

THIRTY-SECOND DAY - FEBRUARY 25, 2014**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION****THIRTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 25, 2014

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., Senator Gloor presiding.

The roll was called and all members were present except Senator Lautenbaugh who was excused; and Senators Ashford, Christensen, Coash, Conrad, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-first day was approved.

COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 1092. Placed on General File with amendment. AM2067 is available in the Bill Room.

(Signed) Galen Hadley, Chairperson

Judiciary

LEGISLATIVE BILL 503. Placed on General File with amendment. AM1967 is available in the Bill Room.

LEGISLATIVE BILL 693. Placed on General File with amendment. AM1782

- 1 1. On page 2, strike the new matter in line 19 and insert
- 2 "real estate taxes and interest thereon if any is due at the time
- 3 of death".

LEGISLATIVE BILL 908. Placed on General File with amendment.

AM1911

- 1 1. On page 19, strike beginning with "and" in line
- 2 14 through line 15 and insert ", the guardian, and the young
- 3 adult, as defined in section 43-4503, to continue the guardianship
- 4 assistance. The guardian shall ensure that any guardianship
- 5 assistance funds provided by the department and received by the
- 6 guardian for the purpose of an extended guardianship shall be used
- 7 for the benefit of the young adult. The department shall adopt and
- 8 promulgate rules and regulations defining services and supports
- 9 encompassed by such benefit."

LEGISLATIVE BILL 1001. Placed on General File with amendment.

AM2022

- 1 1. On page 2, strike beginning with "Except" in line 14
- 2 through line 25.
- 3 2. On page 3, strike lines 1 through 8.

(Signed) Brad Ashford, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 755. Placed on Select File with amendment.

ER137

- 1 1. On page 2, line 8; and page 3, line 3, after
- 2 "insurance" insert "contract".
- 3 2. On page 4, strike line 10 and insert "accident and
- 4 health insurance contracts".
- 5 3. On page 6, line 12, strike "reserve liabilities" and
- 6 insert "reserves".
- 7 4. On page 8, line 4, after "information" insert an
- 8 underscored comma.
- 9 5. On page 10, line 13, after "contracts" insert
- 10 "issued".
- 11 6. On page 14, line 5, strike "subdivision," , show as
- 12 stricken, and insert "subsection".
- 13 7. On page 32, line 13, strike "that".
- 14 8. On page 33, lines 1 and 12, strike the period and
- 15 insert an underscored semicolon.
- 16 9. On page 34, line 21, strike the semicolon and insert
- 17 an underscored colon.
- 18 10 On page 35, line 1, strike "policies" and insert
- 19 "policies"; and in line 2 strike "reflects" and insert "the
- 20 valuation must reflect".
- 21 11. On page 37, line 8, after "act" insert an underscored
- 22 comma.
- 23 12. On page 38, line 18, after "produced" insert an
- 1 underscored comma.

- 2 13. On page 39, line 13, strike the comma.
 3 14. On page 40, line 23, strike "subdivision" and insert
 4 "subdivisions".
 5 15. On page 41, line 19, after "8" insert "of this act".
 6 16. On page 51, line 20, after "percent" insert an
 7 underscored comma.

LEGISLATIVE BILL 749. Placed on Select File with amendment.
 ER135

- 1 1. On page 1, line 4, strike "21-317,"; and in line 15
 2 after the first semicolon insert "to change provisions relating to
 3 occupation taxes;".
 4 2. On page 5, line 1, strike "chairman" and insert
 5 "chairperson".
 6 3. On page 6, line 25, after "220" insert "of this act".
 7 4. On page 8, line 7, strike the colon.
 8 5. On page 16, line 19, after "capitals" insert an
 9 underscored comma.
 10 6. On page 18, line 4, strike "(a)" and insert "(i)"; and
 11 in line 5 strike "(b)" and insert "(ii)".
 12 7. On page 20, lines 19 and 21, after "bylaws" insert
 13 an underscored comma; and in line 22 after "members" insert an
 14 underscored comma.
 15 8. On page 21, line 23, after "52" insert "or 53 to 83";
 16 and in line 25 strike "act" and insert "Nebraska Model Business
 17 Corporation Act".
 18 9. On page 24, line 14, after "shareholders" insert an
 19 underscored comma.
 20 10. On page 27, line 6, strike "(f)" and insert "(g)".
 21 11. On page 28, line 22, after "(ii)" insert "of this
 22 section".
 23 12. On page 30, line 4, after "demanded" insert an
 1 underscored comma.
 2 13. On page 33, line 25, strike "involuntary" and insert
 3 "involuntarily".
 4 14. On page 34, line 12, after the semicolon insert "or".
 5 15. On page 55, line 21, after "corporation" insert an
 6 underscored comma.
 7 16. On page 68, line 14, strike the comma.
 8 17. On page 74, line 19, strike "continues" and insert
 9 "continue"; and in line 20 strike "dates" and insert "date".
 10 18. On page 76, line 14, strike "in" and insert "an".
 11 19. On page 77, line 16, after "attorney" insert an
 12 underscored comma.
 13 20. On page 88, line 23, strike the semicolon and insert
 14 an underscored period.
 15 21. On page 90, line 1, after "bylaws" insert an
 16 underscored comma and after "action" insert an underscored comma.
 17 22. On page 92, line 2, after the second "office" insert

- 18 an underscored comma; and in line 22 after the second "directors"
 19 insert an underscored comma.
- 20 23. On page 93, line 20, strike "determinates" and insert
 21 "determines".
- 22 24. On page 94, line 11, after "motion" insert an
 23 underscored comma.
- 24 25. On page 100, line 7, strike "chair" and insert
 25 "chairperson".
- 26 26. On page 105, line 3, after "begins" insert an
 27 underscored comma.
- 1 27. On page 113, line 13, after "incorporation" insert an
 2 underscored comma.
- 3 28. On page 115, line 3, after "corporation" insert an
 4 underscored comma and after "directors" insert an underscored
 5 comma; in line 6 after the second "corporation" insert an
 6 underscored comma; and in line 15 after "reports" insert an
 7 underscored comma.
- 8 29. On page 123, line 13, after the first "directors"
 9 insert an underscored comma; and in line 19 after "permissible"
 10 insert an underscored comma.
- 11 30. On page 125, line 8, after "entity" insert an
 12 underscored comma; and in line 10 after "officer" insert an
 13 underscored comma.
- 14 31. On page 128, line 22, after "niece" insert an
 15 underscored comma.
- 16 32. On page 133, line 15, after "act" insert an
 17 underscored comma.
- 18 33. On page 136, lines 11 and 15 and 16, strike "section
 19 125 of this act and this section" and insert "sections 125 to 149
 20 of this act".
- 21 34. On page 137, line 5, strike "section" and insert
 22 "act".
- 23 35. On page 139, line 18, strike "require" and insert
 24 "requires".
- 25 36. On page 140, line 13, after "requires" insert
 26 "action".
- 27 37. On page 147, line 25, after "note" insert an
 1 underscored comma.
- 2 38. On page 149, line 21, after "rights" insert an
 3 underscored comma.
- 4 39. On page 152, line 14; page 161, line 24; page 183,
 5 line 3; page 184, line 1; page 186, line 15; and page 187, line 6,
 6 after "securities" insert an underscored comma.
- 7 40. On page 153, line 20, strike "shareholders" and
 8 insert "shareholder".
- 9 41. On page 158, line 4, strike the comma.
- 10 42. On page 160, line 2, after "interests" insert
 11 an underscored comma; and in line 3 after "shares" insert an
 12 underscored comma.

- 13 43. On page 169, line 5, after "interests" insert an
 14 underscored comma.
- 15 44. On page 173, line 4, after "incorporation" insert an
 16 underscored comma.
- 17 45. On page 176, line 17, strike "subsections" and insert
 18 "subsection".
- 19 46. On page 179, line 25, strike "reserve" and insert
 20 "reserves".
- 21 47. On page 182, line 11, after "shares" insert an
 22 underscored comma.
- 23 48. On page 185, line 19, after "approved" insert an
 24 underscored comma; in line 20 after "effectuated" insert an
 25 underscored comma and after "exercised" insert an underscored
 26 comma; and in line 23 after "interests" insert an underscored
 27 comma.
- 1 49. On page 187, line 13, strike "Section 163 of this
 2 act" and insert "This section".
- 3 50. On page 188, line 15, after "purpose" insert an
 4 underscored comma and after "purposes" insert an underscored comma.
- 5 51. On page 189, line 16, strike "or" and insert
 6 an underscored comma; in line 17 after "securities" insert an
 7 underscored comma; and in line 21 after "corporation" insert an
 8 underscored comma.
- 9 52. On page 190, line 10, after "entity" insert an
 10 underscored comma.
- 11 53. On page 192, line 20, after the second "group" insert
 12 an underscored comma.
- 13 54. On page 194, line 13, strike "or" and insert an
 14 underscored comma; and in line 14 after "securities" insert an
 15 underscored comma.
- 16 55. On page 198, line 20, strike "(i)" and insert "(1)";
 17 in line 22 strike "(ii)" and insert "(2)"; and in line 23 strike
 18 "(b)(i) or (ii)" and insert "(b)(1) or (2)".
- 19 56. On page 199, line 9, after "purpose" insert
 20 an underscored comma; in line 10 after "purposes" insert an
 21 underscored comma; in line 11 after "disposition" insert an
 22 underscored comma; and in line 24 after "shareholders" insert an
 23 underscored comma.
- 24 57. On page 203, line 14, strike the semicolon and insert
 25 an underscored period.
- 26 58. On page 206, line 8, strike the second "or".
- 27 59. On page 208, line 25, strike "assets" and insert
 1 "asserts".
- 2 60. On page 211, line 7, after "except" insert "that".
- 3 61. On page 213, line 14, strike beginning with
 4 "subsection" through "notice" and insert "appraisal notice under
 5 subsection (a) of this section"; and in line 22 strike the first
 6 "subsection" and insert "subdivision".
- 7 62. On page 214, line 2, strike "subsection" and insert

- 8 "subdivision".
9 63. On page 215, line 24, after "information" insert an
10 underscored comma.
11 64. On page 216, line 14, after "not" insert an
12 underscored comma.
13 65. On page 219, line 19, strike "(i)" and insert "(1)";
14 and in line 22 strike "(ii)" and insert "(2)".
15 66. On page 220, line 15; page 221, line 4; and page 231,
16 lines 5 and 8, strike "sections" and insert "section".
17 67. On page 221, line 9, after "172" insert "of this
18 act"; and in line 11 after "rescinded" insert an underscored comma.
19 68. On page 223, line 22, after "purpose" insert an
20 underscored comma; and in line 23 after "purposes" insert an
21 underscored comma.
22 69. On page 230, line 22, strike "even" and insert
23 "event".
24 70. On page 233, line 3, after "(a)" insert "of this
25 section".
26 71. On page 234, line 9, strike "section" and insert
27 "subsection".
1 72. On page 240, strike beginning with "subdivision" in
2 line 23 through "proceedings" in line 24 and insert "proceedings
3 under subdivision (a)(2) of section 197 of this act".
4 73. On page 241, line 23, strike "subdivisions" and
5 insert "subdivision" and strike "and" and insert "or"; and in line
6 25 strike "subsections" and insert "subsection".
7 74. On page 242, line 22, strike "subsections" and insert
8 "subsection".
9 75. On page 263, line 2, after "meeting" insert an
10 underscored comma.
11 76. On page 264, line 6, strike "221" and insert "222".
12 77. On page 265, line 4, strike "(b) and (c)" and insert
13 "(c) and (d)".
14 78. On page 268, line 3, strike "rule" and insert
15 "rules"; and in line 4 strike "State" and insert "States".
16 79. On page 270, lines 19 and 20 and 23, strike
17 "this legislative bill" and insert "the Nebraska Model Business
18 Corporation Act"; and in line 21 strike "sections".
19 80. On page 286, line 25, strike "a" and show as
20 stricken.
21 81. On page 297, line 1, strike the last "the", show as
22 stricken, and insert "this"; and in line 25 strike "the", show as
23 stricken, and insert "this".
24 82. On page 299, line 1, strike "36" and insert "212";
25 and in line 13 after "revoked" insert an underscored comma.
26 83. On page 308, line 19, after "Act" insert an
27 underscored comma.
1 84. On page 330, lines 7 and 8 and 22; and page 331, line
2 6, reinstate the stricken "provisions of the".

- 3 85. On page 340, line 5, strike "53 to 83" and insert
4 "171 to 183"; in line 12 strike "the" and show as stricken; in
5 lines 12 and 13 strike the new matter; and in line 13 after the
6 second comma insert "the Nebraska Model Business Corporation Act".
7 86. On page 341, line 4, strike "21-317,".

LEGISLATIVE BILL 983. Placed on Select File with amendment.

ER139

- 1 1. In the Standing Committee amendment, AM1820:
2 a. On page 2, line 9, strike "shall mean", show as
3 stricken, and insert "means";
4 b. On page 21, line 9, after the first "or" insert "an";
5 c. On page 22, line 20, strike the comma after
6 "60-6,114.01" and show as stricken; and
7 d. On page 44, line 1, after "applicant" insert an
8 underscored comma.
9 2. On page 1, line 13, after the semicolon insert "to
10 adopt federal regulations by reference; to define and redefine
11 terms; to change provisions for issuing temporary documents and
12 canceling certain motor vehicle operators' licenses under the Motor
13 Vehicle Operator's License Act; to provide and change requirements
14 for covered farm vehicles;".
15 3. On page 2, line 1, after the semicolon insert "to
16 change operating restrictions for certain motor vehicles; to
17 provide and change penalty provisions;".

(Signed) John Murante, Chairperson

COMMITTEE REPORT
Judiciary

The Judiciary Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Esther Casmer - Board of Parole

Aye: 8 Ashford, Chambers, Christensen, Coash, Davis, Lathrop, McGill, Seiler. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Brad Ashford, Chairperson

AMENDMENT - Print in Journal

Senator Cook filed the following amendment to LB359:
AM1737

(Amendments to E & R amendments, ER119)

- 1 1. On page 2, line 2, after "disregarded" insert "after
- 2 twelve continuous months on the program and at each subsequent
- 3 redetermination".

COMMUNICATION

Received communication from Joseph M. Acierno, M.D., J.D., Chief Medical Officer, Director, Division of Public Health, Department of Health and Human Services, regarding the appointments of the following three scientists to the Stem Cell Research Advisory Committee:

- Dr. Dennis Roop
- Dr. Rebecca Jane Morris
- Dr. Gerald Spangrude

MOTIONS - Approve Appointments

Senator Nordquist moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 610:

- Public Employees Retirement Board
- Dennis W. Leonard

Voting in the affirmative, 34:

Adams	Crawford	Johnson	McGill	Seiler
Bloomfield	Davis	Karpisek	Mello	Smith
Bolz	Garrett	Kintner	Murante	Sullivan
Brasch	Haar, K.	Kolowski	Nelson	Wallman
Campbell	Hadley	Krist	Nordquist	Watermeier
Carlson	Harms	Larson	Schilz	Wightman
Chambers	Harr, B.	McCoy	Schumacher	

Voting in the negative, 0.

Present and not voting, 9:

Avery	Dubas	Hansen	Janssen	Scheer
Cook	Gloor	Howard	Lathrop	

Excused and not voting, 6:

Ashford	Coash	Lautenbaugh
Christensen	Conrad	Pirsch

The appointment was confirmed with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Senator Nordquist moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 611:

Nebraska Investment Council
Gail Werner-Robertson

Voting in the affirmative, 31:

Bloomfield	Davis	Howard	McGill	Sullivan
Bolz	Garrett	Karpisek	Mello	Wallman
Brasch	Gloor	Kintner	Murante	Wightman
Campbell	Haar, K.	Kolowski	Nelson	
Chambers	Hadley	Krist	Nordquist	
Cook	Hansen	Larson	Schumacher	
Crawford	Harms	McCoy	Smith	

Voting in the negative, 0.

Present and not voting, 12:

Adams	Dubas	Johnson	Schilz
Avery	Harr, B.	Lathrop	Seiler
Carlson	Janssen	Scheer	Watermeier

Excused and not voting, 6:

Ashford	Coash	Lautenbaugh
Christensen	Conrad	Pirsch

The appointment was confirmed with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 690. Committee AM1681, found on page 502 and considered on page 621, was renewed.

Senator Wallman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

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

Senator Bolz requested a roll call vote on the committee amendment.

Voting in the affirmative, 40:

Adams	Coash	Haar, K.	Kolowski	Scheer
Ashford	Conrad	Hadley	Krist	Schumacher
Avery	Cook	Hansen	Lathrop	Seiler
Bloomfield	Crawford	Harms	McGill	Smith
Bolz	Davis	Harr, B.	Mello	Sullivan
Campbell	Dubas	Howard	Murante	Wallman
Carlson	Garrett	Johnson	Nelson	Watermeier
Chambers	Gloor	Karpisek	Nordquist	Wightman

Voting in the negative, 4:

Brasch	Christensen	Janssen	Kintner
--------	-------------	---------	---------

Present and not voting, 3:

McCoy	Pirsch	Schilz
-------	--------	--------

Excused and not voting, 2:

Larson	Lautenbaugh
--------	-------------

The committee amendment was adopted with 40 ayes, 4 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Kintner offered the following amendment:

FA201

Strike Section 1.

Pending.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 775. Placed on General File with amendment.

AM2038

- 1 1. Insert the following new sections:
- 2 Sec. 5. Section 30-2201, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 30-2201 Sections 30-2201 to 30-2902, 30-3901 to 30-3923,
- 5 and 30-4001 to 30-4045 and section 6 of this act shall be known and
- 6 may be cited as the Nebraska Probate Code.
- 7 Sec. 6. (1) For purposes of this section:

8 (a) Custodian means a bank, savings and loan association,
9 credit union, or other institution acting as a lessor of a safe
10 deposit box; and

11 (b) Representative of a custodian means an authorized
12 officer or employee of a custodian.

13 (2)(a) If a decedent at the time of his or her death
14 was a sole or last surviving joint lessee of a safe deposit box,
15 the custodian shall, prior to notice that a personal representative
16 or special administrator has been appointed for such decedent's
17 estate, allow access to the safe deposit box to determine whether
18 the safe deposit box contains an instrument that appears to be an
19 original will of the decedent, a deed to a burial plot, or burial
20 instructions. The following persons may have such access:

21 (i) A person who presents an affidavit described in
22 subsection (4) of this section that affiant reasonably believes
23 that he or she is either (A) an heir at law of the decedent,

1 (B) a devisee of the decedent or a person nominated as a personal
2 representative as shown in a photocopy of a will which is attached
3 to such affidavit, or (C) the agent or attorney specifically
4 authorized in writing by a person described in subdivision
5 (2)(a)(i)(A) or (B) of this section; or

6 (ii) A person who, under the terms of the safe deposit
7 box lease or a power of attorney at the time of the decedent's
8 death, was legally permitted to enter the safe deposit box, unless
9 otherwise provided by the lease or the power of attorney.

10 (b) If a person described in subdivision (2)(a) of this
11 section desires access to a safe deposit box but does not possess
12 a key to the box, the custodian may open the safe deposit box
13 by any means necessary at the person's request and expense or the
14 custodian may require the person to obtain a court order for the
15 custodian to open the safe deposit box at the requesting person's
16 expense. The custodian shall retain, in a secure location at such
17 person's expense, the contents of the box other than a purported
18 will, deed to a burial plot, and burial instructions. A custodian
19 shall deliver a purported will as described in subdivision (5)(b)
20 of this section. A person described in subdivision (2)(a)(i) of
21 this section may remove a deed to a burial plot and burial
22 instructions that are not part of a purported will pursuant to
23 subdivision (5)(d) of this section, and the custodian shall not
24 prevent the removal. Expenses incurred by a custodian or by the
25 person seeking the documents pursuant to this section shall be
26 considered an estate administration expense.

27 (3) A representative of the custodian shall be present
1 during the entry of a safe deposit box pursuant to this section.

2 (4) The affidavit referred to in subdivision (2)(a)(i) of
3 this section shall state:

4 (a) That the sole or last surviving lessor of a safe
5 deposit box has died and the date of his or her death, and a copy
6 of the death certificate shall be attached;

7 (b) If the person submitting the affidavit is an attorney
8 or agent of the affiant, that such appointment is for the purpose
9 of accompanying the opening of the safe deposit box. In lieu of
10 this statement, the appointment shall accompany the affidavit; and

11 (c) That the affiant:

12 (i)(A) Is an heir at law of the deceased lessor and a
13 description of such person's relationship to the deceased lessor;

14 (B) Is reasonably thought to be a devisee of the decedent
15 based on the provisions of a will, a photocopy of which is
16 submitted with the affidavit; or

17 (C) Is reasonably thought to be nominated as personal
18 representative pursuant to the terms of a will, a photocopy of
19 which is submitted with the affidavit;

20 (ii) Swears or affirms that all statements in the
21 affidavit are true and material and further acknowledges that
22 any false statement may subject the person to penalties relating to
23 perjury under section 28-915; and

24 (iii) Has no knowledge of an application or petition for
25 the appointment of a personal representative pending or granted in
26 any jurisdiction.

27 (5)(a) If an instrument purporting to be a will is found
1 in a safe deposit box as the result of an entry pursuant to
2 subsection (2) of this section, the representative of the custodian
3 shall remove the purported will.

4 (b) The custodian shall mail the purported will by
5 registered or certified mail or deliver the purported will in
6 person to the clerk of the county court of the county in which the
7 decedent was a resident. If the custodian is unable to determine
8 the county of residence of the decedent, the custodian shall mail
9 the purported will by registered or certified mail or deliver the
10 purported will in person to the office of the clerk of the county
11 court of the county in which the safe deposit box is located.

12 (c) At the request of the person or persons authorized
13 to have access to the safe deposit box under subsection (2) of
14 this section, the representative of the custodian shall copy each
15 purported will of the decedent, at the expense of the requesting
16 person, and shall deliver the copy of each purported will to the
17 person, or if directed by the person, to the person's agent or
18 attorney. In copying any purported will, the representative of the
19 custodian shall not remove any staples or other fastening devices
20 or disassemble the purported will in any way.

21 (d) If the safe deposit box contains a deed to a burial
22 plot or burial instructions that are not a part of a purported
23 will, the person or persons authorized to have access to the safe
24 deposit box under subsection (2) of this section may remove these
25 instruments or request that the representative of the custodian
26 copy the deed to the burial plot or burial instructions at the
27 expense of the requesting person.

1 (6) This section does not limit the right of a personal

2 representative or a special administrator for the decedent, or a
3 successor of the decedent pursuant to section 30-24,125, to have
4 access to the safe deposit box as otherwise provided by law.

5 (7) Unless limited by the safe deposit box lease, a
6 surviving co-lessee of the safe deposit box may continue to enter
7 the safe deposit box notwithstanding the death of the decedent.

8 (8) A custodian shall not be liable to a person for an
9 action taken pursuant to this section or for a failure to act in
10 accordance with the requirements of this section unless the action
11 or failure to act is shown to have resulted from the custodian's
12 bad faith, gross negligence, or intentional misconduct.

13 Sec. 7. The Revisor of Statutes shall assign section 6 of
14 this act within Chapter 30, article 24, part 1.

15 2. On page 7, line 4, strike "or 30-24,127".

16 3. Renumber the remaining section and correct the
17 repealer accordingly.

LEGISLATIVE BILL 828. Placed on General File with amendment.
AM1722

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

3 Section 1. Section 29-4201, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 29-4201 It is the intent and purpose of sections 29-4201
6 to 29-4207 to authorize the usage of audiovisual court appearances
7 and certain ~~district court arraignments by writing~~ written waivers
8 and pleas in criminal proceedings consistent with the statutory and
9 constitutional rights guaranteed by the Constitution of the United
10 States and the Constitution of Nebraska.

11 Sec. 2. Section 29-4206, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 29-4206 (1) The county courts and district courts may
14 accept a written waiver of preliminary hearing and a written
15 waiver of arraignment and plea of not guilty from any defendant.
16 The written waivers shall only be accepted if the defendant is
17 represented by counsel. The ~~form-written~~ written waivers shall contain the
18 necessary consent and waiver of the right to a physical appearance
19 and comply with subsection (2) of this section, shall be signed by
20 the defendant and his or her counsel of record, ~~if any,~~ and shall
21 be filed with the clerk of the court.

22 (2) The written waivers authorized under subsection (1)
23 of this section shall be in substantially the following form:

1	<u>STATE OF NEBRASKA,</u>	<u>PLEA OF NOT GUILTY/</u>
2	Plaintiff,	<u>WAIVER OF APPEARANCE</u>
3	-vs-	<u>Case No.</u>
4	<u>.....</u>	<u>Arrest No.</u>
5	<u>(Print or Type)</u>	<u>Defendant</u>

6 I, the defendant in the above-entitled action, advise the
7 court that I have retained

8 to represent me in this matter. I understand that
 9 I have been charged with the following violation(s):
 10
 11
 12 Preliminary Hearing Date or Arraignment Date
 13 and in the event that the charges have been
 14 amended or new charges added I wish to waive a formal preliminary
 15 hearing or arraignment before the court and ask the court to enter
 16 plea(s) of not guilty on my behalf. My attorney has advised me of
 17 my rights: The right to trial and to a jury trial, if appropriate;
 18 my right to confront accusers; to subpoena witnesses; to remain
 19 silent; to counsel; to have this matter transferred to juvenile
 20 court, if appropriate; and my right to be presumed innocent until
 21 proven guilty beyond reasonable doubt. My attorney has also advised
 22 me of the possible penalties for the violations with which I am
 23 charged, and the possibility that I will be required to make
 24 restitution for damages, if appropriate.
 25 I understand that my attorney will notify me of all
 26 appearance dates in this matter.
 27 Date: Defendant's Signature:

APPEARANCE OF COUNSEL

1 I,, advise the court
 2 that I am the attorney of record for the above-named defendant. I
 3 have advised my client of all rights and the possible penalties for
 4 the charges filed against him or her. I understand that the court
 5 will expect me to represent the defendant in all hearings before
 6 the court in this matter.

8 (Please Print or Type)

9 Attorney's Name
 10 Attorney's Address
 11
 12
 13 (Telephone Number) (Attorney Number)
 14 Date:..... Attorney's Signature:

15 (3) A defendant's use of written forms under this
 16 section shall not prevent his or her right to all other process,
 17 procedures, and defenses allowed by state and federal law.

18 Sec. 3. Original sections 29-4201 and 29-4206, Reissue
 19 Revised Statutes of Nebraska, are repealed.

(Signed) Brad Ashford, Chairperson

Government, Military and Veterans Affairs

- LEGISLATIVE BILL 746.** Placed on General File.
- LEGISLATIVE BILL 817.** Placed on General File.
- LEGISLATIVE BILL 825.** Placed on General File.
- LEGISLATIVE BILL 937.** Placed on General File.
- LEGISLATIVE BILL 980.** Placed on General File.

LEGISLATIVE BILL 1058. Placed on General File.

LEGISLATIVE BILL 833. Placed on General File with amendment.
AM1919

1 1. On page 3, line 1, strike "this" and show as stricken
2 and after "subsection" insert "(2) of this section"; in line 10
3 after "(2)" insert "or (4)"; and in line 17 after "22-417" insert
4 "and in subsection (3) of this section".

5 2. On page 4, after line 11, insert the following new
6 subsections:

7 "(3) If a county having a population of less than one
8 hundred fifty thousand inhabitants has an elected county surveyor
9 in office on January 1, 2020, the county board may, prior to
10 February 1, 2020, following a public hearing, adopt a resolution
11 to continue to elect the county surveyor for the county and not to
12 submit the question pursuant to subsection (2) of this section.

13 (4)(a) Beginning in 2021, in each county having a
14 population of less than one hundred fifty thousand inhabitants,
15 the county board shall submit the question of electing a county
16 surveyor in the county to the registered voters of the county at
17 the next statewide general election if (i) the county board, by
18 majority vote of all the members of the county board, adopts a
19 resolution on or before September 1 prior to the next statewide
20 general election to submit the question to the voters or (ii) a
21 petition conforming to section 32-628 asking for the submission
22 of the question to the voters is presented to the election
23 commissioner or county clerk on or before September 1 prior to the
1 next statewide general election signed by at least ten percent of
2 the registered voters of the county. The election commissioner or
3 county clerk shall verify the signatures pursuant to section 32-631
4 and place the question on the ballot if he or she determines that
5 at least ten percent of the registered voters of the county have
6 signed the petition.

7 (b) The form of submission upon the ballot shall be
8 as follows: For election of county surveyor; Against election of
9 county surveyor.

10 (c) If a majority of the votes cast on the question
11 are against the election of a county surveyor in such county, the
12 office of county surveyor shall cease as an elected office with
13 the expiration of the term of the incumbent or shall remain as it
14 exists if no elected official holds that office. In such counties,
15 the office shall be filled as provided in subsection (2) of section
16 23-1901.01.

17 (d) If a majority of the votes cast on the question
18 are in favor of the election of a county surveyor, the office
19 shall continue to be elected as provided in subsection (1) of this
20 section or, if no elected county surveyor is in office, a county
21 surveyor shall be elected at the next statewide general election as

22 provided in subsection (1) of this section."; and in line 12 strike
23 "(3)" and insert "(5)".

LEGISLATIVE BILL 845. Placed on General File with amendment.
AM2043

1 1. Insert the following new section:
2 Sec. 10. Since an emergency exists, this act takes effect
3 when passed and approved according to law.
4 2. On page 4, line 9, strike "but not more than two
5 hundred feet"; in line 15 strike "Be" and insert "Have the top
6 one-half of the tower"; in line 18 strike "base" and insert "bottom
7 of the painted area"; in line 21 strike "fifteen" and insert
8 "twenty"; strike beginning with "a" in line 23 through line 25
9 and insert "yellow safety sleeves installed on each outer guy wire
10 extending at least fourteen feet above the anchor point of the guy
11 wire".
12 3. On page 5, strike lines 1 through 4; in line 16 after
13 "act" insert "and which is either lighted, marked with balls at
14 least twenty-one inches in diameter, painted, or modified in some
15 other manner so it is recognizable in clear air during daylight
16 hours from a distance of not less than two thousand feet"; in
17 line 18 strike "one year after the effective date of this act" and
18 insert "two years after the effective date of this act or at such
19 time the tower is taken down for maintenance or other purposes,
20 whichever occurs first"; in line 19 before "registration" insert
21 "owner of a tower erected prior to the effective date of this act
22 which is not lighted, marked, painted, or modified as described in
23 this subsection shall mark such tower as required by subsection
1 (2) of this section within ninety days after the effective date of
2 this act. The"; in line 20 after "owner" insert "of a tower erected
3 prior to the effective date of this act" and strike "of" and insert
4 "after"; after line 21 insert:
5 "(5) A material failure to comply with the marking and
6 registration requirements of this section shall be admissible as
7 evidence of negligence on the part of an owner of a meteorological
8 evaluation tower in an action in tort for property damage, bodily
9 injury, or death resulting from an aerial collision with such
10 unmarked or unregistered tower"; and in line 22 strike "(5)" and
11 insert "(6)".

LEGISLATIVE BILL 946. Placed on General File with amendment.
AM2047 is available in the Bill Room.

LEGISLATIVE BILL 1048. Placed on General File with amendment.
AM1894

1 1. Insert the following new section:
2 Section 1. Section 32-206, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:
4 32-206 (1) The Secretary of State shall publish an

5 official election calendar by November 1 prior to the statewide
 6 primary election. Such calendar, to be approved as to form by the
 7 Attorney General, shall set forth the various election deadline
 8 dates and other pertinent data as determined by the Secretary of
 9 State. The official election calendar shall be merely a guideline
 10 and shall in no way legally bind the Secretary of State or the
 11 Attorney General.

12 (2) The Secretary of State shall deliver a copy of the
 13 official election calendar to the state party headquarters of each
 14 recognized political party within ten days after publication under
 15 subsection (1) of this section.

16 ~~(2)~~(3) Except as provided in sections 32-302 and 32-306,
 17 any filing or other act required to be performed by a specified day
 18 shall be performed by 5 p.m. of such day, except that if such day
 19 falls upon a Saturday, Sunday, or legal holiday, performance shall
 20 be required on the next business day.

21 2. On page 4, line 25, strike "or" and insert an
 22 underscored comma.

23 3. On page 5, line 1, after "election" insert ", or (iii)
 1 a combination of the methods listed in subdivisions (i) and (ii) of
 2 this subdivision".

3 4. Renumber the remaining sections and correct the
 4 repealer accordingly.

LEGISLATIVE BILL 1084. Placed on General File with amendment.
 AM1843

1 1. On page 3, lines 11 and 12, strike the new matter and
 2 reinstate the stricken matter.

(Signed) Bill Avery, Chairperson

Judiciary

LEGISLATIVE BILL 933. Placed on General File with amendment.
 AM1926

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

3 Section 1. Section 28-830, Revised Statutes Supplement,
 4 2013, is amended to read:

5 28-830 For purposes of sections 28-830 and 28-831, the
 6 following definitions apply:

7 (1) Actor means a person who solicits, procures, or
 8 supervises the services or labor of another person;

9 (2) Commercial sexual activity means any sex act on
 10 account of which anything of value is given, promised to, or
 11 received by any person;

12 (3) Debt bondage means inducing another person to
 13 provide:

14 (a) Commercial sexual activity in payment toward or

- 15 satisfaction of a real or purported debt; or
16 (b) Labor or services in payment toward or satisfaction
17 of a real or purported debt if:
18 (i) The reasonable value of the labor or services is not
19 applied toward the liquidation of the debt; or
20 (ii) The length of the labor or services is not limited
21 and the nature of the labor or services is not defined.
22 ~~(3)-(4)~~ Financial harm means theft by extortion as
23 described by section 28-513;
1 (4)-(5) Forced labor or services means labor or services
2 that are performed or provided by another person and are obtained
3 or maintained through:
4 (a) Inflicting or threatening to inflict serious personal
5 injury, to the other person as defined by section 28-318, on
6 another person;
7 (b) Physically restraining or threatening to physically
8 restrain the other person;
9 (c) Abusing or threatening to abuse the legal process
10 against another person to cause arrest or deportation for violation
11 of federal immigration law;
12 (d) Controlling or threatening to control another
13 person's access to a controlled substance listed in Schedule I, II
14 or III of section 28-405;
15 (e) Exploiting another person's substantial functional
16 impairment as defined in section 28-368 or substantial mental
17 impairment as defined in section 28-369;
18 ~~(e)-(f)~~ Knowingly destroying, concealing, removing,
19 confiscating, or possessing any actual or purported passport
20 or other immigration document or any other actual or purported
21 government identification document of the other person; or
22 ~~(d)-(g)~~ Causing or threatening to cause financial harm to
23 the other person; another person, including debt bondage;
24 ~~(5)-(6)~~ Labor means work of economic or financial value;
25 ~~(6)-(7)~~ Labor trafficking means knowingly recruiting,
26 enticing, harboring, transporting, providing, or obtaining by any
27 means or attempting to recruit, entice, harbor, transport, provide,
1 or obtain by any means a person eighteen years of age or older
2 intending or knowing that the person will be subjected to forced
3 labor or services;
4 ~~(7)-(8)~~ Labor trafficking of a minor means knowingly
5 recruiting, enticing, harboring, transporting, providing, or
6 obtaining by any means or attempting to recruit, entice, harbor,
7 transport, provide, or obtain by any means a minor intending
8 or knowing that the minor will be subjected to forced labor or
9 services;
10 ~~(8)-(9)~~ Maintain means, in relation to labor or services,
11 to secure continued performance thereof, regardless of any initial
12 agreement by the other person to perform such type of service;
13 ~~(9)-(10)~~ Minor means a person younger than eighteen years

14 of age;

15 ~~(10)~~(11) Obtain means, in relation to labor or services,

16 to secure performance thereof;

17 ~~(11)~~(12) Services means an ongoing relationship between

18 the actor and another person in which the person performs

19 activities under the supervision of or for the benefit of

20 the actor. Commercial sexual activity and sexually-explicit

21 performances are forms of services under this section. Nothing in

22 this subdivision shall be construed to legalize prostitution;

23 ~~(12)~~(13) Sex trafficking means knowingly recruiting,

24 enticing, harboring, transporting, providing, or obtaining by

25 any means or knowingly attempting to recruit, entice, harbor,

26 transport, provide, or obtain by any means a person eighteen years

27 of age or older for the purpose of having such person engage

1 in commercial sexual activity, sexually explicit performance, or

2 the production of pornography or to cause or attempt to cause

3 a person eighteen years of age or older to engage in commercial

4 sexual activity, sexually explicit performance, or the production

5 of pornography;

6 ~~(13)~~(14) Sex trafficking of a minor means knowingly

7 recruiting, enticing, harboring, transporting, providing, or

8 obtaining by any means or knowingly attempting to recruit, entice,

9 harbor, transport, provide, or obtain by any means a minor for the

10 purpose of having such minor engage in commercial sexual activity,

11 sexually explicit performance, or the production of pornography

12 or to cause or attempt to cause a minor to engage in commercial

13 sexual activity, sexually explicit performance, or the production

14 of pornography;

15 ~~(14)~~(15) Sexually-explicit performance means a live or

16 public play, dance, show, or other exhibition intended to arouse or

17 gratify sexual desire or to appeal to prurient interests; and

18 ~~(15)~~(16) Trafficking victim means a person subjected to

19 any act or acts prohibited by section 28-831.

20 Sec. 2. Section 28-831, Revised Statutes Supplement,

21 2013, is amended to read:

22 28-831 (1) No person shall knowingly engage in labor

23 trafficking or sex trafficking.

24 (2) If an actor knowingly engages in labor trafficking or

25 sex trafficking by:

26 (a) Inflicting or threatening to inflict serious personal

27 injury, ~~to the other person~~ as defined by section 28-318, on

1 another person, the actor is guilty of a Class III felony;

2 (b) Physically restraining or threatening to physically

3 restrain the other person, the actor is guilty of a Class III

4 felony;

5 (c) Abusing or threatening to abuse the legal process

6 against another person to cause arrest or deportation for violation

7 of federal immigration law, the actor is guilty of a Class IV

8 felony;

9 (d) Controlling or threatening to control another
 10 person's access to a controlled substance listed in Schedule I, II
 11 or III of section 28-405, the actor is guilty of a Class IV felony;
 12 (e) Exploiting another person's substantial functional
 13 impairment as defined in section 28-368 or substantial mental
 14 impairment as defined in section 28-369, the actor is guilty of a
 15 Class IV felony;
 16 ~~(f)~~ (f) Knowingly destroying, concealing, removing,
 17 confiscating, or possessing any actual or purported passport or
 18 other immigration document, or any other actual or purported
 19 government identification document, of the other person, the actor
 20 is guilty of a Class IV felony; or
 21 ~~(g)~~ (g) Causing or threatening to cause financial harm
 22 to the other another person, including debt bondage, the actor is
 23 guilty of a Class I misdemeanor.
 24 ~~(3)~~ (3) No person shall engage in labor trafficking of
 25 a minor or sex trafficking of a minor. An actor who engages in
 26 labor trafficking of a minor or sex trafficking of a minor shall be
 27 punished as follows:
 1 (a) In cases in which the actor uses overt force or the
 2 threat of force against the trafficking victim, the actor is guilty
 3 of a Class II felony;
 4 (b) In cases in which the trafficking victim has not
 5 attained the age of fifteen years, the actor is guilty of a Class
 6 II felony; or
 7 (c) In cases involving a trafficking victim between the
 8 ages of fifteen and eighteen years, and the actor does not use
 9 overt force or threat of force against the trafficking victim, the
 10 actor is guilty of a Class III felony.
 11 ~~(4)~~ (4) Any person who benefits, financially or by
 12 receiving anything of value, from participation in a venture which
 13 has, as part of the venture, an act that is in violation of this
 14 section, is guilty of a Class IV felony.
 15 Sec. 3. Original sections 28-830 and 28-831, Revised
 16 Statutes Supplement, 2013, are repealed.

LEGISLATIVE BILL 998. Placed on General File with amendment.
 AM2079

1 1. Strike the original sections and insert the following
 2 new sections:
 3 Section 1. Section 60-6,211.11, Revised Statutes
 4 Cumulative Supplement, 2012, is amended to read:
 5 60-6,211.11 (1) ~~Any~~ Except as provided in subsection
 6 (2) of this section, any person who ordered by a court or
 7 the Department of Motor Vehicles to operate only motor vehicles
 8 equipped with an ignition interlock device is guilty of a Class I
 9 misdemeanor if he or she (a) tampers with or circumvents and then
 10 operates a motor vehicle equipped with an ignition interlock device
 11 installed under a the court order or Department of Motor Vehicles

12 order while the order is in effect or ~~who~~(b) operates a motor
 13 vehicle which is not equipped with an ignition interlock device
 14 in violation of ~~a~~the court order or Department of Motor Vehicles
 15 order, shall be guilty of a Class IV felony.

16 (2) Any person ordered by a court or the Department of
 17 Motor Vehicles to operate only motor vehicles equipped with an
 18 ignition interlock device is guilty of a Class IV felony if he
 19 or she (a)(i) tampers with or circumvents and then operates a
 20 motor vehicle equipped with an ignition interlock device installed
 21 under the court order or Department of Motor Vehicles order while
 22 the order is in effect or (ii) operates a motor vehicle which
 23 is not equipped with an ignition interlock device in violation
 1 of the court order or Department of Motor Vehicles order and (b)
 2 operates the motor vehicle as described in subdivision (a)(i) or
 3 (ii) of this subsection when he or she has a concentration of
 4 two-hundredths of one gram or more by weight of alcohol per one
 5 hundred milliliters of his or her blood or a concentration of
 6 two-hundredths of one gram or more by weight of alcohol per two
 7 hundred ten liters of his or her breath.

8 ~~(2)~~(3) Any person who otherwise operates a motor vehicle
 9 equipped with an ignition interlock device in violation of the
 10 requirements of the court order or Department of Motor Vehicles
 11 order under which the device was installed shall be guilty of a
 12 Class III misdemeanor.

13 Sec. 2. Section 83-1,127.02, Reissue Revised Statutes of
 14 Nebraska, is amended to read:

15 83-1,127.02 (1) The Board of Pardons may, in its sole
 16 discretion, when granting a reprieve to any person who has made
 17 application pursuant to section 60-6,209, order such person to
 18 obtain an ignition interlock permit and to operate only motor
 19 vehicles equipped with an ignition interlock device approved by
 20 the Director of Motor Vehicles. The Board of Pardons may order the
 21 person to hold the ignition interlock permit and use an ignition
 22 interlock device for a period of time not to exceed any period of
 23 revocation the applicant is subject to at the time the application
 24 for a license reinstatement is made.

25 (2) Any person ordered by the Board of Pardons to operate
 26 only motor vehicles equipped with such an ignition interlock device
 27 shall make application to the director for the issuance of an
 1 ignition interlock permit pursuant to section 60-4,118.06.

2 ~~(3) Any~~ (3)(a) Except as provided in subdivision (3)(b)
 3 of this subsection, any such person restricted to operating a
 4 motor vehicle equipped with such an ignition interlock device ~~who~~
 5 is guilty of a Class I misdemeanor if he or she (i) operates
 6 upon the highways of this state a motor vehicle without such
 7 an ignition interlock device, ~~who~~ (ii) operates a motor vehicle
 8 equipped with such an ignition interlock device which has been
 9 disabled, bypassed, or altered in any way, or ~~who~~ (iii) operates
 10 a motor vehicle equipped with such an ignition interlock device

11 without obtaining an ignition interlock permit, ~~is guilty of a~~
 12 ~~Class IV felony.~~
 13 (b) Any such person restricted to operating a motor
 14 vehicle equipped with such an ignition interlock device is guilty
 15 of a Class IV felony if he or she (i)(A) operates upon the
 16 highways of this state a motor vehicle without such an ignition
 17 interlock device, (B) operates a motor vehicle equipped with such
 18 an ignition interlock device which has been disabled, bypassed, or
 19 altered in any way, or (C) operates a motor vehicle equipped with
 20 such an ignition interlock device without obtaining an ignition
 21 interlock permit and (ii) operates the motor vehicle as described
 22 in subdivision (i)(A), (B), or (C) of this subdivision when he or
 23 she has a concentration of two-hundredths of one gram or more by
 24 weight of alcohol per one hundred milliliters of his or her blood
 25 or a concentration of two-hundredths of one gram or more by weight
 26 of alcohol per two hundred ten liters of his or her breath.
 27 (4) The court shall, as a part of the judgment
 1 of conviction for a violation of subdivision (3)(b) of this
 2 subsection, order such person not to drive any motor vehicle for
 3 any purpose for a period of fifteen years from the date ordered by
 4 the court. The court shall also order that the operator's license
 5 of such person be revoked for a like period. The revocation shall
 6 be administered upon sentencing, upon the final judgment of any
 7 appeal or review, or upon the date that any probation is revoked.
 8 Sec. 3. Original section 83-1,127.02, Reissue Revised
 9 Statutes of Nebraska, and section 60-6,211.11, Revised Statutes
 10 Cumulative Supplement, 2012, are repealed.
 11 Sec. 4. Since an emergency exists, this act takes effect
 12 when passed and approved according to law.

(Signed) Brad Ashford, Chairperson

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Andrew Loudon - Nebraska Accountability and Disclosure Commission

Aye: 7 Avery, Bloomfield, Garrett, Karpisek, Murante, Scheer, Wallman.
 Nay: 0. Absent: 1 Lautenbaugh. Present and not voting: 0.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

John L. Grimes - State Emergency Response Commission
 Benjamin Salo - State Emergency Response Commission

Aye: 7 Avery, Bloomfield, Garrett, Karpisek, Murante, Scheer, Wallman.
 Nay: 0. Absent: 1 Lautenbaugh. 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.

Sherry Blaha - State Emergency Response Commission

Aye: 8 Avery, Bloomfield, Garrett, Karpisek, Lautenbaugh, Murante, Scheer, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Bill Avery, Chairperson

NOTICE OF COMMITTEE HEARINGS
 Transportation and Telecommunications

Room 1113

Tuesday, March 4, 2014 12:30 p.m.

Dorest Harvey - Nebraska Information Technology Commission
 Randy Meininger - Nebraska Information Technology Commission
 Dan Shundoff - Nebraska Information Technology Commission
 Gerald (Gary) Warren - Nebraska Information Technology Commission
 Walter Weir - Nebraska Information Technology Commission

Tuesday, March 18, 2014 9:00 a.m.

Dean Cerny - Nebraska Motor Vehicle Industry Licensing Board
 Donald Hansen - Nebraska Motor Vehicle Industry Licensing Board
 Angela Quinn - Nebraska Motor Vehicle Industry Licensing Board

(Signed) Annette Dubas, Chairperson

AMENDMENTS - Print in Journal

Senator Schumacher filed the following amendment to LB867:
 AM2011

(Amendments to Standing Committee amendments, AM1954)

- 1 1. Insert the following new sections:
- 2 Sec. 6. Section 77-2701.11, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-2701.11 Delivery charges means charges by the seller
- 5 of personal property or services for preparation and delivery to

6 a location designated by the purchaser of personal property or
7 services, including, but not limited to, transportation, shipping,
8 postage, handling, crating, and packing. Delivery charges does not
9 include United States postage charges on direct mail that are
10 separately stated on the invoice, bill of sale, or similar document
11 given to the purchaser.

12 Sec. 7. Section 77-2701.35, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 77-2701.35 (1) Sales price applies to the measure subject
15 to sales tax and means the total amount of consideration, including
16 cash, credit, property, and services, for which personal property
17 or services are sold, leased, or rented, valued in money, whether
18 received in money or otherwise, without any deduction for the
19 following:

20 (a) The seller's cost of the property sold;

21 (b) The cost of materials used, the cost of labor or
22 service, interest, losses, all costs of transportation to the
1 seller, all taxes imposed on the seller, and any other expense of
2 the seller;

3 (c) Charges by the seller for any services necessary to
4 complete the sale;

5 (d) Delivery charges; and

6 (e) Installation charges.

7 (2) Sales price includes consideration received by the
8 seller from third parties if:

9 (a) The seller actually receives consideration from a
10 party other than the purchaser and the consideration is directly
11 related to a price reduction or discount on the sale;

12 (b) The seller has an obligation to pass the price
13 reduction or discount through to the purchaser;

14 (c) The amount of the consideration attributable to the
15 sale is fixed and determinable by the seller at the time of the
16 sale of the item to the purchaser; and

17 (d) One of the following criteria is met:

18 (i) The purchaser presents a coupon, certificate, or
19 other documentation to the seller to claim a price reduction
20 or discount when the coupon, certificate, or documentation is
21 authorized, distributed, or granted by a third party with the
22 understanding that the third party will reimburse any seller to
23 whom the coupon, certificate, or documentation is presented;

24 (ii) The purchaser identifies himself or herself to the
25 seller as a member of a group or organization entitled to a price
26 reduction or discount. A preferred customer card that is available
27 to any patron does not constitute membership in such a group; or

1 (iii) The price reduction or discount is identified as a
2 third-party price reduction or discount on the invoice received by
3 the purchaser or on a coupon, certificate, or other documentation
4 presented by the purchaser.

5 (3) Sales price does not include:

6 (a) Any discounts, including cash, terms, or coupons that
7 are not reimbursed by a third party that are allowed by a seller
8 and taken by a purchaser on a sale;

9 (b) Interest, financing, and carrying charges from credit
10 extended on the sale of personal property or services, if the
11 amount is separately stated on the invoice, bill of sale, or
12 similar document given to the purchaser;

13 (c) Any taxes legally imposed directly on the consumer
14 that are separately stated on the invoice, bill of sale, or similar
15 document given to the purchaser; ~~and~~

16 (d) United States postage charges on direct mail that are
17 separately stated on the invoice, bill of sale, or similar document
18 given to the purchaser; and

19 ~~(d)~~(e) Credit for any trade-in as follows:

20 (i) The value of property taken by a seller in trade as
21 all or a part of the consideration for a sale of property of any
22 kind or nature; or

23 (ii) The value of a motor vehicle or motorboat taken by
24 any person in trade as all or a part of the consideration for a
25 sale of another motor vehicle or motorboat.

26 Sec. 9. (1) Sales and use taxes shall not be imposed
27 on the gross receipts from the sale, lease, or rental of and the
1 storage, use, or other consumption in this state of currency or
2 bullion.

3 (2) For purposes of this section:

4 (a) Bullion means bars, ingots, or commemorative
5 medallions of gold, silver, platinum, or palladium, or a
6 combination of these, for which the value of the metal depends on
7 its content and not the form; and

8 (b) Currency means a coin or currency made of gold,
9 silver, or other metal or paper which is or has been used as legal
10 tender.

11 2. On page 6, lines 5 and 10, strike "section 6" and
12 insert "sections 8 and 9".

13 3. Renumber the remaining sections and correct internal
14 references accordingly.

15 4. Correct the operative date and repealer sections so
16 that the sections added by this amendment become operative on
17 October 1, 2014.

Senator Cook filed the following amendment to LB359A:
AM2074

(Amendments to AM1622)

1 1. On page 1, line 11, strike "\$300,960" and insert
2 "\$361,152".

Senator Crawford filed the following amendment to LB719:

AM2066

1 1. Insert the following new section:

2 Sec. 2. Section 84-907.10, Reissue Revised Statutes of

3 Nebraska, is amended to read:

4 84-907.10 ~~(1) After an agency submits a copy of each~~
5 ~~amendment or rule or regulation pursuant to section 84-907.06, or~~
6 ~~any time thereafter, (1) If any member of the Legislature who feels~~

7 aggrieved by a rule or regulation or by the proposed adoption,

8 amendment, or repeal of a rule, or regulation pursuant to section

9 84-907.06 or believes that ~~the (a) a rule or regulation or the~~
10 adoption, amendment, rule, or regulation or repeal of a rule or

11 regulation is in excess of the statutory authority or jurisdiction

12 of the agency, is unconstitutional, ~~or~~ is inconsistent with the

13 legislative intent of the authorizing statute, or creates an undue

14 burden in a manner that significantly outweighs its benefit to

15 the public, (b) circumstances have changed since the passage of
16 the statute which a rule or regulation implements, or (c) a rule

17 or regulation or an amendment or repeal overlaps, duplicates, or

18 conflicts with federal, state, or local laws, rules, regulations,

19 or ordinances, the member may file a complaint with the Chairperson

20 of the Executive Board of the Legislative Council. The complaint

21 shall explain in detail the member's contentions.

22 (2) The chairperson of the executive board or a committee

23 staff member of the executive board shall refer the complaint

1 to the chairperson of the standing committee of the Legislature

2 which has subject matter jurisdiction over the issue involved in

3 the rule or regulation or which has traditionally handled the

4 issue and, if practicable, to the member of the Legislature who

5 was the primary sponsor of the legislative bill that granted

6 the agency the rulemaking authority if the member is still

7 serving or, if the legislative bill was amended to include the

8 rulemaking authority, to the primary sponsor of the amendment

9 granting rulemaking authority if the member is still serving.

10 (3) The standing committee and primary sponsor of the

11 legislative bill or amendment granting rulemaking authority may

12 consider the complaint and, if such committee or primary sponsor

13 concludes that the complaint has merit, then such committee or

14 primary sponsor may request a written response from the agency

15 which shall include, but not be limited to (a) a description of the

16 amendment or rule or regulation, (b) when applicable, a description

17 of the legislative intent of the statute granting the agency

18 rulemaking authority and a statement explaining how the rule or

19 regulation or the adoption, amendment, or repeal of the ~~or~~ rule or

20 regulation is within the authority or jurisdiction of the agency,

21 is constitutional, is consistent with legislative intent, or is not

22 an undue burden, (c) if the description required in subdivision (b)

23 of this subsection is inapplicable, an explanation as to why the

24 rule or regulation or the adoption, amendment, or repeal ~~or rule or~~

25 ~~regulation~~ is necessary, and (d) an explanation of the extent to
 26 which and how any public comment was taken into consideration by
 27 the agency with respect to the rule or regulation or the adoption,
 1 amendment, or repeal. ~~or rule or regulation.~~ The agency shall
 2 respond within sixty days of a request, and such response shall be
 3 a public record.
 4 (4) Nothing in this section shall be construed to
 5 prohibit the adoption or promulgation of the rule or regulation
 6 in accordance with other ~~sections~~ provisions of the Administrative
 7 Procedure Act.
 8 2. On page 3, line 7, strike "section 84-907.04" and
 9 insert "sections 84-907.04 and 84-907.10"; and in line 8 strike
 10 "is" and insert "are".
 11 3. Renumber the remaining section accordingly.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Morris, Rebecca Jane - Stem Cell Research Advisory Committee - Health
 and Human Services
 Roop, Dennis - Stem Cell Research Advisory Committee - Health and
 Human Services
 Spangrude, Gerald - Stem Cell Research Advisory Committee - Health and
 Human Services

(Signed) John Wightman, Chairperson
 Executive Board

UNANIMOUS CONSENT - Add Cointroducers

Senator Murante asked unanimous consent to add his name as cointroducer
 to LB923. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to
 LB699. No objections. So ordered.

Senator Pirsch asked unanimous consent to add his name as cointroducer to
 LB865 and LB1101. No objections. So ordered.

Senators Avery, Hadley, Howard, Kolowski, Krist, and Wallman asked
 unanimous consent to add their names as cointroducers to LB505. No
 objections. So ordered.

Senator K. Haar asked unanimous consent to add his name as cointroducer
 to LB505. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Karpisek withdrew his name as cointroducer to LR399.

VISITORS

Visitors to the Chamber were Senator McCoy's daughter, Eleanor, from Elkhorn; 9 tenth- through twelfth-grade students and sponsor from Park Avenue Christian School in Norfolk; 70 members from Autism Speaks, Autism Society of Nebraska, Autism Family Network, Autism Center of Nebraska, Autism Action Partnership, and ARC of Nebraska; and 17 ninth-grade students from Lincoln East.

ADJOURNMENT

At 12:06 p.m., on a motion by Senator Hadley, the Legislature adjourned until 9:00 a.m., Wednesday, February 26, 2014.

Patrick J. O'Donnell
Clerk of the Legislature