

FORTY-SIXTH DAY - MARCH 20, 2014**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION****FORTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 20, 2014

PRAYER

The prayer was offered by Pastor Tim Boatright, Good News Assembly of God Church, Falls City.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Adams presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fifth day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 509. Introduced by B. Harr, 8.

WHEREAS, the Omaha Benson High School Magnet girls' basketball team won the 2014 Class A Girls' State Basketball Championship by defeating Bellevue West High School by a score of 47-43; and

WHEREAS, the win gave Omaha Benson High School Magnet their first ever girls' state basketball championship; and

WHEREAS, the Omaha Benson High School Magnet girls' basketball team ended the season with a record of 26-2; and

WHEREAS, Coach Jon Perone and assistant coaches Mike Duggan, Pat Holston, Ashley Jones, Finis Jones, Ricky Ruffin, Lindsey Moore, and Bob Woodworth did a tremendous job of guiding the team during the season; and

WHEREAS, the Omaha Benson High School Magnet girls' basketball team includes team members Kylee Askew, Arbriael Benson, Teonna Brye, TaShiana Coffiel-Nelson, Nikole Howard, Kianna Ibis, Zabrina Kentch, Kia Kirby, Octavia McGraw, Kanasha Plater, Moneeka Robinson, Nautika Valentine, Tia Warren, Montrese Weller, and Bri'ya Wilson; 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 Benson High School Magnet girls' basketball team on winning the 2014 Class A Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Omaha Benson High School Magnet girls' basketball team and Coach Jon Perone.

Laid over.

MOTIONS - Approve Appointments

Senator Dubas moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 928:

Nebraska Motor Vehicle Industry Licensing Board

Dean Cerny
Donald Hansen
Angela Quinn

Voting in the affirmative, 29:

| | | | | |
|----------|-------------|----------|------------|----------|
| Adams | Christensen | Gloor | Larson | Seiler |
| Ashford | Coash | Haar, K. | McCoy | Smith |
| Bolz | Cook | Harms | McGill | Sullivan |
| Brasch | Crawford | Harr, B. | Nelson | Wallman |
| Campbell | Dubas | Howard | Nordquist | Wightman |
| Chambers | Garrett | Krist | Schumacher | |

Voting in the negative, 0.

Present and not voting, 17:

| | | | | |
|------------|---------|-------------|---------|------------|
| Avery | Hadley | Kintner | Mello | Watermeier |
| Bloomfield | Hansen | Kolowski | Murante | |
| Carlson | Janssen | Lathrop | Scheer | |
| Davis | Johnson | Lautenbaugh | Schilz | |

Excused and not voting, 3:

Conrad Karpisek Pirsch

The appointments were confirmed with 29 ayes, 0 nays, 17 present and not voting, and 3 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 930:

Nebraska Commission on Law Enforcement and Criminal Justice
Darrell E. Fisher, Executive Director

Voting in the affirmative, 37:

| | | | | |
|------------|-------------|----------|------------|----------|
| Adams | Christensen | Hansen | McCoy | Seiler |
| Ashford | Conrad | Harms | McGill | Smith |
| Avery | Cook | Harr, B. | Mello | Sullivan |
| Bloomfield | Crawford | Howard | Murante | Wallman |
| Bolz | Dubas | Kintner | Nelson | Wightman |
| Brasch | Garrett | Kolowski | Nordquist | |
| Campbell | Gloor | Krist | Scheer | |
| Chambers | Hadley | Larson | Schumacher | |

Voting in the negative, 0.

Present and not voting, 10:

| | | | | |
|---------|----------|---------|-------------|------------|
| Carlson | Davis | Janssen | Lathrop | Schilz |
| Coash | Haar, K. | Johnson | Lautenbaugh | Watermeier |

Excused and not voting, 2:

Karpisek Pirsch

The appointment was confirmed with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 967A. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 660A. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 853A. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 986A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 987A. Senator Hadley offered the following amendment:

FA270

On page 2, line 1, strike "\$55,563" and insert "\$176,966"

The Hadley amendment was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 144.

A BILL FOR AN ACT relating to elections; to amend section 32-605, Reissue Revised Statutes of Nebraska, and section 32-615, Revised Statutes Cumulative Supplement, 2012; to provide for certain defeated candidates to be eligible for write-in candidacy; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

| | | | | |
|-------------|----------|----------|-------------|------------|
| Adams | Conrad | Harms | Larson | Schumacher |
| Avery | Cook | Harr, B. | Lautenbaugh | Seiler |
| Bloomfield | Crawford | Howard | McCoy | Smith |
| Bolz | Davis | Janssen | McGill | Sullivan |
| Brasch | Dubas | Johnson | Mello | Wallman |
| Campbell | Gloor | Karpisek | Murante | Watermeier |
| Chambers | Haar, K. | Kintner | Nelson | Wightman |
| Christensen | Hadley | Kolowski | Nordquist | |
| Coash | Hansen | Krist | Scheer | |

Voting in the negative, 0.

Present and not voting, 5:

| | | | | |
|---------|---------|---------|---------|--------|
| Ashford | Carlson | Garrett | Lathrop | Schilz |
|---------|---------|---------|---------|--------|

Excused and not voting, 1:

Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 259.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend sections 9-601, 9-603, and 9-615.01, Reissue Revised Statutes of Nebraska; to define and redefine terms; to exempt keno writers from licensure as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

| | | | | |
|-------------|----------|----------|-------------|------------|
| Adams | Coash | Hadley | Krist | Nordquist |
| Ashford | Conrad | Hansen | Larson | Scheer |
| Avery | Cook | Harms | Lautenbaugh | Seiler |
| Bolz | Crawford | Harr, B. | McCoy | Sullivan |
| Brasch | Davis | Howard | McGill | Wallman |
| Campbell | Dubas | Janssen | Mello | Watermeier |
| Chambers | Gloor | Johnson | Murante | Wightman |
| Christensen | Haar, K. | Karpisek | Nelson | |

Voting in the negative, 1:

Bloomfield

Present and not voting, 8:

| | | | |
|---------|----------|---------|------------|
| Carlson | Kintner | Lathrop | Schumacher |
| Garrett | Kolowski | Schilz | Smith |

Excused and not voting, 1:

Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 371. With Emergency Clause.

A BILL FOR AN ACT relating to state government; to adopt the Transparency in Government Procurement Act; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

| | | | | |
|-------------|----------|----------|-------------|------------|
| Adams | Coash | Hansen | Krist | Schumacher |
| Ashford | Conrad | Harms | Larson | Seiler |
| Avery | Cook | Harr, B. | Lautenbaugh | Sullivan |
| Bloomfield | Crawford | Howard | McCoy | Wallman |
| Bolz | Davis | Janssen | McGill | Watermeier |
| Brasch | Dubas | Johnson | Mello | Wightman |
| Campbell | Gloor | Karpisek | Murante | |
| Chambers | Haar, K. | Kintner | Nordquist | |
| Christensen | Hadley | Kolowski | Scheer | |

Voting in the negative, 0.

Present and not voting, 6:

| | | |
|---------|---------|--------|
| Carlson | Lathrop | Schilz |
| Garrett | Nelson | Smith |

Excused and not voting, 1:

Pirsch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 371A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 371, One Hundred Third Legislature, Second Session, 2014; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

| | | | | |
|-------------|----------|----------|-------------|------------|
| Adams | Coash | Hadley | Kolowski | Nordquist |
| Ashford | Conrad | Hansen | Krist | Scheer |
| Avery | Cook | Harms | Larson | Schumacher |
| Bloomfield | Crawford | Harr, B. | Lautenbaugh | Seiler |
| Bolz | Davis | Howard | McCoy | Smith |
| Brasch | Dubas | Janssen | McGill | Sullivan |
| Campbell | Garrett | Johnson | Mello | Wallman |
| Chambers | Gloor | Karpisek | Murante | Watermeier |
| Christensen | Haar, K. | Kintner | Nelson | Wightman |

Voting in the negative, 0.

Present and not voting, 3:

Carlson Lathrop Schilz

Excused and not voting, 1:

Pirsch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB474 with 38 ayes, 5 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 474. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 14-109, 15-202, 15-203, 16-205, 17-525, 18-2142.02, 18-2142.04, 19-4018, 19-4031, and 19-4034, Reissue Revised Statutes of Nebraska; to change provisions relating to occupation taxes imposed by cities and villages; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

| | | | | |
|-------------|----------|----------|-------------|------------|
| Adams | Coash | Hadley | Kolowski | Nordquist |
| Ashford | Conrad | Hansen | Krist | Scheer |
| Avery | Cook | Harms | Larson | Schumacher |
| Bloomfield | Crawford | Harr, B. | Lautenbaugh | Seiler |
| Bolz | Davis | Howard | McCoy | Smith |
| Brasch | Dubas | Janssen | McGill | Sullivan |
| Campbell | Garrett | Johnson | Mello | Wallman |
| Chambers | Gloor | Karpisek | Murante | Watermeier |
| Christensen | Haar, K. | Kintner | Nelson | Wightman |

Voting in the negative, 0.

Present and not voting, 3:

Carlson Lathrop Schilz

Excused and not voting, 1:

Pirsch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB546 with 35 ayes, 3 nays, 10 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 546.

A BILL FOR AN ACT relating to universities and colleges; to amend sections 85-404 and 85-408, Reissue Revised Statutes of Nebraska, sections 85-1413 and 85-1416, Revised Statutes Cumulative Supplement, 2012, and section 85-1418, Revised Statutes Supplement, 2013; to eliminate and change provisions relating to the review of certain capital construction projects as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal section 85-1415, Revised Statutes Cumulative Supplement, 2012.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|-------------|----------|----------|-----------|------------|
| Adams | Coash | Hansen | Kolowski | Scheer |
| Ashford | Conrad | Harms | Krist | Schumacher |
| Avery | Cook | Harr, B. | Larson | Seiler |
| Bolz | Crawford | Howard | McCoy | Smith |
| Brasch | Dubas | Janssen | McGill | Sullivan |
| Campbell | Gloor | Johnson | Murante | Wallman |
| Chambers | Haar, K. | Karpisek | Nelson | Watermeier |
| Christensen | Hadley | Kintner | Nordquist | Wightman |

Voting in the negative, 2:

Bloomfield Davis

Present and not voting, 6:

| | | |
|---------|-------------|--------|
| Carlson | Lathrop | Mello |
| Garrett | Lautenbaugh | Schilz |

Excused and not voting, 1:

Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB671 to Select File

Senator Lautenbaugh moved to return LB671 to Select File for the following specific amendment:

FA271

Strike the enacting clause.

SENATOR GLOOR PRESIDING

Senator Chambers offered the following motion:

MO147

Bracket until April 17, 2014.

Senator Chambers withdrew his motion to bracket.

Pending.

VISITORS

Visitors to the Chamber were 28 fourth-grade students and teacher from Freeman Public School, Adams; and 44 fourth-grade students and teachers from Mockingbird Elementary, Omaha.

RECESS

At 12:00 p.m., on a motion by Senator Wallman, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senator Seiler who was excused; and Senators Ashford, Janssen, and Lathrop who were excused until they arrive.

AMENDMENTS - Print in Journal

Senator McCoy filed the following amendment to LB671:
AM2534

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 37-452, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 37-452 (1) No person shall hunt antelope, elk, mountain
- 6 sheep, or ~~mountain lions~~ cougars unless such person is at least
- 7 twelve years of age, and any person who is twelve through fifteen
- 8 years of age shall only hunt antelope, elk, mountain sheep, or
- 9 ~~mountain lions~~ cougars when supervised by a person nineteen years
- 10 of age or older having a valid hunting permit.
- 11 (2) No person shall hunt deer unless such person is at
- 12 least ten years of age, and any person who is ten through fifteen
- 13 years of age shall only hunt deer when supervised by a person
- 14 nineteen years of age or older having a valid hunting permit.
- 15 (3) A person nineteen years of age or older having a
- 16 valid hunting permit shall not supervise more than two persons
- 17 while hunting deer, antelope, elk, mountain sheep, or ~~mountain~~
- 18 ~~lions~~ cougars at the same time.
- 19 Sec. 2. Section 37-473, Revised Statutes Cumulative
- 20 Supplement, 2012, is amended to read:
- 21 37-473 (1) The commission may issue permits for hunting
- 22 ~~mountain lions~~ cougars and may adopt and promulgate rules
- 1 and regulations therefor within the limitations prescribed in
- 2 subsection (1) of section 37-447 and section 37-452 for hunting
- 3 deer. Any authorized permits shall be issued to residents of
- 4 Nebraska, except that permits issued by auction may be issued to
- 5 nonresidents.
- 6 (2) The commission shall, pursuant to section 37-327,
- 7 establish and charge a nonrefundable application fee of not more

8 than twenty-five dollars for permits issued only to residents. Any
 9 number of resident-only permits, as authorized by the commission,
 10 shall be awarded by random drawing to eligible applicants. No
 11 permit fee shall be charged in addition to the nonrefundable
 12 application fee.

13 (3) No more than one additional permit may be authorized
 14 and issued pursuant to an auction open to residents and
 15 nonresidents. The auction shall be conducted according to rules and
 16 regulations prescribed by the commission. Any money derived from
 17 the sale of permits by auction shall be used only for perpetuation
 18 and management of ~~mountain lions, cougars.~~

19 Sec. 3. Original sections 37-452 and 37-473, Revised
 20 Statutes Cumulative Supplement, 2012, are repealed.

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

23 2. On page 1, strike beginning with "to" in line 1
 24 through line 6 and insert "to amend sections 37-452 and 37-473,
 25 Revised Statutes Cumulative Supplement, 2012; to change provisions
 26 relating to the hunting of mountain lions; to harmonize provisions;
 27 to repeal the original sections; and to declare an emergency."

Senator Larson filed the following amendment to LB671:
 AM2533

(Amendments to Final Reading copy)

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

3 Section 1. Section 37-452, Revised Statutes Cumulative
 4 Supplement, 2012, is amended to read:

5 37-452 (1) No person shall hunt antelope, elk, mountain
 6 sheep, or ~~mountain lions~~ pumas unless such person is at least
 7 twelve years of age, and any person who is twelve through fifteen
 8 years of age shall only hunt antelope, elk, mountain sheep, or
 9 ~~mountain lions~~ pumas when supervised by a person nineteen years of
 10 age or older having a valid hunting permit.

11 (2) No person shall hunt deer unless such person is at
 12 least ten years of age, and any person who is ten through fifteen
 13 years of age shall only hunt deer when supervised by a person
 14 nineteen years of age or older having a valid hunting permit.

15 (3) A person nineteen years of age or older having a
 16 valid hunting permit shall not supervise more than two persons
 17 while hunting deer, antelope, elk, mountain sheep, or ~~mountain~~
 18 ~~lions~~ pumas at the same time.

19 Sec. 2. Section 37-473, Revised Statutes Cumulative
 20 Supplement, 2012, is amended to read:

21 37-473 (1) The commission may issue permits for
 22 hunting ~~mountain lions~~ pumas and may adopt and promulgate rules
 1 and regulations therefor within the limitations prescribed in
 2 subsection (1) of section 37-447 and section 37-452 for hunting
 3 deer. Any authorized permits shall be issued to residents of

4 Nebraska, except that permits issued by auction may be issued to
5 nonresidents.

6 (2) The commission shall, pursuant to section 37-327,
7 establish and charge a nonrefundable application fee of not more
8 than twenty-five dollars for permits issued only to residents. Any
9 number of resident-only permits, as authorized by the commission,
10 shall be awarded by random drawing to eligible applicants. No
11 permit fee shall be charged in addition to the nonrefundable
12 application fee.

13 (3) No more than one additional permit may be authorized
14 and issued pursuant to an auction open to residents and
15 nonresidents. The auction shall be conducted according to rules and
16 regulations prescribed by the commission. Any money derived from
17 the sale of permits by auction shall be used only for perpetuation
18 and management of ~~mountain lions, pumas.~~

19 Sec. 3. Original sections 37-452 and 37-473, Revised
20 Statutes Cumulative Supplement, 2012, are repealed.

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

23 2. On page 1, strike beginning with "to" in line 1
24 through line 6 and insert "to amend sections 37-452 and 37-473,
25 Revised Statutes Cumulative Supplement, 2012; to change provisions
26 relating to the hunting of mountain lions; to harmonize provisions;
27 to repeal the original sections; and to declare an emergency."

SELECT FILE

LEGISLATIVE BILL 863. ER173, found on page 916, was adopted.

Senator Lautenbaugh withdrew his amendment, FA258, found on page 945.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1012. Senator Lautenbaugh withdrew his
amendment, FA259, found on page 945.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 251. ER175, found on page 916, was adopted.

Senator Lautenbaugh withdrew his amendment, FA260, found on page 945.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 751. ER176, found on page 916, was adopted.

Senator Lautenbaugh withdrew his amendment, FA261, found on page 945.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 751A. Senator Lautenbaugh withdrew his amendment, FA262, found on page 945.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 660. Senator Lautenbaugh withdrew his amendment, FA263, found on page 945.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 836. Senator Lautenbaugh withdrew his amendment, FA264, found on page 945.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1114. Senator Lautenbaugh withdrew his amendment, FA265, found on page 945.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1114A. Senator Lautenbaugh withdrew his amendment, FA266, found on page 945.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1103. Senator Lautenbaugh offered his amendment, FA257, found on page 944.

Senator Lautenbaugh withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

NOTICE OF COMMITTEE HEARING

Natural Resources

Room 1525

Monday, March 31, 2014 12:30 p.m.

Mark A. Ondracek - Nebraska Ethanol Board
Michael Thede - Nebraska Ethanol Board
Kevin Peterson - Nebraska Environmental Trust Board
LR482

(Signed) Tom Carlson, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 510. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to examine issues surrounding offshore tax shelters. This study shall include, but not be limited to, the following:

- (1) An examination of the abuse of offshore tax shelters by corporations and individuals to reduce their state income tax liability;
- (2) A review of efforts in other states to recoup revenue from offshore tax shelters as well as discourage their use; and
- (3) A review of how current statutes and Department of Revenue rules and regulations regarding the collection of delinquent and unpaid taxes can be applied to recoup revenue from offshore tax shelters.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 946. ER179, found on page 934, was adopted.

Senator B. Harr withdrew his amendment, AM2502, found on page 944.

Senator Lautenbaugh withdrew his amendment, FA267, found on page 945.

Senator Karpisek offered his amendment, AM2517, found on page 954.

Senator Karpisek withdrew his amendment.

Senator B. Harr offered the following amendment:
AM2548

(Amendments to E & R amendments, ER179)

- 1 1. Strike section 11 and insert the following new
- 2 section:
- 3 Sec. 11. The second half of a term of office for a
- 4 member of the Legislature starts on the day of the meeting of
- 5 the Legislature at which members are regularly sworn in to office
- 6 in the second calendar year which begins after the four-year term
- 7 begins.
- 8 2. On page 3, strike beginning with "a" in line 13
- 9 through line 15, show the old matter as stricken, and insert "if

10 electd as county surveyor, such person shall reside in a county
 11 for which he or she holds office.".
 12 3. On page 6, line 5, after the underscored period insert
 13 "If a political party does not submit a list within the timeframes
 14 required by this section, the election commissioner shall select a
 15 chief deputy election commissioner from the lists received."; and
 16 in line 14 strike "IV" and insert "III, IV," and after "district"
 17 insert "which is located in whole or in part in a county in which a
 18 city of the primary or metropolitan class is located".

Senator B. Harr moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The B. Harr amendment was adopted with 41 ayes, 1 nay, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Scheer offered the following amendment:
 AM2448

(Amendments to E & R amendments, ER179)

1 1. On page 53, after line 10 insert the following new
 2 subsection:
 3 "(3) Any Class III school district which has a
 4 nine-member school board on the operative date of this act may
 5 continue to have a nine-member school board without complying with
 6 the requirements of this section."

The Scheer amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 511. Introduced by Sullivan, 41.

WHEREAS, the Pierce High School Lady Jays won the 2014 Class C-1 Girls' State Basketball Championship; and

WHEREAS, the Pierce Lady Jays won the championship by overcoming previously undefeated and number one seed Minden High School by a score of 69-60; and

WHEREAS, the Pierce Lady Jays are back-to-back Class C-1 state champions, having also won the title in 2013; and

WHEREAS, two Lady Jays, Rachele Tucker and Sydney Silhacek, were named to the Class C-1 All-tournament team; 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 Pierce High School Lady Jays basketball team and their coaches on winning the 2014 Class C-1 Girls' State Basketball Championship for the second year in a row.

2. That a copy of this resolution be sent to the Pierce High School Lady Jays basketball team.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 998. Title read. Considered.

SENATOR HOWARD PRESIDING

Committee AM2079, found on page 648, was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 800. Title read. Considered.

Committee AM1891, found on page 602, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1067. Title read. Considered.

Senator Hadley offered the Hadley-Schilz amendment, AM2457, found on page 965.

Senator Hadley offered the following amendment to the Hadley-Schilz amendment:

AM2546

(Amendments to AM2457)

- 1 1. On page 1, line 15, strike the first occurrence
- 2 of "the", show as stricken, and insert "a" and after the first
- 3 occurrence of "refund" insert "exceeding one thousand five hundred
- 4 dollars".

The Hadley amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

The Hadley-Schilz amendment, as amended, was adopted with 28 ayes,

0 nays, 16 present and not voting, and 5 excused and not voting.

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

LEGISLATIVE BILL 1115. Title read. Considered.

Committee AM1999, found on page 579, was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 1 nay, 12 present and not voting, and 6 excused and not voting.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 130. Placed on Final Reading.

LEGISLATIVE BILL 905. Placed on Final Reading.

ST57

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

1. In the Mello amendment, AM2408:
 - a. On page 7, line 9, "University of" has been inserted after "the"; and
 - b. The changes to pages 47 and 48 made by amendment number 9 were incorporated into the E & R amendments, ER168, on page 1, lines 11, 14, and 16; and page 2, line 19.
2. In the E & R amendments, ER168, on page 6, line 12, "93," has been struck; and in line 14 "and 264" has been struck and "264, and 265" inserted.
3. In the Standing Committee amendments, AM2019, on page 2, line 13, "80" has been struck and "82" inserted.

LEGISLATIVE BILL 906. Placed on Final Reading.

LEGISLATIVE BILL 949. Placed on Final Reading.

(Signed) John Murante, Chairperson

AMENDMENTS - Print in Journal

Senator B. Harr filed the following amendment to LB191:
AM2523

(Amendments to E & R amendments, ER138)

- 1 1. Insert the following new sections:
- 2 Sec. 11. Section 77-132, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-132 (1) Parcel means a contiguous tract of land
- 5 determined by its boundaries, under the same ownership, and in the
- 6 same tax district and section. Parcel also means an improvement on
- 7 leased land.

8 (2) If all or several lots in the same block are owned by
9 the same person and are contained in the same subdivision and the
10 same tax district, they may be included in one parcel.

11 (3) If two or more vacant or unimproved lots in the same
12 subdivision and the same tax district are owned by the same person
13 and are held for sale or resale, such lots shall be included in one
14 parcel if elected to be treated as one parcel by the owner. Such
15 election shall be made annually by filing an application with the
16 county assessor by June 30.

17 (4) For purposes of this section, subdivision means the
18 common overall plan or approved preliminary plat.

19 Sec. 13. (1) When determining the actual value of two
20 or more vacant or unimproved lots in the same subdivision and the
21 same tax district that are owned by the same person and are held
22 for sale or resale and that were elected to be treated as one
1 parcel pursuant to subsection (3) of section 77-132, the county
2 assessor shall utilize the income approach, including the use of a
3 discounted cash-flow analysis.

4 (2) If a county assessor, based on the facts and
5 circumstances, believes that the income approach, including the
6 use of a discounted cash-flow analysis, does not result in a
7 valuation at actual value, then the county assessor shall present
8 such facts and circumstances to the county board of equalization.
9 If the county board of equalization, based on such facts and
10 circumstances, concurs with the county assessor, then the county
11 board of equalization shall petition the Tax Equalization and
12 Review Commission to consider the county assessor's utilization of
13 another professionally accepted mass appraisal technique that,
14 based on the facts and circumstances presented by a county
15 board of equalization, would result in a substantially different
16 determination of actual value. Petitions must be filed within
17 thirty days after the property is assessed. Hearings held pursuant
18 to this section may be held by means of videoconference or
19 telephone conference. The burden of proof is on the petitioning
20 county board of equalization to show that failure to make an
21 adjustment to the professionally accepted mass appraisal technique
22 utilized would result in a value that is not equitable and in
23 accordance with the law. At the hearing, the commission may
24 receive testimony from any interested person. After a hearing, the
25 commission shall, within the powers granted in section 77-5023,
26 enter its order based on evidence presented to it at such hearing.
27 Payment of taxes shall be suspended, without penalty or interest,
1 until the commission enters its order.

2 Sec. 18. Section 77-5007, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:

4 77-5007 The commission has the power and duty to hear and
5 determine appeals of:

6 (1) Decisions of any county board of equalization
7 equalizing the value of individual tracts, lots, or parcels of

8 real property so that all real property is assessed uniformly and
9 proportionately;

10 (2) Decisions of any county board of equalization
11 granting or denying tax-exempt status for real or personal property
12 or an exemption from motor vehicle taxes and fees;

13 (3) Decisions of the Tax Commissioner determining the
14 taxable property of a railroad company, car company, public service
15 entity, or air carrier within the state;

16 (4) Decisions of the Tax Commissioner determining
17 adjusted valuation pursuant to section 79-1016;

18 (5) Decisions of any county board of equalization on
19 the valuation of personal property or any penalties imposed under
20 sections 77-1233.04 and 77-1233.06;

21 (6) Decisions of any county board of equalization on
22 claims that a levy is or is not for an unlawful or unnecessary
23 purpose or in excess of the requirements of the county;

24 (7) Decisions of any county board of equalization
25 granting or rejecting an application for a homestead exemption;

26 (8) Decisions of the Department of Motor Vehicles
27 determining the taxable value of motor vehicles pursuant to section
1 60-3,188;

2 (9) Decisions of the Tax Commissioner made under section
3 77-1330;

4 (10) Any other decision of any county board of
5 equalization;

6 (11) Any other decision of the Tax Commissioner regarding
7 property valuation, exemption, or taxation;

8 (12) Decisions of the Tax Commissioner pursuant to
9 section 77-3520;

10 (13) Final decisions of a county board of equalization
11 appealed by the Tax Commissioner or Property Tax Administrator
12 pursuant to section 77-701; ~~and~~

13 (14) The requirement under section 13 of this act that
14 the income approach, including the use of a discounted cash-flow
15 analysis, be used by county assessors; and

16 ~~(14)-(15)~~ Any other decision, determination, action, or
17 order from which an appeal to the commission is authorized.

18 The commission has the power and duty to hear and grant
19 or deny relief on petitions.

20 Sec. 19. Sections 1 to 10, 12, 14 to 17, and 21 of this
21 act become operative three calendar months after the adjournment
22 of this legislative session. The other sections of this act become
23 operative on their effective date.

24 Sec. 20. Original section 77-132, Reissue Revised
25 Statutes of Nebraska, and section 77-5007, Revised Statutes
26 Cumulative Supplement, 2012, are repealed.

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

2 2. Renumber the remaining sections accordingly.

Senator McGill filed the following amendment to LB853A:

AM2552

- 1 1. Strike the original sections and insert the following
 2 new sections:
 3 Section 1. There is hereby appropriated (1) \$515,480 from
 4 the General Fund and \$609,324 from federal funds for FY2014-15 and
 5 (2) \$384,400 from the General Fund and \$563,400 from federal funds
 6 for FY2015-16 to the Department of Health and Human Services, for
 7 Program 33, to aid in carrying out the provisions of Legislative
 8 Bill 853, One Hundred Third Legislature, Second Session, 2014.
 9 No expenditures for permanent and temporary salaries and
 10 per diems for state employees shall be made from funds appropriated
 11 in this section.
 12 Sec. 2. There is hereby appropriated (1) \$35,488 from
 13 the General Fund and \$172,569 from federal funds for FY2014-15 and
 14 (2) \$300,807 from the General Fund and \$355,431 from federal funds
 15 for FY2015-16 to the Department of Health and Human Services, for
 16 Program 354, to aid in carrying out the provisions of Legislative
 17 Bill 853, One Hundred Third Legislature, Second Session, 2014.
 18 No expenditures for permanent and temporary salaries and
 19 per diems for state employees shall be made from funds appropriated
 20 in this section.

GENERAL FILE

LEGISLATIVE BILL 908. Title read. Considered.

Committee AM1911, found on page 630, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 967A. Placed on Select File.

LEGISLATIVE BILL 660A. Placed on Select File.

LEGISLATIVE BILL 853A. Placed on Select File.

(Signed) John Murante, Chairperson

GENERAL FILE

LEGISLATIVE BILL 717. Title read. Considered.

Senator Gloor offered his amendment, AM2135, found on page 845.

The Gloor amendment was adopted with 31 ayes, 0 nays, 13 present and not

voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1048. Title read. Considered.

SENATOR BRASCH PRESIDING

Committee AM1894, found on page 644, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 512. Introduced by Scheer, 19; Avery, 28; Campbell, 25; Cook, 13; Crawford, 45; Davis, 43; Gloor, 35; K. Haar, 21; Harms, 48; Johnson, 23; Kolowski, 31; McGill, 26; Sullivan, 41; Wallman, 30.

WHEREAS, 89% of people who suffer an out-of-hospital cardiac arrest die because they do not receive immediate cardiopulmonary resuscitation (CPR) from someone on the scene; and

WHEREAS, 88% of cardiac arrests actually occur at home, making it most likely that a person who needs to administer CPR will be attempting to save the life of a loved one; and

WHEREAS, irreversible brain damage occurs after only three minutes of being deprived of oxygen, and irreversible heart damage occurs within twenty minutes of being deprived of oxygen; and

WHEREAS, hands-only CPR can double or even triple a victim's chance of survival, and learning hands-only CPR can take as little time as thirty minutes or less; and

WHEREAS, in the same amount of time it takes to watch a television sitcom, a teacher can give students the CPR skills they need to save someone's life; and

WHEREAS, including CPR as a skill taught to all Nebraska high school students would train thousands of students each year.

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

1. That the Legislature supports all Nebraska high school students learning the basic skills of administering cardiopulmonary resuscitation (CPR).

2. That the Legislature encourages all high schools throughout Nebraska to offer students hands-only CPR training.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR512 was referred to the Reference Committee.

GENERAL FILE

LEGISLATIVE BILL 759. Title read. Considered.

Committee AM2140, found on page 748, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 976. Title read. Considered.

SPEAKER ADAMS PRESIDING

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 144, 259, 371, 371A, 474, and 546.

AMENDMENTS - Print in Journal

Senator Avery filed the following amendment to LB1087:
AM2558

(Amendments to E & R amendments, ER178)

- 1 1. On page 2, line 1, strike "taxable value of the
- 2 homestead" and insert "average assessed value of single-family
- 3 residential property in the claimant's county of residence as
- 4 determined in section 77-3506.02"; and in line 10 after "77-3509"
- 5 insert "and section 5 of this act".

Senator Watermeier filed the following amendment to LB810:
AM2557

- 1 1. In the Standing Committee amendments, AM1865, on page
- 2 1, line 3, strike "(3)" and insert "(2)".
- 3 2. On page 2, lines 5 and 6, strike "directly or
- 4 indirectly"; in line 6 after "impose" insert "upon," and after
- 5 "kind" insert "by, a lender, mortgagee, beneficiary, or trustee in
- 6 a trust deed or service"; and strike lines 10 through 12.

VISITORS

Visitors to the Chamber were 5 Southeast Community College students and teacher from Lincoln and Beatrice; 21 fourth-grade students and teacher from Omaha and Blair Christian Academy; 7 members of Women Involved in Farm Economics (WIFE) from across the state; and Steve and Patrick Williams from Lincoln.

ADJOURNMENT

At 7:57 p.m., on a motion by Senator Wightman, the Legislature adjourned until 9:00 a.m., Friday, March 21, 2014.

Patrick J. O'Donnell
Clerk of the Legislature

