

**TWENTY-FOURTH DAY - FEBRUARY 11, 2014**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION**

**TWENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 11, 2014

**PRAYER**

The prayer was offered by Senator Crawford.

**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 Conrad, Cook, Hadley, Hansen, Murante, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-third day was approved.

**ANNOUNCEMENTS**

Senator Cook designates LB800 as her priority bill.

The Banking, Commerce and Insurance Committee designates LB755 as its priority bill.

Senator Avery designates LB814 as his priority bill.

**COMMUNICATION**

Received a copy of Senate Joint Resolution Number 5 from the state of Ohio urging the Congress of the United States to propose a balanced budget amendment to the United States Constitution and to call a convention for proposing a balanced budget amendment.

**NOTICE OF COMMITTEE HEARINGS**

Banking, Commerce and Insurance

Room 2102

Wednesday, February 19, 2014 12:00 p.m.

Patrick Booth - Nebraska Exchange Stakeholder Commission  
 Craig D. Buescher - Nebraska Exchange Stakeholder Commission  
 Shari Flowers - Nebraska Exchange Stakeholder Commission  
 James "JJ" Green - Nebraska Exchange Stakeholder Commission  
 Michael Groene - Nebraska Exchange Stakeholder Commission  
 Laura S. Gyhra - Nebraska Exchange Stakeholder Commission  
 Kyle Kollmorgen - Nebraska Exchange Stakeholder Commission  
 Britt A. Thedinger - Nebraska Exchange Stakeholder Commission  
 Sherry Wupper - Nebraska Exchange Stakeholder Commission

(Signed) Mike Gloor, Chairperson

Transportation and Telecommunications

Room 1113

Tuesday, February 18, 2014 1:30 p.m.

LB892  
 LB930  
 LB1045

(Signed) Annette Dubas, Chairperson

**COMMITTEE REPORTS**

Health and Human Services

**LEGISLATIVE BILL 705.** Placed on General File.**LEGISLATIVE BILL 901.** Placed on General File.**LEGISLATIVE BILL 132.** Placed on General File with amendment.

AM1802

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Sections 1 to 9 of this act shall be known and
- 4 may be cited as the Indoor Tanning Facility Act.
- 5 Sec. 2. For purposes of the Indoor Tanning Facility Act:
- 6 (1) Board means the Board of Cosmetology, Electrology,
- 7 Esthetics, Nail Technology, and Body Art;
- 8 (2) Department means the Division of Public Health of the
- 9 Department of Health and Human Services;
- 10 (3) Operator means a person designated by the tanning

11 facility owner or tanning equipment lessee to operate, or to assist  
12 and instruct in the operation and use of, the tanning facility or  
13 tanning equipment;

14 (4) Tanning equipment means any device that emits  
15 electromagnetic radiation with wavelengths in the air between two  
16 hundred nanometers and four hundred nanometers and that is used for  
17 tanning of the skin. Tanning equipment includes, but is not limited  
18 to, a sunlamp, tanning booth, or tanning bed; and

19 (5) Tanning facility means a location, place, area,  
20 structure, or business that provides access to tanning equipment.  
21 Tanning facility includes, but is not limited to, any tanning  
22 business, salon, health club, apartment, or condominium, which has  
23 tanning equipment that is made available for public or commercial  
1 use, regardless of whether a fee is charged for access to the  
2 tanning equipment.

3 Sec. 3. It is the intent of the Legislature that the  
4 Indoor Tanning Facility Act be implemented and enforced in a manner  
5 that ensures equal treatment of all tanning facilities regardless  
6 of the type of business or facility or number of pieces of tanning  
7 equipment at the tanning facility.

8 Sec. 4. The Indoor Tanning Facility Act does not apply  
9 to:

10 (1) A physician licensed under the Uniform Credentialing  
11 Act who uses, in the practice of medicine, medical diagnostic and  
12 therapeutic equipment that emits ultraviolet radiation; or

13 (2) Any individual who owns tanning equipment exclusively  
14 for personal, noncommercial use.

15 Sec. 5. It shall be unlawful for an operator, an owner of  
16 a tanning facility, or a lessee of a tanning facility to allow any  
17 person less than sixteen years of age to use tanning equipment at  
18 the tanning facility unless the person has a written note from a  
19 physician licensed under the Uniform Credentialing Act or licensed  
20 in another state. The operator, owner, or lessee shall require  
21 proof of age from each person before allowing the person access  
22 to tanning equipment. For purposes of this section, proof of age  
23 shall include, but not be limited to, a driver's license or other  
24 government-issued identification containing the person's date of  
25 birth and photograph or digital image.

26 Sec. 6. Any operator, owner of a tanning facility, or  
27 lessee of a tanning facility who allows any person less than  
1 sixteen years of age to use tanning equipment at the tanning  
2 facility without a written note from a physician licensed under the  
3 Uniform Credentialing Act or licensed in another state shall be  
4 subject to a civil penalty of one hundred dollars to be imposed and  
5 collected by the department. The department shall remit the civil  
6 penalty to the State Treasurer for distribution in accordance with  
7 Article VII, section 5, of the Constitution of Nebraska.

8 Sec. 7. (1) An operator, an owner of a tanning facility,  
9 or a lessee of a tanning facility shall post a warning sign in a

10 conspicuous location in the tanning facility where it is readily  
11 visible by any person entering the tanning facility. The warning  
12 sign shall have black letters which are at least one-fourth inch in  
13 height.

14 (2) The warning sign shall include the following  
15 information:

16 DANGER - Ultraviolet Radiation

17 Follow instructions.

18 Avoid overexposure. As with natural sunlight,

19 overexposure can cause eye and skin injuries and allergic

20 reactions. Repeated exposure may cause premature aging of the skin  
21 and skin cancer.

22 WEAR PROTECTIVE EYEWEAR - Failure to do so may result in  
23 severe burns or long term injury to eyes.

24 Medicines or cosmetics can increase your sensitivity to  
25 ultraviolet radiation. Consult your physician before using sunlamps  
26 if you are using medication or have a history of skin problems or  
27 believe yourself to be especially sensitive to sunlight. If you do  
1 not tan in the sun, you are unlikely to tan from the use of tanning  
2 equipment.

3 It is unlawful for a tanning facility to allow a person  
4 under sixteen years of age to use tanning equipment without a  
5 doctor's written note.

6 Any person may report a violation of the Indoor Tanning  
7 Facility Act to the Department of Health and Human Services.

8 Sec. 8. An operator, an owner of a tanning facility, or a  
9 lessee of a tanning facility shall ensure that the tanning facility  
10 complies with all applicable federal laws and regulations and the  
11 Indoor Tanning Facility Act.

12 Sec. 9. Upon receipt of a complaint regarding a tanning  
13 facility, the department, with the recommendation of the board,  
14 may inspect any tanning facility during the hours of operation of  
15 the tanning facility to ensure compliance with the Indoor Tanning  
16 Facility Act.

17 Sec. 10. Section 38-165, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 38-165 A public member of a board appointed under the  
20 Uniform Licensing Law prior to December 1, 2008, shall remain  
21 subject to the requirements of the original appointment until  
22 reappointed under the Uniform Credentialing Act. At the time of  
23 appointment and while serving as a board member, a public member  
24 appointed to a board on or after December 1, 2008, shall:

25 (1) Have been a resident of this state for one year;

26 (2) Remain a resident of Nebraska while serving as a  
27 board member;

1 (3) Have attained the age of nineteen years;

2 (4) Represent the interests and viewpoints of the public;

3 (5) Not hold an active credential in any profession or

4 business which is subject to the Uniform Credentialing Act, issued

5 in Nebraska or in any other jurisdiction, at any time during the  
6 five years prior to appointment;

7 (6) Not be eligible for appointment to a board which  
8 regulates a profession or business in which that person has ever  
9 held a credential;

10 (7) Not be or not have been, at any time during the  
11 year prior to appointment, an employee of a member of a profession  
12 credentialed by the department, of a facility credentialed pursuant  
13 to the Health Care Facility Licensure Act, ~~or~~ of a business  
14 credentialed pursuant to the Uniform Credentialing Act, or of a  
15 business regulated by the board to which the appointment is being  
16 made;

17 (8) Not be the parent, child, spouse, or household member  
18 of any person presently regulated by the board to which the  
19 appointment is being made;

20 (9) Have no material financial interest in the profession  
21 or business regulated by such board; and

22 (10) Not be a member or employee of the legislative or  
23 judicial branch of state government.

24 Sec. 11. Section 38-1057, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 38-1057 (1) The board shall consist of ten professional  
27 members, one owner of a tanning facility as defined in section  
1 2 of this act, and two public members appointed pursuant to  
2 section 38-158. The professional and public members shall meet the  
3 requirements of sections 38-164 and 38-165, respectively.

4 (2) The professional members shall include:

5 (a) One school owner who is also licensed as either a  
6 cosmetologist, nail technician, or esthetician;

7 (b) One salon owner who is licensed as a cosmetologist;

8 (c) Two cosmetologists who are not school owners;

9 (d) One nail technician who is not a school owner;

10 (e) One esthetician who is not a school owner;

11 (f) One electrologist;

12 (g) One practitioner of body art;

13 (h) One nail technology instructor or esthetics

14 instructor who is not a school owner; and

15 (i) One cosmetology instructor who is not a school owner.

16 (3) No members of the board who are school owners, salon  
17 owners, tanning facility owners, electrologists, nail technicians,  
18 instructors, cosmetologists, or practitioners of body art may be  
19 affiliated with the same establishment.

20 ~~(4) As the terms of the members serving on December 1,~~  
21 ~~2008, expire, successors shall be appointed in accordance with~~  
22 ~~subsection (2) of this section.~~

23 Sec. 12. Original sections 38-165 and 38-1057, Reissue  
24 Revised Statutes of Nebraska, are repealed.

**LEGISLATIVE BILL 690.** Placed on General File with amendment.

AM1681

- 1 1. Insert the following new section:
- 2 Sec. 4. The Aging Nebraskans Task Force terminates on
- 3 June 30, 2016, unless extended by the Legislature.
- 4 2. On page 2, line 8, strike "September 1" and insert
- 5 "July 31"; in line 18 after "The" insert "nine-member".
- 6 3. Strike beginning with page 2, line 21, through page 3,
- 7 line 9, and insert the following new subsection:
- 8 "(2)(a) The executive committee of the task force shall
- 9 include as voting members the chairperson of the Health and
- 10 Human Services Committee of the Legislature, a member of the
- 11 Appropriations Committee of the Legislature appointed by the
- 12 Executive Board of the Legislative Council, and a member of the
- 13 Health and Human Services Committee of the Legislature appointed by
- 14 the Executive Board of the Legislative Council.
- 15 (b) The chief executive officer of the Department of
- 16 Health and Human Services or his or her designee and the Chief
- 17 Justice of the Supreme Court or his or her designee shall be
- 18 nonvoting, ex officio members of the executive committee of the
- 19 task force."
- 20 4. Renumber the remaining section accordingly.

**LEGISLATIVE BILL 732.** Placed on General File with amendment.

AM1822

- 1 1. Strike section 3.
- 2 2. On page 2, strike beginning with "medical" in line 1
- 3 through "the" in line 2.
- 4 3. Renumber the remaining sections and amend the repealer
- 5 accordingly.

(Signed) Kathy Campbell, Chairperson

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 718A.** 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 718, One Hundred Third Legislature, Second Session, 2014.

### **GENERAL FILE**

**LEGISLATIVE BILL 393.** Senator Gloor renewed his motion, MO138, found on page 488 and considered on page 494, to bracket until April 17, 2014.

**SPEAKER ADAMS PRESIDING****SENATOR KRIST PRESIDING**

Senator Gloor moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Gloor requested a roll call vote on his motion to bracket.

Voting in the affirmative, 23:

Adams	Cook	Hadley	Kolowski	Smith
Ashford	Crawford	Harms	Lathrop	Sullivan
Avery	Dubas	Harr, B.	McGill	Watermeier
Bolz	Gloor	Howard	Nordquist	
Campbell	Haar, K.	Johnson	Seiler	

Voting in the negative, 23:

Bloomfield	Coash	Janssen	Lautenbaugh	Schumacher
Brasch	Conrad	Karpisek	McCoy	Wallman
Carlson	Davis	Kintner	Nelson	Wightman
Chambers	Garrett	Krist	Pirsch	
Christensen	Hansen	Larson	Scheer	

Excused and not voting, 3:

Mello	Murante	Schilz
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The Gloor motion to bracket failed with 23 ayes, 23 nays, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

**ANNOUNCEMENT**

The Banking, Commerce and Insurance Committee designates LB749 as its priority bill.

**COMMITTEE REPORTS**

Natural Resources

**LEGISLATIVE BILL 683.** Placed on General File.

**LEGISLATIVE BILL 798.** Placed on General File.

**LEGISLATIVE BILL 699.** Placed on General File with amendment.

AM1754

- 1 1. Strike the original sections and insert the following  
2 new sections:  
3 Section 1. Section 37-201, Revised Statutes Cumulative  
4 Supplement, 2012, is amended to read:  
5 37-201 Sections 37-201 to 37-811 and 37-1501 to 37-1510  
6 and section 2 of this act shall be known and may be cited as the  
7 Game Law.  
8 Sec. 2. A hunting permit may be issued to any  
9 developmentally disabled person who has a license-purchase  
10 exemption certificate issued by the commission authorizing such  
11 person to purchase a hunting permit. The commission may adopt and  
12 promulgate rules and regulations to establish forms and procedures  
13 for the issuance of license-purchase exemption certificates. Any  
14 license-purchase exemption certificate issued pursuant to this  
15 section shall be issued at no cost to the developmentally disabled  
16 person and shall clearly state on its face that the holder must at  
17 all times while hunting be accompanied as described in subsection  
18 (4) of section 37-413. No license-purchase exemption certificate  
19 shall be issued to any person who has been found by any court  
20 or mental health board to pose a current danger to himself or  
21 herself or others. As part of the application process for a  
22 license-purchase exemption certificate, a developmentally disabled  
23 person shall present the commission with a written authorization  
1 signed by a physician indicating that the developmentally disabled  
2 person is at all times capable of understanding and following  
3 directions given by another person and that the developmentally  
4 disabled person is not currently a danger to himself or herself  
5 or others. For purposes of this section, developmentally disabled  
6 person means a person who has a developmental disability as defined  
7 in section 83-1205.  
8 Sec. 3. Section 37-404, Reissue Revised Statutes of  
9 Nebraska, is amended to read:  
10 37-404 (1) Any resident of the United States who has  
11 resided in this state continuously for a period of thirty days  
12 before applying for a permit under the Game Law and who has a  
13 bona fide intention of becoming a legal resident of this state,  
14 supported by documentary proof, shall be deemed to be a resident  
15 and may be issued a resident permit under the Game Law.  
16 (2) No hunting permit shall be issued to any person who  
17 is known to have a significant physical or mental disability and  
18 who is unable to safely carry or use a firearm because of such  
19 disability except as provided in section 2 of this act.  
20 (3) The commission may limit the number of days for which  
21 a permit is issued and the number of fish or game birds taken on  
22 one permit. The commission may provide for a method of tagging and  
23 identification of fish and game birds taken under a nonresident  
24 permit.



25 Sec. 4. Section 37-413, Revised Statutes Cumulative  
26 Supplement, 2012, is amended to read:

27 37-413 (1) For the purpose of establishing and  
1 administering a mandatory firearm hunter education program for  
2 persons twelve through twenty-nine years of age who hunt with a  
3 firearm or ~~crossbow-air gun~~ any species of game, game birds, or  
4 game animals, the commission shall provide a program of firearm  
5 hunter education training leading to obtaining a certificate of  
6 successful completion in the safe handling of firearms and shall  
7 locate and train volunteer firearm hunter education instructors.  
8 ~~The program shall provide a training course having a minimum of~~  
9 ~~(a) ten hours of classroom instruction or (b) independent study on~~  
10 ~~the part of the student sufficient to pass an examination given~~  
11 ~~by the commission followed by such student's participation in a~~  
12 ~~minimum of four hours of practical instruction.~~ The program shall  
13 provide instruction in the areas of safe firearms use, shooting  
14 and sighting techniques, hunter ethics, game identification, and  
15 conservation management. The commission shall issue a firearm  
16 hunter education certificate of successful completion to persons  
17 having satisfactorily completed a firearm hunter education course  
18 accredited by the commission and shall print, purchase, or  
19 otherwise acquire materials as necessary for effective program  
20 operation. The commission shall adopt and promulgate rules and  
21 regulations for carrying out and administering such programs.

22 (2) It shall be unlawful for any person twenty-nine years  
23 of age or younger to hunt with a firearm or ~~crossbow-air gun~~ any  
24 species of game, game birds, or game animals except:

25 (a) A person under the age of twelve years who is  
26 ~~accompanied by a person nineteen years of age or older having~~  
27 ~~a valid hunting permit; as described in subsection (4) of this~~  
1 ~~section;~~

2 (b) A person twelve through twenty-nine years of age who  
3 has on his or her person proof of successful completion of a hunter  
4 education course as described in subsection (1) of this section or  
5 a ~~firearm~~ hunter education course issued by the person's state or  
6 province of residence or by an accredited program recognized by the  
7 commission; ~~or~~

8 (c) A person twelve through twenty-nine years of age who  
9 has on his or her person the appropriate hunting permit and an  
10 apprentice hunter education exemption certificate issued by the  
11 commission pursuant to subsection (3) of this section and who is  
12 accompanied as described in subsection (4) of this section; or.

13 (d) A developmentally disabled person who holds the  
14 appropriate hunting permit and a license-purchase exemption  
15 certificate issued pursuant to section 2 of this act and who is  
16 accompanied as described in subsection (4) of this section.

17 (3) An apprentice hunter education exemption certificate  
18 may be issued to a person twelve through twenty-nine years of age,  
19 once during such person's lifetime with one renewal, upon payment

20 of a fee of five dollars and shall expire at midnight on December  
 21 31 of the year for which the apprentice hunter education exemption  
 22 certificate is issued. The commission may adopt and promulgate  
 23 rules and regulations allowing for the issuance of apprentice  
 24 hunter education exemption certificates. All fees collected under  
 25 this subsection shall be remitted to the State Treasurer for credit  
 26 to the State Game Fund.

27 (4) For purposes of this section, accompanied means under  
 1 the direct supervision of a person who is: (a) Nineteen years  
 2 of age or older having a valid hunting permit. If such person  
 3 is nineteen years of age or older but not older than twenty-nine  
 4 years of age, he or she shall have also completed the required  
 5 course of instruction to receive a certificate of completion for  
 6 ~~firearm~~ hunter education, ~~if hunting with a firearm or crossbow~~  
 7 ~~as described in subdivision (2)(b) of this section or for bow~~  
 8 ~~hunter education if hunting with a bow and arrow as described in~~  
 9 ~~section 37-414;~~ and (b) at all times in unaided visual and verbal  
 10 communication of developmentally disabled persons authorized under  
 11 section 2 of this act or no more than two persons having an  
 12 apprentice hunter education exemption certificate. This subsection  
 13 does not prohibit the use by such person nineteen years of age  
 14 or older of ordinary prescription eyeglasses or contact lenses or  
 15 ordinary hearing instruments.

16 Sec. 5. Section 37-414, Reissue Revised Statutes of  
 17 Nebraska, is amended to read:

18 37-414 (1) The commission shall establish and administer  
 19 a bow hunter education program ~~consisting of a minimum of (a) ten~~  
 20 ~~hours of classroom instruction or (b) independent study on the~~  
 21 ~~part of the student sufficient to pass an examination given by the~~  
 22 ~~commission followed by such student's participation in a minimum~~  
 23 ~~of four hours of practical instruction. The program shall provide~~  
 24 providing instruction in the safe use of bow hunting equipment,  
 25 the fundamentals of bow hunting, shooting and hunting techniques,  
 26 game identification, conservation management, and hunter ethics.

27 When establishing such a program, the commission shall locate  
 1 and train volunteers as bow hunter education instructors. The  
 2 commission shall issue a certificate of successful completion to  
 3 any person who satisfactorily completes a bow hunter education  
 4 program ~~established~~ accredited by the commission and shall print,  
 5 purchase, or otherwise acquire materials necessary for effective  
 6 program operation. The commission shall adopt and promulgate rules  
 7 and regulations for carrying out and administering such program.

8 (2) A person twelve through twenty-nine years of age who  
 9 is hunting antelope, deer, elk, or mountain sheep with a bow and  
 10 arrow or crossbow pursuant to any provision of sections 37-447 to  
 11 37-453 shall ~~have on his or her person~~ (a) have on his or her  
 12 person proof of successful completion of a bow hunter education  
 13 course issued by his or her state or province of residence or  
 14 by an accredited program recognized by the commission, ~~or~~ (b)

15 have on his or her person the appropriate hunting permit and an  
16 apprentice hunter education exemption certificate issued by the  
17 commission pursuant to subsection (3) of section 37-413 and be  
18 accompanied as described in subsection (4) of section 37-413, or  
19 (c) hold the appropriate hunting permit and a license-purchase  
20 exemption certificate issued pursuant to section 2 of this  
21 act if required pursuant to such section. and an apprentice  
22 hunter education exemption certificate issued and enforced by the  
23 commission pursuant to section 37-413.  
24 Sec. 6. Original sections 37-404 and 37-414, Reissue  
25 Revised Statutes of Nebraska, and sections 37-201 and 37-413,  
26 Revised Statutes Cumulative Supplement, 2012, are repealed.

(Signed) Tom Carlson, Chairperson

Executive Board

**LEGISLATIVE BILL 989.** Placed on General File.

**LEGISLATIVE BILL 970.** Indefinitely postponed.

**LEGISLATIVE RESOLUTION 397CA.** Indefinitely postponed.

(Signed) John Wightman, Chairperson

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 437.** Introduced by Seiler, 33.

WHEREAS, the Hastings St. Cecilia High School girls' volleyball team won the 2013 Class C-2 Girls' State Volleyball Championship; and

WHEREAS, the Hastings St. Cecilia Hawkettes won their first state championship in two decades by defeating the Freeman High School Falcons in four sets in the state tournament; 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 THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Hastings St. Cecilia High School girls' volleyball team on winning the 2013 Class C-2 Girls' State Volleyball Championship.

2. That a copy of this resolution be sent to the Hastings St. Cecilia High School girls' volleyball team and Coach Alan VanCura.

Laid over.

**LEGISLATIVE RESOLUTION 438.** Introduced by Seiler, 33.

WHEREAS, the Silver Lake High School football team won the 2013 Six-Man State Football Championship; and

WHEREAS, the Silver Lake High School Mustangs beat the Hyannis High School Longhorns by a score of 47-46 to win their first six-man state football championship in school history; 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 THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Silver Lake High School football team on winning the 2013 Six-Man State Football Championship.
2. That a copy of this resolution be sent to the Silver Lake High School football team and Coach Duane Arntt.

Laid over.

**LEGISLATIVE RESOLUTION 439.** Introduced by Seiler, 33.

WHEREAS, the Doniphan-Trumbull High School football team won the 2013 Class C-2 State Football Championship; and

WHEREAS, the Doniphan-Trumbull Cardinals defeated the two-time defending state champion Aquinas Catholic High School Monarchs by a score of 32-13 to win the 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 THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Doniphan-Trumbull High School football team on winning the 2013 Class C-2 State Football Championship.
2. That a copy of this resolution be sent to the Doniphan-Trumbull High School football team and Coach Brent Breckner.

Laid over.

**LEGISLATIVE RESOLUTION 440.** Introduced by Karpisek, 32.

WHEREAS, insurance protects the United States economy from the adverse effects of the risks inherent in economic growth and development while also providing the resources necessary to rebuild physical and economic infrastructure, offer indemnification for business disruption, and provide coverage for medical and liability costs from injuries and loss of life in the event of catastrophic losses to persons or property; and

WHEREAS, the terrorist attack on September 11, 2001, produced insured losses larger than any natural or man-made event in history, with claims paid by insurers to their policyholders eventually totaling approximately

\$32.5 billion, making this attack the second most costly insurance event in United States history; and

WHEREAS, the sheer enormity of the terrorist-induced loss, combined with the possibility of future attacks, produced financial shockwaves that shook insurance markets and caused insurers and reinsurers to exclude coverage arising from acts of terrorism from virtually all commercial property and liability policies; and

WHEREAS, the lack of terrorism risk insurance contributed to a paralysis in the economy, especially in the construction, tourism, business travel, and real estate finance sectors; and

WHEREAS, the United States Congress originally passed the Terrorism Risk Insurance Act of 2002 (TRIA), in which the federal government agreed to provide terrorism reinsurance to insurers, and reauthorized this arrangement via the Terrorism Risk Insurance Extension Act of 2005 and the Terrorism Risk Insurance Program Reauthorization Act of 2007 (TRIPRA); and

WHEREAS, under TRIPRA, the federal government provides such reinsurance after industry-wide losses attributable to annual certified terrorism events exceed \$100 million; and

WHEREAS, coverage under TRIPRA is provided to an individual insurer after the insurer has incurred losses related to terrorism equal to 20% of the insurer's previous year earned premium for property-casualty lines; and

WHEREAS, after an individual insurer has reached such a threshold, the insurer pays 15% of residual losses and the federal government pays the remaining 85%; and

WHEREAS, the Terrorism Risk Insurance Program has an annual cap of \$100 billion of aggregate insured losses beyond which the federal program does not provide coverage; and

WHEREAS, TRIPRA requires the federal government to recoup 100% of the benefits provided under the program through policyholder surcharges to the extent the aggregate insured losses are less than \$27.5 billion and enables the government to recoup expenditures beyond that mandatory recoupment amount; and

WHEREAS, without question, TRIA and its successor acts are the principal reason for the continued stability in the insurance and reinsurance market for terrorism insurance to the benefit of our overall economy; and

WHEREAS, the presence of a robust private-public partnership has provided stability and predictability and has allowed insurers to actively participate in the market in a meaningful way; and

WHEREAS, without a program such as TRIPRA, many of our citizens who want and need terrorism coverage to operate their businesses all across the nation would be either unable to obtain insurance or unable to afford the limited coverage that would be available; and

WHEREAS, without federally provided reinsurance, property and casualty insurers would face less availability of terrorism reinsurance and would therefore be severely restricted in their ability to provide sufficient coverage for acts of terrorism; and

WHEREAS, despite the hard work and dedication of this nation's counterterrorism agencies, and the bravery of the men and women in

uniform who fight battles abroad to keep us safe here at home, the threat from terrorist attacks in the United States is both real and substantial and will remain so for the foreseeable future.

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

1. That the Legislature urges the United States Congress to reauthorize federally provided terrorism reinsurance for insurers in order to maintain stability in the insurance and reinsurance markets, to continue to deliver substantive and direct benefits to businesses, workers, and consumers, and to protect the overall economy in the aftermath of a terrorist attack on the United States.

2. That a copy of this resolution be sent to President Barack Obama, the Speaker and the Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, and each member of Nebraska's congressional delegation.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR440 was referred to the Reference Committee.

#### **AMENDMENT - Print in Journal**

Senator Gloor filed the following amendment to LB869:  
AM1892

- 1 1. On page 22, lines 21 and 24, after "of" insert "the
- 2 department or".
- 3 2. On page 23, line 14, after "department" insert ", the
- 4 administration".
- 5 3. On page 25, strike beginning with "If" in line 12
- 6 through "(4)" in line 16.

#### **COMMITTEE REPORTS**

##### 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.

Dennis E. Grennan - Nebraska Power Review Board

Aye: 8 Brasch, Carlson, Dubas, K. Haar, Johnson, Kolowski, Schilz, Smith.  
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.

Rex Fisher - Game and Parks Commission

Aye: 8 Brasch, Carlson, Dubas, K. Haar, Johnson, Kolowski, Schilz, Smith.  
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tom Carlson, Chairperson

**ANNOUNCEMENT**

Senator Hansen designates LB884 as his priority bill.

**GENERAL FILE**

**LEGISLATIVE BILL 393.** The Lathrop amendment, AM1813, found on page 457 and considered on page 467, to the first committee amendment, AM1838, was renewed.

Senator Bloomfield offered the following motion:  
MO140

Invoke cloture pursuant to Rule 7, Sec. 10.

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

Senator Bloomfield requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 25:

Adams	Coash	Janssen	Lautenbaugh	Pirsch
Bloomfield	Conrad	Karpisek	McCoy	Scheer
Brasch	Davis	Kintner	Mello	Schilz
Carlson	Garrett	Krist	Murante	Schumacher
Christensen	Hansen	Larson	Nelson	Smith

Voting in the negative, 22:

Ashford	Cook	Hadley	Kolowski	Watermeier
Avery	Crawford	Harms	Lathrop	Wightman
Bolz	Dubas	Harr, B.	McGill	
Campbell	Gloor	Howard	Nordquist	
Chambers	Haar, K.	Johnson	Seiler	

Present and not voting, 2:

Sullivan Wallman

The Bloomfield motion to invoke cloture failed with 25 ayes, 22 nays, and 2 present and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 438.** Title read. Considered.

Committee AM1240, found on page 1237, First Session, 2013, was offered.

Senator Sullivan offered her amendment, AM1580, found on page 113, to the committee amendment.

Pending.

### COMMITTEE REPORT

Enrollment and Review

**LEGISLATIVE BILL 371A.** Placed on Select File.

(Signed) John Murante, Chairperson

### COMMITTEE REPORTS

Executive Board

**LEGISLATIVE BILL 976.** Placed on General File.

**LEGISLATIVE BILL 1016.** Placed on General File with amendment.

AM1884

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. The Executive Board of the Legislative Council
- 4 pursuant to the authority granted in Laws 2012, LB194, section
- 5 9, commissioned an independent study to enable the Legislature to
- 6 determine whether the state should purchase or otherwise acquire
- 7 an aircraft for state purposes and what type of aircraft should
- 8 be acquired, if any. After completion and review of the study,
- 9 the Legislature authorizes the Department of Aeronautics to acquire
- 10 a new aircraft. It is the intent of the Legislature to fund the
- 11 acquisition with General Funds and other funds. The Legislature
- 12 also directs the department, upon taking possession of a new
- 13 aircraft, to sell the state's 1982 Piper Cheyenne aircraft, with
- 14 the proceeds retained by the department for use for preventive
- 15 maintenance funding for the new aircraft.
- 16 Sec. 2. Section 3-104, Reissue Revised Statutes of
- 17 Nebraska, is amended to read:
- 18 3-104 There is hereby created the Nebraska Aeronautics
- 19 Commission which shall consist of five members, who shall be



20 appointed by the Governor. The terms of office of the members  
21 of the commission initially appointed shall expire on March 1 of  
22 the years 1946, 1947, 1948, 1949, and 1950, as designated by the  
23 Governor in making the respective appointments. As the terms of  
1 members expire, the Governor shall, on or before March 1 of each  
2 year, appoint a member of the commission for a term of five years  
3 to succeed the member whose term expires. Each member shall serve  
4 until the appointment and qualification of his or her successor. In  
5 case of a vacancy occurring prior to the expiration of the term of  
6 a member, the appointment shall be made only for the remainder of  
7 the term. All members of the commission shall be citizens and bona  
8 fide residents of the state and, in making such an appointment,  
9 the Governor shall take into consideration the interest or training  
10 of the appointee in some one or all branches of aviation. The  
11 commission shall, in December of each year, select a chairperson  
12 for the ensuing year. The Director of Aeronautics shall serve  
13 as secretary as set forth in section 3-127. Three members shall  
14 constitute a quorum and no action shall be taken by less than a  
15 majority of the commission.

16 The commission shall meet upon the written call of the  
17 chairperson, the director, or any two members of the commission.  
18 Regular meetings shall be held at the office of the department but,  
19 whenever the convenience of the public or of the parties may be  
20 promoted or delay or expense may be prevented, it may hold meetings  
21 or proceedings at any other place designated by it. All meetings of  
22 the commission shall be open to the public. No member shall receive  
23 any salary for his or her service, but each shall be reimbursed  
24 for actual and necessary expenses incurred by him or her in the  
25 performance of his or her duties as provided in sections 81-1174 to  
26 81-1177.

27 It shall be the duty of the commission to advise the  
1 Governor relative to the appointment of a director and it shall  
2 report to the Governor whenever it feels that the director is not  
3 properly fulfilling his or her duties. It shall further act in an  
4 advisory capacity to the director.

5 The commission shall have, in addition, the following  
6 specific duties: (1) To allocate state funds and approve the use  
7 of federal funds to be spent for the construction or maintenance  
8 of airports; (2) to designate the locations and approve sites of  
9 airports; (3) to arrange and authorize the ~~purchase~~ acquisition  
10 of aircraft upon behalf of the state; (4) to select and approve  
11 pilots to be employed by the state, if any; and (5) to assist the  
12 director in formulating the regulations and policies to be carried  
13 out by the department under the terms of the State Aeronautics  
14 Department Act. The commission may allocate state funds for the  
15 promotion of aviation as defined for the purpose of this section by  
16 the department by rule and regulation. The director may designate  
17 one or more members of the commission to represent the department  
18 in conferences with officials of the federal government, of other

19 states, of other agencies or municipalities of this state, or of  
 20 persons owning privately owned public use airports.

21 Sec. 3. Section 3-106, Reissue Revised Statutes of  
 22 Nebraska, is amended to read:

23 3-106 (1) Suitable offices shall be provided for the  
 24 department in the State Capitol. It may maintain offices at such  
 25 other places in the state as it may designate and may incur  
 26 the necessary expense for office furniture, stationery, printing,  
 27 and other incidental or necessary expenses for the enforcement of  
 1 ~~sections 3-101 to 3-154~~ the State Aeronautics Department Act and  
 2 the general promotion of aeronautics within the state.

3 (2) The department may ~~purchase~~ acquire aircraft for the  
 4 use of ~~the department. Such state government~~ and may sell any  
 5 state aircraft that is not needed or suitable for state uses.  
 6 State aircraft shall be subject at all times to the written orders  
 7 of the Governor for use and service in any branch of the state  
 8 government. The department shall establish an hourly rate for use  
 9 of a state aircraft by a state official or agency. The hourly rate  
 10 shall not include an amount to recover the cost of acquisition  
 11 by purchase, but shall include lease payments for acquisition by  
 12 lease and amounts for items such as variable fuel and oil costs,  
 13 routine maintenance costs, landing fees, and preventive maintenance  
 14 reserves, with the expense thereof to be paid by the department. It

15 (3) The department may charter aircraft for use by a  
 16 state official or agency.

17 (4) The department may employ such clerical and other  
 18 employees and assistants as it may deem necessary for the proper  
 19 transaction of its business.

20 Sec. 4. Original sections 3-104 and 3-106, Reissue  
 21 Revised Statutes of Nebraska, are repealed.

22 Sec. 5. Since an emergency exists, this act takes effect  
 23 when passed and approved according to law.

**LEGISLATIVE RESOLUTION 400.** Reported to the Legislature for  
 further consideration.

**LEGISLATIVE RESOLUTION 424.** Reported to the Legislature for  
 further consideration with the following amendment:

AM1890

- 1 1. In the first Resolved clause strike "five members" and
- 2 insert "seven members".

(Signed) John Wightman, Chairperson

## Education

**LEGISLATIVE BILL 682.** Placed on General File with amendment.  
AM1888

1 1. Strike the original sections and insert the following  
2 new sections:  
3 Section 1. On or before July 1, 2015, and on or before  
4 July 1 each year thereafter, any school district in Nebraska with  
5 an average daily membership for grades kindergarten through twelve  
6 of fewer than six hundred fifty students for the most recently  
7 available complete data year and the school fiscal year immediately  
8 preceding the most recently available complete data year that is  
9 not already a member of an allied system shall form an allied  
10 system with at least three other school districts or join an  
11 existing allied system. If one or more school districts required to  
12 form or join an allied system under this section have not done so  
13 by such date, the Commissioner of Education shall form one or more  
14 allied systems which include such districts or direct each such  
15 school district to join an existing allied system specified by the  
16 commissioner for such district. The commissioner shall provide an  
17 opportunity to be heard for each such district, the member school  
18 districts of any affected allied system, and any other interested  
19 party and shall consider the number of students in each allied  
20 system in forming new allied systems or directing a district to  
21 join a specified existing allied system. A school district with an  
22 enrollment of six hundred fifty students or more may, but is not  
23 required to, join an allied system.

1 Sec. 2. Allied systems shall be formed as an agreement  
2 between at least four member school districts, which agreement  
3 shall include, but need not be limited to, the following terms:

4 (1) The superintendent of each school district in the  
5 allied system is deemed the representative of his or her district  
6 to the allied system;

7 (2) The superintendent of each school district in the  
8 allied system shall file with the State Department of Education  
9 notice of the school district's membership in such allied system  
10 and a list of the other member school districts on or before July  
11 1 of each year beginning in 2015;

12 (3) Each school district in the allied system shall have  
13 the same yearly calendar and daily schedule, except that this  
14 subdivision does not require that such districts have the same  
15 yearly calendar and daily schedule for extracurricular activities;

16 (4) School districts in an allied system wishing to  
17 cooperate beyond the uniform yearly calendar and daily schedule  
18 requirements of this section may form an interlocal agreement  
19 pursuant to the Interlocal Cooperation Act relative to cooperation  
20 on such additional matters. Every member of such interlocal  
21 agreement is entitled to one vote on matters covered by such  
22 interlocal agreement;

23 (5) All employees of each school district shall remain  
 24 employees of such district and their contracts shall be negotiated  
 25 through such district; and

26 (6) No school district in an allied system may move into  
 27 another allied system if such change would reduce the allied system  
 1 to fewer than three member school districts unless the remaining  
 2 member school districts agree to dissolve such allied system and  
 3 join other allied systems. If at least one school district that  
 4 is a member of an allied system merges with one or more other  
 5 school districts and the resulting reorganized school district  
 6 joins such allied system, each of the school districts that were  
 7 members of the allied system prior to the merger shall count as  
 8 a separate member school district only for the purpose of meeting  
 9 the minimum requirement of three member school districts. Nothing  
 10 in this subdivision prevents a school district from reorganizing  
 11 with one or more other school districts regardless of allied system  
 12 membership. Except as otherwise provided in this subdivision, if  
 13 an allied system no longer meets the minimum requirement of three  
 14 member school districts due to a reorganization involving one or  
 15 more member school districts, such allied system shall be dissolved  
 16 and the remaining member school districts shall join other allied  
 17 systems.

18 Sec. 3. Within one year after the formation of an allied  
 19 system, the representatives of the school districts in such allied  
 20 system shall meet and create a common calendar and schedule which  
 21 shall be implemented in each member school district beginning with  
 22 the school year immediately following the deadline for creating  
 23 such common calendar and schedule pursuant to this section.

24 Sec. 4. Nothing in sections 1 to 3 of this act requires  
 25 the member school districts in an allied system to combine or  
 26 coordinate revenue, spending, taxation, state aid, or any other  
 27 elements relating to finances.

(Signed) Kate Sullivan, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 726.** Placed on General File.

**LEGISLATIVE BILL 743.** Placed on General File.

**LEGISLATIVE BILL 745.** Placed on General File.

**LEGISLATIVE BILL 792.** Placed on General File.

**LEGISLATIVE BILL 804.** Placed on General File.

**LEGISLATIVE BILL 217.** Placed on General File with amendment.

AM1875

- 1 1. Strike original section 1.
- 2 2. On page 4, line 23, strike "75-104,".
- 3 3. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 661.** Placed on General File with amendment.  
AM1778

1 1. Strike original section 4 and insert the following new  
2 sections:

3 Sec. 4. Section 32-308, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 32-308 (1) The Secretary of State and the Director of  
6 Motor Vehicles shall enter into an agreement to match information  
7 in the computerized statewide voter registration list with  
8 information in the data base of the Department of Motor Vehicles  
9 to the extent required to enable each such official to verify the  
10 accuracy of the information provided on applications for voter  
11 registration. The Director of Motor Vehicles shall enter into an  
12 agreement with the Commissioner of Social Security under section  
13 205(r)(8) of the federal Social Security Act, 42 U.S.C. 405(r)(8),  
14 as such section existed on April 17, 2003, for purposes of the  
15 Election Act.

16 (2) The Department of Motor Vehicles, with the assistance  
17 of the Secretary of State, shall prescribe a voter registration  
18 application which may be used to register to vote or change his or  
19 her address for voting purposes at the same time an elector applies  
20 for an original or renewal motor vehicle operator's license, an  
21 original or renewal state identification card, or a replacement or  
22 duplicate thereof. The voter registration application shall contain  
23 the information required pursuant to section 32-312 and shall be  
1 designed so that it does not require the duplication of information  
2 in the application for the motor vehicle operator's license or  
3 state identification card, except that it may require a second  
4 signature of the applicant. The department and the Secretary of  
5 State shall make the voter registration application available to  
6 ~~the county treasurer, the license examiners of the department,~~  
7 ~~and any other person who issues operators' licenses or state~~  
8 ~~identification cards.~~ any person applying for an operator's license  
9 or state identification card. The application shall be completed  
10 at the office of the ~~county treasurer or~~ department by the close  
11 of business on the third Friday preceding any election to be  
12 registered to vote at such election. A registration application  
13 received after the deadline shall not be processed by the election  
14 commissioner or county clerk until after the election.

15 (3) The Department of Motor Vehicles, in conjunction with  
16 the Secretary of State, shall develop a process to electronically  
17 transmit voter registration application information received under  
18 subsection (2) of this section to the election commissioner or  
19 county clerk of the county in which the applicant resides within  
20 the time limits prescribed in subsection (4) of this section. The  
21 Director of Motor Vehicles shall designate an implementation date  
22 for the process which shall be on or before January 1, 2016.

23 (4) The voter registration application information shall  
24 be transmitted to the election commissioner or county clerk of

25 the county in which the applicant resides not later than ten days  
 26 after receipt, except that if the voter registration application  
 27 information is received within five days prior to the third Friday  
 1 preceding any election, it shall be transmitted not later than five  
 2 days after its original submission. Any information on whether an  
 3 applicant registers or declines to register and the location of the  
 4 office at which he or she registers shall be confidential and shall  
 5 only be used for voter registration purposes.

6 (5) For each voter registration application for which  
 7 information is transmitted electronically pursuant to this section,  
 8 the Secretary of State shall obtain a copy of the electronic  
 9 representation of the applicant's signature from the Department of  
 10 Motor Vehicles' records of his or her motor vehicle operator's  
 11 license or state identification card for purposes of voter  
 12 registration. Each voter registration application electronically  
 13 transmitted under this section shall include information provided  
 14 by the applicant that includes whether the applicant is a citizen  
 15 of the United States, whether the applicant is of sufficient  
 16 age to register to vote, the applicant's residence address, the  
 17 applicant's postal address if different from the residence address,  
 18 the date of birth of the applicant, the party affiliation of the  
 19 applicant or an indication that the applicant is not affiliated  
 20 with any political party, the applicant's motor vehicle operator's  
 21 license number, the applicant's previous registration location  
 22 by city, county, or state, if applicable, and the applicant's  
 23 signature.

24 ~~(3)-(6)~~ State agency personnel and county treasurers  
 25 involved in the voter registration process pursuant to this section  
 26 and section 32-309 shall not be considered deputy registrars or  
 27 agents or employees of the election commissioner or county clerk.

1 Sec. 5. Section 32-309, Reissue Revised Statutes of  
 2 Nebraska, is amended to read:  
 3 32-309 Upon receipt of a completed voter registration  
 4 application under subsection (2) of section 32-308, ~~a county~~  
 5 ~~treasurer, a license examiner of the Department of Motor Vehicles,~~  
 6 ~~and any other person who issues motor vehicle operators' licenses~~  
 7 ~~or state identification cards shall, until the implementation date~~  
 8 ~~designated by the Director of Motor Vehicles pursuant to subsection~~  
 9 ~~(3) of section 32-308,~~ deliver the completed voter registration  
 10 application to the election commissioner or county clerk of the  
 11 county in which the ~~county treasurer, license examiner, or other~~  
 12 ~~person is located~~ not later than ten days after receipt by  
 13 the ~~county treasurer, license examiner, or other~~ person, except  
 14 that if the voter registration application is received within  
 15 five days prior to the third Friday preceding any election, it  
 16 shall be delivered not later than five days after its original  
 17 filing date. The election commissioner or county clerk shall,  
 18 if necessary, forward the voter registration application to the  
 19 election commissioner or county clerk of the county in which

20 the applicant resides within such prescribed time limits. Any  
21 information on whether an applicant registers or declines to  
22 register and the location of the office at which he or she  
23 registers shall be confidential and shall only be used for voter  
24 registration purposes.

25 Sec. 6. Section 32-311, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27 32-311 Any elector may personally apply to register to  
1 vote at (1) the office of the election commissioner or county  
2 clerk, (2) a registration site at which a deputy registrar is in  
3 attendance, (3) a department listed in section 32-310 at the time  
4 of an application, review, or change of address as provided in such  
5 section, or (4) ~~the office of the county treasurer or Department~~  
6 of Motor Vehicles while applying for a motor vehicle operator's  
7 license or state identification card as provided in section 32-308.

8 Sec. 9. Section 32-315, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 32-315 Upon receiving a completed voter registration  
11 application pursuant to section ~~32-308, 32-309,~~ or 32-310  
12 indicating that a voter who is registered in the county has changed  
13 his or her name or moved to another residence within the same  
14 county, the election commissioner or county clerk shall change  
15 the voter registration record of the registered voter to the new  
16 name or new address and shall send an acknowledgment card to the  
17 registered voter indicating that the change of registration has  
18 been completed and the address of the voter's new polling place.

19 Sec. 15. Section 32-1002, Revised Statutes Cumulative  
20 Supplement, 2012, is amended to read:

21 32-1002 (1) As the ballots are removed from the ballot  
22 box pursuant to sections 32-1012 to 32-1018, the receiving board  
23 shall separate the envelopes containing the provisional ballots  
24 from the rest of the ballots and deliver them to the election  
25 commissioner or county clerk.

26 (2) Upon receipt of a provisional ballot, the election  
27 commissioner or county clerk shall verify that the certificate on  
1 the front of the envelope or the form attached to the envelope is  
2 in proper form and that the certification has been signed by the  
3 voter.

4 (3) The election commissioner or county clerk shall  
5 also (a) verify that such person has not voted anywhere else  
6 in the county or been issued a ballot for early voting, (b)  
7 investigate whether any credible evidence exists that the person  
8 was properly registered to vote in the county before the deadline  
9 for registration for the election, (c) investigate whether any  
10 information has been received pursuant to section ~~32-308, 32-309,~~  
11 32-310, or 32-324 that the person has resided, registered, or voted  
12 in any other county or state since registering to vote in the  
13 county, and (d) upon determining that credible evidence exists that  
14 the person was properly registered to vote in the county, make the

15 appropriate changes to the voter registration register by entering  
16 the information contained in the registration application completed  
17 by the voter at the time of voting a provisional ballot.

18 (4) A provisional ballot cast by a voter pursuant to  
19 section 32-915 shall be counted if:

20 (a) Credible evidence exists that the voter was properly  
21 registered in the county before the deadline for registration for  
22 the election;

23 (b) The voter has resided in the county continuously  
24 since registering to vote in the county;

25 (c) The voter has not voted anywhere else in the county  
26 or has not otherwise voted early using a ballot for early voting;

27 (d) The voter has completed a registration application  
1 prior to voting as prescribed in subsection (6) of this section  
2 and:

3 (i) The residence address provided on the registration  
4 application completed pursuant to subdivision (1)(e) of section  
5 32-915 is located within the precinct in which the person voted;  
6 and

7 (ii) If the voter is voting in a primary election,  
8 the party affiliation provided on the registration application  
9 completed prior to voting the provisional ballot is the same party  
10 affiliation that appears on the voter's voter registration record  
11 based on his or her previous registration application; and

12 (e) The certification on the front of the envelope or  
13 form attached to the envelope is in the proper form and signed by  
14 the voter.

15 (5) A provisional ballot cast by a voter pursuant to  
16 section 32-915 shall not be counted if:

17 (a) The voter was not properly registered in the county  
18 before the deadline for registration for the election;

19 (b) Information has been received pursuant to section  
20 32-308, 32-309, 32-310, or 32-324 that the voter has resided,  
21 registered, or voted in any other county or state since registering  
22 to vote in the county in which he or she cast the provisional  
23 ballot;

24 (c) Credible evidence exists that the voter has voted  
25 elsewhere or has otherwise voted early;

26 (d) The voter failed to complete and sign a registration  
27 application pursuant to subsection (6) of this section and  
1 subdivision (1)(e) of section 32-915;

2 (e) The residence address provided on the registration  
3 application completed pursuant to subdivision (1)(e) of section  
4 32-915 is in a different county or in a different precinct than the  
5 county or precinct in which the voter voted;

6 (f) If the voter is voting in a primary election, the  
7 party affiliation on the registration application completed prior  
8 to voting the provisional ballot is different than the party  
9 affiliation that appears on the voter's voter registration record



- 10 based on his or her previous registration application; or  
11 (g) The voter failed to complete and sign the  
12 certification on the envelope or form attached to the envelope  
13 pursuant to subsection (3) of section 32-915.  
14 (6) An error or omission of information on the  
15 registration application or the certification required under  
16 section 32-915 shall not result in the provisional ballot not being  
17 counted if:  
18 (a)(i) The errant or omitted information is contained  
19 elsewhere on the registration application or certification; or  
20 (ii) The information is not necessary to determine the  
21 eligibility of the voter to cast a ballot; and  
22 (b) Both the registration application and the  
23 certification are signed by the voter.  
24 (7) Upon determining that the voter's provisional ballot  
25 is eligible to be counted, the election commissioner or county  
26 clerk shall remove the ballot from the envelope without exposing  
27 the marks on the ballot and shall place the ballot with the ballots  
1 to be counted by the county canvassing board.  
2 (8) The election commissioner or county clerk shall  
3 notify the system administrator of the system created pursuant to  
4 section 32-202 as to whether the ballot was counted and, if not,  
5 the reason the ballot was not counted.  
6 (9) The verification and investigation shall be completed  
7 within seven days after the election.  
8 2. On page 2, strike beginning with "The" in line 16  
9 through the period in line 18 and show as stricken.  
10 3. On page 9, line 24; and page 12, line 8, after "act"  
11 insert "or section 32-308".  
12 4. On page 27, line 21, after the first occurrence of  
13 "section" insert "32-308 or".  
14 5. Renumber the remaining sections and correct the  
15 repealer accordingly.

**LEGISLATIVE BILL 662.** Indefinitely postponed.

**LEGISLATIVE BILL 663.** Indefinitely postponed.

(Signed) Bill Avery, Chairperson

#### ANNOUNCEMENT

The Government, Military and Veterans Affairs Committee designates LB661 and LB1048 as its priority bills.

**NOTICE OF COMMITTEE HEARING**

Health and Human Services

Room 1510

Thursday, February 20, 2014 1:30 p.m.

Noah L. Piskorski - Nebraska Rural Health Advisory Commission  
Lisa L. Mlnarik - Nebraska Rural Health Advisory Commission  
Mary Beth Hanus - Nebraska Child Abuse Prevention Fund Board  
Troy Hiemer - Board of Emergency Medical Services  
Timothy Hoffman - Board of Emergency Medical Services  
Charles LaFollette - Board of Emergency Medical Services  
Anthony Moravec - State Board of Health

(Signed) Kathy Campbell, Chairperson

**ANNOUNCEMENT**

Senator McGill announced the Urban Affairs Committee will meet in Room 2102 on February 18, 2014, instead of Room 1510.

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Davis asked unanimous consent to add his name as cointroducer to LR400. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Dīnah' Day and Makaylie Kastle from Lincoln; Senator Davis' wife, Dottie, from Hyannis and nephew, Camden Glenn, from Lincoln; and Clayton C. Anderson from League City, TX.

The Doctor of the Day was Dr. Kristi Kohl from Grant.

**ADJOURNMENT**

At 12:07 p.m., on a motion by Senator Carlson, the Legislature adjourned until 9:00 a.m., Wednesday, February 12, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature