

**FORTIETH DAY - MARCH 10, 2014**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED THIRD LEGISLATURE**  
**SECOND SESSION**

**FORTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 10, 2014

**PRAYER**

The prayer was offered by Father Ryan Lewis, St. Thomas More Church, Omaha.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Heidemann presiding.

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-ninth day was approved.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 453, 454, 455, 456, 457, 458, 459, 460, 461, and 462 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 422, 444, 400, 424, 453, 454, 455, 456, 457, 458, 459, 460, 461, and 462.

**MOTIONS - Approve Appointments**

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 772:

Board of Educational Lands and Funds  
Jim Hain

Voting in the affirmative, 31:

Adams	Cook	Hansen	Kolowski	Wallman
Ashford	Crawford	Harms	Nelson	Watermeier
Avery	Dubas	Harr, B.	Nordquist	Wightman
Bloomfield	Garrett	Howard	Pirsch	
Campbell	Gloor	Johnson	Schumacher	
Chambers	Haar, K.	Karpisek	Seiler	
Conrad	Hadley	Kintner	Sullivan	

Voting in the negative, 0.

Present and not voting, 14:

Bolz	Christensen	Janssen	Lathrop	Scheer
Brasch	Coash	Krist	McGill	Smith
Carlson	Davis	Larson	Mello	

Excused and not voting, 4:

Lautenbaugh	McCoy	Murante	Schilz
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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 Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 773:

Coordinating Commission for Postsecondary Education

Mary Lauritzen  
 Dwayne Probyn  
 Lori L. Warner  
 William "Scott" Wilson

Voting in the affirmative, 36:

Adams	Cook	Harr, B.	McGill	Sullivan
Bloomfield	Crawford	Howard	Mello	Wallman
Brasch	Dubas	Johnson	Nelson	Watermeier
Campbell	Garrett	Karpisek	Nordquist	Wightman
Carlson	Gloor	Kintner	Pirsch	
Chambers	Haar, K.	Kolowski	Schumacher	
Christensen	Hadley	Krist	Seiler	
Conrad	Harms	Larson	Smith	

Voting in the negative, 0.

Present and not voting, 9:

Ashford	Bolz	Davis	Janssen	Scheer
Avery	Coash	Hansen	Lathrop	

Excused and not voting, 4:

Lautenbaugh McCoy Murante Schilz

The appointments were confirmed with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 773:

Board of Trustees of the Nebraska State Colleges  
Jess D. Zeiss

Voting in the affirmative, 33:

Adams	Cook	Hansen	Kolowski	Smith
Bolz	Crawford	Harms	Krist	Sullivan
Brasch	Dubas	Harr, B.	McGill	Wallman
Campbell	Garrett	Howard	Mello	Watermeier
Carlson	Gloor	Johnson	Nordquist	Wightman
Christensen	Haar, K.	Karpisek	Pirsch	
Conrad	Hadley	Kintner	Schumacher	

Voting in the negative, 0.

Present and not voting, 12:

Ashford	Chambers	Janssen	Nelson
Avery	Coash	Larson	Scheer
Bloomfield	Davis	Lathrop	Seiler

Excused and not voting, 4:

Lautenbaugh McCoy Murante Schilz

The appointment was confirmed with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 773:

Technical Advisory Committee for Statewide Assessment  
Chad W. Buckendahl  
Frank Harwood

Voting in the affirmative, 35:

Adams	Conrad	Haar, K.	Karpisek	Schumacher
Bloomfield	Cook	Hadley	Kintner	Seiler
Bolz	Crawford	Hansen	Kolowski	Smith
Brasch	Davis	Harms	Larson	Sullivan
Campbell	Dubas	Harr, B.	McGill	Wallman
Carlson	Garrett	Howard	Mello	Watermeier
Christensen	Gloor	Johnson	Nelson	Wightman

Voting in the negative, 0.

Present and not voting, 10:

Ashford	Chambers	Janssen	Lathrop	Pirsch
Avery	Coash	Krist	Nordquist	Scheer

Excused and not voting, 4:

Lautenbaugh	McCoy	Murante	Schilz
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The appointments were confirmed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

### GENERAL FILE

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

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

### AMENDMENT - Print in Journal

Senator Avery filed the following amendment to LB814:  
AM2248

(Amendments to Standing Committee amendments, AM1876)

- 1 1. Insert the following new sections:
- 2 Sec. 3. Section 60-103, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 60-103 All-terrain vehicle means any motorized
- 5 off-highway device which (1) is fifty inches or less in width, (2)
- 6 has a dry weight of ~~nine~~ twelve hundred pounds or less, (3) travels
- 7 on three or more ~~low-pressure nonhighway~~ tires, and (4) is designed
- 8 for operator use only with no passengers or is specifically
- 9 designed by the original manufacturer for the operator and one
- 10 passenger, ~~(5) has a seat or saddle designed to be straddled by~~
- 11 ~~the operator, and (6) has handlebars or any other steering assembly~~
- 12 ~~for steering control.~~
- 13 Sec. 4. Section 60-135.01, Revised Statutes Supplement,
- 14 2013, is amended to read:
- 15 60-135.01 (1) Utility-type vehicle means any motorized

16 off-highway device which (a) is ~~not less than forty-eight inches~~  
 17 ~~nor more than seventy-four inches in width or less~~, (b) is not more  
 18 than one hundred eighty inches, including the bumper, in length,  
 19 (c) has a dry weight of ~~not less than nine hundred pounds nor~~  
 20 ~~more than two thousand pounds or less~~, and (d) travels on four or  
 21 more ~~low-pressure nonhighway tires~~, and (e) is equipped with a  
 22 ~~steering wheel and bench or bucket type seating designed for at~~  
 1 ~~least two people to sit side by side.~~

2 (2) Utility-type vehicle does not include all-terrain  
 3 vehicles, golf car vehicles, or low-speed vehicles.

4 Sec. 5. Section 60-305, Reissue Revised Statutes of  
 5 Nebraska, is amended to read:

6 60-305 All-terrain vehicle means any motorized  
 7 off-highway vehicle which (1) is fifty inches or less in width,  
 8 (2) has a dry weight of ~~nine-twelve~~ hundred pounds or less,  
 9 (3) travels on three or more ~~low-pressure nonhighway tires~~, and  
 10 (4) is designed for operator use only with no passengers or is  
 11 specifically designed by the original manufacturer for the operator  
 12 and one passenger. All-terrain vehicles which have been modified or  
 13 retrofitted with after-market parts to include additional equipment  
 14 not required by sections 60-6,357 and 60-6,358 shall not be  
 15 registered under the Motor Vehicle Registration Act, nor shall such  
 16 modified or retrofitted vehicles be eligible for registration in  
 17 any other category of vehicle defined in the act. (5) has a seat  
 18 or saddle designed to be straddled by the operator, and (6) has  
 19 handlebars or any other steering assembly for steering control.

20 Sec. 6. Section 60-358.01, Revised Statutes Supplement,  
 21 2013, is amended to read:

22 60-358.01 (1) Utility-type vehicle means any motorized  
 23 off-highway vehicle which (a) is ~~not less than forty-eight inches~~  
 24 ~~nor more than seventy-four inches in width or less~~, (b) is not more  
 25 than one hundred eighty inches, including the bumper, in length,  
 26 (c) has a dry weight of ~~not less than nine hundred pounds nor more~~  
 27 ~~than two thousand pounds or less~~, and (d) travels on four or more  
 1 ~~low-pressure nonhighway tires. Utility-type vehicles which have~~  
 2 ~~been modified or retrofitted with after-market parts to include~~  
 3 ~~additional equipment not required by sections 60-6,357 and 60-6,358~~  
 4 ~~shall not be registered under the Motor Vehicle Registration Act,~~  
 5 ~~nor shall such modified or retrofitted vehicles be eligible for~~  
 6 ~~registration in any other category of vehicle defined in the act.~~ ;  
 7 and (e) is equipped with a steering wheel and bench or bucket type  
 8 seating designed for at least two people to sit side by side.

9 (2) Utility-type vehicle does not include all-terrain  
 10 vehicles, golf car vehicles, or low-speed vehicles.

11 Sec. 7. Section 60-6,355, Revised Statutes Supplement,  
 12 2013, is amended to read:

13 60-6,355 (1) For purposes of sections 60-6,355 to  
 14 60-6,362:

15 (a) All-terrain vehicle means any motorized off-highway

16 vehicle which (i) is fifty inches or less in width, (ii) has a  
 17 dry weight of ~~nine~~ twelve hundred pounds or less, (iii) travels on  
 18 three or more ~~low pressure nonhighway~~ tires, and (iv) is designed  
 19 for operator use only with no passengers or is specifically  
 20 designed by the original manufacturer for the operator and one  
 21 passenger, (v) has a seat or saddle designed to be straddled  
 22 by the operator, and (vi) has handlebars or any other steering  
 23 assembly for steering control; and

24 (b)(i) Utility-type vehicle means any motorized  
 25 off-highway vehicle which (A) is ~~not less than forty eight inches~~  
 26 ~~nor more than seventy-four inches in width or less~~, (B) is not  
 27 more than one hundred eighty inches, including the bumper, in  
 1 length, (C) has a dry weight of ~~not less than nine hundred pounds~~  
 2 ~~nor more than two thousand pounds or less~~, (D) travels on four  
 3 or more ~~low pressure nonhighway~~ tires, and (E) is equipped with  
 4 a steering wheel and bench or bucket type seating designed for at  
 5 least two people to sit side by side.

6 (ii) Utility-type vehicle does not include all-terrain  
 7 vehicles, golf car vehicles, or low-speed vehicles.

8 (2) All-terrain vehicles and utility-type vehicles which  
 9 have been modified or retrofitted with after-market parts to  
 10 include additional equipment not required by sections 60-6,357 and  
 11 60-6,358 shall not be ~~required to be~~ registered under the Motor  
 12 Vehicle Registration Act nor shall such modified or retrofitted  
 13 vehicles be eligible for registration in any other category of  
 14 vehicle defined in the act.

15 2. On page 13, after line 8 insert the following new  
 16 subdivision:

17 "(iii) County treasurers are appointed as sales and  
 18 use tax collectors for all sales of all-terrain vehicles or  
 19 utility-type vehicles made outside of this state to purchasers or  
 20 users of all-terrain vehicles or utility-type vehicles which are  
 21 required to have a certificate of title in this state. The county  
 22 treasurer shall collect the applicable use tax from the purchaser  
 23 of an all-terrain vehicle or a utility-type vehicle purchased  
 24 outside of this state at the time application for a certificate of  
 25 title is made. The full use tax on the purchase price shall be  
 26 collected by the county treasurer if a sales or occupation tax was  
 27 not paid by the purchaser in the state of purchase. If a sales or  
 1 occupation tax was lawfully paid in the state of purchase at a rate  
 2 less than the tax imposed in this state, use tax must be collected  
 3 on the difference as a condition for obtaining a certificate of  
 4 title in this state."

5 3. Renumber the remaining sections and correct the  
 6 repealer accordingly.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 560A.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 560, One Hundred Third Legislature, Second Session, 2014.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 476.** Introduced by Crawford, 45; Garrett, 3; Smith, 14.

WHEREAS, Alysia Augustus, a teacher at Anderson Grove Elementary School in Bellevue, is a recipient of the Presidential Awards for Excellence in Mathematics and Science Teaching; and

WHEREAS, Alysia has been an educator for eight years and completed Primarily Math, a component of NebraskaMATH, which is a National Science Foundation math and science partnership program at the University of Nebraska-Lincoln; and

WHEREAS, Alysia was one of 102 math and science teachers to receive this prestigious national award which is given annually to outstanding math and science teachers from across the country; and

WHEREAS, Alysia uses innovative and effective strategies to teach first grade math and instill cooperation among her students; and

WHEREAS, the Legislature recognizes the importance of exemplary and dedicated educators in the State of Nebraska.

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

1. That the Legislature congratulates Alysia Augustus for being a recipient of the Presidential Awards for Excellence in Mathematics and Science Teaching and commends her for her dedication and service to the students of Anderson Grove Elementary School in Bellevue.

2. That a copy of this resolution be sent to Alysia Augustus.

Laid over.

**ANNOUNCEMENT**

The Chair announced today is Senator Seiler's birthday.

**GENERAL FILE**

**LEGISLATIVE BILL 863.** Title read. Considered.

Committee AM2131, found on page 714, was offered.

Senator Harms requested a division of the question on the committee amendment.

The Chair sustained the division of the question.

The first committee amendment is as follows:

AM2297

- 1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. (1) A cemetery association which takes over  
 4 the management and operation of a cemetery pursuant to section 12  
 5 of this act shall, within one year after taking over, prepare a  
 6 map of the cemetery and make a good faith effort to identify the  
 7 remains buried in the cemetery according to the headstones and the  
 8 owner of all lots. The cemetery association shall file the map and  
 9 identifying information and a record of all business conducted by  
 10 the cemetery association in the prior calendar year with the county  
 11 clerk at the time it files the audit, compilation, or statement of  
 12 accounts under subsection (2) of this section.  
 13 (2)(a) On June 30 of each year, the individual trustees  
 14 or corporate trustee, as the case may be, of a perpetual care trust  
 15 fund for a cemetery association described in subsection (1) of this  
 16 section which has a balance of one hundred thousand dollars or more  
 17 on such date shall have an audit of the perpetual care trust fund  
 18 made by a certified public accountant. The report of such audit by  
 19 the auditor shall be filed within thirty days after June 30 of such  
 20 year with the county clerk of the county in which the cemetery is  
 21 located. The expense of the audit and the filing fee of the report  
 22 shall be paid by the cemetery association.  
 23 (b) On June 30 of each year, the individual trustees or  
 1 corporate trustee, as the case may be, of a perpetual care trust  
 2 fund for a cemetery association described in subsection (1) of this  
 3 section which has a balance of more than ten thousand dollars and  
 4 less than one hundred thousand dollars on such date shall have a  
 5 compilation of the perpetual care trust fund made by a certified  
 6 public accountant. The report of such compilation by the certified  
 7 public accountant shall be filed within thirty days after June 30  
 8 of such year with the county clerk of the county in which the  
 9 cemetery is located. The expense of the compilation and the filing  
 10 fee of the report shall be paid by the cemetery association.  
 11 (c) On June 30 of each year, the individual trustees or  
 12 corporate trustee, as the case may be, of a perpetual care trust  
 13 fund for a cemetery association described in subsection (1) of this



14 section which has a balance of ten thousand dollars or less on such  
 15 date shall file a statement of accounts of the perpetual care trust  
 16 fund within thirty days after June 30 of such year with the county  
 17 clerk of the county in which the cemetery is located. There shall  
 18 be no filing fee for filing the statement of accounts.

19 Sec. 2. Any cemetery association shall provide for at  
 20 least one mowing annually of the cemetery it manages, and one  
 21 of such mowings shall occur within two weeks prior to Memorial  
 22 Day. Additional mowings shall be at the discretion of the cemetery  
 23 association.

24 Sec. 3. Section 12-501, Reissue Revised Statutes of  
 25 Nebraska, is amended to read:

26 12-501 (1) For purposes of sections 12-501 to 12-530  
 27 and sections 1 and 2 of this act, cemetery association means an  
 1 association formed under such sections.

2 (2) Every cemetery, hereafter established, other  
 3 than those owned, operated, and maintained by the state, by  
 4 towns, villages, and cities, by churches, by public charitable  
 5 corporations, by cemetery districts, and by fraternal and  
 6 benevolent societies, shall be owned, conducted, and managed by  
 7 cemetery associations organized and incorporated as hereinafter  
 8 provided in sections 12-501 to 12-530 and sections 1 and 2 of this  
 9 act except as specifically provided in section 12-530 and section  
 10 12 of this act.

11 (3) The establishment of a cemetery by any agency other  
 12 than those enumerated herein in this section shall constitute a  
 13 nuisance, and its operation may be enjoined at the suit of any  
 14 taxpayer in the state.

15 (4) It shall be lawful for any number of persons, not  
 16 less than five, who are residents of the county in which they  
 17 desire to form themselves into an association, to form themselves  
 18 into a cemetery association; and to elect any number of their  
 19 members, not less than three, to serve as trustees, and one member  
 20 as clerk, who shall continue in office during the pleasure of the  
 21 society; all association. All such elections shall take place at a  
 22 meeting of four or more members of such association by a majority  
 23 vote of those present. A; Provided, a notice for such meeting  
 24 shall have been published in a local newspaper, or posted in  
 25 three places within the precinct or township in which the cemetery  
 26 is or will be located, at least fifteen days prior to said the  
 27 meeting.

1 Sec. 4. Section 12-502, Reissue Revised Statutes of  
 2 Nebraska, is amended to read:

3 12-502 The clerk, hereinbefore authorized to be  
 4 appointed, of the cemetery association shall forthwith make out  
 5 a true record of the proceedings of the meeting provided for by  
 6 section 12-501; and certify and deliver the same to the clerk of  
 7 the county in which such meeting shall be held, together with  
 8 the name by which such association shall desire to be known. The

9 ~~;~~ and it shall be the duty of each county clerk, in the state,  
 10 immediately upon the receipt of such certified statement, ~~to shall~~  
 11 record the same in a book ~~by him~~ provided by the county clerk for  
 12 that purpose at the expense of the county; and ~~the clerk~~ shall be  
 13 entitled to the same fees for ~~his~~ the services as ~~he~~ the county  
 14 clerk is entitled to demand for other similar services. After ;  
 15 ~~and from and after~~ the making of such record by the county clerk,  
 16 the ~~said~~ trustees, and ~~their~~ the associated members and successors,  
 17 shall be invested with the powers, privileges, and immunities  
 18 incident to aggregate corporations. A ; ~~and~~ a certified transcript  
 19 of the record, ~~herein authorized to be~~ made by the county clerk,  
 20 shall be deemed and taken in all courts and places whatsoever  
 21 within this state as prima facie evidence of the existence of such  
 22 cemetery association.

23 Sec. 5. Section 12-512.01, Reissue Revised Statutes of  
 24 Nebraska, is amended to read:

25 12-512.01 Every cemetery association organized after  
 26 September 14, 1953, under the provisions of Chapter 12, article  
 27 5, shall provide for and select trustees, other than officers or  
 1 members of the association, who shall be selected, as provided for  
 2 in section 12-512.03, to invest, safeguard, and look after certain  
 3 funds of the association, including the sums provided for by  
 4 section 12-512.02 and any other money acquired for the purposes of  
 5 such fund, in a perpetual care trust fund, the income therefrom to  
 6 be used for the perpetual care of the cemetery by the association.

7 Sec. 6. Section 12-512.02, Reissue Revised Statutes of  
 8 Nebraska, is amended to read:

9 12-512.02 The cemetery association shall place at least  
 10 ~~the following sums~~ one hundred dollars for each cemetery lot sold  
 11 into the perpetual care trust fund.-(1) Monument plan cemeteries,  
 12 fifty cents per square foot of each cemetery lot sold; (2) park  
 13 plan or memorial plan cemeteries, twenty five cents per square foot  
 14 of each cemetery lot sold; and (3) combined monument and park  
 15 plan cemeteries, fifty cents per square foot of each cemetery lot  
 16 sold. Such funds shall be paid by the cemetery association to the  
 17 trustees of the perpetual care trust fund, who shall invest the  
 18 funds under the same conditions and restrictions as trust funds are  
 19 invested under ~~the provisions of section 30-3201. If ; Provided,~~  
 20 ~~that when~~ any lots are sold on contract, thirty percent of all  
 21 payments received on the contract shall be paid to the trustee or  
 22 trustees of the perpetual care trust fund until the entire payments  
 23 required by this section are made.

24 Sec. 7. Section 12-512.04, Reissue Revised Statutes of  
 25 Nebraska, is amended to read:

26 12-512.04 On June 30 of each year, the individual  
 27 trustees or corporate trustee, as the case may be, of ~~such a~~  
 1 perpetual care trust fund shall have an audit of the perpetual  
 2 care trust fund made by a certified public accountant except as  
 3 otherwise provided in section 1 of this act. The ~~and the~~ report of

4 such audit by the auditor shall be filed within thirty days after  
 5 June 30 of such year with the county clerk of the county in which  
 6 the cemetery is located. The expense of the audit and the filing  
 7 fee of the report shall be paid by the cemetery association.

8 Sec. 8. Section 12-512.05, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:

10 12-512.05 Every cemetery association ~~organized after~~  
 11 ~~September 18, 1955, under the provisions of Chapter 12, article 5,~~  
 12 shall, before selling or disposing of any interment space or lots,  
 13 establish a minimum perpetual care and maintenance guarantee fund  
 14 of not less than two thousand five hundred dollars in cash to be  
 15 administered by the trustee or trustees of the perpetual care trust  
 16 fund selected as provided in section 12-512.03.

17 Sec. 9. Section 12-516, Reissue Revised Statutes of  
 18 Nebraska, is amended to read:

19 12-516 ~~Whenever~~ If the trustees of any cemetery  
 20 association ~~organized under sections 12-501 to 12-505 shall receive~~  
 21 the gift of any property, real or personal, in their own name, in  
 22 trust, for the perpetual care of ~~said the~~ cemetery, or anything  
 23 connected therewith, ~~said the~~ trustees shall, upon the enactment  
 24 of bylaws to that effect by the association, give a bond to ~~said~~  
 25 the association of at least one thousand dollars, conditioned for  
 26 the faithful administration of ~~said the~~ trust and care of ~~said~~  
 27 the funds and property. ~~Said~~ The bond shall be filed with, and  
 1 approved by the county clerk of the county ~~wherein said in which~~  
 2 the association is located, and the clerk shall be paid the same  
 3 fee for approving and filing ~~said the~~ bond as ~~is now~~ fixed by law  
 4 for approving and filing official bonds. The cost of ~~said the~~ bond  
 5 shall be paid by ~~said the~~ cemetery association.

6 Sec. 10. Section 12-518, Reissue Revised Statutes of  
 7 Nebraska, is amended to read:

8 12-518 ~~Such A~~ cemetery association shall cause a plat  
 9 of ~~its the cemetery~~ grounds, and of the lots ~~by it~~ laid out in  
 10 the cemetery, to be made and recorded, such lots to be numbered  
 11 by regular consecutive numbers. It shall have power to enclose,  
 12 improve, and adorn the grounds and avenues, and erect buildings for  
 13 the use of the association, ; to prescribe rules for the enclosing  
 14 and adorning of lots; and for erecting monuments in the cemetery, ;  
 15 and to prohibit any use, division, improvement, or adornment of a  
 16 lot which it may deem improper. An annual exhibit shall be made of  
 17 the affairs of the association.

18 Sec. 11. Section 12-808, Reissue Revised Statutes of  
 19 Nebraska, is amended to read:

20 12-808 For purposes of sections 12-807 to 12-810 and  
 21 section 12 of this act, an abandoned or neglected pioneer cemetery  
 22 shall be defined according to the following criteria:

23 (1) Such cemetery was founded or the land upon which such  
 24 cemetery is situated was given, granted, donated, sold, or deeded  
 25 to the founders of the cemetery prior to January 1, 1900;

26 (2) Such cemetery contains the grave or graves of a  
 27 person or persons who were homesteaders, immigrants from a foreign  
 1 nation, prairie farmers, pioneers, sodbusters, first generation  
 2 Nebraskans, or Civil War veterans; and

3 (3) Such cemetery has been generally abandoned or  
 4 neglected for a period of at least five consecutive years.

5 Sec. 12. A county which is maintaining an abandoned  
 6 or neglected pioneer cemetery may transfer the management of the  
 7 cemetery to a cemetery association formed under sections 12-501 to  
 8 12-530 and sections 1 and 2 of this act or to a cemetery district  
 9 organized under sections 12-909 to 12-923 if:

10 (1) The county has been maintaining the cemetery pursuant  
 11 to sections 12-807 to 12-810 for at least five years;

12 (2) The planning commission appointed pursuant to section  
 13 23-114.01, if any, reviews the proposed transfer; and

14 (3) The county board approves the transfer of the  
 15 cemetery by resolution after a public hearing for which notice  
 16 is provided to the public.

17 Sec. 13. Section 17-934, Reissue Revised Statutes of  
 18 Nebraska, is amended to read:

19 17-934 In any ~~such~~ city of the second class or village  
 20 ~~where in which~~ there exists a duly perfected cemetery association,  
 21 ~~formed under the provisions of sections 12-501 to 12-529, and~~  
 22 ~~in the further event that said~~ as defined in section 12-501,  
 23 ~~if the~~ cemetery association, ~~formed as aforesaid,~~ shall propose  
 24 ~~proposes~~ to the mayor and council of such city or to the ~~chairman~~  
 25 ~~chairperson~~ and board of trustees of such village by means of a  
 26 resolution duly enacted by such cemetery association, signed by its  
 27 president and attested by its secretary, signifying the willingness  
 1 of ~~said the~~ cemetery association to exercise control and management  
 2 of any cemetery belonging to such city or village, then ~~and in that~~  
 3 ~~event, said the~~ mayor and council; or ~~said chairman~~ chairperson  
 4 and board of trustees shall submit at the next regular municipal  
 5 election the question of the management and control over ~~said the~~  
 6 cemetery under the conveyance made by the proper authorities of  
 7 such city or village. If a majority of the votes cast at such  
 8 election ~~shall are~~ in favor of the transfer of the management  
 9 and control of the cemetery belonging to such city or village to  
 10 ~~the said~~ cemetery association, the management and control of such  
 11 cemetery shall be relinquished forthwith by the proper authorities  
 12 of such city or village to ~~said the~~ cemetery association. ~~Where~~  
 13 ~~If~~ the real estate of the cemetery of such city or village ~~shall~~  
 14 ~~have~~ has been acquired by gift or devise, the relinquishment of  
 15 the management and control to ~~such the~~ cemetery association shall  
 16 be subject to the conditions imposed by the donor; and upon  
 17 acceptance by the president and secretary of ~~such the~~ cemetery  
 18 association, ~~said the~~ conditions shall be binding upon ~~such the~~  
 19 cemetery association.

20 Sec. 14. Section 17-944, Reissue Revised Statutes of

21 Nebraska, is amended to read:  
 22 17-944 Whenever, in cities of the second class and  
 23 villages, one-fifth of the resident lot owners of any cemetery  
 24 under the control of such city or village shall so desire it, it  
 25 shall be lawful for such lot owners to associate themselves into  
 26 and form a cemetery association, as provided by sections 12-501 to  
 27 ~~12-529~~, defined in section 12-501.  
 1 Sec. 34. If any section in this act or any part of any  
 2 section is declared invalid or unconstitutional, the declaration  
 3 shall not affect the validity or constitutionality of the remaining  
 4 portions.  
 5 Sec. 35. Original sections 12-501, 12-502, 12-512.01,  
 6 12-512.02, 12-512.04, 12-512.05, 12-516, 12-518, 12-808, 17-934,  
 7 and 17-944, Reissue Revised Statutes of Nebraska, are repealed.  
 8 Sec. 37. Since an emergency exists, this act takes effect  
 9 when passed and approved according to law.

The second committee amendment is as follows:  
 AM2298

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Sec. 15. Section 28-101, Revised Statutes Supplement,  
 4 2013, is amended to read:  
 5 28-101 Sections 28-101 to 28-1356 and sections 17 and  
 6 22 of this act shall be known and may be cited as the Nebraska  
 7 Criminal Code.  
 8 Sec. 16. Section 28-1418, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:  
 10 28-1418 Whoever, being a minor under the age of eighteen  
 11 years, shall smoke cigarettes or cigars, use vapor products or  
 12 alternative nicotine products, or use tobacco in any form whatever,  
 13 in this state, shall be guilty of a Class V misdemeanor. Any  
 14 minor ~~so~~ charged with ~~the~~ a violation of this section may be free  
 15 from prosecution ~~when if he shall have furnished or she furnishes~~  
 16 evidence for the conviction of the person or persons selling  
 17 or giving him or her the cigarettes, cigars, vapor products,  
 18 alternative nicotine products, or tobacco.  
 19 Sec. 17. For purposes of sections 28-1418 to 28-1429.02  
 20 and sections 17 and 22 of this act:  
 21 (1) Alternative nicotine product means any noncombustible  
 22 product containing nicotine that is intended for human consumption,  
 23 whether chewed, absorbed, dissolved, or ingested by any other  
 1 means. Alternative nicotine product does not include any vapor  
 2 product, cigarette, cigar, or other tobacco product, or any product  
 3 regulated as a drug or device by the United States Food and Drug  
 4 Administration under Chapter V of the federal Food, Drug, and  
 5 Cosmetic Act;  
 6 (2) Self-service display means a retail display that  
 7 contains a tobacco product, a tobacco-derived product, a vapor

8 product, or an alternative nicotine product and is located in  
 9 an area openly accessible to a retailer's customers and from  
 10 which such customers can readily access the product without the  
 11 assistance of a salesperson. Self-service display does not include  
 12 a display case that holds tobacco products, vapor products, or  
 13 alternative nicotine products behind locked doors;

14 (3) Tobacco specialty store means a retail store that (a)  
 15 derives at least seventy-five percent of its revenue from tobacco  
 16 products, tobacco-derived products, vapor products, or alternative  
 17 nicotine products and (b) does not permit minors under the age of  
 18 eighteen years to enter the premises unless accompanied by a parent  
 19 or legal guardian; and

20 (4) Vapor product means any noncombustible product  
 21 containing nicotine that employs a heating element, power source,  
 22 electronic circuit, or other electronic, chemical, or mechanical  
 23 means, regardless of shape or size, that can be used to produce  
 24 vapor from nicotine in a solution or other form. Vapor product  
 25 includes any electronic cigarette, electronic cigar, electronic  
 26 cigarillo, electronic pipe, or similar product or device and any  
 27 vapor cartridge or other container of nicotine in a solution or  
 1 other form that is intended to be used with or in an electronic  
 2 cigarette, electronic cigar, electronic cigarillo, electronic pipe,  
 3 or similar product or device. Vapor product does not include an  
 4 alternative nicotine product, cigarette, cigar, or other tobacco  
 5 product, or any product regulated as a drug or device by the United  
 6 States Food and Drug Administration under Chapter V of the federal  
 7 Food, Drug, and Cosmetic Act.

8 Sec. 18. Section 28-1419, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:

10 28-1419 Whoever shall sell, give, or furnish, in any way,  
 11 any tobacco in any form whatever, or any cigarettes, ~~or~~ cigarette  
 12 paper, vapor products, or alternative nicotine products, to any  
 13 minor under eighteen years of age, ~~shall be~~ is guilty of a Class  
 14 III misdemeanor for each offense.

15 Sec. 19. Section 28-1425, Reissue Revised Statutes of  
 16 Nebraska, is amended to read:

17 28-1425 Any licensee who shall sell, give, or furnish  
 18 in any way to any person under the age of eighteen years, or  
 19 who shall willingly allow to be taken from his or her place of  
 20 business by any person under the age of eighteen years, any cigars,  
 21 tobacco, cigarettes, ~~or~~ cigarette material, vapor products, or  
 22 alternative nicotine products ~~is~~ shall be guilty of a Class III  
 23 misdemeanor. Any officer, director, or manager having charge or  
 24 control, either separately or jointly with others, of the business  
 25 of any corporation which violates ~~the provisions of~~ sections  
 26 28-1420 to 28-1429 and sections 17 and 22 of this act, if he  
 27 ~~have or she has~~ has knowledge of ~~the same, such violation,~~ shall be  
 1 subject to the penalties provided in this section. In addition  
 2 to the penalties provided in this section, such licensee shall be

3 subject to the additional penalty of a revocation and forfeiture  
 4 of his, ~~her~~, their, or its license, at the discretion of the court  
 5 before whom the complaint for violation of ~~said~~ such sections may  
 6 be heard. If such license ~~be~~ is revoked and forfeited, all rights  
 7 under such license shall at once cease and terminate.

8 Sec. 20. Section 28-1427, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:

10 28-1427 Any person under the age of eighteen years who  
 11 shall obtain cigars, tobacco, cigarettes, ~~or~~ cigarette material,  
 12 vapor products, or alternative nicotine products from a licensee  
 13 ~~hereunder~~ by representing that he or she is of the age of eighteen  
 14 years or over, ~~shall be~~ is guilty of a Class V misdemeanor.

15 Sec. 21. Section 28-1429.02, Reissue Revised Statutes of  
 16 Nebraska, is amended to read:

17 28-1429.02 (1) Except as provided in subsection (2) of  
 18 this section, it shall be unlawful to dispense cigarettes, ~~or~~ other  
 19 tobacco products, vapor products, or alternative nicotine products  
 20 from a vending machine or similar device. Any person violating this  
 21 section ~~shall be~~ is guilty of a Class III misdemeanor. In addition,  
 22 upon conviction for a second offense, the court shall order a  
 23 six-month suspension of the offender's license to sell tobacco,  
 24 if any, and, upon conviction for a third or subsequent offense,  
 25 the court shall order the permanent revocation of the offender's  
 26 license to sell tobacco, if any.

27 (2) Cigarettes, ~~or~~ other tobacco products, vapor  
 1 products, or alternative nicotine products may be dispensed from  
 2 a vending machine or similar device when such machine or device  
 3 is located in an area, office, business, plant, or factory which  
 4 is not open to the general public or on the licensed premises of  
 5 any establishment having a license issued under the Nebraska Liquor  
 6 Control Act for the sale of alcoholic liquor for consumption on the  
 7 premises when such machine or device is located in the same room in  
 8 which the alcoholic liquor is dispensed.

9 (3) Nothing in this section shall be construed to  
 10 restrict or prohibit a governing body of a city or village  
 11 from establishing and enforcing ordinances at least as stringent as  
 12 or more stringent than the provisions of this section.

13 Sec. 22. (1) Except as provided in subsection (2) of this  
 14 section and section 28-1429.02, it shall be unlawful to sell or  
 15 distribute cigarettes, cigars, vapor products, alternative nicotine  
 16 products, or tobacco in any form whatever through a self-service  
 17 display. Any person violating this section is guilty of a Class  
 18 III misdemeanor. In addition, upon conviction for a second or  
 19 subsequent offense within a twelve-month period, the court shall  
 20 order a six-month suspension of the license issued under section  
 21 28-1421.

22 (2) Cigarettes, cigars, vapor products, alternative  
 23 nicotine products, or tobacco in any form whatever may be sold or  
 24 distributed in a self-service display that is located in a tobacco

25 specialty store or cigar bar as defined in section 53-103.08.

26 Sec. 33. Section 59-1523, Revised Statutes Cumulative

27 Supplement, 2012, is amended to read:

1 59-1523 (1) The cigarette tax division of the Tax

2 Commissioner may, after notice and hearing, revoke or suspend

3 for any violation of section 59-1520 the license or licenses of any

4 person licensed under sections 28-1418 to ~~28-1429~~ 28-1429.02 and

5 sections 17 and 22 of this act or sections 77-2601 to 77-2622.

6 (2) Cigarettes that are acquired, held, owned, possessed,

7 transported, sold, or distributed in or imported into this state in

8 violation of section 59-1520 are declared to be contraband goods

9 and are subject to seizure and forfeiture. Any cigarettes so seized

10 and forfeited shall be destroyed. Such cigarettes shall be declared

11 to be contraband goods whether the violation of section 59-1520 is

12 knowing or otherwise.

13 Sec. 34. If any section in this act or any part of any

14 section is declared invalid or unconstitutional, the declaration

15 shall not affect the validity or constitutionality of the remaining

16 portions.

17 Sec. 35. Original sections 28-1418, 28-1419, 28-1425,

18 28-1427, and 28-1429.02, Reissue Revised Statutes of Nebraska, and

19 section 28-101, Revised Statutes Supplement, 2013, are repealed.

20 Sec. 37. Since an emergency exists, this act takes effect

21 when passed and approved according to law.

The third committee amendment is as follows:

AM2299

1 1. Strike the original sections and insert the following

2 new sections:

3 Sec. 23. Section 53-101, Revised Statutes Cumulative

4 Supplement, 2012, is amended to read:

5 53-101 Sections 53-101 to 53-1,122 and section 26 of this

6 act shall be known and may be cited as the Nebraska Liquor Control

7 Act.

8 Sec. 24. Section 53-103, Revised Statutes Cumulative

9 Supplement, 2012, is amended to read:

10 53-103 For purposes of the Nebraska Liquor Control Act,

11 the definitions found in sections 53-103.01 to 53-103.43 and

12 section 26 of this act apply.

13 Sec. 25. Section 53-103.03, Revised Statutes Cumulative

14 Supplement, 2012, is amended to read:

15 53-103.03 Beer means a beverage obtained by alcoholic

16 fermentation of an infusion or concoction of barley or other grain,

17 malt, and hops in water and includes, but is not limited to,

18 beer, ale, stout, lager beer, porter, near beer, ~~and~~ flavored malt

19 beverage, and hard cider.

20 Sec. 26. Hard cider means still wine derived (1)(a)(i)

21 primarily from apples or apple concentrate and water such that

22 apple juice, or the equivalent amount of concentrate reconstituted



23 to the original brix of the juice prior to concentration,  
 1 represents more than fifty percent of the volume of the finished  
 2 product and (ii) containing no other fruit product nor any  
 3 artificial product which imparts a fruit flavor other than apple or  
 4 (b)(i) primarily from pears or pear concentrate and water such that  
 5 pear juice, or the equivalent amount of concentrate reconstituted  
 6 to the original brix of the juice prior to concentration,  
 7 represents more than fifty percent of the volume of the finished  
 8 product and (ii) containing no other fruit product nor any  
 9 artificial product which imparts a fruit flavor other than pear,  
 10 (2) containing at least one-half of one percent and less than  
 11 eight and one-half percent alcohol by volume, (3) having the taste,  
 12 aroma, and characteristics generally attributed to hard cider, and  
 13 (4) sold or offered for sale as hard cider.  
 14 Sec. 34. If any section in this act or any part of any  
 15 section is declared invalid or unconstitutional, the declaration  
 16 shall not affect the validity or constitutionality of the remaining  
 17 portions.  
 18 Sec. 35. Original sections 53-101, 53-103, and 53-103.03,  
 19 Revised Statutes Cumulative Supplement, 2012, are repealed.  
 20 Sec. 37. Since an emergency exists, this act takes effect  
 21 when passed and approved according to law.

The fourth committee amendment is as follows:  
 AM2300

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Sec. 27. Section 53-122, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 53-122 ~~(4)~~The commission may issue licenses for the sale  
 6 of alcoholic liquor, except beer, by the drink subject to all the  
 7 terms and conditions of the Nebraska Liquor Control Act in all  
 8 cities and villages in this state, except in those cases when it  
 9 affirmatively appears that the issuance will render null and void  
 10 prior conveyances of land to such city or village for public uses  
 11 and purposes by purchase, gift, or devise, under the conditions and  
 12 in the manner provided in this section.  
 13 ~~(2) If (a) a sufficient petition is signed by the~~  
 14 ~~registered voters of any such city or village of such number~~  
 15 ~~as equals twenty percent of the votes cast at the last general~~  
 16 ~~election held in such city or village, which petition requests~~  
 17 ~~that the question of licensing the sale of alcoholic liquor, except~~  
 18 ~~beer, by the drink in the city or village be submitted to the~~  
 19 ~~registered voters of the city or village at a special election~~  
 20 ~~to be called for that purpose and (b) such petition is presented~~  
 21 ~~to the clerk of the city or village, the clerk shall cause to~~  
 22 ~~be published one time in a legal newspaper published in or of~~  
 23 ~~general circulation in the city or village a notice of a special~~  
 1 ~~election to be held not less than ten days nor more than twenty~~

2 days after the date of such publication. The notice shall state the  
3 proposition to be submitted at such special election.

4 (3) The question of licensing the sale of alcoholic  
5 liquor either by the drink or in the original package, or both  
6 by the drink and in the original package, may also be submitted  
7 at any general municipal election, except as otherwise provided in  
8 section 53-121, in any city or village in this state subject to the  
9 following:

10 (a) Upon the filing with the clerk of the city or village  
11 of a petition signed by registered voters of the city or village  
12 in a number equal to twenty percent of the votes cast at the last  
13 general election held in the city or village, such proposition or  
14 propositions shall be submitted;

15 (b) Each petition shall conform to the requirements of  
16 section 32-628;

17 (c) At the top of each sheet shall be stated the  
18 proposition or propositions to be submitted and the date of the  
19 general municipal election at which it is proposed to be submitted;

20 (d) No signature on the petition shall be valid unless  
21 appended to the petition within the last ninety days prior to the  
22 date of filing the petition with the clerk of the city or village;  
23 and

24 (e) The petition shall be filed thirty days prior to the  
25 day of the general municipal election at which the proposition is  
26 to be submitted, and during such thirty day period no signature  
27 shall be withdrawn and no signature shall be added.

1 (4) Any person who signs any proposal or petition  
2 contemplated under this section knowing that he or she is not  
3 a registered voter in the place where such proposal or petition is  
4 made, who signs any name other than his or her own to such proposal  
5 or petition, or who aids or abets any other person in doing any of  
6 the acts mentioned is guilty of a Class I misdemeanor. Any person  
7 who bribes or gives or pays any money or thing of value to any  
8 person directly or indirectly to induce him or her to sign such  
9 proposal or petition, who accepts money for signing such proposal  
10 or petition, or who aids or abets any other person in doing any of  
11 such acts is guilty of a Class IV felony.

12 (5) Upon the ballot either at the special election or  
13 at any general municipal election, the proposition or propositions  
14 shall be stated as follows:

15 Shall the sale of alcoholic liquor, except beer, by the  
16 drink be licensed in (here insert the name of the city or village)?

17 .... For license to sell by drink.

18 .... Against license to sell by drink.

19 Shall the sale of alcoholic liquor, except beer, by the  
20 package be licensed in (here insert the name of the city or  
21 village)?

22 .... For license to sell by the package.

23 .... Against license to sell by the package.

24 The provisions of the Election Act relating to election  
 25 officers, voting places, election apparatus and blanks, preparation  
 26 and form of ballots, information to voters, delivery of ballots,  
 27 calling of elections, conduct of elections, manner of voting,  
 1 counting of votes, records and certificates of elections, and  
 2 recounts of votes, so far as applicable, shall apply to voting on  
 3 the proposition or propositions under the Nebraska Liquor Control  
 4 Act, and a majority vote of those voting on the question shall be  
 5 mandatory upon the commission.

6 (6) If the question is to be submitted at a statewide  
 7 primary or general election, the petitions shall be filed with the  
 8 clerk of the city or village not less than sixty days prior to  
 9 the election. The provisions for the required number of signers and  
 10 the form of petition shall be the same as for a special election.  
 11 The clerk of the city or village shall verify the signatures on  
 12 the petitions with the voter registration records in the office  
 13 of the county clerk or election commissioner. During the ten day  
 14 period while the petitions are being checked, no signatures shall  
 15 be withdrawn and no signatures shall be added.

16 If the clerk of the city or village finds the petitions  
 17 to be valid, he or she shall, not less than fifty days prior to  
 18 the statewide primary or general election, give notice in writing  
 19 to the county clerk or election commissioner that the question is  
 20 to be submitted at the time of the statewide primary or general  
 21 election. The election notices, issuing of the official ballots on  
 22 election day, issuing of the ballots for early voting, and counting  
 23 and canvassing of the ballots shall be conducted by the county  
 24 clerk or election commissioner as provided in the Election Act and  
 25 the official results certified to the clerk of the city or village.

26 (7) An election may not be held in the same city or  
 27 village under this section more often than once every twenty three  
 1 months. A Class I retail license under subdivision (6)(a)(v) of  
 2 section 53-124 is not subject to this section.

3 Sec. 32. Section 53-190, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:

5 53-190 All places where alcoholic liquor is sold or  
 6 consumed in violation of any provision of section 53-186.01 or  
 7 sections 53-188 and 53-189, shall be taken and held and are  
 8 declared to be common nuisances; and may be abated as such in the  
 9 manner hereinafter provided in the Nebraska Liquor Control Act.

10 Sec. 34. If any section in this act or any part of any  
 11 section is declared invalid or unconstitutional, the declaration  
 12 shall not affect the validity or constitutionality of the remaining  
 13 portions.

14 Sec. 35. Original sections 53-122 and 53-190, Reissue  
 15 Revised Statutes of Nebraska, are repealed.

16 Sec. 36. The following sections are outright repealed:  
 17 Sections 53-121, 53-188, 53-189, and 53-191, Reissue Revised  
 18 Statutes of Nebraska.

19 Sec. 37. Since an emergency exists, this act takes effect  
20 when passed and approved according to law.

The fifth committee amendment is as follows:

AM2301

1 1. Strike the original sections and insert the following  
2 new sections:  
3 Sec. 23. Section 53-101, Revised Statutes Cumulative  
4 Supplement, 2012, is amended to read:  
5 53-101 Sections 53-101 to 53-1,122 and section 28 of this  
6 act shall be known and may be cited as the Nebraska Liquor Control  
7 Act.  
8 Sec. 28. (1) The holder of a Class C license or a  
9 craft brewery license may obtain a limited bottling endorsement  
10 for such license as prescribed in this section. The endorsement  
11 shall be issued for the same period and may be renewed in the same  
12 manner as the retail license or craft brewery license. A limited  
13 bottling endorsement may not be used in conjunction with a special  
14 designated license.  
15 (2) A licensee desiring to obtain a limited bottling  
16 endorsement for a license shall file with the commission an  
17 application upon such forms as the commission prescribes and a fee  
18 of three hundred dollars payable to the commission.  
19 (3) The holder of a limited bottling endorsement may sell  
20 beer for consumption off the licensed premises in sealed containers  
21 filled as provided in this subsection if:  
22 (a) The sale occurs on the licensed premises of the  
23 licensee during the hours the licensee is authorized to sell beer;  
1 (b) The licensee uses sanitary containers purchased  
2 by the customer from the licensee or exchanged for containers  
3 previously purchased by the customer from the licensee. The  
4 containers shall prominently display the endorsement holder's trade  
5 name or logo or some other mark that is unique to the endorsement  
6 holder and shall hold no more than sixty-eight ounces;  
7 (c) The licensee seals the container in a manner designed  
8 so that it is visibly apparent whether the sealed container has  
9 been tampered with or opened or seals the container and places the  
10 container in a bag designed so that it is visibly apparent whether  
11 the sealed container has been tampered with or opened; and  
12 (d) The licensee provides a dated receipt to the customer  
13 and attaches a copy of the dated receipt to the sealed container  
14 or, if the sealed container is placed in a bag, to the bag.  
15 Sec. 29. Section 53-123.14, Revised Statutes Cumulative  
16 Supplement, 2012, is amended to read:  
17 53-123.14 Any person who operates a craft brewery shall  
18 obtain a license pursuant to the Nebraska Liquor Control Act.  
19 A license to operate a craft brewery shall permit a brewpub or  
20 microbrewery to produce on the craft brewery premises a maximum  
21 of twenty thousand barrels of beer per year. A craft brewery

22 may also sell to beer wholesalers for sale and distribution to  
 23 licensed retailers. A craft brewery license issued pursuant to  
 24 this section shall be the only license required by the Nebraska  
 25 Liquor Control Act for the manufacture and retail sale of beer  
 26 for consumption on or off the licensed premises, except that the  
 27 sale of any beer other than beer manufactured by the craft brewery  
 1 licensee, wine, or alcoholic liquor by the drink for consumption  
 2 on the craft brewery premises shall require the appropriate retail  
 3 license. Any license held by the operator of a craft brewery shall  
 4 be subject to the act. A holder of a craft brewery license may  
 5 obtain an annual catering license pursuant to section 53-124.12,  
 6 a special designated license pursuant to section 53-124.11, ~~or an~~  
 7 entertainment district license pursuant to section 53-123.17, or a  
 8 limited bottling endorsement for the craft brewery license pursuant  
 9 to section 28 of this act.

10 Sec. 34. If any section in this act or any part of any  
 11 section is declared invalid or unconstitutional, the declaration  
 12 shall not affect the validity or constitutionality of the remaining  
 13 portions.

14 Sec. 35. Original sections 53-101 and 53-123.14, Revised  
 15 Statutes Cumulative Supplement, 2012, are repealed.

16 Sec. 37. Since an emergency exists, this act takes effect  
 17 when passed and approved according to law.

The sixth committee amendment is as follows:

AM2302

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Sec. 30. Section 53-179, Revised Statutes Cumulative  
 4 Supplement, 2012, is amended to read:  
 5 53-179 (1) No alcoholic liquor, including beer, shall be  
 6 sold at retail or dispensed on any day between the hours of 1 a.m.  
 7 and 6 a.m., except that the local governing body of any city or  
 8 village with respect to area inside the corporate limits of such  
 9 city or village, or the county board with respect to area outside  
 10 the corporate limits of any city or village, may by ordinance or  
 11 resolution (a) require closing prior to 1 a.m. on any day, ~~or~~  
 12 (b) if adopted by a vote of at least two-thirds of the members  
 13 of such local governing body or county board, permit retail sale  
 14 or dispensing of alcoholic liquor for consumption on the premises,  
 15 excluding sales for consumption off the premises, later than 1  
 16 a.m. and prior to 2 a.m. on any day, (c) if adopted by a vote  
 17 of at least two-thirds of the members of such local governing  
 18 body or county board, permit retail sale of alcoholic liquor for  
 19 consumption off the premises later than 1 a.m. and prior to 2 a.m.  
 20 on any day, or (d) if adopted by a vote of at least two-thirds of  
 21 the members of such local governing body or county board, permit  
 22 retail sale or dispensing of alcoholic liquor for consumption on  
 23 the premises, excluding sales for consumption off the premises,

1 and permit retail sale of alcoholic liquor for consumption off the  
 2 premises later than 1 a.m. and prior to 2 a.m. on any day.

3 (2) Except as provided for and allowed by ordinance of a  
 4 local governing body applicable to area inside the corporate limits  
 5 of a city or village or by resolution of a county board applicable  
 6 to area inside such county and outside the corporate limits of  
 7 any city or village, no alcoholic liquor, including beer, shall  
 8 be sold at retail or dispensed between the hours of 6 a.m. Sunday  
 9 and 1 a.m. Monday. This subsection shall not apply after 12 noon  
 10 on Sunday to a licensee which is a nonprofit corporation and the  
 11 holder of a Class C license or a Class I license.

12 (3) It shall be unlawful on property licensed to sell  
 13 alcoholic liquor at retail to allow alcoholic liquor in open  
 14 containers to remain or be in possession or control of any person  
 15 for purposes of consumption between the hours of fifteen minutes  
 16 after the closing hour applicable to the licensed premises and 6  
 17 a.m. on any day.

18 (4) Nothing in this section shall prohibit licensed  
 19 premises from being open for other business on days and hours  
 20 during which the sale or dispensing of alcoholic liquor is  
 21 prohibited by this section.

22 Sec. 34. If any section in this act or any part of any  
 23 section is declared invalid or unconstitutional, the declaration  
 24 shall not affect the validity or constitutionality of the remaining  
 25 portions.

26 Sec. 35. Original section 53-179, Revised Statutes  
 27 Cumulative Supplement, 2012, is repealed.

1 Sec. 37. Since an emergency exists, this act takes effect  
 2 when passed and approved according to law.

The seventh committee amendment is as follows:

AM2303

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

3 Sec. 31. Section 53-183, Revised Statutes Cumulative  
 4 Supplement, 2012, is amended to read:

5 53-183 (1) No person shall sell or furnish alcoholic  
 6 liquor at retail to any person on credit, on a passbook, on an  
 7 order on a store, in exchange for any goods, wares, or merchandise,  
 8 or in payment for any services rendered, and if any person extends  
 9 credit for any such purpose, the debt thereby attempted to be  
 10 created shall not be recoverable at law.

11 (2) Nothing in this section shall prevent:

12 (a) Any club holding a Class C license from permitting  
 13 checks or statements for alcoholic liquor to be signed by members  
 14 or bona fide guests of members and charged to the account of such  
 15 members or guests in accordance with the bylaws of such club;

16 (b) Any hotel or restaurant holding a retail license from  
 17 permitting checks or statements for liquor to be signed by regular

18 guests residing at such hotel or eating at such restaurant and  
 19 charged to the accounts of such guests; or  
 20 (c) Any licensed retailer engaged in the sale of wine  
 21 or distilled spirits from issuing ~~wine tasting~~ wine tasting cards to  
 22 customers.

23 Sec. 34. If any section in this act or any part of any  
 1 section is declared invalid or unconstitutional, the declaration  
 2 shall not affect the validity or constitutionality of the remaining  
 3 portions.

4 Sec. 35. Original section 53-183, Revised Statutes  
 5 Cumulative Supplement, 2012, is repealed.

6 Sec. 37. Since an emergency exists, this act takes effect  
 7 when passed and approved according to law.

The first committee amendment, AM2297, found in this day's Journal, was offered.

The first committee amendment was adopted with 39 ayes, 0 nays, and 10 present and not voting.

The second committee amendment, AM2298, found in this day's Journal, was offered.

Senator Johnson offered the following amendment to the second committee amendment:

AM2313

(Amendments to AM2298)

- 1 1. Strike section 22 and correct internal references and
- 2 renumber the remaining sections accordingly.

The Johnson amendment lost with 4 ayes, 24 nays, 17 present and not voting, and 4 excused and not voting.

Senator Kintner offered the following amendment to the second committee amendment:

FA244

Amend AM2298

Strike Section 16.

Pending.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 477.** Introduced by Hadley, 37.

WHEREAS, Adam Keating of Kearney, Nebraska, son of Matt and Jill Keating, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Adam has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his community service project, Adam made a trophy case for the Kearney Catholic High School wrestling team; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Adam, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Adam Keating on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Adam Keating.

Laid over.

**LEGISLATIVE RESOLUTION 478.** Introduced by B. Harr, 8; Krist, 10.

WHEREAS, the Omaha Creighton Prep swimming team won the 2014 Boys' State Swimming Championship; and

WHEREAS, the win gives the Omaha Creighton Prep swimming team its eighth consecutive state championship; and

WHEREAS, the Omaha Creighton Prep swimming team scored a state record 451 points; and

WHEREAS, Coach Tom Beck, and assistant coaches Harlan Groff, Dr. Larry Raynor, Becki Carter, and Matt Franco did a tremendous job of guiding the team during the season; and

WHEREAS, the Omaha Creighton Prep swimming team includes the following members: Tyler Bowen, Sam Buechler, Patrick Forbes, Jeff Kilborn, Caleb Piti, Nick Shotkoski, Michael Simmons, Jacob Sutej, Will Tjaden, Brandon Abboud, John Forbes, Michael Franco, Jake Hangren, Brian Magee, Nate Singh, James Warren, Carter Brouillette, Clark Carter, Jon Doyle, Leo Garofalo, David Hansen, Jake Hedrick, Ben Kellen, Collin Piti, Ryan Tate, Sean Tate, Jimmy Ahlgren, Mike Bauwens, Pat Buechler, Carter Deras, Justin Kozol, Sean Lawson, Matt Luellen, Matt Magee, Jacob Molacek, Karl Schaenzer, Adam Sobetski, and Paul Witt; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.



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

1. That the Legislature congratulates the Omaha Creighton Prep swimming team on winning the 2014 Boys' State Swimming Championship.
2. That a copy of this resolution be sent to the Omaha Creighton Prep swimming team and their coach, Tom Beck.

Laid over.

**LEGISLATIVE RESOLUTION 479.** Introduced by B. Harr, 8; Krist, 10.

WHEREAS, Jacob Molacek is a member of the 2014 state champion Omaha Creighton Prep swimming team; and

WHEREAS, Jacob set a national record in the 100-yard breaststroke with a time of 52.92 seconds at the 2014 Boys' State Swimming Championship; and

WHEREAS, Jacob broke a total of six Nebraska state records at the 2014 state meet and now holds eight Nebraska state records in swimming; 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 Jacob Molacek on his victories and record-breaking performances at the 2014 Boys' State Swimming Championship.
2. That a copy of this resolution be sent to Jacob Molacek.

Laid over.

## COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 438.** Placed on Final Reading.

**LEGISLATIVE BILL 438A.** Placed on Final Reading.

**LEGISLATIVE BILL 661.** Placed on Final Reading.

**LEGISLATIVE BILL 661A.** Placed on Final Reading.

**LEGISLATIVE BILL 699.** Placed on Final Reading.

ST51

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

1. In the E & R amendments, ER147, on page 7, line 3, "the Game Law" has been struck and "regulated activities" inserted; in line 5 "and 37-413" has been struck and ", 37-413, and 69-2409.01" inserted; and in line 11 "to require reports from the Nebraska State Patrol and the Department of Health and Human Services regarding the agencies' records of persons unable to

purchase or possess firearms because of disqualification or disability;" has been inserted after the first semicolon.

**LEGISLATIVE BILL 740.** Placed on Final Reading.

**LEGISLATIVE BILL 776.** Placed on Final Reading.

**LEGISLATIVE BILL 844.** Placed on Final Reading.

**LEGISLATIVE BILL 901.** Placed on Final Reading.

ST50

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

1. In the Bolz amendment, AM2233:

a. On page 1, line 2, "6" has been struck and "8" inserted; in line 16 "That the" has been struck and "The" inserted; and in line 19 "that" has been struck; and

b. On page 3, line 11, "mental health first aid" has been inserted after the first "the".

2. On page 1, the matter beginning with "the" in line 1 through line 4 and all amendments thereto have been struck and "public health and welfare; to amend section 71-830, Revised Statutes Cumulative Supplement, 2012; to provide for psychology internships as prescribed; to change duties of the Behavioral Health Education Center; to eliminate obsolete provisions; to adopt the Nebraska Mental Health First Aid Training Act; and to repeal the original section." inserted.

**LEGISLATIVE BILL 901A.** Placed on Final Reading.

**LEGISLATIVE BILL 920.** Placed on Final Reading.

ST48

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

1. In the Coash amendment, FA239, on page 1, underscoring has been inserted as necessary and "guardian and conservatorship" has been struck and "guardianship and conservatorship" inserted.

**LEGISLATIVE BILL 920A.** Placed on Final Reading.

**LEGISLATIVE BILL 983.** Placed on Final Reading.

ST46

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

1. In the Standing Committee amendment, AM1820, sections have been renumbered to incorporate the sections added by the Dubas amendment, AM1984.

2. On page 1, line 1, "60-464," has been struck and "60-463, 60-464, 60-465," inserted; in line 7 "60-4,131.01, 60-4,132," has been inserted after "60-4,131,,"; in line 11 "and 60-2909.01," has been struck and "60-4,182, 60-6,179.01, 60-6,179.02, 60-2909.01, and 75-362," inserted; and in line 13

"and 60-484," has been struck and "60-479, 60-484, 75-363, 75-364, and 75-366," inserted after the first comma.

3. On page 2, line 3, "and" has been struck; and in line 6 "; and to declare an emergency" has been inserted after "2012".

**LEGISLATIVE BILL 983A.** Placed on Final Reading.

**LEGISLATIVE BILL 1016.** Placed on Final Reading.

ST49

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

1. On page 1, the matter beginning with "aircraft" in line 1 through line 6 and all amendments thereto have been struck and "government; to amend section 3-106, Reissue Revised Statutes of Nebraska, and section 84-612, Revised Statutes Supplement, 2013; to direct the purchase and sale of certain aircraft for state government; to provide for an hourly rate for use of a state aircraft; to change powers and duties of the Department of Aeronautics; to state intent; to require reports as prescribed; to provide for a transfer of funds from the Cash Reserve Fund to the General Fund; to repeal the original sections; and to declare an emergency." inserted.

**LEGISLATIVE BILL 1016A.** Placed on Final Reading.

**LEGISLATIVE RESOLUTION 41CA.** Placed on Final Reading.

ST47

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

1. On page 1, line 2, "FIRST" has been struck and "SECOND" inserted.

(Signed) John Murante, Chairperson

#### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 867A.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 867, One Hundred Third Legislature, Second Session, 2014.

#### **VISITORS**

Visitors to the Chamber were 150 members of the Attorney General's Youth Advisory Council from across the state; and 18 fourth-grade students and teacher from McCool Junction.

**RECESS**

At 11:57 a.m., on a motion by Senator Bloomfield, 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 Senator B. Harr who was excused; and Senators Ashford, Janssen, Lautenbaugh, and Schilz who were excused until they arrive.

**ANNOUNCEMENT**

The Chair announced today is Senator K. Haar's birthday.

**GENERAL FILE**

**LEGISLATIVE BILL 905.** Title read. Considered.

Committee AM2019, found on page 791, was offered.

Senator Hadley withdrew his amendment, FA243, found on page 810.

Senator Hadley offered the following amendment to the committee amendment:

AM2293

(Amendments to Standing Committee amendments, AM2019)

- 1 Purpose: To increase the Property Tax Credit Cash Fund
- 2 appropriation from \$25,000,000 to \$45,000,000
- 3 Amendment:
- 4 1. On page 7, lines 1 and 2, strike "25,000,000" and
- 5 insert "45,000,000"; and in line 4 strike "\$25,000,000" and insert
- 6 "\$45,000,000".
- 7 2. On page 82, line 21, strike "\$25,000,000" and insert
- 8 "\$45,000,000".

Senator Campbell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 11 nays, and 13 not voting.

Senator Hadley moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Senator Hadley requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Bloomfield	Garrett	Johnson	McCoy	Schumacher
Brasch	Hadley	Karpisek	Murante	Sullivan
Christensen	Hansen	Kintner	Pirsch	Wallman
Davis	Janssen	Larson	Scheer	Watermeier

Voting in the negative, 18:

Adams	Carlson	Cook	Haar, K.	McGill
Ashford	Chambers	Crawford	Kolowski	Seiler
Avery	Coash	Dubas	Krist	
Campbell	Conrad	Gloor	Lautenbaugh	

Present and not voting, 9:

Bolz	Lathrop	Nelson	Schilz	Wightman
Harms	Mello	Nordquist	Smith	

Excused and not voting, 2:

Harr, B.      Howard

The Hadley amendment lost with 20 ayes, 18 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Kintner offered the following amendment to the committee amendment:

AM2282

(Amendments to Standing Committee amendments, AM2019)

- 1    1. Strike section 42.
- 2    2. Renumber the remaining sections accordingly and
- 3    correct internal references.

### **SENATOR COASH PRESIDING**

Senator Nelson requested a record vote on the Kintner amendment

Senator Kintner requested a roll call vote on his amendment.

Voting in the affirmative, 5:

Bloomfield	Kintner	McCoy	Pirsch	Schumacher
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Voting in the negative, 27:

Adams	Cook	Hansen	Lathrop	Sullivan
Ashford	Crawford	Harms	Lautenbaugh	Wallman
Avery	Dubas	Johnson	Murante	Wightman
Campbell	Gloor	Karpisek	Nelson	
Carlson	Haar, K.	Kolowski	Scheer	
Chambers	Hadley	Krist	Seiler	

Present and not voting, 12:

Bolz	Coash	Larson	Nordquist
Brasch	Davis	McGill	Schilz
Christensen	Garrett	Mello	Smith

Excused and not voting, 5:

Conrad	Harr, B.	Howard	Janssen	Watermeier
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The Kintner amendment lost with 5 ayes, 27 nays, 12 present and not voting, and 5 excused and not voting.

Senator Bloomfield offered the following amendment to the committee amendment:

AM2308

(Amendments to Standing Committee amendments, AM2019)

- 1 1. Strike section 7.
- 2 2. Renumber the remaining sections accordingly and
- 3 correct internal references.

Pending.

## RESOLUTION

**LEGISLATIVE RESOLUTION 480.** Introduced by Davis, 43; Hansen, 42.

WHEREAS, Dr. Margaret Cavanaugh-Boyer, originally from Omaha, and Dr. Steve Boyer, from Mullen, met at a rural health meeting during their first year of medical school, married in 1985, and have been together ever since; and

WHEREAS, after graduating from the University of Nebraska Medical Center (UNMC), Margaret and Steve practiced medicine in Gordon, Nebraska, and in 1992 opened Sandhills Family Medicine in Mullen; and

WHEREAS, Margaret and Steve deliberately chose a rural setting in which to raise their two children and have been dedicated to providing medical care to Sandhills residents who are very appreciative of the care they are given; and

WHEREAS, Margaret and Steve were presented with the Alumnus of the Year Award from the Family Practice Residency Program at UNMC in June 2012; and

WHEREAS, this award is given each year to graduates from the program who have demonstrated leadership and service to their community and innovation in their field; and

WHEREAS, Margaret was named the Hooker County Tribune's 2013 "Sandhills Someone Special" to recognize her personal and professional contributions to the community of Mullen and Hooker County; and

WHEREAS, Steve regularly travels to other communities and states to assist colleagues in their medical practices; and

WHEREAS, the staff of Mullen's Pioneer Memorial Rest Home and Health Services believe having Margaret as its medical director, and Steve as a board member, provides invaluable service to their facility and residents.

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

1. That the Legislature congratulates Dr. Margaret Cavanaugh-Boyer and Dr. Steve Boyer for receiving the 2012 Alumnus of the Year Award from the Family Practice Residency Program at the University of Nebraska Medical Center and recognizes their personal and professional contributions.

2. That a copy of this resolution be sent to Dr. Margaret Cavanaugh-Boyer and Dr. Steve Boyer at Sandhills Family Medicine and to the Pioneer Memorial Rest Home and Health Services in Mullen, Nebraska.

Laid over.

#### AMENDMENTS - Print in Journal

Senator Gloor filed the following amendment to LB717:  
AM2135

- 1 1. Strike original section 17 and insert the following
- 2 new sections:
- 3 Sec. 26. Sections 15, 16, 17, 18, 19, 20, and 27 of this
- 4 act become operative on January 1, 2015. The other sections of this
- 5 act become operative on their effective date.
- 6 Sec. 27. Original sections 76-2228.01, 76-2230,
- 7 76-2231.01, 76-2232, and 76-2233, Revised Statutes Cumulative
- 8 Supplement, 2012, are repealed.
- 9 Sec. 29. Since an emergency exists, this act takes effect
- 10 when passed and approved according to law.
- 11 2. On page 68, strike beginning with "76-2228.01," in
- 12 line 1 through "76-2233," in line 2.
- 13 3. Renumber the remaining sections accordingly.

Senator Lathrop filed the following amendment to LB949:  
AM2309

- 1 1. On page 4, after line 3, insert the following new
- 2 paragraph:
- 3 "\$2,000,000 for Tort Claim Number 2014-13083, against the
- 4 State of Nebraska, pay to Leonard Meeks and Martell Buchanan,

5 Co-Special Administrators of the Estate of Joyce Meeks, Lapin Law  
 6 Offices and Cavanagh Law Group, c/o Jeffrey Lapin, 8033 South 15th  
 7 Street, Suite A, Lincoln, NE 68512, out of the State Insurance  
 8 Fund."; and in lines 11 and 12 strike "\$62,803.27" and insert  
 9 "\$2,062,803.27".

Senator Lathrop filed the following amendment to LB1072:

AM2288

(Amendments to Standing Committee amendments, AM1955)

- 1 1. Strike section 4.
- 2 2. Renumber the remaining section accordingly.

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 1014.** Placed on Select File.

**LEGISLATIVE BILL 986.** Placed on Select File with amendment.  
 ER157 is available in the Bill Room.

(Signed) John Murante, Chairperson

### UNANIMOUS CONSENT - Add Cointroducer

Senator Cook asked unanimous consent to add her name as cointroducer to LB907. No objections. So ordered.

### VISITORS

Visitors to the Chamber were Savannah Killian, Charlie Farris, and Craig Demayo from Omaha.

### ADJOURNMENT

At 6:09 p.m., on a motion by Senator McGill, the Legislature adjourned until 9:00 a.m., Tuesday, March 11, 2014.

Patrick J. O'Donnell  
 Clerk of the Legislature