

**THIRTY-SEVENTH DAY - MARCH 5, 2014****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION****THIRTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 5, 2014

**PRAYER**

The prayer was offered by Pastor Randall Herman, Bethany Lutheran Church, Lyons.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Krist presiding.

The roll was called and all members were present except Senators Conrad, Karpisek, Lautenbaugh, Pirsch, and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-sixth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Sanders, Rita G. - Crime Victim's Reparations Committee - Judiciary  
Vest, Joshua M. - State Board of Health- Health and Human Services

(Signed) John Wightman, Chairperson  
Executive Board

**AMENDMENT - Print in Journal**

Senator Coash filed the following amendment to LB404:  
AM2192

(Amendments to Standing Committee amendments, AM1642)

- 1 1. On page 6, lines 13 and 18; and page 13, lines 11 and
- 2 16, strike "seventy-five cents", show the old matter as stricken,
- 3 and insert "one dollar".

**MOTIONS - Approve Appointments**

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 604:

Game and Parks Commission  
Mark Spurgin

Voting in the affirmative, 30:

Ashford	Christensen	Gloor	Krist	Seiler
Avery	Coash	Hadley	Larson	Smith
Bloomfield	Cook	Hansen	McCoy	Sullivan
Bolz	Crawford	Howard	McGill	Wallman
Campbell	Dubas	Johnson	Murante	Watermeier
Chambers	Garrett	Kintner	Schumacher	Wightman

Voting in the negative, 0.

Present and not voting, 13:

Adams	Davis	Harr, B.	Lathrop	Scheer
Brasch	Haar, K.	Janssen	Nelson	
Carlson	Harms	Kolowski	Nordquist	

Excused and not voting, 6:

Conrad	Lautenbaugh	Pirsch
Karpisek	Mello	Schilz

The appointment was confirmed with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Senator Ashford moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 635:

Board of Parole  
Esther Casmer

Voting in the affirmative, 32:

Adams	Carlson	Haar, K.	Larson	Sullivan
Ashford	Coash	Hadley	McCoy	Wallman
Avery	Cook	Hansen	McGill	Watermeier
Bloomfield	Crawford	Harms	Murante	Wightman
Bolz	Dubas	Howard	Nelson	
Brasch	Garrett	Kintner	Scheer	
Campbell	Gloor	Krist	Seiler	

Voting in the negative, 0.

Present and not voting, 11:

Chambers	Harr, B.	Kolowski	Schumacher
Christensen	Janssen	Lathrop	Smith
Davis	Johnson	Nordquist	

Excused and not voting, 6:

Conrad	Lautenbaugh	Pirsch
Karpisek	Mello	Schilz

The appointment was confirmed with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 650:

Nebraska Accountability and Disclosure Commission  
Andrew Loudon

Voting in the affirmative, 31:

Avery	Crawford	Howard	McGill	Wallman
Bloomfield	Dubas	Johnson	Murante	Watermeier
Bolz	Garrett	Kintner	Nelson	Wightman
Brasch	Gloor	Krist	Scheer	
Campbell	Haar, K.	Larson	Schumacher	
Carlson	Hadley	Lautenbaugh	Seiler	
Cook	Harms	McCoy	Sullivan	

Voting in the negative, 0.

Present and not voting, 14:

Adams	Christensen	Hansen	Kolowski	Schilz
Ashford	Coash	Harr, B.	Lathrop	Smith
Chambers	Davis	Janssen	Nordquist	

Excused and not voting, 4:

Conrad	Karpisek	Mello	Pirsch
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The appointment was confirmed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 650:

State Emergency Response Commission  
 John L. Grimes  
 Benjamin Salo

Voting in the affirmative, 30:

Avery	Crawford	Hansen	Larson	Scheer
Bloomfield	Dubas	Harms	Lautenbaugh	Schumacher
Bolz	Garrett	Howard	McCoy	Smith
Brasch	Gloor	Johnson	McGill	Sullivan
Carlson	Haar, K.	Kintner	Murante	Wallman
Cook	Hadley	Krist	Nelson	Watermeier

Voting in the negative, 0.

Present and not voting, 15:

Adams	Chambers	Davis	Kolowski	Schilz
Ashford	Christensen	Harr, B.	Lathrop	Seiler
Campbell	Coash	Janssen	Nordquist	Wightman

Excused and not voting, 4:

Conrad	Karpisek	Mello	Pirsch
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The appointments were confirmed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 651:

State Emergency Response Commission  
 Sherry Blaha

Voting in the affirmative, 30:

Adams	Crawford	Hansen	Larson	Schumacher
Avery	Dubas	Harms	Lautenbaugh	Smith
Bloomfield	Garrett	Howard	McCoy	Sullivan
Brasch	Gloor	Johnson	McGill	Wallman
Carlson	Haar, K.	Kintner	Murante	Watermeier
Cook	Hadley	Krist	Nelson	Wightman

Voting in the negative, 0.

Present and not voting, 15:

Ashford	Chambers	Davis	Kolowski	Scheer
Bolz	Christensen	Harr, B.	Lathrop	Schilz
Campbell	Coash	Janssen	Nordquist	Seiler

Excused and not voting, 4:

Conrad	Karpisek	Mello	Pirsch
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The appointment was confirmed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 666:

State Emergency Response Commission  
Larry Johnson

Voting in the affirmative, 31:

Adams	Dubas	Johnson	Murante	Wallman
Avery	Garrett	Kintner	Nelson	Watermeier
Bloomfield	Gloor	Krist	Scheer	Wightman
Brasch	Haar, K.	Larson	Schumacher	
Carlson	Hadley	Lathrop	Seiler	
Cook	Hansen	McCoy	Smith	
Crawford	Howard	McGill	Sullivan	

Voting in the negative, 0.

Present and not voting, 14:

Ashford	Chambers	Davis	Janssen	Nordquist
Bolz	Christensen	Harms	Kolowski	Schilz
Campbell	Coash	Harr, B.	Lautenbaugh	

Excused and not voting, 4:

Conrad	Karpisek	Mello	Pirsch
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The appointment was confirmed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Senator Dubas moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 669:

Board of Public Roads Classifications and Standards  
Barbara J. Keegan  
James Litchfield

Mick Syslo  
Edward Wootton

Voting in the affirmative, 28:

Avery	Dubas	Howard	Lathrop	Scheer
Brasch	Garrett	Johnson	McCoy	Sullivan
Carlson	Gloor	Kintner	Mello	Wallman
Cook	Haar, K.	Kolowski	Murante	Wightman
Crawford	Hadley	Krist	Nelson	
Davis	Hansen	Larson	Nordquist	

Voting in the negative, 0.

Present and not voting, 20:

Adams	Campbell	Conrad	Karpisek	Schumacher
Ashford	Chambers	Harms	Lautenbaugh	Seiler
Bloomfield	Christensen	Harr, B.	McGill	Smith
Bolz	Coash	Janssen	Schilz	Watermeier

Excused and not voting, 1:

Pirsch

The appointments were confirmed with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

#### SELECT FILE

**LEGISLATIVE BILL 371A.** Senator Mello offered his amendment, AM1966, found on page 612.

The Mello amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 359.** ER119, found on page 334, was adopted.

Senator Cook offered her amendment, AM1737, found on page 636.

The Cook amendment was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Senator Kolowski offered his amendment, AM2030, found on page 720.

The Kolowski amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 359A.** ER120, found on page 335, was adopted.

Senator Cook offered her amendment, AM2074, found on page 653.

The Cook amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 144.** Senator Brasch offered her amendment, AM2087, found on page 686.

The Brasch amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 259.** Senator Karpisek offered his amendment, AM631, found on page 706, First Session, 2013.

The Karpisek amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 546.** ER149, found on page 708, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 983.** ER139, found on page 635, was adopted.

Senator Dubas offered her amendment, AM1984, found on page 662.

The Dubas amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 983A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 661.** ER140, found on page 662, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 661A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 438.** ER136, found on page 545, was adopted.

Senator Adams offered his amendment, AM1934, found on page 627.

#### **PRESIDENT HEIDEMANN PRESIDING**

The Adams amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 438A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 740.** Advanced to Enrollment and Review for Engrossment.

#### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 446, 447, 448, 449, and 450 were adopted.

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 446, 447, 448, 449, and 450.

#### **COMMITTEE REPORT**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 935.** Placed on General File with amendment. AM2182

1 1. On page 4, strike lines 2 through 6.

(Signed) Bill Avery, Chairperson



**RESOLUTION****LEGISLATIVE RESOLUTION 469.** Introduced by Seiler, 33.

WHEREAS, the Hastings Middle School in Hastings, Nebraska, has been selected as a 2014 MetLife Foundation-NASSP Breakthrough School; and

WHEREAS, the Hastings Middle School is the first school ever in Nebraska to receive this honor; and

WHEREAS, the MetLife Foundation and the National Association of Secondary School Principals (NASSP) created the Breakthrough Schools program in 2007 to identify, recognize, and showcase middle level and high schools that serve large numbers of students living in poverty and that are high achieving or dramatically improving student achievement; and

WHEREAS, selection criteria for the Breakthrough Schools program are based on a school's documented success in implementing strategies aligned with the core areas of collaborative leadership, personalization, curriculum, instruction, and assessment.

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

1. That the Legislature congratulates the Hastings Middle School on its selection as a 2014 MetLife Foundation-NASSP Breakthrough School honoree.

2. That a copy of this resolution be sent to the Hastings Middle School.

Laid over.

**AMENDMENT - Print in Journal**

Senator Hadley filed the following amendment to LB776:

AM2114

- 1 1. On page 6, line 17, strike "14504", show as stricken,
- 2 and insert "14504a".

**SELECT FILE**

**LEGISLATIVE RESOLUTION 41CA.** ER27, found on page 716, First Session, 2013, was adopted.

Senator McCoy asked unanimous consent to withdraw his amendment, AM494, found on page 630, First Session, 2013, and replace it with his substitute amendment, AM2215. No objections. So ordered.

AM2215

(Amendments to E & R amendments, ER27)

- 1 1. On page 3, line 10, strike the new matter; in line 12
- 2 after "method" insert "or on instant racing terminals"; in lines
- 3 23 and 24 strike "live or replayed"; and in line 25 after "method"
- 4 insert "or on instant racing terminals".

Pending.

**COMMITTEE REPORTS**  
Nebraska Retirement Systems

**LEGISLATIVE BILL 759.** Placed on General File with amendment. AM2140 is available in the Bill Room.

**LEGISLATIVE BILL 1042.** Placed on General File with amendment. AM2132 is available in the Bill Room.

(Signed) Jeremy Nordquist, Chairperson

Executive Board

**LEGISLATIVE RESOLUTION 444.** Reported to the Legislature for further consideration.

(Signed) John Wightman, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 470.** Introduced by Coash, 27.

WHEREAS, Alexander Payne was born in Omaha, Nebraska, on February 10, 1961, and attended Creighton Preparatory School; and

WHEREAS, Alexander Payne has become an extremely successful director, producer, and screenwriter and has achieved remarkable success and recognition for his most recent film, "Nebraska"; and

WHEREAS, the film was nominated for six Academy Awards, five Golden Globe Awards, two Cannes International Film Festival Awards, six Film Independent Spirit Awards, and seven Phoenix Film Critics Society Awards; and

WHEREAS, the Legislature recognizes the outstanding achievements of native Nebraskans.

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

1. That the Legislature congratulates Alexander Payne for the remarkable success of "Nebraska."

2. That a copy of this resolution be sent to Alexander Payne.

Laid over.

**AMENDMENTS - Print in Journal**

Senator Karpisek filed the following amendment to LB1027:  
AM1933

- 1 1. On page 3, line 9, strike "voluntary treatment or";
- 2 and in line 13 after "hearing" insert "to determine if the owner

3 is prohibited under state or federal law from receiving the firearm  
4 or firearms".

Senator Larson filed the following amendment to LB699:  
AM2162

(Amendments to E & R amendments, ER147)

1 1. On page 2, line 5, strike "currently".

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

Senator Kintner asked unanimous consent to add his name as cointroducer to LB1057. No objections. So ordered.

#### **RECESS**

At 12:03 p.m., on a motion by Senator Kolowski, the Legislature recessed until 1:30 p.m.

#### **AFTER RECESS**

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

#### **ROLL CALL**

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

#### **MESSAGE 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 individuals are being reappointed to the Nebraska Tourism Commission:

John P. Chapo, 2340 Stockwell Street, Lincoln, NE 68502  
Debra Nelson-Loseke, 604 Apache Street, Columbus, NE 68601

Contingent upon your approval, the following individuals are being appointed to the Nebraska Tourism Commission:

Lisa Burke, 24007 East Island Road, Brady, NE 69123

Roger L. Jasnoch, 8 Crestview Drive, Kearney, NE 68845

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

**COMMITTEE REPORT**  
Agriculture

**LEGISLATIVE BILL 1080.** Indefinitely postponed.

(Signed) Ken Schilz, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 941A.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 941, One Hundred Third Legislature, Second Session, 2014.

**COMMITTEE REPORTS**  
Executive Board

**LEGISLATIVE BILL 609.** Indefinitely postponed.  
**LEGISLATIVE BILL 763.** Indefinitely postponed.  
**LEGISLATIVE BILL 871.** Indefinitely postponed.  
**LEGISLATIVE BILL 909.** Indefinitely postponed.  
**LEGISLATIVE BILL 917.** Indefinitely postponed.  
**LEGISLATIVE BILL 975.** Indefinitely postponed.

(Signed) John Wightman, Chairperson

**SELECT FILE**

**LEGISLATIVE RESOLUTION 41CA.** Senator McCoy renewed his amendment, AM2215, found in this day's Journal.

Pending.

**COMMITTEE REPORT**

Agriculture

**LEGISLATIVE BILL 1008.** Placed on General File.

(Signed) Ken Schilz, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 965A.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 965, One Hundred Third Legislature, Second Session, 2014.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Burke, Lisa - Nebraska Tourism Commission - Government, Military and Veterans Affairs

Chapo, John P. - Nebraska Tourism Commission - Government, Military and Veterans Affairs

Jasnoch, Roger L. - Nebraska Tourism Commission - Government, Military and Veterans Affairs

Nelson-Loseke, Debra - Nebraska Tourism Commission - Government, Military and Veterans Affairs

Partsch, David J. - Commission of Industrial Relations - Business and Labor

(Signed) John Wightman, Chairperson  
Executive Board**SENATOR COASH PRESIDING****SELECT FILE****LEGISLATIVE RESOLUTION 41CA.** The McCoy amendment, AM2215, found and considered in this day's Journal, was renewed.

Senator McCoy moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Senator McCoy requested a record vote on his amendment

Voting in the affirmative, 16:

Avery	Chambers	Hansen	McCoy
Bloomfield	Christensen	Harms	Nelson
Brasch	Crawford	Johnson	Pirsch
Carlson	Garrett	Kintner	Smith

Voting in the negative, 16:

Campbell	Gloor	Kolowski	Murante
Coash	Haar, K.	Larson	Nordquist
Conrad	Hadley	Lathrop	Seiler
Dubas	Karpisek	McGill	Wallman

Present and not voting, 10:

Adams	Davis	Howard	Scheer	Watermeier
Bolz	Harr, B.	Mello	Schumacher	Wightman

Excused and not voting, 7:

Ashford	Janssen	Lautenbaugh	Sullivan
Cook	Krist	Schilz	

The McCoy amendment lost with 16 ayes, 16 nays, 10 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

**NOTICE OF COMMITTEE HEARING**  
Business and Labor

Room 2102

Thursday, March 13, 2014 8:45 a.m.

David J. Partsch - Commission of Industrial Relations

(Signed) Steve Lathrop, Chairperson

**COMMITTEE REPORT**  
Agriculture

**LEGISLATIVE BILL 696.** Indefinitely postponed.

(Signed) Ken Schilz, Chairperson

**SELECT FILE**

**LEGISLATIVE RESOLUTION 41CA.** Senator McCoy withdrew his amendments, AM497 and AM496, found on page 652, First Session, 2013.

Senator Chambers withdrew his amendments, FA16, FA17, FA18, FA19, FA20, and FA21, found on page 645, First Session, 2013.

Senator Chambers offered the following amendment:

FA228

Amend ER27

Page 1, line 21 strike and show as stricken "The" and insert "Because it is in the best social and economic interest of this state and its residents to promote and exploit the economic benefits of gambling to advance desirable social purposes, the".

Senator Chambers withdrew his amendment.

Senator Karpisek offered the Lautenbaugh amendment, FA22, found on page 652, First Session, 2013.

The Lautenbaugh amendment lost with 0 ayes, 17 nays, 26 present and not voting, and 6 excused and not voting.

Senator Chambers requested a machine vote of the advancement of the resolution.

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

Senator Karpisek requested a roll call vote, in reverse order, on the advancement of the resolution.

Voting in the affirmative, 25:

Bolz	Dubas	Howard	McGill	Schumacher
Campbell	Gloor	Karpisek	Mello	Seiler
Conrad	Haar, K.	Larson	Murante	Sullivan
Cook	Hadley	Lathrop	Nordquist	Wallman
Davis	Harr, B.	Lautenbaugh	Schilz	Wightman

Voting in the negative, 18:

Adams	Carlson	Hansen	Kolowski	Smith
Avery	Chambers	Harms	McCoy	Watermeier
Bloomfield	Christensen	Johnson	Nelson	
Brasch	Garrett	Kintner	Scheer	

Present and not voting, 5:

Ashford      Coash      Crawford      Janssen      Pirsch

Excused and not voting, 1:

Krist

Advanced to Enrollment and Review for Engrossment with 25 ayes, 18 nays, 5 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

### GENERAL FILE

**LEGISLATIVE BILL 752.** Title read. Considered.

### SENATOR GLOOR PRESIDING

Senator Chambers offered his amendment, FA204, found on page 735.

Pending.

### COMMITTEE REPORTS

Transportation and Telecommunications

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

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

Aye: 6 Brasch, Dubas, Hadley, Murante, Smith, Watermeier. Nay: 0.  
 Absent: 2 Janssen, McCoy. Present and not voting: 0.

(Signed) Annette Dubas, Chairperson

Judiciary

**LEGISLATIVE BILL 1035.** Placed on General File.

**LEGISLATIVE BILL 694.** Placed on General File with amendment.  
 AM1837

- 1 1. On page 3, line 3, after the underscored comma insert
- 2 "in a hunter education program, or as part of an honor guard".



**LEGISLATIVE BILL 893.** Placed on General File with amendment.  
AM2222

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

3 Section 1. Section 44-2825, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 44-2825 (1) The total amount recoverable under the  
6 Nebraska Hospital-Medical Liability Act from any and all health  
7 care providers and the Excess Liability Fund for any occurrence  
8 resulting in any injury or death of a patient may not exceed  
9 (a) five hundred thousand dollars for any occurrence on or before  
10 December 31, 1984, (b) one million dollars for any occurrence after  
11 December 31, 1984, and on or before December 31, 1992, (c) one  
12 million two hundred fifty thousand dollars for any occurrence after  
13 December 31, 1992, and on or before December 31, 2003, ~~and~~(d)  
14 one million seven hundred fifty thousand dollars for any occurrence  
15 after December 31, 2003, and on or before December 31, 2014,  
16 and (e) two million two hundred fifty thousand dollars for any  
17 occurrence after December 31, 2014.

18 (2) A health care provider qualified under the act shall  
19 not be liable to any patient or his or her representative who  
20 is covered by the act for an amount in excess of five hundred  
21 thousand dollars for all claims or causes of action arising from  
22 any occurrence during the period that the act is effective with  
23 reference to such patient.

1 (3) Subject to the overall limits from all sources as  
2 provided in subsection (1) of this section, any amount due from a  
3 judgment or settlement which is in excess of the total liability  
4 of all liable health care providers shall be paid from the Excess  
5 Liability Fund pursuant to sections 44-2831 to 44-2833.

6 Sec. 2. Original section 44-2825, Reissue Revised  
7 Statutes of Nebraska, is repealed.

(Signed) Brad Ashford, Chairperson

Health and Human Services

**LEGISLATIVE BILL 853.** Placed on General File with amendment.  
AM1937

1 1. Insert the following new sections:

2 Sec. 16. Section 43-4511, Revised Statutes Supplement,  
3 2013, is amended to read:

4 43-4511 (1) The department shall provide extended  
5 guardianship assistance for a young adult who is at least nineteen  
6 years of age but less than twenty-one years of age if the young  
7 adult began receiving kinship guardianship assistance pursuant  
8 to 42 U.S.C. 673 at sixteen years of age or older or the young  
9 adult received state-funded guardianship assistance in a licensed

10 relative placement at sixteen years of age or older and the  
 11 young adult meets at least one of the following conditions for  
 12 eligibility:  
 13 ~~(1)-(a)~~ The young adult is completing secondary education  
 14 or an educational program leading to an equivalent credential;  
 15 ~~(2)-(b)~~ The young adult is enrolled in an institution  
 16 that provides postsecondary or vocational education;  
 17 ~~(3)-(c)~~ The young adult is employed for at least eighty  
 18 hours per month;  
 19 ~~(4)-(d)~~ The young adult is participating in a program  
 20 or activity designed to promote employment or remove barriers to  
 21 employment; or

22 ~~(5)-(e)~~ The young adult is incapable of doing any part of  
 23 the activities in subdivisions ~~(1) through (4)~~ ~~(1)(a) through (d)~~  
 1 of this section due to a medical condition, which incapacity must  
 2 be supported by regularly updated information in the case plan of  
 3 the young adult.

4 (2) The guardian shall ensure that any guardianship  
 5 assistance funds provided by the department and received by the  
 6 guardian shall be used for the benefit of the young adult.  
 7 The department shall adopt and promulgate rules and regulations  
 8 defining services and supports encompassed by such benefit.

9 Sec. 17. Section 43-4512, Revised Statutes Supplement,  
 10 2013, is amended to read:

11 43-4512 (1) The department shall provide extended  
 12 adoption assistance for a young adult who is at least nineteen  
 13 years of age but less than twenty-one years of age if the young  
 14 adult began receiving adoption assistance at sixteen years of age  
 15 or older and meets at least one of the following conditions of  
 16 eligibility:

17 ~~(1)-(a)~~ The young adult is completing secondary education  
 18 or an educational program leading to an equivalent credential;

19 ~~(2)-(b)~~ The young adult is enrolled in an institution  
 20 that provides postsecondary or vocational education;

21 ~~(3)-(c)~~ The young adult is employed for at least eighty  
 22 hours per month;

23 ~~(4)-(d)~~ The young adult is participating in a program  
 24 or activity designed to promote employment or remove barriers to  
 25 employment; or

26 ~~(5)-(e)~~ The young adult is incapable of doing any part of  
 27 the activities in subdivisions ~~(1) through (4)~~ ~~(1)(a) through (d)~~  
 1 of this section due to a medical condition, which incapacity must  
 2 be supported by regularly updated information in the case plan of  
 3 the young adult.

4 (2) The adoptive parent or parents shall ensure that any  
 5 adoption assistance funds provided by the department and received  
 6 by the adoptive parent shall be used for the benefit of the  
 7 young adult. The department shall adopt and promulgate rules and  
 8 regulations defining services and supports encompassed by such

9 benefit.

10 2. On page 15, line 21, strike "as required by", show  
11 as stricken, and insert "health care proxy, or other similar  
12 document recognized under state law, at the young adult's option,  
13 pursuant to".

14 3. On page 18, strike lines 10 through 15 and show the  
15 old matter as stricken.

16 4. On page 20, line 10, after "shall" insert "make  
17 efforts to".

18 5. On page 24, line 9, after the second comma insert  
19 "and"; and strike beginning with the comma in line 11 through  
20 "review" in line 13.

21 6. On page 27, lines 9 and 10 and 23; page 28, lines  
22 15 and 16; and page 31, line 6, strike "Young Adult Voluntary  
23 Services and Support", show as stricken, and insert "Bridge to  
24 Independence".

25 7. On page 30, line 14, strike "(1) through (5)", show as  
26 stricken, and insert "(1)(a) through (e)".

27 8. On page 31, line 20, after "43-4510," insert "43-4511,  
1 43-4512,".

2 9. Renumber the remaining sections accordingly.

(Signed) Kathy Campbell, Chairperson

#### AMENDMENTS - Print in Journal

Senator Lautenbaugh filed the following amendment to LR41CA:  
AM1910

(Amendments to E & R amendments, ER27)

1 1. On page 3, line 8, after "(4)" insert "(a)"; in line 9  
2 strike "(a)" and show as stricken; in line 13 strike "or (b)", show  
3 as stricken, and insert ". The state's proceeds from a tax placed  
4 on wagering by the parimutuel method shall be appropriated by the  
5 Legislature for the costs of regulating wagering by the parimutuel  
6 method and for the following purposes:

7 (i) Forty-nine percent of the money remaining after the  
8 payment of regulatory expenses shall be used for elementary and  
9 secondary education statewide;

10 (ii) Forty-nine percent of the money remaining after the  
11 payment of regulatory expenses shall be used to reduce property  
12 taxes statewide; and

13 (iii) Two percent of the money remaining after the  
14 payment of regulatory expenses shall be transferred to the  
15 Compulsive Gamblers Assistance Fund.

16 (b) Nothing in this section shall be construed to  
17 prohibit"; and in line 26 after "enclosure" insert ", and to  
18 require appropriation of certain parimutuel taxes for regulation of  
19 parimutuel wagering, for education, for property tax relief, and  
20 for the Compulsive Gamblers Assistance Fund".

Senator McGill filed the following amendment to LB699:  
AM2234

(Amendments to E & R amendments, ER147)

1 1. Insert the following new section:

2 Sec. 6. Section 69-2409.01, Revised Statutes Cumulative  
3 Supplement, 2012, is amended to read:

4 69-2409.01 (1) For purposes of sections 69-2401 to  
5 69-2425, the Nebraska State Patrol shall be furnished with only  
6 such information as may be necessary for the sole purpose of  
7 determining whether an individual is disqualified from purchasing  
8 or possessing a handgun pursuant to state law or is subject to  
9 the disability provisions of 18 U.S.C. 922(d)(4) and (g)(4). Such  
10 information shall be furnished by the Department of Health and  
11 Human Services. The clerks of the various courts shall furnish  
12 to the Department of Health and Human Services and Nebraska State  
13 Patrol, as soon as practicable but within thirty days after an  
14 order of commitment or discharge is issued or after removal  
15 of firearm-related disabilities pursuant to section 71-963, all  
16 information necessary to set up and maintain the data base required  
17 by this section. This information shall include (a) information  
18 regarding those persons who are currently receiving mental health  
19 treatment pursuant to a commitment order of a mental health board  
20 or who have been discharged, (b) information regarding those  
21 persons who have been committed to treatment pursuant to section  
22 29-3702, and (c) information regarding those persons who have had  
1 firearm-related disabilities removed pursuant to section 71-963.

2 The mental health board shall notify the Department of Health and  
3 Human Services and the Nebraska State Patrol when such disabilities  
4 have been removed. The Department of Health and Human Services  
5 shall also maintain in the data base a listing of persons committed  
6 to treatment pursuant to section 29-3702. To ensure the accuracy  
7 of the data base, any information maintained or disclosed under  
8 this subsection shall be updated, corrected, modified, or removed,  
9 as appropriate, and as soon as practicable, from any data base  
10 that the state or federal government maintains and makes available  
11 to the National Instant Criminal Background Check System. The  
12 procedures for furnishing the information shall guarantee that no  
13 information is released beyond what is necessary for purposes of  
14 this section.

15 (2) In order to comply with sections 69-2401 and 69-2403  
16 to 69-2408 and this section, the Nebraska State Patrol shall  
17 provide to the chief of police or sheriff of an applicant's place  
18 of residence or a licensee in the process of a criminal history  
19 record check pursuant to section 69-2411 only the information  
20 regarding whether or not the applicant is disqualified from  
21 purchasing or possessing a handgun.

22 (3) Any person, agency, or mental health board  
23 participating in good faith in the reporting or disclosure of

24 records and communications under this section is immune from any  
 25 liability, civil, criminal, or otherwise, that might result by  
 26 reason of the action.

27 (4) Any person who intentionally causes the Nebraska  
 1 State Patrol to request information pursuant to this section  
 2 without reasonable belief that the named individual has submitted  
 3 a written application under section 69-2404 or has completed a  
 4 consent form under section 69-2410 shall be guilty of a Class II  
 5 misdemeanor in addition to other civil or criminal liability under  
 6 state or federal law.

7 (5) The Nebraska State Patrol and the Department of  
 8 Health and Human Services shall report electronically to the Clerk  
 9 of the Legislature on a biannual basis the following information  
 10 about the data base: (a) The number of total records of persons  
 11 unable to purchase or possess firearms because of disqualification  
 12 or disability shared with the National Instant Criminal Background  
 13 Check System; (b) the number of shared records by category of  
 14 such persons; (c) the change in number of total shared records  
 15 and change in number of records by category from the previous six  
 16 months; (d) the number of records existing but not able to be  
 17 shared with the National Instant Criminal Background Check System  
 18 because the record was incomplete and unable to be accepted by  
 19 the National Instant Criminal Background Check System; and (e)  
 20 the number of hours or days, if any, during which the data base  
 21 was unable to share records with the National Instant Criminal  
 22 Background Check System and the reason for such inability. The  
 23 report shall also be published on the web sites of the Nebraska  
 24 State Patrol and the Department of Health and Human Services.

25 2. Renumber the remaining sections and correct the  
 26 repealer accordingly.

Senator Chambers filed the following amendments to LR41CA:

FA234

Amend ER27

Page 1, line 21 strike and show as stricken "The" and insert "Because it is the economic policy and goal of this state to encourage and promote the creation and growth of business enterprises of all types and varieties, including robust entrepreneurial creativity in the realm of providing services to compulsive gamblers, the". In line 16 put a period after "enterprises" and strike and show as stricken, beginning with "which" all matter through line 20.

FA235

Amend ER27

Page 1, line 21 strike and show as stricken "The" and insert "In order to improve the overall moral climate in the state, to promote wholesome social values and to inculcate in children an appreciation of freedom, justice and the American Way of Life, the".

FA236

Amend ER27

Page 1, line 21 strike and show as stricken "The" and insert "In order to improve the morals of the state's residents, the".

FA237

Amend ER27

Page 1, line 21 strike and show as stricken "The" and insert "In order to corrupt the morals of the state's residents, the".

FA238

Amend ER27

Page 1, line 21 strike and show as stricken "The" and insert "In order to corrupt the morals of the state's residents and to provide a socially acceptable outlet for the predilections of compulsive gamblers, the".

### GENERAL FILE

**LEGISLATIVE BILL 752.** The Chambers amendment, FA204, found on page 735 and considered in this day's Journal, was renewed.

Pending.

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 132.** Placed on Select File with amendment.

ER152

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Sections 1 to 9 of this act shall be known and
- 4 may be cited as the Indoor Tanning Facility Act.
- 5 Sec. 2. For purposes of the Indoor Tanning Facility Act:
- 6 (1) Board means the Board of Cosmetology, Electrology,
- 7 Esthetics, Nail Technology, and Body Art;
- 8 (2) Department means the Division of Public Health of the
- 9 Department of Health and Human Services;
- 10 (3) Operator means a person designated by the tanning
- 11 facility owner or tanning equipment lessee to operate, or to assist
- 12 and instruct in the operation and use of, the tanning facility or
- 13 tanning equipment;
- 14 (4) Tanning equipment means any device that emits
- 15 electromagnetic radiation with wavelengths in the air between two
- 16 hundred nanometers and four hundred nanometers and that is used for
- 17 tanning of the skin. Tanning equipment includes, but is not limited
- 18 to, a sunlamp, tanning booth, or tanning bed; and
- 19 (5) Tanning facility means a location, place, area,
- 20 structure, or business that provides access to tanning equipment.
- 21 Tanning facility includes, but is not limited to, any tanning

22 business, salon, health club, apartment, or condominium, which has  
23 tanning equipment that is made available for public or commercial  
1 use, regardless of whether a fee is charged for access to the  
2 tanning equipment.

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

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

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

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

15 Sec. 5. It shall be unlawful for an operator, an owner  
16 of a tanning facility, or a lessee of a tanning facility to allow  
17 any person less than sixteen years of age to use tanning equipment  
18 at the tanning facility unless the person is accompanied by a  
19 parent or legal guardian. Before each use of tanning equipment by  
20 any person less than sixteen years of age, the operator, owner,  
21 or lessee shall secure a statement signed at the tanning facility  
22 by the minor's parent or legal guardian stating that the person  
23 signing the statement is the minor's parent or legal guardian,  
24 that the parent or legal guardian has read and understood the  
25 warnings given by the tanning facility, that the parent or legal  
26 guardian consents to the minor's use of tanning equipment, and  
27 that the parent or legal guardian agrees that the minor will use  
1 protective eyewear while using the tanning equipment. The operator,  
2 owner, or lessee shall require proof of age from each person before  
3 allowing the person access to tanning equipment. For purposes of  
4 this section, proof of age shall include, but not be limited  
5 to, a driver's license or other government-issued identification  
6 containing the person's date of birth and photograph or digital  
7 image.

8 Sec. 6. Any operator, owner of a tanning facility, or  
9 lessee of a tanning facility who allows any person less than  
10 sixteen years of age to use tanning equipment at the tanning  
11 facility without being accompanied by the parent or legal guardian  
12 who signed the statement required under section 5 of this act shall  
13 be subject to a civil penalty of one hundred dollars to be imposed  
14 and collected by the department. The department shall remit the  
15 civil penalty to the State Treasurer for distribution in accordance  
16 with Article VII, section 5, of the Constitution of Nebraska.

17 Sec. 7. (1) An operator, an owner of a tanning facility,  
18 or a lessee of a tanning facility shall post a warning sign in a  
19 conspicuous location in the tanning facility where it is readily  
20 visible by any person entering the tanning facility. The warning

21 sign shall have black letters which are at least one-fourth inch in  
22 height.

23 (2) The warning sign shall include the following  
24 information:

25 DANGER - Ultraviolet Radiation

26 Follow instructions.

27 Avoid overexposure. As with natural sunlight,

1 overexposure can cause eye and skin injuries and allergic  
2 reactions. Repeated exposure may cause premature aging of the skin  
3 and skin cancer.

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

6 Medicines or cosmetics can increase your sensitivity to  
7 ultraviolet radiation. Consult your physician before using sunlamps  
8 if you are using medication or have a history of skin problems or  
9 believe yourself to be especially sensitive to sunlight. If you do  
10 not tan in the sun, you are unlikely to tan from the use of tanning  
11 equipment.

12 It is unlawful for a tanning facility to allow a person  
13 under sixteen years of age to use tanning equipment without being  
14 accompanied by the person's parent or legal guardian.

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

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

21 Sec. 9. Upon receipt of a complaint regarding a tanning  
22 facility, the department, with the recommendation of the board,  
23 may inspect any tanning facility during the hours of operation of  
24 the tanning facility to ensure compliance with the Indoor Tanning  
25 Facility Act.

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

1 38-165 A public member of a board appointed under the  
2 Uniform Licensing Law prior to December 1, 2008, shall remain  
3 subject to the requirements of the original appointment until  
4 reappointed under the Uniform Credentialing Act. At the time of  
5 appointment and while serving as a board member, a public member  
6 appointed to a board on or after December 1, 2008, shall:

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

8 (2) Remain a resident of Nebraska while serving as a  
9 board member;

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

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

12 (5) Not hold an active credential in any profession or  
13 business which is subject to the Uniform Credentialing Act, issued  
14 in Nebraska or in any other jurisdiction, at any time during the  
15 five years prior to appointment;



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

19 (7) Not be or not have been, at any time during the  
20 year prior to appointment, an employee of a member of a profession  
21 credentialed by the department, of a facility credentialed pursuant  
22 to the Health Care Facility Licensure Act, ~~or~~ of a business  
23 credentialed pursuant to the Uniform Credentialing Act, or of a  
24 business regulated by the board to which the appointment is being  
25 made;

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

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

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

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

8 38-1057 (1) The board shall consist of ten professional  
9 members, one owner of a tanning facility as defined in section  
10 2 of this act, and two public members appointed pursuant to  
11 section 38-158. The professional and public members shall meet the  
12 requirements of sections 38-164 and 38-165, respectively.

13 (2) The professional members shall include:

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

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

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

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

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

20 (f) One electrologist;

21 (g) One practitioner of body art;

22 (h) One nail technology instructor or esthetics

23 instructor who is not a school owner; and

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

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

2 ~~(4) As the terms of the members serving on December 1,~~  
3 ~~2008, expire, successors shall be appointed in accordance with~~  
4 ~~subsection (2) of this section.~~

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

7 2. On page 1, strike beginning with "tanning" in line 1  
8 through line 2 and insert "public health; to amend sections 38-165  
9 and 38-1057, Reissue Revised Statutes of Nebraska; to adopt the  
10 Indoor Tanning Facility Act; to provide a restriction on membership

11 for boards appointed under the Uniform Credentialing Act; to change  
 12 membership provisions for the Board of Cosmetology, Electrology,  
 13 Esthetics, Nail Technology, and Body Art; to eliminate obsolete  
 14 provisions; and to repeal the original sections."

**LEGISLATIVE BILL 728.** Placed on Select File with amendment.  
 ER153

1 1. On page 1, line 6, after the semicolon insert "to  
 2 eliminate provisions requiring fingerprints from and criminal  
 3 history record information regarding certain employees;"; in line 7  
 4 strike "and"; and in line 8 after "2012" insert "; and to declare  
 5 an emergency".

(Signed) John Murante, Chairperson

### RESOLUTION

**LEGISLATIVE RESOLUTION 471.** Introduced by Bolz, 29.

WHEREAS, National Professional Social Work Month is observed in the month of March; and

WHEREAS, the theme for Social Work Month 2014 is "all people matter"; and

WHEREAS, social work continues to be a fast-growing occupation in the United States, according to the federal Bureau of Labor Statistics; and

WHEREAS, in communities across the nation, social workers are raising awareness about critical family needs and social injustice; and

WHEREAS, social workers make a difference because they help members of the public focus their attention on complex social issues that affect millions of lives; and

WHEREAS, social workers strive to meet the basic needs of all people, especially the most vulnerable in society; and

WHEREAS, the social work profession prioritizes human well-being, with the belief that each person has dignity and worth.

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

1. That the Legislature recognizes March 2014 as Professional Social Work Month in Nebraska.

2. That a copy of this resolution be sent to the National Association of Social Workers, Nebraska Chapter.

Laid over.

### UNANIMOUS CONSENT - Add Cointroducer

Senator Karpisek asked unanimous consent to add his name as cointroducer to LR41CA. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 40 students from the University of Nebraska College of Pharmacy and Creighton University School of Pharmacy.

The Doctor of the Day was Dr. Roger Meyer from Utica.

**ADJOURNMENT**

At 4:29 p.m., on a motion by Senator Nelson, the Legislature adjourned until 9:00 a.m., Thursday, March 6, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature

