

**THIRTY-SIXTH DAY - MARCH 4, 2014**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION**

**THIRTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 4, 2014

**PRAYER**

The prayer was offered by Pastor Mike Gardner, Harvest Church and Outreach Center, Norfolk.

**ROLL CALL**

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

The roll was called and all members were present except Senator Pirsch who was excused; and Senators Carlson, Conrad, Cook, Dubas, McCoy, Wallman, and Watermeier who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-fifth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 1016.** Placed on Select File with amendment.  
ER146

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. The Executive Board of the Legislative Council
- 4 pursuant to the authority granted in Laws 2013, 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 be
- 8 acquired, if any. After completion and review of the study, the
- 9 Legislature authorizes the Department of Aeronautics to purchase
- 10 a new aircraft. It is the intent of the Legislature to fund the
- 11 purchase with General Funds and other funds. The Legislature also
- 12 directs the department, upon taking possession of a new aircraft,
- 13 to sell the state's 1982 Piper Cheyenne aircraft, with the proceeds
- 14 retained by the department for use for preventive maintenance

15 funding for the new aircraft.

16 Sec. 2. Section 3-106, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 3-106 (1) Suitable offices shall be provided for the  
19 department in the State Capitol. It may maintain offices at such  
20 other places in the state as it may designate and may incur  
21 the necessary expense for office furniture, stationery, printing,  
22 and other incidental or necessary expenses for the enforcement of  
23 ~~sections 3-101 to 3-154~~ the State Aeronautics Department Act and  
1 the general promotion of aeronautics within the state.

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

14 (3) The department may employ such clerical and other  
15 employees and assistants as it may deem necessary for the proper  
16 transaction of its business.

17 (4) It is the intent of the Legislature that the use of  
18 state-owned, chartered, or rented aircraft by the department shall  
19 be for the sole purpose of state business. The department shall  
20 electronically file with the Clerk of the Legislature a quarterly  
21 report on the department's use of all state-owned, chartered,  
22 or rented aircraft that includes the following information for  
23 each trip: The name of the agency or other entity traveling;  
24 the name of each individual passenger; all purposes of the trip;  
25 the destination and intermediate stops; the miles flown; and the  
26 duration of the trip.

27 Sec. 3. Original section 3-106, Reissue Revised Statutes  
1 of Nebraska, is repealed.

2 Sec. 4. Since an emergency exists, this act takes effect  
3 when passed and approved according to law.

4 2. On page 1, strike beginning with "operation" in  
5 line 4 through line 6 and insert "an hourly rate for use of a  
6 state aircraft; to change powers and duties of the Department of  
7 Aeronautics; to state intent; to require reports as prescribed; to  
8 repeal the original section; and to declare an emergency."

**LEGISLATIVE BILL 699.** Placed on Select File with amendment.  
ER147

1 1. Strike the original sections and all amendments  
2 thereto and insert the following 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 person  
9 who has a developmental disability and 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 person who has a  
16 developmental disability and shall clearly state on its face that  
17 the holder must at all times while hunting be accompanied as  
18 described in subsection (4) of section 37-413. No license-purchase  
19 exemption certificate shall be issued to any person who has been  
20 found by any court or mental health board to pose a current  
21 danger to himself or herself or others. As part of the application  
22 process for a license-purchase exemption certificate, a person who  
23 has a developmental disability shall present the commission with  
1 a written authorization signed by a physician indicating that the  
2 person who has a developmental disability is at all times capable  
3 of understanding and following directions given by another person  
4 and that the person who has a developmental disability is not  
5 currently a danger to himself or herself or others while engaged in  
6 hunting with a firearm. For purposes of this section, developmental  
7 disability has the same meaning as 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 person who has a developmental disability, who  
 14 holds the appropriate hunting permit and a license-purchase  
 15 exemption certificate issued pursuant to section 2 of this act, and  
 16 who is 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~~  
9 ~~in section 37-414;~~ and (b) at all times in unaided visual and  
10 verbal communication of persons who have a developmental disability  
11 and who are authorized under section 2 of this act or no more  
12 than two persons having an apprentice hunter education exemption  
13 certificate. This subsection does not prohibit the use by such  
14 person nineteen years of age or older of ordinary prescription  
15 eyeglasses or contact lenses or 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.

27 Sec. 7. Since an emergency exists, this act takes effect  
 1 when passed and approved according to law.  
 2 2. On page 1, strike beginning with "hunting" in line 1  
 3 through line 10 and insert "the Game Law; to amend sections 37-404  
 4 and 37-414, Reissue Revised Statutes of Nebraska, and sections  
 5 37-201 and 37-413, Revised Statutes Cumulative Supplement, 2012;  
 6 to authorize hunting permits as prescribed for persons who have a  
 7 developmental disability; to authorize license-purchase exemption  
 8 certificates; to change provisions relating to mandatory firearm  
 9 hunter education programs and bow hunter education programs; to  
 10 change provisions relating to firearm, air gun, bow and arrow, and  
 11 crossbow hunting; to harmonize provisions; to repeal the original  
 12 sections; and to declare an emergency."

**LEGISLATIVE BILL 546.** Placed on Select File with amendment.  
 ER149 is available in the Bill Room.

(Signed) John Murante, Chairperson

#### MESSAGES FROM THE GOVERNOR

February 28, 2014

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

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

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

Rita G. Sanders, 507 Martin Drive North, Bellevue, NE 68005

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

Sincerely,  
 (Signed) Dave Heineman

Governor

Enclosures

February 28, 2014

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

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

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

Joshua M. Vest, DPM, 9839 Thornwood Circle, Lincoln, NE 68512

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

**AMENDMENT - Print in Journal**

Senator Ashford filed the following amendment to LB464:  
AM2164

- 1 1. Insert the following sections:
- 2 Sec. 9. Section 79-209, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 79-209 (1) In all school districts in this state, any
- 5 superintendent, principal, teacher, or member of the school board
- 6 who knows of any violation of subsection (2) of section 79-201 ~~on~~
- 7 ~~the part of any child of school age, his or her parent, the person~~
- 8 ~~in actual or legal control of such child, or any other person shall~~
- 9 within three days report such violation to the attendance officer
- 10 of the school, who shall immediately investigate the case. When of
- 11 his or her personal knowledge, or by report or complaint from any
- 12 resident of the district, ~~or by report or complaint as provided~~
- 13 ~~in this section,~~ the attendance officer believes that ~~any child is~~
- 14 ~~unlawfully absent from school,~~ there is a violation of subsection
- 15 (2) of section 79-201, the attendance officer shall immediately
- 16 investigate such alleged violation.
- 17 (2) All school ~~districts-boards~~ shall have a written
- 18 policy on ~~excessive absenteeism-attendance~~ developed and annually
- 19 reviewed in collaboration with the county attorney of the county

20 in which the principal office of the school district is located.  
 21 The policy shall include a provision indicating how the school  
 22 district ~~and the county attorney~~ will handle cases in which  
 23 excessive absences are due to ~~documented illness, that makes~~  
 1 ~~attendance impossible or impracticable, and the~~ The policy shall  
 2 also state the circumstances and number of absences or the hourly  
 3 equivalent upon the occurrence of which the school shall render  
 4 all services in its power to compel such child to attend some  
 5 public, private, denominational, or parochial school, which the  
 6 person having control of the child shall designate, in an attempt  
 7 to address the problem of excessive absenteeism. The number of  
 8 absences in the policy shall not exceed five days per quarter  
 9 or the hourly equivalent. School districts may use excused and  
 10 unexcused absences for purposes of the policy, to address barriers  
 11 to attendance. Such services shall include, but ~~need~~ not be limited  
 12 to:

13 (a) Verbal or written communication by school officials  
 14 with the person or persons who have legal or actual charge or  
 15 control of any child;

16 ~~(a)-(b)~~ One or more meetings between, at a minimum,  
 17 a school attendance officer, a school social worker, a school  
 18 administrator or his or her designee, the person who has legal or  
 19 actual charge or control of the child, or the school principal or a  
 20 member of the school administrative staff designated by the school  
 21 administration if such school does not have a school social worker,  
 22 the child's parent or guardian, and the child, if necessary,  
 23 when appropriate, to report and to attempt to solve the problem  
 24 of excessive absenteeism; address the barriers to attendance.  
 25 The result of the meeting or meetings shall be to develop a  
 26 collaborative plan to reduce barriers identified to improve regular  
 27 attendance. The plan shall consider, but not be limited to:

1 (i) Illness related to physical or behavioral health of  
 2 the child;

3 (ii) Educational counseling;

4 (iii) Educational evaluation;

5 (iv) Referral to community agencies for economic  
 6 services;

7 (v) Family or individual counseling; and

8 (vi) Assisting the family in working with other community  
 9 services.

10 (3) The school may report to the county attorney of the  
 11 county in which the person resides when the school has documented  
 12 the efforts it has made as required by subsection (2) of this  
 13 section that the collaborative plan to reduce barriers identified  
 14 to improve regular attendance has not been successful and that the  
 15 child has been absent more than twenty days per year. The school  
 16 shall notify the child's family in writing prior to referring the  
 17 child to the county attorney. Failure by the school to document the  
 18 efforts required by subsection (2) of this section is a defense to



19 prosecution under section 79-201 and adjudication for educational  
20 neglect under subdivision (3)(a) of section 43-247 and habitual  
21 truancy under subdivision (3)(b) of section 43-247. Illness that  
22 makes attendance impossible or impracticable shall not be the basis  
23 for referral to the county attorney.

24 ~~(b) Educational counseling to determine whether~~  
25 ~~curriculum changes, including, but not limited to, enrolling the~~  
26 ~~child in an alternative education program that meets the specific~~  
27 ~~educational and behavioral needs of the child, would help solve the~~  
1 ~~problem of excessive absenteeism;~~

2 ~~(c) Educational evaluation, which may include a~~  
3 ~~psychological evaluation, to assist in determining the specific~~  
4 ~~condition, if any, contributing to the problem of excessive~~  
5 ~~absenteeism, supplemented by specific efforts by the school to help~~  
6 ~~remedy any condition diagnosed; and~~

7 ~~(d) Investigation of the problem of excessive absenteeism~~  
8 ~~by the school social worker, or if such school does not have~~  
9 ~~a school social worker, by the school principal or a member~~  
10 ~~of the school administrative staff designated by the school~~  
11 ~~administration, to identify conditions which may be contributing to~~  
12 ~~the problem. If services for the child and his or her family are~~  
13 ~~determined to be needed, the school social worker or the school~~  
14 ~~principal or a member of the school administrative staff performing~~  
15 ~~the investigation shall meet with the parent or guardian and the~~  
16 ~~child to discuss any referral to appropriate community agencies~~  
17 ~~for economic services, family or individual counseling, or other~~  
18 ~~services required to remedy the conditions that are contributing to~~  
19 ~~the problem of excessive absenteeism.~~

20 ~~(3) If the child is absent more than twenty days per~~  
21 ~~year or the hourly equivalent and all of the absences are~~  
22 ~~due to documented illness that makes attendance impossible or~~  
23 ~~impracticable or are otherwise excused by school authorities,~~  
24 ~~the attendance officer may report such information to the county~~  
25 ~~attorney of the county in which the person resides. If the~~  
26 ~~child is absent more than twenty days per year or the hourly~~  
27 ~~equivalent and any of such absences are not excused, the attendance~~  
1 ~~officer shall file a report with the county attorney of the~~  
2 ~~county in which the person resides on a form which includes~~  
3 ~~the following two statements, one of which must be designated~~  
4 ~~by the school representative signing the report: (a) The school~~  
5 ~~representative requests additional time to work with the student~~  
6 ~~prior to intervention by the county attorney; and (b) the school~~  
7 ~~representative believes that the school has used all reasonable~~  
8 ~~efforts to resolve the student's excessive absenteeism without~~  
9 ~~success and recommends county attorney intervention. If further~~  
10 ~~action is necessary to address the child's attendance, the initial~~  
11 ~~meeting between the parent or guardian of the child, the school,~~  
12 ~~and the county attorney or his or her designee shall be at a~~  
13 ~~location determined by the school.~~

14 (4) Nothing in this section shall preclude a county  
 15 attorney from being involved at any stage in the process to address  
 16 excessive absenteeism.

17 Sec. 10. Section 79-527.01, Revised Statutes Supplement,  
 18 2013, is amended to read:

19 ~~79-527.01 (1)(a) The Truancy Intervention Task Force~~  
 20 Council on Student Attendance is created. The ~~task force council~~  
 21 shall consist of:

22 (i) A member of a school board in any class of school  
 23 district to be appointed by the State Board of Education;

24 (ii) Two parents not related to each other who have  
 25 children attending school in this state to be appointed by the  
 26 State Board of Education;

27 (iii) A superintendent or his or her designee of a school  
 1 district to be appointed by the State Board of Education;

2 (iv) A student attending school in this state to be  
 3 appointed by the State Board of Education;

4 (v) A representative of a community or advocacy  
 5 organization to be appointed by the State Board of Education;

6 (vi) A county attorney to be appointed by the State Board  
 7 of Education;

8 ~~(vii)~~ The probation administrator or his or her  
 9 designee;

10 ~~(viii)~~ The Commissioner of Education or his or her  
 11 designee; and

12 ~~(ix)~~ The chief executive officer of the Department of  
 13 Health and Human Services or his or her designee.

14 (b) The members of the council appointed by the State  
 15 Board of Education shall serve three-year staggered terms, as  
 16 designated by the board.

17 (c) The members of the council shall serve on the council  
 18 without any additional compensation, but they shall be entitled to  
 19 receive reimbursement for any actual expenses incurred as necessary  
 20 incident to such service as provided in sections 81-1174 to  
 21 81-1177.

22 (2) The ~~task force council~~ shall: ~~study~~

23 (a) Study and evaluate the data contained in the reports  
 24 required by subsection (2) of section 79-527; and shall develop

25 (b) Develop recommendations to reduce incidents of  
 26 excessive absenteeism;:-

27 (c) Consider whether school district policies and  
 1 practices for addressing absenteeism are operational and  
 2 effectively working to address absenteeism and make recommendations  
 3 for improvements where necessary; and

4 (d) Review all school district policies developed under  
 5 subsection (2) of section 79-209 and make specific recommendations  
 6 for school district policy improvement.

7 The ~~task force council~~ may contact a school district or  
 8 a county attorney for additional information in order to carry

9 out its duties under this section. ~~The task force shall report~~  
 10 ~~electronically to the Legislature on or before October 1 of each~~  
 11 ~~year.~~

12 (3) The council shall report on its activities  
 13 electronically to the Legislature on or before October 1 of each  
 14 year.

15 2. Renumber the remaining sections and correct the  
 16 internal references and repealer accordingly.

### GENERAL FILE

**LEGISLATIVE BILL 132.** Senator Scheer withdrew his amendment, AM2141, found on page 701.

### SENATOR KRIST PRESIDING

Senator Scheer offered the following amendment to the committee amendment:

AM2170

(Amendments to Standing Committee amendments, AM1802)

1 1. On page 2, strike beginning with "has" in line 18  
 2 through "state" in line 20 and insert "is accompanied by a parent  
 3 or legal guardian. Before each use of tanning equipment by any  
 4 person less than sixteen years of age, the operator, owner, or  
 5 lessee shall secure a statement signed at the tanning facility  
 6 by the minor's parent or legal guardian stating that the person  
 7 signing the statement is the minor's parent or legal guardian, that  
 8 the parent or legal guardian has read and understood the warnings  
 9 given by the tanning facility, that the parent or legal guardian  
 10 consents to the minor's use of tanning equipment, and that the  
 11 parent or legal guardian agrees that the minor will use protective  
 12 eyewear while using the tanning equipment".

13 2. On page 3, strike beginning with the first "a" in line  
 14 2 through "state" in line 3 and insert "being accompanied by the  
 15 parent or legal guardian who signed the statement required under  
 16 section 5 of this act".

17 3. On page 4, line 4, strike "a"; and strike line 5  
 18 and insert "being accompanied by the person's parent or legal  
 19 guardian".

The Scheer amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Pending.

### COMMITTEE REPORTS

Health and Human Services

**LEGISLATIVE BILL 1088.** Placed on General File.

**LEGISLATIVE BILL 1107.** Placed on General File.

**LEGISLATIVE BILL 1078.** Placed on General File with amendment.  
AM2091

- 1 1. Strike original section 7.
- 2 2. Renumber the remaining sections accordingly.

**LEGISLATIVE RESOLUTION 422.** Reported to the Legislature for further consideration.

(Signed) Kathy Campbell, Chairperson

General Affairs

**LEGISLATIVE BILL 914.** Placed on General File.

**LEGISLATIVE BILL 863.** Placed on General File with amendment.  
AM2131 is available in the Bill Room.

(Signed) Russ Karpisek, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 1037.** Placed on General File.

**LEGISLATIVE BILL 737.** Placed on General File with amendment.  
AM2078

- 1 1. On page 2, line 17, reinstate the stricken matter and
- 2 strike the new matter; in line 18, after the stricken matter insert
- 3 "continuously for at least one year immediately"; and in line 19
- 4 after "position" insert ", except that if there is no applicant
- 5 for county veterans service officer in a county who will have been
- 6 a bona fide resident of the State of Nebraska continuously for
- 7 at least one year prior to assuming such position, the one-year
- 8 residency requirement may be waived".

**LEGISLATIVE RESOLUTION 395.** Reported to the Legislature for further consideration.

(Signed) Bill Avery, Chairperson

**NOTICE OF COMMITTEE HEARING**

General Affairs

Room 1510

Monday, March 31, 2014 1:00 p.m.

Jeffrey Galyen - State Racing Commission  
Dennis Lee - State Racing Commission  
Edward F. Hoffman - Nebraska Commission on Problem Gambling  
Marla Bruder - Nebraska Commission on Problem Gambling  
Janelle Holt - Nebraska Commission on Problem Gambling

(Signed) Russ Karpisek, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 464.** Introduced by Coash, 27.

WHEREAS, Terence "Bud" Crawford of Omaha, Nebraska, defeated Ricky Burns to become the World Boxing Organization lightweight champion; and

WHEREAS, with the victory, Bud Crawford became Nebraska's first world champion boxer since 1914; and

WHEREAS, the Legislature recognizes the outstanding athletic achievements of Nebraska residents.

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

1. That the Legislature congratulates Terence "Bud" Crawford on becoming the World Boxing Organization lightweight champion.
2. That a copy of this resolution be sent to Terence "Bud" Crawford.

Laid over.

**LEGISLATIVE RESOLUTION 465.** Introduced by Krist, 10; B. Harr, 8.

WHEREAS, the Benson High School Junior Reserve Officer Training Corps (JROTC) was originally chartered at Benson High School in September 1936, one of the original such programs in Omaha; and

WHEREAS, the Benson High School JROTC is an outstanding program, having earned for the 20th consecutive year the coveted Honor Unit with Distinction and Gold Star designation and award; and

WHEREAS, the Benson High School JROTC has been selected to represent the State of Nebraska at events commemorating the 70th anniversary of the June 6, 1944, Allied invasion of Europe, which will take place in Normandy, France, in June 2014.

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

1. That the Legislature encourages Nebraskans to support the Benson High School JROTC in their efforts to attend the events commemorating the 70th anniversary of the Allied invasion of Europe.

2. That the Legislature salutes the Benson High School JROTC and designates Friday, March 28, 2014, as Benson JROTC Day.

3. That a copy of this resolution be sent to the Benson High School JROTC.

Laid over.

#### AMENDMENTS - Print in Journal

Senator Brasch filed the following amendment to LB1093:

AM2145

- 1 1. Strike section 2 and insert the following section:  
 2 Sec. 2. (1) It is the intent of the Legislature to  
 3 transfer four hundred fifty thousand dollars in General Funds from  
 4 the Department of Health and Human Services' 2014-15 budget to the  
 5 office of the State Court Administrator's budget for the purpose  
 6 of making the State Court Administrator directly responsible for  
 7 contracting and paying for court-connected prehearing conferences,  
 8 family group conferencing, expedited family group conferencing,  
 9 child welfare mediation, permanency prehearing conferences,  
 10 termination of parental rights prehearing conferences, juvenile  
 11 victim-offender dialogue, and other related services. Such funds  
 12 shall be transferred on or before October 15, 2014.  
 13 (2) The Department of Health and Human Services  
 14 shall continue to be responsible for contracting with Office  
 15 of Dispute Resolution-approved mediation centers to provide  
 16 family group conferencing, mediation, and related services for  
 17 non-court-involved and voluntary child welfare or juvenile cases  
 18 through June 30, 2017, unless extended by the Legislature.  
 19 2. Strike beginning on page 2, line 20, through page 3,  
 20 line 2, and insert:  
 21 "(a) Expedited family group conferencing service means  
 22 an expedited and limited-scope facilitated planning meeting which  
 23 engages a child's or juvenile's parents, the child or juvenile  
 1 themselves when appropriate, other critical family members,  
 2 services providers, and either Department of Health and Human  
 3 Services staff or Office of Probation Administration staff to  
 4 address immediate placement issues for the child or juvenile;  
 5 (b) Family group conferencing service means a facilitated  
 6 meeting involving a child's or juvenile's family, the child or  
 7 juvenile themselves when appropriate, available extended family  
 8 members from across the United States, other significant and close  
 9 persons to the family, service providers, and either Department

- 10 of Health and Human Services staff or Office of Probation  
 11 Administration staff to develop a family-centered plan for the  
 12 best interests of the child and to address the essential issues of  
 13 safety, permanency, and well-being of the child;".

Senator Krist filed the following amendment to LB464:  
 AM2163 is available in the Bill Room.

**COMMITTEE REPORTS**  
 Health and Human Services

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

Mary Beth Hanus - Nebraska Child Abuse Prevention Fund Board

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.  
 Nay: 0. Absent: 0. Present and not voting: 0.

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

Anthony Moravec - State Board of Health

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.  
 Nay: 0. Absent: 0. Present and not voting: 0.

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

Troy Hiemer - Board of Emergency Medical Services  
 Timothy Hoffman - Board of Emergency Medical Services  
 Charles LaFollette - Board of Emergency Medical Services

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.  
 Nay: 0. Absent: 0. Present and not voting: 0.

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

Lisa L. Mlnarik - Nebraska Rural Health Advisory Commission  
 Noah L. Piskorski - Nebraska Rural Health Advisory Commission

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.  
 Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

General Affairs

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

Matthew Anselmo - Nebraska Commission on Problem Gambling  
 Marla Bruder - Nebraska Commission on Problem Gambling  
 Mark Canada - Nebraska Commission on Problem Gambling  
 Janelle Holt - Nebraska Commission on Problem Gambling  
 Paul Leckband - Nebraska Commission on Problem Gambling  
 Susan Lutz - Nebraska Commission on Problem Gambling  
 Terry Scoville - Nebraska Commission on Problem Gambling  
 Teresa "Teri" A. Teutsch - Nebraska Commission on Problem Gambling

Aye: 8 Bloomfield, Coash, Crawford, Johnson, Karpisek, Krist, Lautenbaugh, Schilz. Nay: 0. Absent: 0. Present and not voting: 0.

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

Kim West Dinsdale - Nebraska Arts Council  
 Paula L. Pflueger - Nebraska Arts Council

Aye: 8 Bloomfield, Coash, Crawford, Johnson, Karpisek, Krist, Lautenbaugh, Schilz. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Russ Karpisek, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 132.** Senator Kintner offered the following amendment to the committee amendment:

AM2168

(Amendments to Standing Committee amendments, AM1802)

- 1 1. On page 2, strike beginning with "physician" in line
- 2 19 through "state" in line 20 and insert "pastor or rabbi".
- 3 2. On page 3, strike beginning with "physician" in line 2
- 4 through "state" in line 3 and insert "pastor or rabbi".
- 5 3. On page 4, strike line 5 and insert "written note from
- 6 the person's pastor or rabbi".

Senator Kintner withdrew his amendment.



Senator Kintner offered the following amendment to the committee amendment:

AM2169

(Amendments to Standing Committee amendments, AM1802)

- 1 1. On page 2, strike beginning with "has" in line 18
- 2 through "state" in line 20 and insert "is accompanied by a pastor
- 3 or rabbi".
- 4 2. On page 3, strike beginning with the first "a" in line
- 5 2 through "state" in line 3 and insert "being accompanied by a
- 6 pastor or rabbi".
- 7 3. On page 4, line 4, strike "a"; and strike line 5 and
- 8 insert "being accompanied by the person's pastor or rabbi".

Senator Kintner withdrew his amendment.

Committee AM1802, found on page 498 and considered on page 699, as amended, was renewed.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 728.** Title read. Considered.

Senator Harms offered his amendment, AM2093, found on page 668.

Senator Coash offered his amendment, AM2112, found on page 686, to the Harms amendment.

The Coash amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

The Harms amendment, as amended, was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

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

**LEGISLATIVE BILL 884.** Title read. Considered.

Committee AM1785, found on page 489, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

**AMENDMENTS - Print in Journal**

Senator Kolowski filed the following amendment to LB359:  
AM2030

(Amendments to E & R amendments, ER119)

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

3 Section 1. In determining eligibility for the Medical  
4 Assistance Act, for the program for aid to dependent children  
5 pursuant to section 43-512, for the Supplemental Nutrition  
6 Assistance Program administered by the State of Nebraska pursuant  
7 to the federal Food and Nutrition Act of 2008, 7 U.S.C. 2011  
8 et seq., and for the child care subsidy program established  
9 pursuant to section 68-1202, the following shall not be included  
10 in determining assets or income:

11 (1) Assets in or income from an educational savings  
12 account, a Coverdell educational savings account described in 26  
13 U.S.C. 530, a qualified tuition program established pursuant to 26  
14 U.S.C. 529, or any similar savings account or plan established to  
15 save for qualified higher education expenses as defined in section  
16 85-1802;

17 (2) Income from scholarships or grants related to  
18 postsecondary education, whether merit-based, need-based, or a  
19 combination thereof; and

20 (3) Income from postsecondary educational work-study  
21 programs, whether federally funded, funded by a postsecondary  
22 educational institution, or funded from any other source.

1 Sec. 2. Section 43-512, Revised Statutes Cumulative  
2 Supplement, 2012, is amended to read:

3 43-512 (1) Any dependent child as defined in section  
4 43-504 or any relative or eligible caretaker of such a dependent  
5 child may file with the Department of Health and Human Services  
6 a written application for financial assistance for such child on  
7 forms furnished by the department.

8 (2) The department, through its agents and employees,  
9 shall make such investigation pursuant to the application as it  
10 deems necessary or as may be required by the county attorney  
11 or authorized attorney. If the investigation or the application  
12 for financial assistance discloses that such child has a parent  
13 or stepparent who is able to contribute to the support of such  
14 child and has failed to do so, a copy of the finding of such  
15 investigation and a copy of the application shall immediately be  
16 filed with the county attorney or authorized attorney.

17 (3) The department shall make a finding as to whether the  
18 application referred to in subsection (1) of this section should  
19 be allowed or denied. If the department finds that the application  
20 should be allowed, the department shall further find the amount  
21 of monthly assistance which should be paid with reference to such  
22 dependent child. Except as may be otherwise provided, payments

23 shall be made by state warrant, and the amount of payments shall  
24 not exceed three hundred dollars per month when there is but  
25 one dependent child and one eligible caretaker in any home, plus  
26 an additional seventy-five dollars per month on behalf of each  
27 additional eligible person. No payments shall be made for amounts  
1 totaling less than ten dollars per month except in the recovery of  
2 overpayments.

3 (4) The amount which shall be paid as assistance with  
4 respect to a dependent child shall be based in each case upon the  
5 conditions disclosed by the investigation made by the department.  
6 An appeal shall lie from the finding made in each case to the  
7 chief executive officer of the department or his or her designated  
8 representative. Such appeal may be taken by any taxpayer or by any  
9 relative of such child. Proceedings for and upon appeal shall be  
10 conducted in the same manner as provided for in section 68-1016.

11 (5)(a) For the purpose of preventing dependency, the  
12 department shall adopt and promulgate rules and regulations  
13 providing for services to former and potential recipients of aid to  
14 dependent children and medical assistance benefits. The department  
15 shall adopt and promulgate rules and regulations establishing  
16 programs and cooperating with programs of work incentive, work  
17 experience, job training, and education. The provisions of this  
18 section with regard to determination of need, amount of payment,  
19 maximum payment, and method of payment shall not be applicable  
20 to families or children included in such programs. Income and  
21 assets described in section 1 of this act shall not be included in  
22 determination of need under this section.

23 (b) If a recipient of aid to dependent children becomes  
24 ineligible for aid to dependent children as a result of increased  
25 hours of employment or increased income from employment after  
26 having participated in any of the programs established pursuant to  
27 subdivision (a) of this subsection, the recipient may be eligible  
1 for the following benefits, as provided in rules and regulations of  
2 the department in accordance with sections 402, 417, and 1925 of  
3 the federal Social Security Act, as amended, Public Law 100-485,  
4 in order to help the family during the transition from public  
5 assistance to independence:

6 (i) An ongoing transitional payment that is intended to  
7 meet the family's ongoing basic needs which may include food,  
8 clothing, shelter, utilities, household goods, personal care items,  
9 and general incidental expenses during the five months following  
10 the time the family becomes ineligible for assistance under the aid  
11 to dependent children program, if the family's earned income is at  
12 or below one hundred eighty-five percent of the federal poverty  
13 level at the time the family becomes ineligible for the aid to  
14 dependent children program. Payments shall be made in five monthly  
15 payments, each equal to one-fifth of the aid to dependent children  
16 payment standard for the family's size at the time the family  
17 becomes ineligible for the aid to dependent children program. If

18 during the five-month period, (A) the family's earnings exceed one  
19 hundred eighty-five percent of the federal poverty level, (B) the  
20 family members are no longer working, (C) the family ceases to  
21 be Nebraska residents, (D) there is no longer a minor child in  
22 the family's household, or (E) the family again becomes eligible  
23 for the aid to dependent children program, the family shall become  
24 ineligible for any remaining transitional benefits under this  
25 subdivision;

26 (ii) Child care as provided in subdivision (1)(c) of  
27 section 68-1724; and

1 (iii) Except as may be provided in accordance with  
2 subsection (2) of section 68-1713 and subdivision (1)(c) of section  
3 68-1724, medical assistance for up to twelve months after the month  
4 the recipient becomes employed and is no longer eligible for aid to  
5 dependent children.

6 (6) For purposes of sections 43-512 to 43-512.18:

7 (a) Authorized attorney shall mean an attorney, employed  
8 by the county subject to the approval of the county board, employed  
9 by the department, or appointed by the court, who is authorized  
10 to investigate and prosecute child, spousal, and medical support  
11 cases. An authorized attorney shall represent the state as provided  
12 in section 43-512.03;

13 (b) Child support shall be defined as provided in section  
14 43-1705;

15 (c) Medical support shall include all expenses associated  
16 with the birth of a child, cash medical support as defined  
17 in section 42-369, health care coverage as defined in section  
18 44-3,144, and medical and hospital insurance coverage or membership  
19 in a health maintenance organization or preferred provider  
20 organization;

21 (d) Spousal support shall be defined as provided in  
22 section 43-1715;

23 (e) State Disbursement Unit shall be defined as provided  
24 in section 43-3341; and

25 (f) Support shall be defined as provided in section  
26 43-3313.

27 Sec. 4. Section 68-1713, Reissue Revised Statutes of  
1 Nebraska, is amended to read:

2 68-1713 (1) The Department of Health and Human Services  
3 shall implement the following policies:

4 (a) Permit Work Experience in Private for-Profit  
5 Enterprises;

6 (b) Permit Job Search;

7 (c) Permit Employment to be Considered a Program  
8 Component;

9 (d) Make Sanctions More Stringent to Emphasize  
10 Participant Obligations;

11 (e) Alternative Hearing Process;

12 (f) Permit Adults in Two-Parent Households to Participate

- 13 in Activities Based on Their Self-Sufficiency Needs;
- 14 (g) Eliminate Exemptions for Individuals with Children
- 15 Between the Ages of 12 Weeks and Age Six;
- 16 (h) Providing Poor Working Families with Transitional
- 17 Child Care to Ease the Transition from Welfare to Self-Sufficiency;
- 18 (i) Provide Transitional Health Care for 12 Months After
- 19 Termination of ADC if funding for such transitional medical
- 20 assistance is available under Title XIX of the federal Social
- 21 Security Act, as amended, as described in section 68-906;
- 22 (j) Require Adults to Ensure that Children in the Family
- 23 Unit Attend School;
- 24 (k) Encourage Minor Parents to Live with Their Parents;
- 25 (l) Establish a Resource Limit of \$4,000 for a single
- 26 individual and \$6,000 for two or more individuals for ADC;
- 27 (m) Exclude the Value of One Vehicle Per Family When
- 1 Determining ADC Eligibility;
- 2 (n) Exclude the Cash Value of Life Insurance Policies in
- 3 Calculating Resources for ADC;
- 4 (o) Establish the Supplemental Nutrition Assistance
- 5 Program as a Continuous Benefit with Eligibility Reevaluated with
- 6 Yearly Redeterminations;
- 7 (p) Establish a Budget the Gap Methodology Whereby
- 8 Countable Earned Income is Subtracted from the Standard of the
- 9 Need and Payment is Based on the Difference or Maximum Payment
- 10 Level, Whichever is Less. That this Gap be Established at a Level
- 11 that Encourages Work but at Least at a Level that Ensures that
- 12 Those Currently Eligible for ADC do not Lose Eligibility Because of
- 13 the Adoption of this Methodology;
- 14 (q) Adopt an Earned Income Disregard of Twenty Percent of
- 15 Gross Earnings in the ADC Program, ~~and One Hundred Dollars in the~~
- 16 ~~Related Medical Assistance Program, and Income and Assets Described~~
- 17 in section 1 of this act;
- 18 (r) Disregard Financial Assistance ~~Received~~ Described in
- 19 section 1 of this act and Other Financial Assistance Intended for
- 20 Books, Tuition, or Other Self-Sufficiency Related Use;
- 21 (s) Culture: Eliminate the 100-Hour Rule, The Quarter of
- 22 Work Requirement, and The 30-Day Unemployed/Underemployed Period
- 23 for ADC-UP Eligibility; and
- 24 (t) Make ADC a Time-Limited Program.
- 25 (2) The Department of Health and Human Services shall (a)
- 26 apply for a waiver to allow for a sliding-fee schedule for the
- 27 population served by the caretaker relative program or (b) pursue
- 1 other public or private mechanisms, to provide for transitional
- 2 health care benefits to individuals and families who do not
- 3 qualify for cash assistance. It is the intent of the Legislature
- 4 that transitional health care coverage be made available on a
- 5 sliding-scale basis to individuals and families with incomes up to
- 6 one hundred eighty-five percent of the federal poverty level if
- 7 other health care coverage is not available.

8 Sec. 5. Section 68-1726, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 68-1726 Based on the comprehensive assets assessment,  
11 each individual and family receiving assistance under the Welfare  
12 Reform Act shall reach for his or her highest level of economic  
13 self-sufficiency or the family's highest level of economic  
14 self-sufficiency. The following eligibility factors shall apply:

15 (1) Financial resources, excluding the primary home and  
16 furnishings and the primary automobile, shall not exceed four  
17 thousand dollars in value for a single individual and six thousand  
18 dollars in value for two or more individuals;

19 (2) Available resources, including, but not limited to,  
20 savings accounts and real estate, shall be used in determining  
21 financial resources, except that income and assets described in  
22 section 1 of this act shall not be included in determination of  
23 available resources under this section;

24 (3) Income received by family members, except income  
25 earned by children attending school and except as provided in  
26 section 1 of this act, shall be considered in determining total  
family income. Income earned by an individual or a family by  
1 working shall be treated differently than unearned income in  
2 determining the amount of cash assistance as follows:

3 (a) Earned income shall be counted in determining the  
4 level of cash assistance after disregarding an amount of earned  
5 income equal to twenty percent of earned income or other incentives  
6 to work;

7 (b) Financial assistance provided by other programs that  
8 support the transition to economic self-sufficiency shall be  
9 considered to the extent the payments are intended to provide  
10 for life's necessities; and

11 (c) Financial assistance or those portions of it intended  
12 for books, tuition, or other self-sufficiency-related expenses  
13 shall not be counted in determining financial resources. Such  
14 assistance shall include, but not be limited to, school grants,  
15 scholarships, vocational rehabilitation payments, Job Training  
16 Partnership Act payments, income or assets described in section  
17 1 of this act, and education-related loans or other loans that are  
18 expected to be repaid; and

19 (4) Individuals and families shall pursue potential  
20 sources of economic support, including, but not limited to,  
21 unemployment compensation and child support.

22 Sec. 6. Original sections 68-1713 and 68-1726, Reissue  
23 Revised Statutes of Nebraska, section 43-512, Revised Statutes  
24 Cumulative Supplement, 2012, and section 68-1206, Revised Statutes  
25 Supplement, 2013, are repealed.

26 2. Renumber the remaining section accordingly.

Senator Krist filed the following amendment to LB1016:  
AM2150

(Amendments to E&R amendments, ER146)

1 1. Insert the following new section:

2 Sec. 3. Section 84-612, Revised Statutes Supplement,  
3 2013, is amended to read:

4 84-612 (1) There is hereby created within the state  
5 treasury a fund known as the Cash Reserve Fund which shall be under  
6 the direction of the State Treasurer. The fund shall only be used  
7 pursuant to this section.

8 (2) The State Treasurer shall transfer funds from the  
9 Cash Reserve Fund to the General Fund upon certification by the  
10 Director of Administrative Services that the current cash balance  
11 in the General Fund is inadequate to meet current obligations. Such  
12 certification shall include the dollar amount to be transferred.  
13 Any transfers made pursuant to this subsection shall be reversed  
14 upon notification by the Director of Administrative Services that  
15 sufficient funds are available.

16 (3) In addition to receiving transfers from other funds,  
17 the Cash Reserve Fund shall receive federal funds received by the  
18 State of Nebraska for undesignated general government purposes,  
19 federal revenue sharing, or general fiscal relief of the state.

20 (4) On July 7, 2009, the State Treasurer shall transfer  
21 five million dollars from the Cash Reserve Fund to the Roads  
22 Operations Cash Fund. The Department of Roads shall use such  
1 funds to provide the required state match for federal funding made  
2 available to the state through congressional earmarks.

3 (5) The State Treasurer shall transfer a total of  
4 thirty-seven million dollars from the Cash Reserve Fund to the  
5 General Fund on or before June 30, 2012, on such dates and in  
6 such amounts as directed by the budget administrator of the budget  
7 division of the Department of Administrative Services.

8 (6) The State Treasurer shall transfer a total of  
9 sixty-eight million dollars from the Cash Reserve Fund to the  
10 General Fund on or before June 30, 2013, on such dates and in  
11 such amounts as directed by the budget administrator of the budget  
12 division of the Department of Administrative Services.

13 (7) The State Treasurer, at the direction of the  
14 budget administrator of the budget division of the Department  
15 of Administrative Services, shall transfer not to exceed twelve  
16 million dollars in total between July 1, 2011, and November  
17 30, 2012, from the Cash Reserve Fund to the Ethanol Production  
18 Incentive Cash Fund, for ethanol production incentive credits,  
19 on such dates and in such amounts as certified by the Tax  
20 Commissioner.

21 (8) The State Treasurer, at the direction of the  
22 budget administrator of the budget division of the Department  
23 of Administrative Services, shall transfer an amount equal to the  
24 total amount transferred pursuant to subsection (7) of this section

25 from the Ethanol Production Incentive Cash Fund to the Cash Reserve  
 26 Fund in such amounts as certified by the Tax Commissioner on or  
 27 before November 30, 2012.

1 (9) The State Treasurer, at the direction of the  
 2 budget administrator of the budget division of the Department  
 3 of Administrative Services, shall transfer eighty million dollars  
 4 from the Cash Reserve Fund to the Nebraska Capital Construction  
 5 Fund on or before August 15, 2012.

6 (10) The State Treasurer, at the direction of the  
 7 budget administrator of the budget division of the Department  
 8 of Administrative Services, shall transfer one million dollars from  
 9 the Cash Reserve Fund to the Affordable Housing Trust Fund on or  
 10 before August 15, 2012.

11 (11) The State Treasurer shall transfer ten million  
 12 dollars from the Cash Reserve Fund to the General Fund on  
 13 or before June 30, 2013, on such date as directed by the  
 14 budget administrator of the budget division of the Department  
 15 of Administrative Services.

16 (12) The State Treasurer, at the direction of the  
 17 budget administrator of the budget division of the Department of  
 18 Administrative Services, shall transfer not to exceed forty-three  
 19 million fifteen thousand four hundred fifty-nine dollars in total  
 20 from the Cash Reserve Fund to the Nebraska Capital Construction  
 21 Fund between July 1, 2013, and June 30, 2017.

22 (13) The State Treasurer, at the direction of the  
 23 budget administrator of the budget division of the Department of  
 24 Administrative Services, shall transfer three million six hundred  
 25 thousand dollars from the Cash Reserve Fund to the General Fund on  
 26 or before June 30, 2014.

27 2. On page 3, line 1, strike "is" and insert "and section  
 1 84-612, Revised Statutes Supplement, 2013, are".

2 3. Renumber the remaining sections accordingly.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 1016A.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1016, One Hundred Third Legislature, Second Session, 2014; and to declare an emergency.

### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 466.** Introduced by Larson, 40.

WHEREAS, Blake Walters, a student at O'Neill High School, won the 2014 Class C State Wrestling Championship in the 152-pound division; and



WHEREAS, Blake's victory helped the O'Neill High School Eagles secure a second-place team finish; 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 Blake Walters on his state wrestling championship.

2. That a copy of this resolution be sent to Blake Walters and Coach Bryan Corkle of the O'Neill High School wrestling team.

Laid over.

**LEGISLATIVE RESOLUTION 467.** Introduced by Larson, 40.

WHEREAS, David Fox, a student at O'Neill High School, won the 2014 Class C State Wrestling Championship in the 170-pound division; and

WHEREAS, David's victory helped the O'Neill High School Eagles secure a second-place team finish; 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 David Fox on his state wrestling championship.

2. That a copy of this resolution be sent to David Fox and Coach Bryan Corkle of the O'Neill High School wrestling team.

Laid over.

**LEGISLATIVE RESOLUTION 468.** Introduced by Larson, 40.

WHEREAS, Joseph Gillham, a student at O'Neill High School, won the 2014 Class C State Wrestling Championship in the 132-pound division; and

WHEREAS, Joseph's victory helped the O'Neill High School Eagles secure a second-place team finish; 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 Joseph Gillham on his state wrestling championship.

2. That a copy of this resolution be sent to Joseph Gillham and Coach Bryan Corkle of the O'Neill High School wrestling team.

Laid over.

**VISITORS**

Visitors to the Chamber were Senator Gloor's intern, Ashley Bykerk, from Grand Island; 20 twelfth-grade students from Hartington; 27 ninth-grade students from Lincoln Southeast High School; and 12 fourth-grade students from St. Paul's School, Beatrice.

**RECESS**

At 11:52 a.m., on a motion by Senator Garrett, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Senator Gloor presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Pirsch who was excused; and Senators Conrad, K. Haar, Lautenbaugh, Schilz, Wallman, and Watermeier who were excused until they arrive.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 402.** Placed on Final Reading.

ST42

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

1. In the E and R amendments, ER92, on page 1, line 13, "Cumulative Supplement, 2012" has been struck and "Supplement, 2013" inserted.

2. In the Standing Committee amendments, AM684:

a. Sections 1 and 4 and all amendments thereto have been struck and the following new sections inserted:

Section 1. Section 70-1903, Revised Statutes Supplement, 2013, is amended to read:

70-1903 For purposes of the Rural Community-Based Energy Development Act:

(1) C-BED project or community-based energy development project means a new ~~wind~~ energy generation project using wind, solar, biomass, or landfill gas as the fuel source that:

(a) ~~Has an ownership structure as follows: (i) For a C-BED project that consists of more than two turbines, has one or more qualified owners with no single individual qualified owner owning directly or indirectly more than fifteen percent of the project and with at least thirty-three at least twenty-five percent of the gross power purchase agreement payments flowing to the qualified owner or owners or as payments to the local community; or~~ and

~~(ii) For a C-BED project that consists of one or two turbines, has one or more qualified owners with at least thirty three percent of the gross power purchase agreement payments flowing to a qualified owner or owners or local community; and~~

(b) Has a resolution of support adopted:

(i) By the county board of each county in which the C-BED project is to be located; or

(ii) By the tribal council for a C-BED project located within the boundaries of an Indian reservation;

~~(2) Debt financing payments means principal, interest, and other typical financing costs paid by the C-BED project company to one or more third party financial institutions for the financing or refinancing of the construction of the C-BED project. Debt financing payments does not include the repayment of principal at the time of a refinancing;~~

~~(3)-(2) Electric utility means an electric supplier that:~~

(a) Owns more than one hundred miles of one-hundred-fifteen-kilovolt or larger transmission lines in the State of Nebraska;

(b) Owns more than two hundred megawatts of electric generating facilities; and

(c) Has the obligation to directly serve more than two hundred megawatts of wholesale or retail electric load in the State of Nebraska;

~~(4)-(3) Gross power purchase agreement payments means the total amount of payments during the life first twenty years of the agreement; For power purchase agreements entered into on or before December 31, 2011, if the qualified owners have a combined total of at least thirty three percent of the equity ownership in the C-BED project, gross power purchase agreement payments shall be reduced by the debt financing payments; and~~

(4) Payments to the local community include, but are not limited to:

(a) Lease and easement payments to property owners made as part of a C-BED project;

(b) Contract payments for concrete, steel, gravel, towers, turbines, blades, wire, or engineering, procurement, construction, geotechnical, environmental, meteorological, or legal services or payments for other components, equipment, materials, or services that are necessary to permit or construct the C-BED project and that are provided by a company that has been organized or incorporated in Nebraska under Nebraska law and has employed at least five Nebraska residents for at least eighteen months prior to the date of the project application for certification as a C-BED project; and

(c) Payments that are for physical parts, materials, or components that are manufactured, assembled, or fabricated in Nebraska and that are not described in subdivision (a) or (b) of this subdivision.

Such payments need not be made directly from power purchase agreement revenue and may be made from other funds in advance of receiving power purchase agreement revenue; and

(5) Qualified owner means:

(a) A Nebraska resident;

(b) A limited liability company that is organized under the Nebraska Uniform Limited Liability Company Act and that is made up of members who are Nebraska residents;

(c) A Nebraska nonprofit corporation organized under the Nebraska Nonprofit Corporation Act;

(d) An electric supplier as defined in section 70-1001.01, except that ownership in a single C-BED project is limited to no more than:

(i) Fifteen percent either directly or indirectly by a single electric supplier; and

(ii) A combined total of twenty-five percent ownership either directly or indirectly by multiple electric suppliers; ~~or~~

(e) A tribal council;

(f) A domestic corporation organized in Nebraska under the Business Corporation Act and domiciled in Nebraska; or

(g) A cooperative corporation organized under sections 21-1301 to 21-1306 and domiciled in Nebraska.

Sec. 4. Section 77-2704.57, Revised Statutes Supplement, 2013, is amended to read:

77-2704.57 (1) Sales and use tax shall not be imposed on the gross receipts from the sale, lease, or rental of personal property for use in a C-BED project or community-based energy development project. This exemption shall be conditioned upon filing requirements for the exemption as imposed by the Tax Commissioner. The requirements imposed by the Tax Commissioner shall be related to ensuring that the property purchased qualifies for the exemption. The Tax Commissioner may require the filing of the documents showing compliance with section 70-1907, the organization of the project, the distribution of the payments, the power purchase agreements, the project pro forma, articles of incorporation, operating agreements, and any amendments or changes to these documents during the life of the power purchase agreement.

(2) The Tax Commissioner shall notify an electric utility that has a power purchase agreement with a C-BED project if there is a change in project ownership which makes the project no longer eligible as a C-BED project. Purchase of a C-BED project by an electric utility prior to the end of the power purchase agreement disqualifies the C-BED project for the exemption, but the Department of Revenue may not recover the amount of the sales and use tax that was not paid by the project prior to the purchase.

(3) For purposes of this section, the terms (a) C-BED project or community-based energy development project, (b) gross power purchase agreement payments, (c) payments to the local community, and (d) qualified owner have the definitions found in section 70-1903. :

~~(a) C-BED project or community-based energy development project means a new wind energy project that:~~

~~(i) Has an ownership structure as follows:~~

~~(A) For a C-BED project that consists of more than two turbines, has one or more qualified owners with no single individual qualified owner owning directly or indirectly more than fifteen percent of the project and with at least thirty three percent of the gross power purchase agreement payments flowing to the qualified owner or owners or local community; or~~

~~(B) For a C-BED project that consists of one or two turbines, has one or more qualified owners with at least thirty three percent of the gross power purchase agreement payments flowing to a qualified owner or owners or local community; and~~

~~(ii) Has a resolution of support adopted:~~

~~(A) By the county board of each county in which the C-BED project is to be located; or~~

~~(B) By the tribal council for a C-BED project located within the boundaries of an Indian reservation;~~

~~(b) Debt financing payments means principal, interest, and other typical financing costs paid by the C-BED project company to one or more third party financial institutions for the financing or refinancing of the construction of the C-BED project. Debt financing payments does not include the repayment of principal at the time of a refinancing;~~

~~(c) New wind energy project means any tangible personal property incorporated into the manufacture, installation, construction, repair, or replacement of a device, such as a wind charger, windmill, or wind turbine, which is used to convert wind energy to electrical energy or for the transmission of electricity to the purchaser; and~~

~~(d) Qualified owner means:~~

~~(i) A Nebraska resident;~~

~~(ii) A limited liability company that is organized under the Nebraska Uniform Limited Liability Company Act and that is entirely made up of members who are Nebraska residents;~~

~~(iii) A Nebraska nonprofit corporation organized under the Nebraska Nonprofit Corporation Act;~~

~~(iv) An electric supplier as defined in section 70-1001.01, except that ownership in a single C-BED project is limited to no more than:~~

~~(A) Fifteen percent either directly or indirectly by a single electric supplier; and~~

~~(B) A combined total of twenty five percent ownership either directly or indirectly by multiple electric suppliers; or~~

~~(v) A tribal council.~~

~~(4) Gross power purchase agreement payments are the total amount of payments during the life of the agreement. For power purchase agreements entered into on or before December 31, 2011, if the qualified owners have a combined total of at least thirty three percent of the equity ownership in the C-BED project, gross power purchase agreement payments shall be reduced by the debt financing payments. For the purpose of determining eligibility of the project, an estimate of the payments and their recipients shall be used.~~

~~(5) Payments to the local community include, but are not limited to, lease payments to property owners on whose property a turbine is located, wind agreement payments, and real and personal property tax receipts from the C-BED project.~~

~~(6)(4) The Department of Revenue may examine the actual payments and the distribution of the payments to determine if the projected distributions were met. If the payment distributions to qualified owners do not meet the requirements of this section, the department may recover the amount of the~~

sales or use tax that was not paid by the project at any time up until the end of three years after the end of the power purchase agreement.

~~(7)-(5)~~ At any time prior to the end of the power purchase agreements, the project may voluntarily surrender the exemption granted by the Tax Commissioner and pay the amount of sales and use tax that would otherwise have been due.

~~(8)-(6)~~ The amount of the tax due under either subsection ~~(6) or (7)~~ (4) or (5) of this section shall be increased by interest at the rate specified in section 45-104.02, as such rate may from time to time be adjusted, from the date the tax would have been due if no exemption was granted until the date paid.

b. On page 9, line 19, "Cumulative Supplement, 2012" has been struck and "Supplement, 2013" inserted.

**LEGISLATIVE BILL 474.** Placed on Final Reading.

ST43

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

1. In the Krist amendment, FA203, the emergency clause has been inserted as section 12.

2. In the E and R amendments, ER141, on page 1, line 2, "and" has been struck and "18-2142.02, 18-2142.04, 19-4018, 19-4031, and 19-4034," has been inserted after the last comma; in line 4 the second "and" has been struck; and in line 5 "; and to declare an emergency" has been inserted after "sections".

3. In the Hadley amendment, AM1815, on page 6, line 20, "and" has been struck and "18-2142.02, 18-2142.04, 19-4018, 19-4031, and 19-4034," has been inserted after the first comma.

**LEGISLATIVE BILL 671.** Placed on Final Reading.

**LEGISLATIVE BILL 725.** Placed on Final Reading.

**LEGISLATIVE BILL 725A.** Placed on Final Reading.

**LEGISLATIVE BILL 749.** Placed on Final Reading.

**LEGISLATIVE BILL 755.** Placed on Final Reading.

(Signed) John Murante, Chairperson

#### GENERAL FILE

**LEGISLATIVE BILL 814.** Title read. Considered.

Committee AM1876, found on page 493, was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 814A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 1 nay, 11 present and not voting, and 2 excused and not voting.

**NOTICE OF COMMITTEE HEARING**

Judiciary

Room 1113

Tuesday, March 11, 2014 12:00 p.m.

Darrell E. Fisher - Nebraska Commission on Law Enforcement and  
Criminal Justice

Michael L. Kenney - Department of Corrections

(Signed) Brad Ashford, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 867.** Title read. Considered.

Committee AM1954, found on page 556, was offered.

Senator Schumacher offered his amendment, AM2011, found on page 651, to the committee amendment.

The Schumacher amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Senator Larson offered the following amendment to the committee amendment:

AM2190

(Amendments to AM2011)

- 1 1. On page 4, line 16, after "amendment" insert "and
- 2 sections 4 and 5 of AM1954"; and in line 17 strike "October" and
- 3 insert "April".

The Larson amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

**NOTICE OF COMMITTEE HEARINGS**

Education

Room 1525

Tuesday, March 25, 2014 12:30 p.m.

Nebraska Coordinating Commission for Postsecondary Education will provide the Education Committee with a Progress Toward Attainment of Higher Education Priorities Report (required pursuant to Section 85-1429)

(Signed) Kate Sullivan, Chairperson

Nebraska Retirement Systems

Room 1525

Monday, March 24, 2014 9:00 a.m.

Presentation of Annual Reports: Nebraska Public Employees Retirement Systems and Nebraska Investment Council

(Signed) Jeremy Nordquist, Chairperson

**COMMITTEE REPORT**

Natural Resources

**LEGISLATIVE BILL 965.** Placed on General File with amendment.  
AM2045

- 1 1. On page 2, line 14, strike "but is not limited to";
- 2 strike beginning with "environmental" in line 17 through the comma
- 3 in line 18; and strike beginning with "or" in line 22 through
- 4 "resources" in line 23.
- 5 2. On page 3, line 25, strike the first "and" and show as
- 6 stricken.
- 7 3. On page 4, strike beginning with "with" in line
- 8 3 through "as" in line 4 and insert "that the applicant gave
- 9 consideration to the cost and benefits"; and strike lines 15
- 10 through 18.
- 11 4. On page 5, line 4, strike "but is not limited to";
- 12 strike beginning with "environmental" in line 6 through the first
- 13 comma in line 8; and in line 12 strike "or other environmental
- 14 resources".

(Signed) Tom Carlson, Chairperson

**SENATOR COASH PRESIDING**



**GENERAL FILE**

**LEGISLATIVE BILL 1001.** Title read. Considered.

Committee AM2022, found on page 630, was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 10 present and not voting, and 6 excused and not voting.

**AMENDMENTS - Print in Journal**

Senator Chambers filed the following amendments to LB752:

FA204

Page 2, line 20 after "professional" insert "or bank teller".

FA205

Page 2, line 20 after "professional" insert "or school bus driver".

FA206

Page 2, line 20 after "professional" insert "or taxi cab driver".

FA207

Page 2, line 20 after "professional" insert "or referee of any sporting event or game".

FA208

Page 2, line 20 after "professional" insert "or pizza delivery person".

FA209

Page 2, line 20 after "professional" insert "or gas, water and electricity utility workers".

FA210

Page 2, line 20 after "professional" insert "or the driver of any public conveyance that transports passengers".

FA211

Page 2, line 20 after "professional" insert "or telephone or cable installers".

FA212

Page 2, line 20 after "professional" insert "or baggage or luggage handler at any airport".

FA213

Page 2, line 20 after "professional" insert "or any hotel or motel employee".

FA214

Page 2, line 20 after "professional" insert "or barber".

FA215

Page 2, line 20 after "professional" insert "or marriage counselor".

FA216

Page 2, line 20 after "professional" insert "or mail carrier".

FA217

Page 2, line 20 after "professional" insert "or member of any city council".

FA218

Page 2, line 20 after "professional" insert "or member of the Legislature".

FA219

Page 2, line 20 after "professional" insert "or judge".

FA220

Page 2, line 20 after "professional" insert "or bailiff".

FA221

Page 2, line 20 after "professional" insert "or member of any county board of commissioners".

FA222

Page 2, line 20 after "professional" insert "or public school teacher".

FA223

Page 2, line 20 after "professional" insert "or Child Protective Services worker".

FA224

Page 2, line 20 after "professional" insert "or lawyer".

FA225

Page 2, line 20 after "professional" insert "or county attorney".

FA226

Page 2, line 20 after "professional" insert "or city attorney".

FA227

Page 2, line 20 after "professional" insert "or coach of any high school sport".

#### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB832. No objections. So ordered.

**ADJOURNMENT**

At 4:45 p.m., on a motion by Senator Crawford, the Legislature adjourned until 9:00 a.m., Wednesday, March 5, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature

