic drugs for
20 children who are wards of the state and the administration of such
21 drugs to such children. Such committee shall review the policy and
22 procedures for prescribing and administering such drugs and make
23 recommendations to the commission for changes in such policy and
1 procedures.

2 (b) The commission shall create a committee to examine
3 the structure and responsibilities of the Office of Juvenile
4 Services as they exist on April 12, 2012. Such committee shall
5 review the role and effectiveness of the youth rehabilitation
6 and treatment centers in the juvenile justice system and make
7 recommendations to the commission on the future role of the
8 youth rehabilitation and treatment centers in the juvenile
9 justice continuum of care. Such committee shall also review the
10 responsibilities of the Administrator of the Office of Juvenile
11 Services, including oversight of the youth rehabilitation and
12 treatment centers and juvenile parole, and make recommendations
13 to the commission relating to the future responsibilities of the
14 administrator.

15 (c) The commission may organize committees as it
16 deems necessary. Members of the committees may be members of
17 the commission or may be appointed, with the approval of the
18 majority of the commission, from individuals with knowledge of
19 the committee's subject matter, professional expertise to assist
20 the committee in completing its assigned responsibilities, and the
21 ability to collaborate within the committee and with the commission
22 to carry out the powers and duties of the commission.

23 (d) If the One Hundred Second Legislature, Second
24 Session, 2012, creates the Title IV-E Demonstration Project
25 Committee or the Foster Care Reimbursement Rate Committee, or both,
26 such committees shall be under the jurisdiction of the commission.

27 (3) The commission shall work with the office of the
1 State Court Administrator, as appropriate, and entities which
2 coordinate facilitated conferencing as described in section

3 ~~43-247.01-5~~ of this act. Facilitated conferencing shall be
 4 included in statewide strategic plan discussions by the commission.
 5 Facilitated conferencing shall continue to be utilized and
 6 maximized, as determined by the court of jurisdiction, during
 7 the development of the statewide strategic plan. Funding and
 8 contracting of facilitated conferencing entities shall continue to
 9 be provided by the Department of Health and Human Services to at
 10 least the same extent as such funding and contracting are being
 11 provided on April 12, 2012.

12 (4) The commission shall gather information and
 13 communicate with juvenile justice specialists of the Office of
 14 Probation Administration and county officials with respect to any
 15 county-operated practice model participating in the Crossover Youth
 16 Program of the Center for Juvenile Justice Reform at Georgetown
 17 University.

18 (5) If the Nebraska Juvenile Service Delivery Project
 19 is enacted by the One Hundred Second Legislature, Second Session,
 20 2012, the commission shall coordinate and gather information about
 21 the progress and outcomes of the project.

22 2. On page 1, line 4; and page 19, line 12, strike
 23 "43-412" and insert "43-4203".

24 3. Renumber the remaining sections accordingly.

(Signed) John Murante, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 94. Placed on Final Reading.
LEGISLATIVE BILL 133. Placed on Final Reading.
LEGISLATIVE BILL 262. Placed on Final Reading.
LEGISLATIVE BILL 295. Placed on Final Reading.
LEGISLATIVE BILL 316. Placed on Final Reading.
LEGISLATIVE BILL 340. Placed on Final Reading.
LEGISLATIVE BILL 363. Placed on Final Reading.
LEGISLATIVE BILL 363A. Placed on Final Reading.

LEGISLATIVE BILL 434. Placed on Final Reading.

ST9

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

1. In the Price Amendment, AM672, on page 1, line 19, the period has been struck.

2. On page 1, line 4, "relating to emergency management registries; to provide for voluntary participation" has been inserted after "Agency"; and in line 5 "to provide for confidentiality of certain information; to provide a penalty;" has been inserted after the semicolon.

LEGISLATIVE BILL 499. Placed on Final Reading.

(Signed) John Murante, Chairperson

MOTION - Approve Appointment

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 789:

Nebraska Educational Telecommunications Commission
Kim Dinsdale

Voting in the affirmative, 35:

Adams	Coash	Hansen	Lautenbaugh	Schilz
Avery	Conrad	Harms	Mello	Schumacher
Bloomfield	Cook	Howard	Murante	Seiler
Bolz	Crawford	Johnson	Nelson	Smith
Brasch	Davis	Kintner	Nordquist	Sullivan
Campbell	Gloor	Kolowski	Price	Wallman
Carlson	Haar, K.	Krist	Scheer	Wightman

Voting in the negative, 0.

Present and not voting, 7:

Ashford	Janssen	McGill	Watermeier
Harr, B.	Larson	Pirsch	

Excused and not voting, 7:

Chambers	Dubas	Karpisek	McCoy
Christensen	Hadley	Lathrop	

The appointment was confirmed with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 6A. 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.

SELECT FILE

LEGISLATIVE BILL 620. Senator Krist withdrew his amendment, AM616, found on page 800.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 634. Committee AM298, found on page 619 and considered on page 809, was renewed.

Senator Carlson renewed his amendment, AM738, found on page 800 and considered on page 809, to the committee amendment.

The Carlson 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 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 528. Title read. Considered.

Committee AM605, found on page 774, was offered.

Senator Kintner offered his amendment, AM767, found on page 812, to the committee amendment.

The Kintner amendment lost with 4 ayes, 21 nays, 16 present and not voting, and 8 excused and not voting.

Pending.

COMMITTEE REPORT

Education

LEGISLATIVE BILL 366. Placed on General File with amendment. AM785 is available in the Bill Room.

(Signed) Kate Sullivan, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 118. Introduced by Larson, 40.

WHEREAS, Jan Schiferl of Fordyce, Nebraska, was born the youngest of three children in rural South Dakota and grew up in a faith-based farm family; and

WHEREAS, Jan Schiferl along with her husband of thirty-one years, Greg Schiferl, established the WJ Ranch near Fordyce in 1981; and

WHEREAS, Jan Schiferl has degrees in business management and vocal music, serves on numerous church boards, volunteers with her local school and community, and sings in the professional vocal trio "SweetWater"; and

WHEREAS, Jan Schiferl enthusiastically promotes family and community events, advocates for understanding and appreciation of harmony with horses, and loves spending time with her four children and two grandsons; and

WHEREAS, Jan Schiferl was selected the 2013 Nebraska Mother of the Year.

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

1. That the Legislature congratulates Jan Schiferl on her selection as the 2013 Nebraska Mother of the Year.

2. That a copy of this resolution be sent to Jan Schiferl.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 362A. Introduced by Avery, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 362, One Hundred Third Legislature, First Session, 2013.

ANNOUNCEMENT

Senator Schilz announced the Agriculture Committee will meet Monday, March 25, 2013, at 1:30 p.m. in Room 2102.

AMENDMENT - Print in Journal

Senator Chambers filed the following amendment to LB613:
AM778

(Amendments to E & R amendments, ER31)

- 1 1. On page 3, strike beginning with "provides" in line 10
- 2 through "needs" in line 12 and insert "generates sufficient revenue
- 3 to fund essential state services and to meet spending needs".

VISITORS

Visitors to the Chamber were 61 fourth-grade students and teachers from Belair Elementary, Norfolk; 30 seniors from Northeast High School, Lincoln; 26 fourth-grade students, teacher, and sponsor from North Bend; Dede Pitts from St. Louis, MO; and 40 fourth-grade students and teachers from Paddock Lane Elementary, Beatrice.

ADJOURNMENT

At 12:03 p.m., on a motion by Senator Coash, the Legislature adjourned until 9:00 a.m., Tuesday, March 26, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

