

**FORTY-NINTH DAY - MARCH 25, 2014**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION**

**FORTY-NINTH DAY**

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

**PRAYER**

The prayer was offered by Pastor Barry Williams, St. John's Lutheran Church, Madison.

**ROLL CALL**

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

The roll was called and all members were present except Senators Avery, Christensen, Conrad, Harms, Janssen, Krist, and Murante who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-eighth day was approved.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 527.** Introduced by Bloomfield, 17.

**PURPOSE:** The purpose of this resolution is to study the reasons why emergency disaster payments made by or through the Nebraska Emergency Management Agency and the Federal Emergency Management Agency are not made in a timely manner once awarded.

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

1. That the Government, Military and Veterans Affairs 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.

**MOTIONS - Return LR41CA to Select File**

Senator McCoy moved to return LR41CA to Select File for his specific amendment, AM495, found on page 652, First Session, 2013.

Senator McCoy asked unanimous consent to withdraw his amendment, AM495, found on page 652, First Session, 2013, and replace it with his substitute amendment, AM2378.

AM2378

(Amendments to Final Reading copy)

- 1 1. On page 3, line 16, strike "or replayed"; and in line
- 2 18 after the comma insert "or wagering on the results of previously
- 3 run horseraces on instant racing terminals".
- 4 2. On page 4, lines 4 and 5, strike "or replayed"; and in
- 5 line 6 after the second comma insert "or wagering on the results of
- 6 previously run horseraces on instant racing terminals,".

Senator Lautenbaugh objected.

Senator McCoy offered the following motion:

MO150

Withdraw amendment AM495, found on page 652, First Session, 2013, and replace it with substitute amendment, AM2378, found in this day's Journal.

Senator Nordquist moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 10 nays, and 13 not voting.

The McCoy motion to substitute his amendment failed with 12 ayes, 19 nays, 10 present and not voting, and 8 excused and not voting.

Senator McCoy offered the following motion:

MO151

Reconsider the vote taken to substitute AM2378 for AM495.

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

The McCoy motion to reconsider failed with 14 ayes, 21 nays, 10 present and not voting, and 4 excused and not voting.

Senator McCoy offered the following motion:

MO152

Bracket until April 17, 2014.

Senator Mello moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 11 nays, and 11 not voting.

The McCoy motion to bracket failed with 13 ayes, 20 nays, 13 present and not voting, and 3 excused and not voting.

Senator McCoy offered the following motion:

MO153

Reconsider the vote taken to bracket until April 17, 2014.

Senator Karpisek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 7 nays, and 16 not voting.

Senator McCoy requested a roll call vote on his motion to reconsider.

The McCoy motion to reconsider failed with 12 ayes, 31 nays, 3 present and not voting, and 3 excused and not voting.

Senator McCoy renewed his motion, found in this day's Journal, to return LR41CA to Select File for his specific amendment, AM495, found on page 652, First Session, 2013.

Senator Lautenbaugh raised a point of order on whether the McCoy amendment, AM495, is out of order because the language as contained in AM495 to LR41CA is not amendatory of any language or section contained in LR41CA.

The Chair ruled that the McCoy amendment is out of order.

Senator Lautenbaugh withdrew his amendment, AM1788, found on page 458.

Senator Lautenbaugh moved to return LR41CA to Select File for his specific amendment, AM1910, found on page 757.

Senator Lautenbaugh offered the following motion:

MO154

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Lautenbaugh requested a roll call vote on the motion to invoke cloture.

The Lautenbaugh motion to invoke cloture prevailed with 34 ayes, 14 nays, and 1 excused and not voting.

The Lautenbaugh motion to return to Select File for his specific amendment, AM1910, prevailed with 29 ayes, 14 nays, 5 present and not voting, and 1

excused and not voting.

### SELECT FILE

**LEGISLATIVE RESOLUTION 41CA.** The Lautenbaugh specific amendment, AM1910, found on page 757, was adopted with 27 ayes, 12 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 528.** Introduced by Dubas, 34.

**PURPOSE:** The purpose of this resolution is to study issues surrounding financing the maintenance and replacement of county bridges. This study shall include, but not be limited to, an examination of the following issues:

- (1) The overall condition of county bridges;
- (2) Whether adequate resources exist to maintain and replace county bridges; and
- (3) Available and potential funding sources, financing tools, and contracting options for maintenance and replacement of county bridges.

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

1. That the Transportation and Telecommunications 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.

**LEGISLATIVE RESOLUTION 529.** Introduced by Nordquist, 7; Conrad, 46.

**PURPOSE:** Providers of developmental disability services serve an important function in meeting the needs of some of the most vulnerable Nebraskans while providing a meaningful alternative to institutionalization. Presently, the providers of such services continue to expand their capacity to serve their present clients as well as individuals on the developmental disabilities waiting list. To continue this important initiative and resource, the payment rates for such services must be sufficient to cover the cost of their undertaking. Therefore, the purpose of this resolution is to address the following issues:

- (1) The adequacy of current provider rates to meet the needs of Nebraskans with disabilities and the providers of services; and

(2) The options available to update such rates based on economic indexes including, but not limited to, the Consumer Price Index, the Chained Consumer Price Index, the Bureau of Labor Statistics benefits factor, and the Medicare Economic Index.

If the study committee determines that legislation is necessary to resolve the issues addressed in this resolution, the committee may have such legislation drafted for the 2015 legislative session.

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

1. That the Appropriations 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 on or before December 1, 2014.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 530.** Introduced by Nordquist, 7; Cook, 13.

**PURPOSE:** The purpose of this resolution is to study existing and proposed programs, policies, administrative rules, and statutes that impact the financial stability of working families in Nebraska. This study shall include a consideration of the racial, gender, geographic, urban, rural, and economic diversity of the state and its population.

Despite historically high employment in our state and a high rate of parents in the workforce, the poverty rates of Nebraska families and individuals have risen significantly over the past decade. The median household income in Nebraska has declined by 5% between 2000 and 2012. It is in the state's best interest to take steps to ensure that employment provides economic stability for individuals and families in Nebraska. The study shall include, but not be limited to, the following issues:

1. A review of income, employment, and other related data to provide a comprehensive portrait of the economic well-being of working Nebraskans;

2. An evaluation of existing federally supported and state-supported programs and policies that affect Nebraskans working their way to economic stability; and

3. Best policies and practices that:

a. Increase educational opportunities from birth to career;

b. Provide access to education and career-training opportunities to promote career advancement and progression;

c. Offer opportunities for quality jobs that meet private sector needs and provide economic stability for employees;

d. Address the sufficiency and effectiveness of work support programs and policies;

e. Build family assets as the basis for long-term economic stability;

f. Support employment and economic stability through individual and corporate tax policy; and  
g. Promote economic and family stability through workplace policies.

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

1. That the Health and Human Services 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.

**LEGISLATIVE RESOLUTION 531.** Introduced by Bloomfield, 17.

PURPOSE: The purpose of this resolution is to study Department of Agriculture regulation of nonprofit nursery stock distributors under the Plant Protection and Plant Pest Act. This study should include, but not be limited to, an examination of the following:

(1) Whether there is a need for small nonprofit organizations to register plant sales with the Department of Agriculture (Department);

(2) Whether the Department could embark on an educational campaign to address any concerns with small nonprofit organization plant sales;

(3) Why it is necessary for small nonprofit organizations to register and pay a licensing fee when the Department seldom if ever inspects them;

(4) If there is a better method by which the Department can keep track of small nonprofit organizations and their sales; and

(5) How neighboring states regulate plant sales held by nonprofit organizations.

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

1. That the Agriculture 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.

**LEGISLATIVE RESOLUTION 532.** Introduced by Davis, 43; Bolz, 29; Cook, 13; Crawford, 45; K. Haar, 21; Kolowski, 31; Scheer, 19.

PURPOSE: The purpose of this resolution is to study the utilization of federal school breakfast and lunch programs and the impact of new federal options on Nebraska. This study shall include, but not be limited to, an examination of the following issues:

- (1) The number of Nebraska schools eligible for the new community eligibility option and barriers to participation;
- (2) The current direct certification process for students eligible for free and reduced-price meals;
- (3) The potential impact on state and federal education funding for schools and any need for administrative or legislative measures to mitigate that impact;
- (4) The potential impact of the Community Eligibility Provision on participating schools, including, but not limited to, school breakfast participation, nutrition program administration, costs, and paperwork reduction;
- (5) Strategies to increase school breakfast participation for schools where community eligibility is not a viable option; and
- (6) Any other related topics the study committee deems necessary or appropriate.

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

1. That the Education 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.

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

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

**LEGISLATIVE BILL 1115A.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1115, One Hundred Third Legislature, Second Session, 2014; and to declare an emergency.

#### **AMENDMENTS - Print in Journal**

Senator K. Haar filed the following amendment to LB965:  
AM2562

(Amendments to Standing Committee amendments, AM2045)

- 1 1. Strike amendments 2 and 3 and insert the following new
- 2 amendment:
- 3 1. Strike section 2 and renumber the remaining sections
- 4 and correct the repealer accordingly.
- 5 2. Renumber the remaining amendments accordingly.

Senator Conrad filed the following amendment to LB765:

AM2272

- 1 1. On page 5, line 8, after "period" insert ", but not
- 2 more frequently than once per week,".

Senator Ashford filed the following amendment to LB907:

AM2578

(Amendments to Standing Committee amendments, AM2376)

- 1 1. Strike sections 11, 19, and 21 and insert the
- 2 following section:
- 3 Sec. 11. (1) The Nebraska Justice Reinvestment Working
- 4 Group is created to work with the Council of State Governments
- 5 Justice Center and assist the center as the center utilizes its
- 6 process to study and provide potential legislative solutions for
- 7 prison overcrowding in Nebraska.
- 8 (2) Members of the Nebraska Justice Reinvestment Working
- 9 Group are:
- 10 (a) The chairperson of the Judiciary Committee of the
- 11 Legislature;
- 12 (b) The chairperson of the Appropriations Committee of
- 13 the Legislature;
- 14 (c) The Director of Correctional Services;
- 15 (d) The Parole Administrator;
- 16 (e) The probation administrator;
- 17 (f) The chairperson of the Board of Parole;
- 18 (g) The State Court Administrator;
- 19 (h) The executive director of the Nebraska Commission on
- 20 Law Enforcement and Criminal Justice;
- 21 (i) The Director of Behavioral Health of the Division of
- 22 Behavioral Health of the Department of Health and Human Services;
- 1 (j) A representative of the office of Public Counsel
- 2 selected by the Public Counsel;
- 3 (k) Two members of the Legislature selected by the
- 4 Executive Board of the Legislative Council; and
- 5 (l) A representative of each of the following, appointed
- 6 by the Executive Board of the Legislative Council within thirty
- 7 days after the operative date of this section:
- 8 (i) The office of the Governor;
- 9 (ii) The office of the Attorney General;
- 10 (iii) District court judges;
- 11 (iv) County court judges;
- 12 (v) The Nebraska Association of County Officials;
- 13 (vi) The Nebraska Sheriffs' Association;
- 14 (vii) The Police Chiefs Association of Nebraska;
- 15 (viii) The Fraternal Order of Police of Nebraska;
- 16 (ix) The Nebraska County Attorneys Association;
- 17 (x) The Nebraska Criminal Defense Attorneys Association;
- 18 (xi) The Nebraska Domestic Violence Sexual Assault
- 19 Coalition;



20 (xii) The Consortium for Crime and Justice Research at  
21 the University of Nebraska at Omaha;  
22 (xiii) Formerly incarcerated individuals; and  
23 (xiv) A community group that works with inmates or  
24 formerly incarcerated individuals.  
25 (2) The Nebraska Justice Reinvestment Working Group shall  
26 convene as soon as possible after the members are appointed.  
27 To provide the Council of State Governments Justice Center  
1 with assistance during utilization of the center's process, the  
2 chairperson of the working group shall be the chairperson of the  
3 Appropriations Committee of the Legislature. Each member of the  
4 working group who is not a member of the Legislature may be  
5 reimbursed for necessary expenses incurred in the performance of  
6 his or her duties as a member of the working group as provided in  
7 sections 81-1174 to 81-1177 if consistent with the policies of the  
8 member's employer. Upon delivery of the final report by the center  
9 pursuant to subsection (4) of this section, the working group shall  
10 be dissolved and discharged of any further duties.  
11 (3) The Nebraska Justice Reinvestment Working Group shall  
12 assist the Council of State Governments Justice Center during the  
13 center's utilization of the center's process to study, identify  
14 causes, and provide potential legislative solutions for prison  
15 overcrowding in Nebraska. The working group shall provide technical  
16 and informational support to the center. The center shall recommend  
17 policies to reduce prison overcrowding with the goal of reducing  
18 prison overcrowding to one hundred twenty-five percent within  
19 five years after the operative date of this section. The study  
20 shall include a broad range of issues related to prison inmate  
21 overpopulation including, but not limited to:  
22 (a) Courts, specialty courts, and sentencing trends;  
23 (b) Development of a process to determine the impact of  
24 pending legislation on the criminal justice system;  
25 (c) Analysis of the prison population and its growth;  
26 (d) Reported crimes and arrests;  
27 (e) Alternatives to incarceration;  
1 (f) Effectiveness of all available offender programs  
2 including prison programs and community-based programs;  
3 (g) Reentry programming and transition;  
4 (h) Prison programming;  
5 (i) Community services;  
6 (j) Probation and parole services;  
7 (k) Prison admissions and length of stay; and  
8 (l) Recidivism rates of offenders released from prison,  
9 jail, parole, probation, and other community-based programs; and  
10 (4) The Council of State Governments Justice Center shall  
11 make a final report that includes, but is not limited to, potential  
12 legislative solutions for the problem of prison overcrowding and  
13 an estimate of the cost savings for all policies recommended  
14 by the center. The report shall be delivered to the Legislature

15 electronically.

16 2. On page 6, line 14, after the period insert "Any money  
17 in the Legal Education for Public Service Loan Repayment Fund on  
18 the effective date of this act shall be transferred to the Legal  
19 Education for Public Service and Rural Practice Loan Repayment  
20 Assistance Fund.".

21 3. On page 12, line 6, strike "as defined by section  
22 81-1401"; and strike lines 15 through 17 and insert:

23 "(4) For purposes of this section:

24 (a) Law enforcement agency means an agency or department  
25 of this state or of any political subdivision of this state that  
26 obtains, serves, and enforces arrest warrants or that conducts or  
27 engages in prosecutions for violations of the law; and

1 (b) Public employer means an agency or department of this  
2 state or of any political subdivision of this state.".

3 4. On page 21, line 15, after the period insert "For  
4 the purposes of this subsection, release or reentry plan means  
5 a comprehensive and individualized strategic plan to ensure an  
6 individual's safe and effective transition or reentry into the  
7 community to which he or she resides with the primary goal  
8 of reducing recidivism. At a minimum, the release or reentry  
9 plan shall include, but not be limited to, consideration of  
10 the individual's housing needs, medical or mental health care  
11 needs, and transportation and job needs and shall address an  
12 individual's barriers to successful release or reentry in order to  
13 prevent recidivism. The release or reentry plan does not include  
14 an individual's programming needs included in the individual's  
15 personalized plan for use inside the prison.".

16 5. On page 28, strike beginning with "and" in line 7  
17 through line 10 and insert

18 "(3) To the Legal Education for Public Service and Rural  
19 Practice Loan Repayment Assistance Fund, five hundred thousand  
20 dollars from the General Fund; and

21 (4) To the Consortium for Crime and Justice Research at  
22 the University of Nebraska at Omaha, two hundred thousand dollars  
23 to facilitate the establishment of the Nebraska Center for Justice  
24 Research at the University of Nebraska at Omaha. The mission of the  
25 center shall be to develop and sustain research capacity internal  
26 to the State of Nebraska to assist the Legislature in research,  
27 evaluation, and policymaking to reduce recidivism, promote the  
1 use of evidence-based practices in corrections, and improve public  
2 safety.".

3 6. Renumber the remaining sections and correct internal  
4 references and the repealer accordingly.

**COMMITTEE REPORTS**

## Enrollment and Review

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

ST67

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

1. In the Lathrop amendment, AM2566, on page 1, line 4, "first" has been inserted after "the".

**LEGISLATIVE BILL 974.** Placed on Final Reading Second.

ST69

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

1. On page 1, the matter beginning with "79-1145" in line 1 through line 14 has been struck and "77-2215, 79-1145, 81-153, 81-181, 81-1111.01, and 81-3110, Reissue Revised Statutes of Nebraska, sections 73-507, 81-132, 81-1018, 81-1113, and 81-1125.01, Revised Statutes Cumulative Supplement, 2012, and section 81-3133, Revised Statutes Supplement, 2013; to provide an exception to certain requirements for contracts for services; to change and eliminate provisions for duplicate warrants; to change limitations on the appropriation of General Funds for special education; to eliminate obsolete provisions regarding budget forms; to change a duty for the materiel division of the Department of Administrative Services; to change report requirements under the Deferred Building Renewal Act; to change provisions relating to state-owned vehicles; to provide and change reporting requirements for the Department of Health and Human Services; to change provisions relating to agency preaudits; to change powers and duties of the Department of Administrative Services; to harmonize provisions; to repeal the original sections; and to declare an emergency." inserted.

2. On page 3, line 13; page 5, line 5; and page 7, line 7, "7 to 9" has been struck and "12 to 14" inserted.

3. On page 11, line 25, "79-1145" has been struck and "77-2215, 79-1145, 81-153, 81-181" inserted.

4. On page 12, line 1, "81-132" has been struck and "73-507, 81-132, 81-1018" inserted.

(Signed) John Murante, Chairperson

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 908.** Placed on Select File with amendment.

ER181 is available in the Bill Room.

**LEGISLATIVE BILL 717.** Placed on Select File with amendment.

ER191 is available in the Bill Room.

**LEGISLATIVE BILL 1048.** Placed on Select File with amendment.

ER189

- 1 1. On page 1, line 4; and page 11, line 18, strike
- 2 "32-610" and insert "32-206, 32-610,".
- 3 2. On page 1, line 5, after the semicolon insert "to
- 4 require delivery of the official election calendar as prescribed;".

**LEGISLATIVE BILL 759.** Placed on Select File with amendment.

ER192

- 1 1. In the Standing Committee amendments, AM2140:
- 2 a. On page 1, line 10, after the comma insert "the
- 3 governing entity of" and strike "governing entity"; and in line 19
- 4 strike "exist" and insert "exists";
- 5 b. On page 2, line 9, strike "subdivision" and insert
- 6 "subsection"; and
- 7 c. On page 23, line 20; and page 33, line 16, after
- 8 "Nebraska" insert an underscored comma.
- 9 2. On page 1, strike beginning with "16-1017" in line
- 10 2 through line 7 and insert "16-1002, 16-1007, 16-1017, 16-1021,
- 11 16-1027, 16-1037, 19-3501, 23-1118, 23-2309.01, 23-3526, and
- 12 72-1263, Reissue Revised Statutes of Nebraska, sections 30-3209,
- 13 71-1631.02, and 84-1310.01, Revised Statutes Cumulative Supplement,
- 14 2012, and section 84-304, Revised Statutes Supplement, 2013; to
- 15 require annual reports relating to defined benefit retirement
- 16 plans; to change provisions relating to police officers' and
- 17 firefighters' retirement in cities of the first class, investments
- 18 for certain defined contribution plans, the standard of care for
- 19 corporate trustees regarding governmental retirement and pension
- 20 funds, and duties of the state investment officer and the Auditor
- 21 of Public Accounts; to change a limit on total deposits received
- 22 under the Nebraska Capital Expansion Act; to harmonize provisions;
- 23 and to repeal the original sections."

**LEGISLATIVE BILL 810.** Placed on Select File with amendment.

ER180

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. (1) The enforcement and servicing of any real
- 4 estate loan agreement or any mortgage, deed of trust, or other
- 5 security instrument by which the loan is secured shall be pursuant
- 6 only to state and federal law. No local ordinance or resolution may
- 7 add to, change, interfere with any rights or obligations of, impose
- 8 upon, or require payment of fees or taxes of any kind by, a lender,
- 9 mortgagee, beneficiary, or trustee in a trust deed or servicer
- 10 relating to, or delay or affect the enforcement and servicing of,
- 11 any real estate loan agreement or any mortgage, deed of trust, or
- 12 other security instrument by which the loan is secured.
- 13 (2) Subsection (1) of this section shall not apply to
- 14 any ordinance or resolution adopted pursuant to the Community

15 Development Law.

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

**LEGISLATIVE BILL 674.** Placed on Select File with amendment.  
 ER188

- 1 1. Insert the following new section:
- 2 Section 1. Section 28-1009, Revised Statutes Supplement,
- 3 2013, is amended to read:
- 4 28-1009 (1) A person who intentionally, knowingly, or
- 5 recklessly abandons or cruelly neglects an animal is guilty of a
- 6 Class I misdemeanor unless the abandonment or cruel neglect results
- 7 in serious injury or illness or death of the animal, in which case
- 8 it is a Class IV felony.
- 9 (2)(a) Except as provided in subdivision (b) of this
- 10 subsection, a person who cruelly mistreats an animal is guilty of
- 11 a Class I misdemeanor for the first offense and a Class IV felony
- 12 for any subsequent offense.
- 13 (b) A person who cruelly mistreats an animal is guilty of
- 14 a Class IV felony if such cruel mistreatment involves the knowing
- 15 and intentional torture, repeated beating, or mutilation of the
- 16 animal.
- 17 (3) A person commits harassment of a police animal if
- 18 he or she knowingly and intentionally teases or harasses a police
- 19 animal in order to distract, agitate, or harm the police animal
- 20 for the purpose of preventing such animal from performing its
- 21 legitimate official duties. Harassment of a police animal is a
- 22 Class IV misdemeanor unless the harassment is the proximate cause
- 23 of the death of the police animal, in which case it is a Class IV
- 1 felony.
- 2 (4) A person convicted of a Class I misdemeanor under
- 3 ~~subdivision (2)(a) of this section~~ may also be subject to section
- 4 28-1019. A person convicted of a Class IV felony under this section
- 5 shall also be subject to section 28-1019.
- 6 2. On page 1, line 2, after "2012" insert ", and section
- 7 28-1009, Revised Statutes Supplement, 2013"; in line 4 after the
- 8 semicolon insert "to harmonize provisions;"; and in line 5 strike
- 9 "section" and insert "sections".
- 10 3. On page 2, line 25, strike "is" and insert "and
- 11 section 28-1009, Revised Statutes Supplement, 2013, are".
- 12 4. Renumber the remaining sections accordingly.

(Signed) John Murante, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer**

Senator K. Haar asked unanimous consent to add his name as cointroducer to LB1058. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 31 ninth-grade students from Northwest Magnet High School, Omaha; 83 nursing students from Creighton University, Omaha; 40 fourth-grade students and teachers from Montclair Elementary, Omaha; a group from Nebraska Council of Catholic Women from across the state; and 50 fourth-grade students, teachers, and sponsors from Franklin 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 Gloor presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Cook who was excused; and Senators Adams, Ashford, Avery, Conrad, Crawford, Dubas, Hansen, B. Harr, Howard, Janssen, Larson, Lathrop, Lautenbaugh, and Schilz who were excused until they arrive.

**AMENDMENT - Print in Journal**

Senator Seiler filed the following amendment to LB999:  
AM2530

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new section:
- 3 Section 1. (1) The Legislature finds that a need exists
- 4 for additional behavioral health treatment beds for inmates in
- 5 the state correctional system. In order to follow an orderly
- 6 and reasonable process based upon defined and documented need
- 7 and an analysis of the utilization of existing facilities, the
- 8 Legislature authorizes the Division of Behavioral Health of the
- 9 Department of Health and Human Services to study the feasibility
- 10 of the establishment of a Hastings Correctional Behavioral Health
- 11 Treatment Center at the Hastings Regional Center.
- 12 (2)(a) The Division of Behavioral Health of the
- 13 Department of Health and Human Services shall prepare a complete
- 14 program statement for the Hastings Correctional Behavioral Health
- 15 Treatment Center, prepared in accordance with the Procedural
- 16 Manual for Capital Construction Projects, as approved by the state
- 17 building division of the Department of Administrative Services. The
- 18 state building division shall assist the Department of Health and
- 19 Human Services in the preparation and submission of the program
- 20 statement.

21 (b) The program statement shall plan for the long-term  
 22 needs of the mentally ill inmates in the correctional system as  
 23 well as inmates who have drug and alcohol addictions. The intent  
 1 is to provide a facility for up to two hundred inmates in one  
 2 or more buildings at the Hastings Regional Center renovated or  
 3 constructed to meet the needs of the program. The program statement  
 4 shall identify the classification of inmates to be placed in the  
 5 center, the programs needed to provide mental health and substance  
 6 abuse treatment, and the capital cost of renovation needed to  
 7 fully support the program objectives. The program statement shall  
 8 estimate building renovation costs, staffing costs, and operational  
 9 costs for the center along with a proposed project schedule.  
 10 (c) The completed program statement shall be submitted  
 11 electronically to the Governor and Legislature by December 15,  
 12 2014.

### SELECT FILE

**LEGISLATIVE BILL 967A.** Senator Sullivan offered her amendment, AM2547, found on page 997.

The Sullivan amendment was adopted with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 660A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 853A.** Senator McGill offered her amendment, AM2552, found on page 986.

The McGill amendment was adopted with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 191.** ER138, found on page 619, was adopted.

Senator B. Harr withdrew his amendment, AM2523, found on page 983.

Senator Nordquist offered his amendment, AM2569, found on page 1060.

Senator B. Harr offered the following amendment to the Nordquist amendment:

AM2602

(Amendments to AM2569)

- 1 1. Insert the following new sections:
- 2 Sec. 14. 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 December 31.

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

19 Sec. 16. (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 Sec. 21. Section 77-5007, Revised Statutes Cumulative  
1 Supplement, 2012, is amended to read:

2 77-5007 The commission has the power and duty to hear and



3 determine appeals of:

- 4 (1) Decisions of any county board of equalization  
 5 equalizing the value of individual tracts, lots, or parcels of  
 6 real property so that all real property is assessed uniformly and  
 7 proportionately;  
 8 (2) Decisions of any county board of equalization  
 9 granting or denying tax-exempt status for real or personal property  
 10 or an exemption from motor vehicle taxes and fees;  
 11 (3) Decisions of the Tax Commissioner determining the  
 12 taxable property of a railroad company, car company, public service  
 13 entity, or air carrier within the state;  
 14 (4) Decisions of the Tax Commissioner determining  
 15 adjusted valuation pursuant to section 79-1016;  
 16 (5) Decisions of any county board of equalization on  
 17 the valuation of personal property or any penalties imposed under  
 18 sections 77-1233.04 and 77-1233.06;  
 19 (6) Decisions of any county board of equalization on  
 20 claims that a levy is or is not for an unlawful or unnecessary  
 21 purpose or in excess of the requirements of the county;  
 22 (7) Decisions of any county board of equalization  
 23 granting or rejecting an application for a homestead exemption;  
 24 (8) Decisions of the Department of Motor Vehicles  
 25 determining the taxable value of motor vehicles pursuant to section  
 26 60-3,188;  
 27 (9) Decisions of the Tax Commissioner made under section  
 1 77-1330;  
 2 (10) Any other decision of any county board of  
 3 equalization;  
 4 (11) Any other decision of the Tax Commissioner regarding  
 5 property valuation, exemption, or taxation;  
 6 (12) Decisions of the Tax Commissioner pursuant to  
 7 section 77-3520;  
 8 (13) Final decisions of a county board of equalization  
 9 appealed by the Tax Commissioner or Property Tax Administrator  
 10 pursuant to section 77-701; ~~and~~  
 11 (14) The requirement under section 16 of this act that  
 12 the income approach, including the use of a discounted cash-flow  
 13 analysis, be used by county assessors; and  
 14 ~~(14)-(15)~~ Any other decision, determination, action, or  
 15 order from which an appeal to the commission is authorized.  
 16 The commission has the power and duty to hear and grant  
 17 or deny relief on petitions.  
 18 2. Renumber the remaining sections and correct the  
 19 repealer accordingly.

The B. Harr amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Senator Nordquist offered the following amendment to his amendment:  
AM2606

(Amendments to AM2569)

1 1. Insert the following new section:

2 Sec. 18. Section 77-27,119, Revised Statutes Supplement,  
3 2013, is amended to read:

4 77-27,119 (1) The Tax Commissioner shall administer and  
5 enforce the income tax imposed by sections 77-2714 to 77-27,135,  
6 and he or she is authorized to conduct hearings, to adopt and  
7 promulgate such rules and regulations, and to require such facts  
8 and information to be reported as he or she may deem necessary to  
9 enforce the income tax provisions of such sections, except that  
10 such rules, regulations, and reports shall not be inconsistent with  
11 the laws of this state or the laws of the United States. The Tax  
12 Commissioner may for enforcement and administrative purposes divide  
13 the state into a reasonable number of districts in which branch  
14 offices may be maintained.

15 (2)(a) The Tax Commissioner may prescribe the form and  
16 contents of any return or other document required to be filed under  
17 the income tax provisions. Such return or other document shall  
18 be compatible as to form and content with the return or document  
19 required by the laws of the United States. The form shall have a  
20 place where the taxpayer shall designate the high school district  
21 in which he or she lives and the county in which the high school  
22 district is headquartered. The Tax Commissioner shall adopt and  
1 promulgate such rules and regulations as may be necessary to insure  
2 compliance with this requirement.

3 (b) The State Department of Education, with the  
4 assistance and cooperation of the Department of Revenue, shall  
5 develop a uniform system for numbering all school districts in the  
6 state. Such system shall be consistent with the data processing  
7 needs of the Department of Revenue and shall be used for the  
8 school district identification required by subdivision (a) of this  
9 subsection.

10 (c) The proper filing of an income tax return shall  
11 consist of the submission of such form as prescribed by the  
12 Tax Commissioner or an exact facsimile thereof with sufficient  
13 information provided by the taxpayer on the face of the form from  
14 which to compute the actual tax liability. Each taxpayer shall  
15 include such taxpayer's correct social security number or state  
16 identification number and the school district identification number  
17 of the school district in which the taxpayer resides on the face of  
18 the form. A filing is deemed to occur when the required information  
19 is provided.

20 (3) The Tax Commissioner, for the purpose of ascertaining  
21 the correctness of any return or other document required to  
22 be filed under the income tax provisions, for the purpose of  
23 determining corporate income, individual income, and withholding  
24 tax due, or for the purpose of making an estimate of taxable income

25 of any person, shall have the power to examine or to cause to have  
26 examined, by any agent or representative designated by him or her  
27 for that purpose, any books, papers, records, or memoranda bearing  
1 upon such matters and may by summons require the attendance of  
2 the person responsible for rendering such return or other document  
3 or remitting any tax, or any officer or employee of such person,  
4 or the attendance of any other person having knowledge in the  
5 premises, and may take testimony and require proof material for his  
6 or her information, with power to administer oaths or affirmations  
7 to such person or persons.

8 (4) The time and place of examination pursuant to this  
9 section shall be such time and place as may be fixed by the Tax  
10 Commissioner and as are reasonable under the circumstances. In the  
11 case of a summons, the date fixed for appearance before the Tax  
12 Commissioner shall not be less than twenty days from the time of  
13 service of the summons.

14 (5) No taxpayer shall be subjected to unreasonable or  
15 unnecessary examinations or investigations.

16 (6) Except in accordance with proper judicial order or  
17 as otherwise provided by law, it shall be unlawful for the Tax  
18 Commissioner, any officer or employee of the Tax Commissioner,  
19 any person engaged or retained by the Tax Commissioner on an  
20 independent contract basis, any person who pursuant to this section  
21 is permitted to inspect any report or return or to whom a copy, an  
22 abstract, or a portion of any report or return is furnished, any  
23 employee of the State Treasurer or the Department of Administrative  
24 Services, or any other person to divulge, make known, or use in  
25 any manner the amount of income or any particulars set forth or  
26 disclosed in any report or return required except for the purpose  
27 of enforcing sections 77-2714 to 77-27,135. The officers charged  
1 with the custody of such reports and returns shall not be required  
2 to produce any of them or evidence of anything contained in them  
3 in any action or proceeding in any court, except on behalf of the  
4 Tax Commissioner in an action or proceeding under the provisions  
5 of the tax law to which he or she is a party or on behalf of  
6 any party to any action or proceeding under such sections when the  
7 reports or facts shown thereby are directly involved in such action  
8 or proceeding, in either of which events the court may require the  
9 production of, and may admit in evidence, so much of such reports  
10 or of the facts shown thereby as are pertinent to the action or  
11 proceeding and no more. Nothing in this section shall be construed  
12 (a) to prohibit the delivery to a taxpayer, his or her duly  
13 authorized representative, or his or her successors, receivers,  
14 trustees, personal representatives, administrators, assignees, or  
15 guarantors, if directly interested, of a certified copy of any  
16 return or report in connection with his or her tax, (b) to  
17 prohibit the publication of statistics so classified as to prevent  
18 the identification of particular reports or returns and the items  
19 thereof, (c) to prohibit the inspection by the Attorney General,

20 other legal representatives of the state, or a county attorney  
21 of the report or return of any taxpayer who brings an action to  
22 review the tax based thereon, against whom an action or proceeding  
23 for collection of tax has been instituted, or against whom an  
24 action, proceeding, or prosecution for failure to comply with the  
25 Nebraska Revenue Act of 1967 is being considered or has been  
26 commenced, (d) to prohibit furnishing to the Nebraska Workers'  
27 Compensation Court the names, addresses, and identification numbers  
1 of employers, and such information shall be furnished on request  
2 of the court, (e) to prohibit the disclosure of information  
3 and records to a collection agency contracting with the Tax  
4 Commissioner pursuant to sections 77-377.01 to 77-377.04, (f)  
5 to prohibit the disclosure of information pursuant to section  
6 77-27,195, 77-4110, or 77-5731, (g) to prohibit the disclosure  
7 to the Public Employees Retirement Board of the addresses of  
8 individuals who are members of the retirement systems administered  
9 by the board, and such information shall be furnished to the  
10 board solely for purposes of its administration of the retirement  
11 systems upon written request, which request shall include the name  
12 and social security number of each individual for whom an address  
13 is requested, (h) to prohibit the disclosure of information to  
14 the Department of Labor necessary for the administration of the  
15 Employment Security Law, the Contractor Registration Act, or the  
16 Employee Classification Act, (i) to prohibit the disclosure to the  
17 Department of Motor Vehicles of tax return information pertaining  
18 to individuals, corporations, and businesses determined by the  
19 Department of Motor Vehicles to be delinquent in the payment of  
20 amounts due under agreements pursuant to the International Fuel  
21 Tax Agreement Act, and such disclosure shall be strictly limited  
22 to information necessary for the administration of the act, ~~or~~ (j)  
23 to prohibit the disclosure under section 42-358.08, 43-512.06, or  
24 43-3327 to any court-appointed individuals, the county attorney,  
25 any authorized attorney, or the Department of Health and Human  
26 Services of an absent parent's address, social security number,  
27 amount of income, health insurance information, and employer's  
1 name and address for the exclusive purpose of establishing and  
2 collecting child, spousal, or medical support, or (k) to prohibit  
3 the disclosure of information to the Department of Insurance,  
4 the Nebraska State Historical Society, or the State Historic  
5 Preservation Officer as necessary to carry out the Department of  
6 Revenue's responsibilities under the Nebraska Job Creation and  
7 Mainstreet Revitalization Act. Information so obtained shall be  
8 used for no other purpose. Any person who violates this subsection  
9 shall be guilty of a felony and shall upon conviction thereof be  
10 fined not less than one hundred dollars nor more than five hundred  
11 dollars, or be imprisoned not more than five years, or be both so  
12 fined and imprisoned, in the discretion of the court and shall be  
13 assessed the costs of prosecution. If the offender is an officer or  
14 employee of the state, he or she shall be dismissed from office and

15 be ineligible to hold any public office in this state for a period  
16 of two years thereafter.

17 (7) Reports and returns required to be filed under income  
18 tax provisions of sections 77-2714 to 77-27,135 shall be preserved  
19 until the Tax Commissioner orders them to be destroyed.

20 (8) Notwithstanding the provisions of subsection (6) of  
21 this section, the Tax Commissioner may permit the Secretary of the  
22 Treasury of the United States or his or her delegates or the proper  
23 officer of any state imposing an income tax, or the authorized  
24 representative of either such officer, to inspect the income tax  
25 returns of any taxpayer or may furnish to such officer or his or  
26 her authorized representative an abstract of the return of income  
27 of any taxpayer or supply him or her with information concerning an  
1 item of income contained in any return or disclosed by the report  
2 of any investigation of the income or return of income of any  
3 taxpayer, but such permission shall be granted only if the statutes  
4 of the United States or of such other state, as the case may be,  
5 grant substantially similar privileges to the Tax Commissioner of  
6 this state as the officer charged with the administration of the  
7 income tax imposed by sections 77-2714 to 77-27,135.

8 (9) Notwithstanding the provisions of subsection (6) of  
9 this section, the Tax Commissioner may permit the Postal Inspector  
10 of the United States Postal Service or his or her delegates to  
11 inspect the reports or returns of any person filed pursuant to the  
12 Nebraska Revenue Act of 1967 when information on the reports or  
13 returns is relevant to any action or proceeding instituted or being  
14 considered by the United States Postal Service against such person  
15 for the fraudulent use of the mails to carry and deliver false and  
16 fraudulent tax returns to the Tax Commissioner with the intent to  
17 defraud the State of Nebraska or to evade the payment of Nebraska  
18 state taxes.

19 (10)(a) Notwithstanding the provisions of subsection (6)  
20 of this section, the Tax Commissioner shall, upon written request  
21 by the Auditor of Public Accounts or the Legislative Performance  
22 Audit Committee, make tax returns and tax return information  
23 open to inspection by or disclosure to officers and employees  
24 of the Auditor of Public Accounts or employees of the office of  
25 Legislative Audit for the purpose of and to the extent necessary in  
26 making an audit of the Department of Revenue pursuant to section  
27 50-1205 or 84-304. The Auditor of Public Accounts or office of  
1 Legislative Audit shall statistically and randomly select the tax  
2 returns and tax return information to be audited based upon a  
3 computer tape provided by the Department of Revenue which contains  
4 only total population documents without specific identification of  
5 taxpayers. The Tax Commissioner shall have the authority to approve  
6 the statistical sampling method used by the Auditor of Public  
7 Accounts or office of Legislative Audit. Confidential tax returns  
8 and tax return information shall be audited only upon the premises  
9 of the Department of Revenue. All audit workpapers pertaining to

10 the audit of the Department of Revenue shall be stored in a secure  
11 place in the Department of Revenue.

12 (b) No officer or employee of the Auditor of Public  
13 Accounts or office of Legislative Audit employee shall disclose to  
14 any person, other than another officer or employee of the Auditor  
15 of Public Accounts or office of Legislative Audit whose official  
16 duties require such disclosure or as provided in subsections (2)  
17 and (3) of section 50-1213, any return or return information  
18 described in the Nebraska Revenue Act of 1967 in a form which can  
19 be associated with or otherwise identify, directly or indirectly, a  
20 particular taxpayer.

21 (c) Any person who violates the provisions of this  
22 subsection shall be guilty of a Class IV felony and, in the  
23 discretion of the court, may be assessed the costs of prosecution.  
24 The guilty officer or employee shall be dismissed from employment  
25 and be ineligible to hold any position of employment with the State  
26 of Nebraska for a period of two years thereafter. For purposes of  
27 this subsection, officer or employee shall include a former officer  
1 or employee of the Auditor of Public Accounts or former employee of  
2 the office of Legislative Audit.

3 (11) For purposes of subsections (10) through (13) of  
4 this section:

5 (a) Tax returns shall mean any tax or information return  
6 or claim for refund required by, provided for, or permitted  
7 under sections 77-2714 to 77-27,135 which is filed with the Tax  
8 Commissioner by, on behalf of, or with respect to any person  
9 and any amendment or supplement thereto, including supporting  
10 schedules, attachments, or lists which are supplemental to or part  
11 of the filed return;

12 (b) Return information shall mean:

13 (i) A taxpayer's identification number and (A) the  
14 nature, source, or amount of his or her income, payments, receipts,  
15 deductions, exemptions, credits, assets, liabilities, net worth,  
16 tax liability, tax withheld, deficiencies, overassessments, or tax  
17 payments, whether the taxpayer's return was, is being, or will be  
18 examined or subject to other investigation or processing or (B) any  
19 other data received by, recorded by, prepared by, furnished to, or  
20 collected by the Tax Commissioner with respect to a return or the  
21 determination of the existence or possible existence of liability  
22 or the amount of liability of any person for any tax, penalty,  
23 interest, fine, forfeiture, or other imposition or offense; and

24 (ii) Any part of any written determination or any  
25 background file document relating to such written determination;  
26 and

27 (c) Disclosures shall mean the making known to any person  
1 in any manner a return or return information.

2 (12) The Auditor of Public Accounts or the Legislative  
3 Auditor shall (a) notify the Tax Commissioner in writing thirty  
4 days prior to the beginning of an audit of his or her intent to

5 conduct an audit, (b) provide an audit plan, and (c) provide a  
6 list of the tax returns and tax return information identified for  
7 inspection during the audit.

8 (13) The Auditor of Public Accounts or the office  
9 of Legislative Audit shall, as a condition for receiving tax  
10 returns and tax return information: (a) Subject employees involved  
11 in the audit to the same confidential information safeguards  
12 and disclosure procedures as required of Department of Revenue  
13 employees; (b) establish and maintain a permanent system of  
14 standardized records with respect to any request for tax returns  
15 or tax return information, the reason for such request, and the  
16 date of such request and any disclosure of the tax return or  
17 tax return information; (c) establish and maintain a secure area  
18 or place in the Department of Revenue in which the tax returns,  
19 tax return information, or audit workpapers shall be stored; (d)  
20 restrict access to the tax returns or tax return information only  
21 to persons whose duties or responsibilities require access; (e)  
22 provide such other safeguards as the Tax Commissioner determines  
23 to be necessary or appropriate to protect the confidentiality of  
24 the tax returns or tax return information; (f) provide a report to  
25 the Tax Commissioner which describes the procedures established and  
26 utilized by the Auditor of Public Accounts or office of Legislative  
Audit for insuring the confidentiality of tax returns, tax return  
1 information, and audit workpapers; and (g) upon completion of use  
2 of such returns or tax return information, return to the Tax  
3 Commissioner such returns or tax return information, along with any  
4 copies.

5 (14) The Tax Commissioner may permit other tax officials  
6 of this state to inspect the tax returns and reports filed  
7 under sections 77-2714 to 77-27,135, but such inspection shall be  
8 permitted only for purposes of enforcing a tax law and only to  
9 the extent and under the conditions prescribed by the rules and  
10 regulations of the Tax Commissioner.

11 (15) The Tax Commissioner shall compile the school  
12 district information required by subsection (2) of this section.  
13 Insofar as it is possible, such compilation shall include, but  
14 not be limited to, the total adjusted gross income of each school  
15 district in the state. The Tax Commissioner shall adopt and  
16 promulgate such rules and regulations as may be necessary to insure  
17 that such compilation does not violate the confidentiality of any  
18 individual income tax return nor conflict with any other provisions  
19 of state or federal law.

20 2. On page 10, line 12, strike "the lesser of either"; in  
21 line 13 strike "or twenty-five"; and in line 14 strike "thousand  
22 dollars".

23 3. On page 11, line 25, after the second occurrence of  
24 "lien" insert "pursuant to the filing of a notice of lien".

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

The Nordquist amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

The Nordquist amendment, AM2569, as amended, was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 191A.** ER156, found on page 786, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 690.** ER144, found on page 681, was adopted.

Senator Bolz withdrew her amendment, AM2254, found on page 800.

Senator Bolz offered her amendment, AM2585, found on page 1050.

The Bolz amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 690A.** Senator Bolz offered the following amendment:

AM2614

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. There is hereby appropriated \$1,760 from the
- 4 General Fund for FY2013-14 to the Legislative Council, for Program
- 5 122, to aid in carrying out the provisions of Legislative Bill 690,
- 6 One Hundred Third Legislature, Second Session, 2014.
- 7 No expenditures for permanent and temporary salaries and
- 8 per diems for state employees shall be made from funds appropriated
- 9 in this section.
- 10 Sec. 2. There is hereby appropriated (1) \$228,061 from
- 11 the General Fund and \$228,061 from federal funds for FY2014-15 and
- 12 (2) \$77,194 from the General Fund and \$77,194 from federal funds
- 13 for FY2015-16 to the Department of Health and Human Services, for
- 14 Program 33, to aid in carrying out the provisions of Legislative
- 15 Bill 690, One Hundred Third Legislature, Second Session, 2014.
- 16 Total expenditures for permanent and temporary salaries
- 17 and per diems from funds appropriated in this section shall not
- 18 exceed \$80,831 for FY2014-15 or \$80,831 for FY2015-16.
- 19 Sec. 3. There is hereby appropriated (1) \$2,629,187 from
- 20 the General Fund and \$12,041,518 from federal funds for FY2014-15
- 21 and (2) \$5,258,374 from the General Fund and \$17,840,154 from
- 22 federal funds for FY2015-16 to the Department of Health and Human



- 23 Services, for Program 348, to aid in carrying out the provisions  
 1 of Legislative Bill 690, One Hundred Third Legislature, Second  
 2 Session, 2014.  
 3 No expenditures for permanent and temporary salaries and  
 4 per diems for state employees shall be made from funds appropriated  
 5 in this section.  
 6 Sec. 4. Since an emergency exists, this act takes effect  
 7 when passed and approved according to law.

Senator Bolz moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Bolz requested a roll call vote on her amendment.

Voting in the affirmative, 32:

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

Voting in the negative, 6:

Bloomfield	Christensen	Kintner
Brasch	Garrett	McCoy

Present and not voting, 6:

Carlson	Pirsch	Smith
Larson	Schilz	Watermeier

Absent and not voting, 1:

Wightman

Excused and not voting, 4:

Cook	Hansen	Janssen	Lautenbaugh
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The Bolz amendment was adopted with 32 ayes, 6 nays, 6 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1087.** ER178, found on page 917, was adopted.

Senator Avery asked unanimous consent to withdraw his amendment, AM2558, found on page 988, and replace it with his substitute amendment, AM2595. No objections. So ordered.  
AM2595

(Amendments to E & R amendments, ER178)

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 77-3505.02, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-3505.02 Maximum value shall mean:
- 5 (1) For applicants eligible under section 77-3507, two
- 6 hundred percent of the average assessed value of single-family
- 7 residential property in the claimant's county of residence as
- 8 determined in section 77-3506.02 or ninety-five thousand dollars,
- 9 whichever is greater; and
- 10 (2) For applicants eligible under sections 77-3508 and
- 11 77-3509 and section 6 of this act, two hundred twenty-five percent
- 12 of the average assessed value of single-family residential property
- 13 in the claimant's county of residence as determined in section
- 14 77-3506.02 or one hundred ten thousand dollars, whichever is
- 15 greater.
- 16 2. On page 1, line 17, after "77-3509" insert "and
- 17 section 6 of this act"; and strike line 23.
- 18 3. On page 2, strike line 1; in line 10 after "77-3509"
- 19 insert "and section 6 of this act"; and in line 24 after "77-3509"
- 20 insert "or section 6 of this act".
- 21 4. On page 3, line 2, after "77-3509" insert "or section
- 22 6 of this act"; strike beginning with "This" in line 2 through
- 1 line 3; and in line 8 after "amount" insert "as limited by section
- 2 77-3506.03".
- 3 5. On page 21, line 27, after the last comma insert
- 4 "77-3505.02,".
- 5 6. Renumber the remaining sections and correct internal
- 6 references accordingly.

Senator Avery moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Avery requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Ashford	Chambers	Gloor	Kolowski	Sullivan
Avery	Conrad	Haar, K.	Krist	Wallman
Campbell	Dubas	Hadley	Nelson	

Voting in the negative, 11:

Bloomfield	Garrett	Kintner	Scheer
Brasch	Johnson	Larson	Seiler
Carlson	Karpisek	Pirsch	

Present and not voting, 20:

Adams	Crawford	Howard	Mello	Schumacher
Bolz	Davis	Lathrop	Murante	Smith
Christensen	Harms	McCoy	Nordquist	Watermeier
Coash	Harr, B.	McGill	Schilz	Wightman

Excused and not voting, 4:

Cook	Hansen	Janssen	Lautenbaugh
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The Avery amendment lost with 14 ayes, 11 nays, 20 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator B. Harr offered the following amendment:  
AM2589

(Amendments to E & R amendments, ER178)

1 1. Strike section 22 and insert the following new  
2 sections:  
3 Section 1. Section 77-1333, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 77-1333 (1) The Legislature finds that:  
6 (a) The provision of safe, decent, and affordable housing  
7 to all residents of the State of Nebraska is a matter of public  
8 concern and represents a legitimate and compelling state need,  
9 affecting the general welfare of all residents;  
10 (b) Rent-restricted housing projects effectively provide  
11 safe, decent, and affordable housing for residents of Nebraska;  
12 (c) Such projects are restricted by federal law as to the  
13 rents paid by the tenants thereof;  
14 (d) Of all the professionally accepted mass appraisal  
15 methodologies, which include the sales comparison approach, the  
16 income approach, and the cost approach, the utilization of  
17 the income-approach methodology results in the most accurate  
18 determination of the actual value of such projects; and  
19 (e) This section is intended to (i) further the provision  
20 of safe, decent, and affordable housing to all residents of  
21 Nebraska and (ii) comply with Article VIII, section 1, of  
22 the Constitution of Nebraska, which empowers the Legislature to  
1 prescribe standards and methods for the determination of value of  
2 real property at uniform and proportionate values.  
3 ~~(1)~~(2) For purposes of this section, rent-restricted  
4 housing project means a project consisting of five or more houses

5 or residential units that is financed, in whole or in part, with an  
6 allocation of federal low-income housing tax credits under section  
7 42 of the Internal Revenue Code.

8 (3) The Rent-Restricted Housing Projects Valuation  
9 Committee is created. For administrative purposes only, the  
10 committee shall be within the Department of Revenue. The committee  
11 shall consist of the following three persons:

12 (a) A representative of local government assessing  
13 officials appointed by the Tax Commissioner. Such representative  
14 shall be skilled in the valuation of property and shall hold a  
15 certificate issued under section 77-422;

16 (b) A representative of the low-income housing industry  
17 appointed by the Tax Commissioner. The appointment shall be based  
18 on a recommendation made by the Nebraska Commission on Housing and  
19 Homelessness; and

20 (c) The Property Tax Administrator or a designee of the  
21 Property Tax Administrator who holds a certificate issued under  
22 section 77-422. Such person shall serve as the chairperson of the  
23 committee.

24 (4) The committee shall meet annually in November to  
25 examine the information on rent-restricted housing projects that  
26 was provided pursuant to subsection (8) of this section. The  
27 Department of Revenue shall electronically publish notice of such  
1 meeting no less than thirty days in advance. The committee shall  
2 also solicit information on the sale of any such rent-restricted  
3 housing projects. The committee shall, after reviewing all such  
4 information, calculate a market-derived capitalization rate on  
5 an annual basis as provided in subsection (5) of this section.  
6 The annual capitalization rate and information reviewed by the  
7 committee shall be assembled in an annual report and shall be  
8 forwarded by the Property Tax Administrator to each county assessor  
9 in Nebraska no later than December 1 of each year for his or  
10 her use in determining the valuation of rent-restricted housing  
11 projects. The Department of Revenue shall publish the annual  
12 report electronically but may charge a fee for copies. The Tax  
13 Commissioner shall set the fee based on the reasonable cost of  
14 producing the report.

15 (5)(a) The committee shall calculate the capitalization  
16 rate using the band-of-investment technique. The capitalization  
17 rate is a composite rate weighted by the proportions of total  
18 property investment represented by debt and equity. The capital  
19 structure shall weight equity at eighty percent and debt at  
20 twenty percent unless a substantially different market capital  
21 structure can be verified to the county assessor. The yield  
22 for equity is calculated using the capital asset pricing model  
23 as provided in subdivision (b) of this subsection. The yield  
24 for debt is equivalent to the average yield on thirty-year  
25 non-inflation-indexed United States Treasury bonds, also referred  
26 to as the thirty-year Treasury constant maturity rate.

27 (b)(i) The capital asset pricing model used to calculate  
1 the yield for equity is represented by the following formula:  $Re =$   
2  $B(Rm-Rf) + Rf$ , where:  
3 (A)  $Re$  equals return on equity;  
4 (B)  $B$  equals beta;  
5 (C)  $Rm$  equals return on the market;  
6 (D)  $Rf$  equals risk-free rate of return; and  
7 (E)  $Rm - Rf$  equals market-risk premium.  
8 (ii) The beta is assumed to be one which indicates the  
9 risk level to be consistent with the market as a whole. The  
10 risk-free rate of return is calculated by averaging the yield of  
11 the three-month and six-month non-inflation-indexed United States  
12 Treasury bonds. The return on the market is calculated based on  
13 the average annual return on the Standard and Poor's 500 Index or  
14 by reference to other published secondary sources that reflect the  
15 rate of return on the market as a whole.  
16 (6) The county assessor shall ~~perform~~ utilize an  
17 income-approach calculation for all rent-restricted housing  
18 projects ~~constructed to allow an allocation of low income~~  
19 housing tax credits under section 42 of the Internal Revenue  
20 Code and approved by the Nebraska Investment Finance Authority  
21 when ~~considering~~ determining the assessed valuation to place  
22 on the property for each assessment year. The income-approach  
23 calculation shall be consistent with this section and any rules  
24 and regulations adopted and promulgated by the Tax Commissioner,  
25 and shall comply with professionally accepted mass appraisal  
26 techniques. Any low-income housing tax credits authorized under  
27 section 42 of the Internal Revenue Code that were granted to  
1 owners of the project shall not be considered income for purposes  
2 of the calculation. Each county assessor, when utilizing the  
3 income-approach calculation, shall utilize the capitalization  
4 rate calculated by the Rent-Restricted Housing Projects Valuation  
5 Committee except as otherwise provided in subsection (7) of this  
6 section, but may be considered in determining the capitalization  
7 rate to be used when capitalizing the income stream. The county  
8 assessor, in determining the actual value of any specific property,  
9 may consider other methods of determining value that are consistent  
10 with professionally accepted mass appraisal methods described in  
11 section ~~77-112~~.  
12 (7) If a county assessor, based on the facts and  
13 circumstances, believes that the income-approach calculation does  
14 not result in a valuation of a rent-restricted housing project  
15 at actual value or that the market-derived capitalization rate  
16 set by the Rent-Restricted Housing Projects Valuation Committee  
17 to value any rent-restricted housing project does not result  
18 in a valuation at actual value, then the county assessor shall  
19 present such facts and circumstances to the county board of  
20 equalization. If the county board of equalization, based on  
21 such facts and circumstances, concurs with the county assessor,

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

16 ~~(2)-(8)~~ The owner of a rent-restricted housing project  
 17 shall file a statement with the county assessor and the  
 18 Rent-Restricted Housing Projects Valuation Committee on or before  
 19 October 1 of each year that details income and expense data for  
 20 the prior year, a description of any land-use restrictions, and  
 21 such other information as the county assessor or the committee may  
 22 require.

23 Sec. 23. Section 77-5007, Revised Statutes Cumulative  
 24 Supplement, 2012, is amended to read:

25 77-5007 The commission has the power and duty to hear and  
 26 determine appeals of:

- 27 (1) Decisions of any county board of equalization  
 1 equalizing the value of individual tracts, lots, or parcels of  
 2 real property so that all real property is assessed uniformly and  
 3 proportionately;  
 4 (2) Decisions of any county board of equalization  
 5 granting or denying tax-exempt status for real or personal property  
 6 or an exemption from motor vehicle taxes and fees;  
 7 (3) Decisions of the Tax Commissioner determining the  
 8 taxable property of a railroad company, car company, public service  
 9 entity, or air carrier within the state;  
 10 (4) Decisions of the Tax Commissioner determining  
 11 adjusted valuation pursuant to section 79-1016;  
 12 (5) Decisions of any county board of equalization on  
 13 the valuation of personal property or any penalties imposed under  
 14 sections 77-1233.04 and 77-1233.06;  
 15 (6) Decisions of any county board of equalization on  
 16 claims that a levy is or is not for an unlawful or unnecessary

17 purpose or in excess of the requirements of the county;  
 18 (7) Decisions of any county board of equalization  
 19 granting or rejecting an application for a homestead exemption;  
 20 (8) Decisions of the Department of Motor Vehicles  
 21 determining the taxable value of motor vehicles pursuant to section  
 22 60-3,188;  
 23 (9) Decisions of the Tax Commissioner made under section  
 24 77-1330;  
 25 (10) Any other decision of any county board of  
 26 equalization;  
 27 (11) Any other decision of the Tax Commissioner regarding  
 1 property valuation, exemption, or taxation;  
 2 (12) Decisions of the Tax Commissioner pursuant to  
 3 section 77-3520;  
 4 (13) Final decisions of a county board of equalization  
 5 appealed by the Tax Commissioner or Property Tax Administrator  
 6 pursuant to section 77-701; ~~and~~  
 7 (14) Determinations of the Rent-Restricted Housing  
 8 Projects Valuation Committee regarding the market-derived  
 9 capitalization rate to be used to value rent-restricted housing  
 10 projects pursuant to section 77-1333 or the requirement under such  
 11 section that an income-approach calculation be used by county  
 12 assessors to value rent-restricted housing projects; and  
 13 ~~(14)-(15)~~ Any other decision, determination, action, or  
 14 order from which an appeal to the commission is authorized.  
 15 The commission has the power and duty to hear and grant  
 16 or deny relief on petitions.  
 17 Sec. 24. Sections 2 to 22 and 26 of this act become  
 18 operative on January 1, 2015. The other sections of this act become  
 19 operative on their effective date.  
 20 Sec. 25. Original section 77-1333, Reissue Revised  
 21 Statutes of Nebraska, and section 77-5007, Revised Statutes  
 22 Cumulative Supplement, 2012, are repealed.  
 23 2. Renumber the remaining sections and correct internal  
 24 references accordingly.

Senator Bloomfield requested a ruling of the Chair on whether the B. Harr amendment is germane to the bill.

The Chair ruled the B. Harr amendment is not germane to the bill.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1087A.** Advanced to Enrollment and Review for Engrossment.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 533.** Introduced by Crawford, 45; Campbell, 25.

**PURPOSE:** The purpose of this resolution is to study, review, investigate, and assess the enrollment of former foster youth in the new medicaid category for youth formerly in foster care up to age 26 in Nebraska under the federal Patient Protection and Affordable Care Act. This study shall include, but not be limited to, an examination of the following:

(1) The estimated and projected number of young adults eligible under the new medicaid category in Nebraska;

(2) The number of enrolled young adults under the new medicaid category;

(3) The Department of Health and Human Services policies and procedures for automatic eligibility redetermination of youth as they age out of foster care;

(4) The Department of Health and Human Services policies and procedures regarding the eligibility of youth who were in foster care in other states and the eligibility of youth who exited foster care after their 18th birthday;

(5) The efforts made by the Department of Health and Human Services to conduct outreach to potentially eligible young adults about this new medicaid category; and

(6) Department of Health and Human Services compliance with inclusion of medicaid eligibility information and documentation in the youth's independent living transition proposal as required by section 43-1311.03 beginning when the youth is age 16 continuing through age 19.

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

1. That the Health and Human Services 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.

**LEGISLATIVE RESOLUTION 534.** Introduced by Mello, 5.

**PURPOSE:** The purpose of this resolution is to study issues surrounding patent assertion entities, commonly referred to as "patent trolls." This study shall include, but not be limited to, an examination of the following:

(1) How the Uniform Deceptive Trade Practices Act and other state consumer protection statutes could be utilized to regulate patent trolls;

(2) Efforts in other states to utilize existing consumer protection statutes to regulate patent trolls; and



(3) Federal efforts to regulate patent trolls, including granting states the express authority to regulate patent trolls through state consumer protection statutes.

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

1. That the Judiciary 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.

**LEGISLATIVE RESOLUTION 535.** Introduced by Mello, 5; Bolz, 29; Campbell, 25; Conrad, 46; Crawford, 45; Gloor, 35; Harms, 48; Howard, 9; Kintner, 2; Krist, 10; Nelson, 6; Nordquist, 7; Seiler, 33; Watermeier, 1; Wightman, 36.

**PURPOSE:** The purpose of this resolution is to conduct a comprehensive review of the structure of health and human services functions currently administered by the Department of Health and Human Services (DHHS), as well as to examine similar structures and functions in other states.

Prior to 1996, the health and human services functions currently administered by DHHS were delegated to four separate state agencies. These were the Department on Aging, the Department of Health, the Department of Public Institutions, and the Department of Social Services, in addition to the Office of Juvenile Services in the Department of Correctional Services.

Since the merger of these agencies, DHHS has grown to account for more than one-third of annual expenditures in the overall state budget for fiscal year 2012-13.

Historical expenditures for DHHS have grown at a higher rate than overall state expenditures, increasing by more than \$1.7 billion with an average growth rate of 5.26% since fiscal year 1995-96.

As of December 2013, DHHS had 6,162 employees which represents nearly three times the number of state employees than that of any other state agency.

The Auditor of Public Accounts has performed 103 separate audits of DHHS and its programs and facilities since 2000, including major audits relating to the Beatrice State Developmental Center, the Thomas Fitzgerald Veterans' Home, the Youth Rehabilitation and Treatment Center-Kearney, child welfare reform efforts, and management of federal medicaid and Low Income Home Energy Assistance Program (LIHEAP) funds.

The continuing growth of DHHS has made it increasingly difficult for the Auditor of Public Accounts, the Legislative Performance Audit Committee, and the Appropriations Committee to engage in meaningful oversight of taxpayer dollars expended by DHHS.

This study shall include, but not be limited to, an examination of whether shifting to a less consolidated structure of health and human services functions could result in greater fiscal accountability and improved quality of service, and whether such a restructuring should include transferring programs to other existing state agencies or new state agencies.

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

1. That the Appropriations Committee and Health and Human Services Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 536.** Introduced by Adams, 24; Wightman, 36.

**PURPOSE:** The purpose of this resolution is to study the process of creating legislative task forces, committees, and commissions. In recent years, there has been a proliferation of legislative task forces, committees, and commissions placed in statute. Several issues have been raised regarding composition, function, and constitutionality of some of these entities as an extension of the legislative branch of government.

This study shall examine the advantages and disadvantages of creating task forces, committees, and commissions by legislation rather than by legislative resolution. The entities to be studied shall include task forces, committees, and commissions that have legislative members serving on them and task forces, committees, and commissions which serve a legislative role or function. The study shall examine, but not be limited to, the following:

- (1) The role of legislative task forces, committees, and commissions;
- (2) Unconstitutional delegation of legislative authority;
- (3) The relationship between task forces, committees, and commissions to standing committee subject matter jurisdiction; and
- (4) Separation of powers concerns in terms of duties, membership, staffing, and funding.

This study shall also examine drafting requirements needed to make a legislative task force, committee, or commission operate effectively, including, but not limited to, the following:

- (1) Funding, including identification of necessary costs, the approval process for spending funds, and determination as to whether a specific appropriation is required, even if only for travel expenses;
- (2) The appointment process, including whether non-legislators should be included, identification of appropriate appointing authority, effective dates, reporting requirements, and study of gender and regional balance;

(3) Leadership and staffing, including the identification of the appropriate chairperson and how the chairperson will be selected, who will call the first meeting, and how staffing decisions will be determined; and

(4) Final report requirements and the duration of a task force, committee, or commission.

This study shall also address how the Legislature would implement the findings of this study, including drafting recommended rule changes if deemed necessary.

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

1. That the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the board 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.

**LEGISLATIVE RESOLUTION 537.** Introduced by Dubas, 34.

**PURPOSE:** The purpose of this resolution is to study the implementation, management, operation, and ongoing development of Next Generation 911 service in Nebraska. As technology advances, the public demands advanced emergency communications services. Nebraska has grown from the wireline telephone access of 911 service to wireless 911 access, and is now moving into Next Generation 911 which envisions additional ways to communicate text, images, video, and data to Public Service Answering Points (PSAPs) across the state. Next Generation 911 also considers the needs of diverse populations, such as the deaf and hard of hearing, low income populations, and both rural and urban residents. This study may examine new legislation necessary to enable the state to move forward with the implementation of Next Generation 911 and the need to consolidate existing statutes and funding streams for 911 services. The study committee shall consult with the Public Service Commission in its study of existing 911 service and Next Generation 911 service.

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

1. That the Transportation and Telecommunications 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.

**AMENDMENT - Print in Journal**

Senator Gloor filed the following amendment to LB811: AM2567 is available in the Bill Room.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 464A.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 464, One Hundred Third Legislature, Second Session, 2014.

**SELECT FILE**

**LEGISLATIVE BILL 1076.** Senator Nordquist offered his amendment, AM2305, found on page 887.

The Nordquist amendment was adopted with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

Senator Campbell offered her amendment, AM2314, found on page 890.

**SPEAKER ADAMS PRESIDING**

The Campbell amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

**SENATOR GLOOR PRESIDING**

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 851.** ER167, found on page 859, was adopted.

Senator Mello withdrew his amendment, AM2307, found on page 860.

Senator Mello offered his amendment, AM2510, found on page 953.

The Mello amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Senator Mello offered his amendment, AM2561, found on page 1040.

The Mello amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Senator B. Harr offered the following amendment:

AM2611

- 1 1. Insert the following new section:
- 2 Sec. 5. Section 77-1837.01, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 77-1837.01 ~~The (1) Except as otherwise provided in~~
- 5 subsection (2) of this section, the laws in effect on the date
- 6 of the issuance of a tax sale certificate govern all matters
- 7 related to tax ~~deeds-deed~~ proceedings, including noticing and
- 8 application, and foreclosure proceedings. Changes in law shall
- 9 not apply retroactively with regard to the tax sale certificates
- 10 previously issued.
- 11 (2) Tax sale certificates sold and issued between January
- 12 1, 2010, and December 31, 2014, shall be governed by the laws and
- 13 statutes that were in effect on December 31, 2009, with regard to
- 14 all matters relating to tax deed proceedings, including noticing
- 15 and application, and foreclosure proceedings.
- 16 2. Renumber the remaining sections and correct internal
- 17 references accordingly.
- 18 3. Correct the operative date and repealer sections so
- 19 that the section added by this amendment becomes operative three
- 20 calendar months after the adjournment of this legislative session.

The B. Harr amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Senator Hadley offered the following amendment:

AM2621

- 1 1. Insert the following new sections:
- 2 Section 1. Section 52-603, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 52-603 In accordance with the terms of the notice given
- 5 as provided by section 52-601.01, a sale of the goods for
- 6 reasonable value may be had to satisfy any valid claim of the
- 7 claimant for which ~~he-the claimant~~ has a lien on the goods. Such
- 8 sale shall extinguish any lien or security interest in the goods of
- 9 a lienholder or security interest holder to which notice of sale
- 10 was mailed pursuant to section 52-601.01.
- 11 Sec. 2. Section 52-604, Reissue Revised Statutes of
- 12 Nebraska, is amended to read:
- 13 52-604 From the proceeds of such sale the claimant shall
- 14 make application in the following order: (a) To satisfy his or her
- 15 lien, including the reasonable charges of notice, advertisement,
- 16 and sale; and (b) to satisfy the obligations secured by the lien
- 17 or security interest of any lien or security interest holder of
- 18 record. The balance, if any, of such proceeds shall be delivered to
- 19 the county treasurer of the county in which the sale was made. The
- 20 treasurer of the county in which the property was sold shall issue
- 21 his or her receipt therefor. ~~therefor~~ for the balance of such proceeds. The

22 county treasurer shall make proper entry in the books of his or her  
 23 office of all ~~money so such~~ proceeds paid over to him or her, and  
 1 shall hold the money for a period of five years, and immediately  
 2 thereafter ~~shall~~ pay the same into the school fund of the proper  
 3 county, to be appropriated for the support of the schools, unless  
 4 the owner of the property sold, his or her legal representatives,  
 5 or any lien or security interest holder of record, whose lien or  
 6 security interest has not previously been satisfied shall, within  
 7 such period of five years after such ~~money shall~~ proceeds have been  
 8 deposited with the treasurer, furnish satisfactory evidence of the  
 9 ownership of such property or satisfactory evidence of the lien  
 10 or security interest, in which event he, she, or they shall be  
 11 entitled to receive from ~~such the county~~ treasurer the amount so  
 12 deposited with him or her.  
 13 2. Renumber the remaining sections and correct the  
 14 operative date section and repealer sections so that the sections  
 15 added by this amendment become operative three calendar months  
 16 after adjournment of this legislative session.

The Hadley amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 744.** Senator Avery offered his amendment, AM2393, found on page 894.

The Avery amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 744A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 768.** ER163, found on page 855, was adopted.

Senator Larson offered the following amendment:  
 AM2401

(Amendments to Standing Committee amendments, AM1945)

- 1 1. On page 9, line 13; and page 11, line 21, strike
- 2 "The", show as stricken, and insert "For the period May 1, 2014,
- 3 through April 30, 2016, the amount of the fee assessed pursuant to
- 4 this section shall be six hundred fifty dollars. Beginning May 1,
- 5 2016, the".

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

Senator Larson requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 19:

Adams	Christensen	Karpisek	Murante	Smith
Brasch	Hadley	Kintner	Pirsch	Wallman
Campbell	Howard	Larson	Scheer	Watermeier
Carlson	Janssen	Lautenbaugh	Schilz	

Voting in the negative, 8:

Ashford	Bloomfield	Haar, K.	Seiler
Avery	Dubas	Johnson	Sullivan

Present and not voting, 20:

Bolz	Crawford	Harms	Lathrop	Nelson
Chambers	Davis	Harr, B.	McCoy	Nordquist
Coash	Garrett	Kolowski	McGill	Schumacher
Conrad	Gloor	Krist	Mello	Wightman

Excused and not voting, 2:

Cook	Hansen
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The Larson amendment lost with 19 ayes, 8 nays, 20 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

## COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 364.** Placed on Select File with amendment.

ER193

- 1 1. On page 1, line 1, strike "government" and insert
- 2 "city"; in line 3 strike "government bodies" and insert "cities";
- 3 and in line 4 after the semicolon insert "to provide for
- 4 applicability of provisions;".

**LEGISLATIVE BILL 679.** Placed on Select File with amendment.

ER194

- 1 1. On page 7, line 24, after "behalf" insert an
- 2 underscored comma.

**LEGISLATIVE BILL 802.** Placed on Select File.

**LEGISLATIVE BILL 803.** Placed on Select File with amendment.  
ER197

- 1 1. On page 3, line 2, strike the comma and show as
- 2 stricken and after "bill" insert an underscored comma.
- 3 2. On page 4, line 5, strike the comma; and in line 6
- 4 after "bill" insert an underscored comma.

(Signed) John Murante, Chairperson

**AMENDMENTS - Print in Journal**

Senator McGill filed the following amendment to LB998:  
AM2460

(Amendments to Standing Committee amendments, AM2079)

- 1 1. Insert the following new sections:
- 2 Section 1. Section 28-311.08, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 28-311.08 (1) It shall be unlawful for any person to
- 5 knowingly intrude upon any other person without his or her consent
- 6 or knowledge in a place of solitude or seclusion.
- 7 (2) It shall be unlawful for any person to knowingly
- 8 photograph, film, record, or live broadcast an image of the
- 9 intimate area of any other person without his or her knowledge
- 10 and consent when his or her intimate area would not be generally
- 11 visible to the public regardless of whether such other person is
- 12 located in a public or private place.
- 13 ~~(2)~~(3) For purposes of this section:
- 14 (a) Intimate area means the naked or undergarment-clad
- 15 genitalia, pubic area, buttocks, or female breast of an individual;
- 16 ~~(a)~~(b) Intrude means either the:
- 17 (i) Viewing of another person in a state of undress as it
- 18 is occurring; or
- 19 (ii) Recording by video, photographic, digital, or other
- 20 electronic means of another person in a state of undress; and
- 21 ~~(b)~~(c) Place of solitude or seclusion means a place
- 22 where a person would intend to be in a state of undress and have
- 1 a reasonable expectation of privacy, including, but not limited to,
- 2 any facility, public or private, used as a restroom, tanning booth,
- 3 locker room, shower room, fitting room, or dressing room.
- 4 ~~(3)(a)~~(4)(a) Violation of this section involving an
- 5 intrusion as defined in subdivision ~~(2)(a)(i)~~(3)(b)(i) of this
- 6 section or violation under subsection (2) of this section is a
- 7 Class I misdemeanor.
- 8 (b) ~~Violation~~ Subsequent violation of this section
- 9 involving an intrusion as defined in subdivision (3)(b)(i) of this
- 10 section, subsequent violation under subsection (2) of this section,
- 11 or violation of this section involving an intrusion as defined in



12 subdivision ~~(2)(a)(ii)-(3)(b)(ii)~~ of this section is a Class IV  
13 felony.

14 (c) Violation of this section is a Class III felony if  
15 video or an image ~~from the intrusion recorded in violation of this~~  
16 ~~section~~ is distributed to another person or otherwise made public  
17 in any manner which would enable it to be viewed by another person.

18 ~~(4)-(5)~~ As part of sentencing following a conviction for  
19 a violation of this section, the court shall make a finding as to  
20 the ages of the defendant and the victim at the time the offense  
21 occurred. If the defendant is found to have been nineteen years  
22 of age or older and the victim is found to have been less than  
23 eighteen years of age at such time, then the defendant shall be  
24 required to register under the Sex Offender Registration Act.

25 ~~(5)-(6)~~ No person shall be prosecuted for unlawful  
26 ~~intrusion~~ pursuant to subdivision ~~(3)(b)-(4)(b)~~ or (c) of this  
27 section unless the indictment for such offense is found by a grand  
1 jury or a complaint filed before a magistrate within three years  
2 after the later of:

3 (a) The commission of the crime;

4 (b) Law enforcement's or a victim's receipt of actual or  
5 constructive notice of either the existence of a video or other  
6 electronic recording ~~of the unlawful intrusion made in violation~~  
7 ~~of this section~~ or the distribution of images, video, or other  
8 electronic recording ~~of the unlawful intrusion; made in violation~~  
9 ~~of this section; or~~

10 (c) The youngest victim of ~~the intrusion~~ a violation of  
11 ~~this section~~ reaching the age of twenty-one years.

12 Sec. 2. Section 28-367.01, Revised Statutes Cumulative  
13 Supplement, 2012, is amended to read:

14 28-367.01 Sexual exploitation includes, but is not  
15 limited to, ~~unlawful intrusion as described in a violation of~~  
16 section 28-311.08 and causing, allowing, permitting, inflicting,  
17 or encouraging a vulnerable adult to engage in voyeurism, in  
18 exhibitionism, in prostitution, or in the lewd, obscene, or  
19 pornographic photographing, filming, or depiction of the vulnerable  
20 adult.

21 Sec. 3. Section 29-4003, Revised Statutes Cumulative  
22 Supplement, 2012, is amended to read:

23 29-4003 (1)(a) The Sex Offender Registration Act applies  
24 to any person who on or after January 1, 1997:

25 (i) Has ever pled guilty to, pled nolo contendere to, or  
26 been found guilty of any of the following:

27 (A) Kidnapping of a minor pursuant to section 28-313,  
1 except when the person is the parent of the minor and was not  
2 convicted of any other offense in this section;

3 (B) False imprisonment of a minor pursuant to section  
4 28-314 or 28-315;

5 (C) Sexual assault pursuant to section 28-319 or 28-320;

6 (D) Sexual assault of a child in the second or third

- 7 degree pursuant to section 28-320.01;
- 8 (E) Sexual assault of a child in the first degree
- 9 pursuant to section 28-319.01;
- 10 (F) Sexual abuse of a vulnerable adult pursuant to
- 11 subdivision (1)(c) of section 28-386;
- 12 (G) Incest of a minor pursuant to section 28-703;
- 13 (H) Pandering of a minor pursuant to section 28-802;
- 14 (I) Visual depiction of sexually explicit conduct of a
- 15 child pursuant to section 28-1463.03 or 28-1463.05;
- 16 (J) Knowingly possessing any visual depiction of sexually
- 17 explicit conduct which has a child as one of its participants or
- 18 portrayed observers pursuant to section 28-813.01;
- 19 (K) Criminal child enticement pursuant to section 28-311;
- 20 (L) Child enticement by means of an electronic
- 21 communication device pursuant to section 28-320.02;
- 22 (M) Debauching a minor pursuant to section 28-805; or
- 23 (N) Attempt, solicitation, aiding or abetting, being
- 24 an accessory, or conspiracy to commit an offense listed in
- 25 subdivisions (1)(a)(i)(A) through (1)(a)(i)(M) of this section;
- 26 (ii) Has ever pled guilty to, pled nolo contendere to, or
- 27 been found guilty of any offense that is substantially equivalent
- 1 to a registrable offense under subdivision (1)(a)(i) of this
- 2 section by any village, town, city, state, territory, commonwealth,
- 3 or other jurisdiction of the United States, by the United States
- 4 Government, by court-martial or other military tribunal, or by
- 5 a foreign jurisdiction, notwithstanding a procedure comparable
- 6 in effect to that described under section 29-2264 or any other
- 7 procedure to nullify a conviction other than by pardon;
- 8 (iii) Is incarcerated in a jail, a penal or correctional
- 9 facility, or any other public or private institution or is under
- 10 probation or parole as a result of pleading guilty to or being
- 11 found guilty of a registrable offense under subdivision (1)(a)(i)
- 12 or (ii) of this section prior to January 1, 1997; or
- 13 (iv) Enters the state and is required to register as
- 14 a sex offender under the laws of another village, town, city,
- 15 state, territory, commonwealth, or other jurisdiction of the United
- 16 States.
- 17 (b) In addition to the registrable offenses under
- 18 subdivision (1)(a) of this section, the Sex Offender Registration
- 19 Act applies to any person who on or after January 1, 2010:
- 20 (i)(A) Except as provided in subdivision (1)(b)(i)(B) of
- 21 this section, has ever pled guilty to, pled nolo contendere to, or
- 22 been found guilty of any of the following:
- 23 (I) Murder in the first degree pursuant to section
- 24 28-303;
- 25 (II) Murder in the second degree pursuant to section
- 26 28-304;
- 27 (III) Manslaughter pursuant to section 28-305;
- 1 (IV) Assault in the first degree pursuant to section

- 2 28-308;
- 3 (V) Assault in the second degree pursuant to section
- 4 28-309;
- 5 (VI) Assault in the third degree pursuant to section
- 6 28-310;
- 7 (VII) Stalking pursuant to section 28-311.03;
- 8 (VIII) ~~Unlawful intrusion~~ Violation of section 28-311.08
- 9 requiring registration under the act pursuant to subsection ~~(4)~~(5)
- 10 of section 28-311.08;
- 11 (IX) Kidnapping pursuant to section 28-313;
- 12 (X) False imprisonment pursuant to section 28-314 or
- 13 28-315;
- 14 (XI) Sexual abuse of an inmate or parolee in the first
- 15 degree pursuant to section 28-322.02;
- 16 (XII) Sexual abuse of an inmate or parolee in the second
- 17 degree pursuant to section 28-322.03;
- 18 (XIII) Sexual abuse of a protected individual pursuant to
- 19 section 28-322.04;
- 20 (XIV) Incest pursuant to section 28-703;
- 21 (XV) Child abuse pursuant to subdivision (1)(d) or (e) of
- 22 section 28-707;
- 23 (XVI) Enticement by electronic communication device
- 24 pursuant to section 28-833; or
- 25 (XVII) Attempt, solicitation, aiding or abetting, being
- 26 an accessory, or conspiracy to commit an offense listed in
- 27 subdivisions (1)(b)(i)(A)(I) through (1)(b)(i)(A)(XVI) of this
- 1 section.
- 2 (B) In order for the Sex Offender Registration Act to
- 3 apply to the offenses listed in subdivisions (1)(b)(i)(A)(I), (II),
- 4 (III), (IV), (V), (VI), (VII), (IX), and (X) of this section,
- 5 a court shall have found that evidence of sexual penetration or
- 6 sexual contact, as those terms are defined in section 28-318, was
- 7 present in the record, which shall include consideration of the
- 8 factual basis for a plea-based conviction and information contained
- 9 in the presentence report;
- 10 (ii) Has ever pled guilty to, pled nolo contendere to, or
- 11 been found guilty of any offense that is substantially equivalent
- 12 to a registrable offense under subdivision (1)(b)(i) of this
- 13 section by any village, town, city, state, territory, commonwealth,
- 14 or other jurisdiction of the United States, by the United States
- 15 Government, by court-martial or other military tribunal, or by
- 16 a foreign jurisdiction, notwithstanding a procedure comparable
- 17 in effect to that described under section 29-2264 or any other
- 18 procedure to nullify a conviction other than by pardon; or
- 19 (iii) Enters the state and is required to register as
- 20 a sex offender under the laws of another village, town, city,
- 21 state, territory, commonwealth, or other jurisdiction of the United
- 22 States.
- 23 (2) A person appealing a conviction of a registrable

24 offense under this section shall be required to comply with the act  
 25 during the appeals process.  
 26 2. Renumber the remaining sections and correct the  
 27 repealer accordingly.

Senator McGill filed the following amendment to LB998:  
 AM2459

(Amendments to Standing Committee amendments, AM2079)

1 1. Insert the following new sections:  
 2 Section 1. Section 28-830, Revised Statutes Supplement,  
 3 2013, is amended to read:  
 4 28-830 For purposes of sections 28-830 and 28-831, the  
 5 following definitions apply:  
 6 (1) Actor means a person who solicits, procures, or  
 7 supervises the services or labor of another person;  
 8 (2) Commercial sexual activity means any sex act on  
 9 account of which anything of value is given, promised to, or  
 10 received by any person;  
 11 (3) Debt bondage means inducing another person to  
 12 provide:  
 13 (a) Commercial sexual activity in payment toward or  
 14 satisfaction of a real or purported debt; or  
 15 (b) Labor or services in payment toward or satisfaction  
 16 of a real or purported debt if:  
 17 (i) The reasonable value of the labor or services is not  
 18 applied toward the liquidation of the debt; or  
 19 (ii) The length of the labor or services is not limited  
 20 and the nature of the labor or services is not defined.  
 21 ~~(3)-(4)~~ Financial harm means theft by extortion as  
 22 described by section 28-513;  
 1 ~~(4)-(5)~~ Forced labor or services means labor or services  
 2 that are performed or provided by another person and are obtained  
 3 or maintained through:  
 4 (a) Inflicting or threatening to inflict serious personal  
 5 injury, to the other person as defined by section 28-318, on  
 6 another person;  
 7 (b) Physically restraining or threatening to physically  
 8 restrain the other person;  
 9 (c) Abusing or threatening to abuse the legal process  
 10 against another person to cause arrest or deportation for violation  
 11 of federal immigration law;  
 12 (d) Controlling or threatening to control another  
 13 person's access to a controlled substance listed in Schedule I, II  
 14 or III of section 28-405;  
 15 (e) Exploiting another person's substantial functional  
 16 impairment as defined in section 28-368 or substantial mental  
 17 impairment as defined in section 28-369;  
 18 ~~(e)-(f)~~ Knowingly destroying, concealing, removing,  
 19 confiscating, or possessing any actual or purported passport

20 or other immigration document or any other actual or purported  
 21 government identification document of the other person; or  
 22 ~~(4)-(g)~~ Causing or threatening to cause financial harm to  
 23 ~~the other person; another person, including debt bondage;~~  
 24 ~~(5)-(6)~~ Labor means work of economic or financial value;  
 25 ~~(6)-(7)~~ Labor trafficking means knowingly recruiting,  
 26 enticing, harboring, transporting, providing, or obtaining by any  
 27 means or attempting to recruit, entice, harbor, transport, provide,  
 1 or obtain by any means a person eighteen years of age or older  
 2 intending or knowing that the person will be subjected to forced  
 3 labor or services;  
 4 ~~(7)-(8)~~ Labor trafficking of a minor means knowingly  
 5 recruiting, enticing, harboring, transporting, providing, or  
 6 obtaining by any means or attempting to recruit, entice, harbor,  
 7 transport, provide, or obtain by any means a minor intending  
 8 or knowing that the minor will be subjected to forced labor or  
 9 services;  
 10 ~~(8)-(9)~~ Maintain means, in relation to labor or services,  
 11 to secure continued performance thereof, regardless of any initial  
 12 agreement by the other person to perform such type of service;  
 13 ~~(9)-(10)~~ Minor means a person younger than eighteen years  
 14 of age;  
 15 ~~(10)-(11)~~ Obtain means, in relation to labor or services,  
 16 to secure performance thereof;  
 17 ~~(11)-(12)~~ Services means an ongoing relationship between  
 18 the actor and another person in which the person performs  
 19 activities under the supervision of or for the benefit of  
 20 the actor. Commercial sexual activity and sexually-explicit  
 21 performances are forms of services under this section. Nothing in  
 22 this subdivision shall be construed to legalize prostitution;  
 23 ~~(12)-(13)~~ Sex trafficking means knowingly recruiting,  
 24 enticing, harboring, transporting, providing, or obtaining by  
 25 any means or knowingly attempting to recruit, entice, harbor,  
 26 transport, provide, or obtain by any means a person eighteen years  
 27 of age or older for the purpose of having such person engage  
 1 in commercial sexual activity, sexually explicit performance, or  
 2 the production of pornography or to cause or attempt to cause  
 3 a person eighteen years of age or older to engage in commercial  
 4 sexual activity, sexually explicit performance, or the production  
 5 of pornography;  
 6 ~~(13)-(14)~~ Sex trafficking of a minor means knowingly  
 7 recruiting, enticing, harboring, transporting, providing, or  
 8 obtaining by any means or knowingly attempting to recruit, entice,  
 9 harbor, transport, provide, or obtain by any means a minor for the  
 10 purpose of having such minor engage in commercial sexual activity,  
 11 sexually explicit performance, or the production of pornography  
 12 or to cause or attempt to cause a minor to engage in commercial  
 13 sexual activity, sexually explicit performance, or the production  
 14 of pornography;

15 ~~(14)~~(15) Sexually-explicit performance means a live or  
16 public play, dance, show, or other exhibition intended to arouse or  
17 gratify sexual desire or to appeal to prurient interests; and

18 ~~(15)~~(16) Trafficking victim means a person subjected to  
19 any act or acts prohibited by section 28-831.

20 Sec. 2. Section 28-831, Revised Statutes Supplement,  
21 2013, is amended to read:

22 28-831 (1) No person shall knowingly engage in labor  
23 trafficking or sex trafficking.

24 (2) If an actor knowingly engages in labor trafficking or  
25 sex trafficking by:

26 (a) Inflicting or threatening to inflict serious personal  
27 injury, ~~to the other person~~ as defined by section 28-318, on  
1 another person, the actor is guilty of a Class III felony;

2 (b) Physically restraining or threatening to physically  
3 restrain the other person, the actor is guilty of a Class III  
4 felony;

5 (c) Abusing or threatening to abuse the legal process  
6 against another person to cause arrest or deportation for violation  
7 of federal immigration law, the actor is guilty of a Class IV  
8 felony;

9 (d) Controlling or threatening to control another  
10 person's access to a controlled substance listed in Schedule I, II  
11 or III of section 28-405, the actor is guilty of a Class IV felony;

12 (e) Exploiting another person's substantial functional  
13 impairment as defined in section 28-368 or substantial mental  
14 impairment as defined in section 28-369, the actor is guilty of a  
15 Class IV felony;

16 ~~(f)~~ (f) Knowingly destroying, concealing, removing,  
17 confiscating, or possessing any actual or purported passport or  
18 other immigration document, or any other actual or purported  
19 government identification document, of the other person, the actor  
20 is guilty of a Class IV felony; or

21 ~~(g)~~ (g) Causing or threatening to cause financial harm  
22 to ~~the other~~ another person, including debt bondage, the actor is  
23 guilty of a Class I misdemeanor.

24 ~~(2)~~(3) No person shall engage in labor trafficking of  
25 a minor or sex trafficking of a minor. An actor who engages in  
26 labor trafficking of a minor or sex trafficking of a minor shall be  
27 punished as follows:

1 (a) In cases in which the actor uses overt force or the  
2 threat of force against the trafficking victim, the actor is guilty  
3 of a Class II felony;

4 (b) In cases in which the trafficking victim has not  
5 attained the age of fifteen years, the actor is guilty of a Class  
6 II felony; or

7 (c) In cases involving a trafficking victim between the  
8 ages of fifteen and eighteen years, and the actor does not use  
9 overt force or threat of force against the trafficking victim, the

10 actor is guilty of a Class III felony.  
11 ~~(3)~~(4) Any person who benefits, financially or by  
12 receiving anything of value, from participation in a venture which  
13 has, as part of the venture, an act that is in violation of this  
14 section, is guilty of a Class IV felony.  
15 2. Renumber the remaining sections and correct the  
16 repealer accordingly.

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 660A.** Placed on Final Reading.

**LEGISLATIVE BILL 853A.** Placed on Final Reading.

**LEGISLATIVE BILL 967A.** Placed on Final Reading.

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

ST70

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

1. The Lautenbaugh amendment, AM1910, has been incorporated into the Final Reading copy of LR41CA on page 3, lines 14, 15, and 19, and page 4, line 7.

(Signed) John Murante, Chairperson

### NOTICE OF COMMITTEE HEARING

Judiciary

Room 1113

Wednesday, April 2, 2014 1:00 p.m.

Rosalyn Cotton - Nebraska Board of Parole

(Signed) Brad Ashford, Chairperson

### RESOLUTION

**LEGISLATIVE RESOLUTION 538.** Introduced by B. Harr, 8.

**PURPOSE:** The purpose of this resolution is to examine issues surrounding the implementation of an electronic notary system in Nebraska. This study shall include, but not be limited to, the following issues:

(1) A review of best practices among the states that have adopted an electronic notary system; and

(2) A review of necessary legislation to enact an electronic notary system in Nebraska.

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

1. That the Government, Military and Veterans Affairs 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.

**SENATOR KRIST PRESIDING**

**GENERAL FILE**

**LEGISLATIVE BILL 700.** Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 994.** Title read. Considered.

**SENATOR GLOOR PRESIDING**

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 994A.** Title read. Considered.

Senator Mello offered the following amendment:

AM2587

- 1 1. Insert the following new sections:
- 2 Sec. 2. Section 26, Legislative Bill 905, One Hundred
- 3 Third Legislature, Second Session, 2014, is amended to read:
- 4 Sec. 26. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN
- 5 SERVICES
- 6 Program No. 33 - Administration
- 7
- 8 

	FY2013-14	FY2014-15
<del>GENERAL FUND</del>	<del>0-</del>	<del>154,910</del>
<u>GENERAL FUND</u>	<u>0-</u>	<u>654,910</u>
<del>CASH FUND</del>	<del>0-</del>	<del>500,000</del>
FEDERAL FUND est.	0-	177,090
PROGRAM TOTAL	0-	832,000
SALARY LIMIT	0-	335,722
- 14 There is included in the appropriations to this program
- 15 made by the One Hundred Third Legislature, First and Second
- 16 Sessions, for FY2013-14 \$500,000 General Funds for the electronic
- 17 records initiative, which shall only be used for such purpose.



18 There is included in the appropriations to this program made by  
 19 the One Hundred Third Legislature, First and Second Sessions, for  
 20 FY2014-15 ~~\$500,000~~ \$1,000,000 General Funds and ~~\$500,000~~ Cash Funds  
 21 ~~from the Health and Human Services Cash Fund~~ for the electronic  
 22 records initiative, which shall only be used for such purpose.

23 There is included in the appropriations to this program  
 1 made by the One Hundred Third Legislature, First and Second  
 2 Sessions, for FY2013-14 \$300,000 Cash Funds from the Health and  
 3 Human Services Cash Fund for vital records.

4 It is the intent of the Legislature that the Department  
 5 of Health and Human Services shall provide quarterly status reports  
 6 electronically as the Request for Proposal (RFP) is being developed  
 7 for the Medicaid Medical Information System (MMIS) as authorized in  
 8 the appropriations to this program. The department shall provide  
 9 a report electronically to the Legislature specifying the criteria  
 10 utilized for the RFP for the MMIS replacement contract prior to the  
 11 release of the RFP. The criteria shall include, but not be limited  
 12 to, the successful completion of MMIS projects in other states and  
 13 quality ongoing customer services provided during implementation of  
 14 the project. The department shall evaluate utilizing an independent  
 15 consultant to develop the MMIS RFP and evaluate respondents thereto  
 16 in order to maximize specific technical expertise in this regard  
 17 and to minimize political considerations. Upon awarding of the  
 18 contract, the department shall provide electronically to the  
 19 Legislature all documentation submitted by the entity that was  
 20 awarded the contract.

21 Sec. 3. Laws 2013, LB195, section 92, as amended by  
 22 section 57, Legislative Bill 905, One Hundred Third Legislature,  
 23 Second Session, 2014, is amended to read:

24 Sec. 92. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN  
 25 SERVICES

26 Program No. 32 - Medicaid Prescription Drug Act  
 27 Administration

	FY2013-14	FY2014-15
1 GENERAL FUND	473,700	476,050
2 FEDERAL FUND est.	473,698	476,048
3 PROGRAM TOTAL	947,398	952,098
4 SALARY LIMIT	352,093	355,382

5 The unexpended General Fund appropriation balance  
 6 existing on June 30, 2013, less \$500,000 is hereby reappropriated.

7 Sec. 4. Laws 2013, LB195, section 103, as amended by  
 8 section 60, Legislative Bill 905, One Hundred Third Legislature,  
 9 Second Session, 2014, is amended to read:

10 Sec. 103. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN  
 11 SERVICES

12 Program No. 348 - Medical Assistance

	FY2013-14	FY2014-15
13 GENERAL FUND	703,688,424	775,093,326
14 CASH FUND	41,081,662	46,381,662

17	FEDERAL FUND est.	1,104,116,011	1,163,014,792
18	PROGRAM TOTAL	1,848,886,097	1,984,489,780

19 There is included in the appropriation to this program  
 20 for FY2013-14 \$703,688,424 General Funds, \$41,081,662 Cash Funds,  
 21 and \$1,104,116,011 Federal Funds estimate for state aid, which  
 22 shall only be used for such purpose. There is included in the  
 23 appropriation to this program for FY2014-15 \$775,093,326 General  
 24 Funds, \$46,381,662 Cash Funds, and \$1,163,014,792 Federal Funds  
 25 estimate for state aid, which shall only be used for such purpose.

26 There is included in the appropriation to this program  
 27 for FY2013-14 \$4,765,896 Cash Funds for state aid for the  
 1 continuation of the behavioral health provider rate increase  
 2 and behavioral health provider rate increase for managed care,  
 3 inpatient services, and residential treatment services provided  
 4 with funds from the Nebraska Health Care Cash Fund. There  
 5 is included in the appropriation to this program for FY2014-15  
 6 \$4,765,896 Cash Funds for state aid for the continuation of the  
 7 behavioral health provider rate increase and behavioral health  
 8 provider rate increase for managed care, inpatient services,  
 9 and residential treatment services provided with funds from the  
 10 Nebraska Health Care Cash Fund.

11 There is included in the appropriation to this program  
 12 for FY2013-14 \$450,000 Cash Funds from the Nebraska Health Care  
 13 Cash Fund for a state plan amendment covering tobacco-use cessation  
 14 in compliance with Title XIX of the federal Social Security  
 15 Act. There is included in the appropriation to this program for  
 16 FY2014-15 \$450,000 Cash Funds from the Nebraska Health Care Cash  
 17 Fund for a state plan amendment covering tobacco-use cessation  
 18 in compliance with Title XIX of the federal Social Security Act.  
 19 The smoking cessation funding for FY2013-14 and FY2014-15 is for  
 20 the costs of tobacco-use cessation counseling and tobacco-use  
 21 cessation pharmaceuticals approved by the federal Food and Drug  
 22 Administration for such purpose.

23 The Department of Health and Human Services shall send  
 24 to the Appropriations Committee of the Legislature the quarterly  
 25 network access report from the behavioral health managed care  
 26 provider as required by the contract. Additionally, on October  
 27 1, January 1, April 1, and July 1 of each year, the department  
 1 shall report such rates of initial service authorizations,  
 2 reauthorizations subsequent to initial service authorizations, and  
 3 denials for behavioral health services broken out by the following  
 4 age groups: Children under the age of 19; adults ages 19 to 64;  
 5 and adults age 65 and older. The reports required to be submitted  
 6 to the Appropriations Committee of the Legislature by this section  
 7 shall be submitted electronically.

8 It is the intent of the Legislature that phased-down  
 9 state contributions to the federal government as defined and  
 10 required by the Medicare Prescription Drug, Improvement, and  
 11 Modernization Act of 2003 may be made from appropriations to

- 12 this program.  
 13 There is included in the appropriation to this program  
 14 for FY2014-15 \$7,700,000 Cash Funds from funds transferred from the  
 15 University of Nebraska Medical Center and an estimated \$9,200,000  
 16 federal funds for supplemental payments to the ~~University of~~  
 17 Nebraska Medical Center. The payments are allowed pending the  
 18 approval of a Medicaid State Plan Amendment by the Centers for  
 19 Medicare and Medicaid.  
 20 There is included in the appropriation to this program  
 21 for FY2014-15 \$2,400,000 Cash Funds from the Health and Human  
 22 Services Cash Fund (Fund 22555) for FY2014-15.  
 23 Sec. 5. Original section 26, Legislative Bill 905, One  
 24 Hundred Third Legislature, Second Session, 2014, and Laws 2013,  
 25 LB195, sections 92 and 103, as amended by sections 57 and 60,  
 26 respectively, Legislative Bill 905, One Hundred Third Legislature,  
 27 Second Session, 2014, are repealed.  
 1 2. Renumber the remaining section accordingly.

The Mello amendment was adopted with 25 ayes, 0 nays, 19 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 811.** Title read. Considered.

Committee AM2400, found on page 929, 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 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

### COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 687.** Placed on Select File.

**LEGISLATIVE BILL 687A.** Placed on Select File with amendment.

ER195

- 1 1. On page 2, line 4, after "Commission" insert an
- 2 underscored comma.

**LEGISLATIVE BILL 712.** Placed on Select File.

**LEGISLATIVE BILL 714.** Placed on Select File.

**LEGISLATIVE BILL 739.** Placed on Select File.

**LEGISLATIVE BILL 757.** Placed on Select File.

**LEGISLATIVE BILL 758.** Placed on Select File.

**LEGISLATIVE BILL 777.** Placed on Select File.

**LEGISLATIVE BILL 766.** Placed on Select File.

**LEGISLATIVE BILL 806.** Placed on Select File.

(Signed) John Murante, Chairperson

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 539.** Introduced by Campbell, 25.

**PURPOSE:** The purpose of this resolution is to study whether the maximum payment rate in the Aid to Dependent Children (ADC) program, pursuant to section 43-512, is adequate to meet the goals of the Temporary Assistance for Needy Families (TANF) program, including keeping children in their own home. The study shall include, but not be limited to, an examination of the following:

- (1) The actual cost of living for families in Nebraska;
- (2) The adequacy of the maximum payment rate in the ADC program for families in Nebraska;
- (3) The payment rates and payment methodologies used in other states for TANF programs;
- (4) The impact of increasing the maximum payment rate in the ADC program for families and for eligibility for other assistance programs;
- (5) The effectiveness of the maximum payment rate in the ADC program in keeping children in their own home and out of the child welfare system; and
- (6) Any other related topics the study committee deems necessary or appropriate.

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

1. That the Health and Human Services 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.

**LEGISLATIVE RESOLUTION 540.** Introduced by Campbell, 25.

**PURPOSE:** Some individuals who have been dually diagnosed with intellectual or developmental disabilities and mental illness (I/DD and MI) or intellectual or developmental disabilities and behavioral health problems (I/DD and behavioral health problems) are not receiving effective habilitation or behavioral health services. This study's purposes are to:

- (1) Study the treatment and services for people dually diagnosed with I/DD and MI or I/DD and behavioral health problems, including people who are not eligible for I/DD and MI services based on the Department of Health and Human Services' interpretation of criteria and people who may be

eligible for one set of services but whose services, due to regulatory and other barriers, are inadequate to meet their needs;

(2) Consider the federal Patient Protection and Affordable Care Act's potential impacts; and

(3) Make recommendations for administrative or legislative action.

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

1. That the Health and Human Services 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.

**LEGISLATIVE RESOLUTION 541.** Introduced by Campbell, 25.

PURPOSE: The purpose of this resolution is to study the implementation of educational stability plans for children in foster care under the federal Fostering Connections to Success and Increasing Adoptions Act of 2008.

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

1. That the Health and Human Services 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.

**LEGISLATIVE RESOLUTION 542.** Introduced by Campbell, 25.

PURPOSE: The purpose of this resolution is to study issues regarding the current guardian ad litem system. The study shall include, but not be limited to, an examination of the following:

(1) The role and impact of the guardian ad litem on the child welfare system;

(2) The state statutes and policies related to the requirements of providing a guardian ad litem to juveniles and adults;

(3) The costs incurred by counties and their ability to audit work for guardian ad litem; and

(4) The qualifications needed and required to serve as a guardian ad litem.

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

1. That the Health and Human Services Committee and Judiciary Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 543.** Introduced by Ashford, 20.

PURPOSE: The purpose of this resolution is to study any matters and issues arising during the interim which are within the jurisdiction of the Judiciary Committee of the Legislature.

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

1. That the Judiciary 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.

**LEGISLATIVE RESOLUTION 544.** Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to study the fiscal impacts of unfunded mandates. This study shall include, but not be limited to, an examination of the following:

(1) The increased occurrence of unfunded mandates on local governments in the State of Nebraska;

(2) The budgetary implications of federal unfunded mandates on both the state and local levels;

(3) The budgetary implications of state unfunded mandates on both the state and local levels; and

(4) The impact of unfunded mandates on property tax rates.

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

1. That the Appropriations 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.

**GENERAL FILE**

**LEGISLATIVE BILL 373.** Title read. Considered.

Committee AM1550, found on page 1757, First Session, 2013, was adopted with 25 ayes, 0 nays, 19 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.

**LEGISLATIVE BILL 923.** Title read. Considered.

Committee AM1977, found on page 574, was offered.

Senator Kolowski offered the following amendment to the committee amendment:

AM2319

(Amendments to Standing Committee amendments, AM1977)

- 1 1. On page 1, line 22, strike "2015" and insert "2016".
- 2 2. On page 2, line 2, strike "January 1, 2016" and insert
- 3 "August 31, 2017"; in line 17 strike "2015" and insert "2016"; and
- 4 in line 18 strike "2014-15" and insert "2015-16".

**SENATOR COASH PRESIDING**

The Kolowski amendment was adopted with 28 ayes, 1 nay, 13 present and not voting, and 7 excused and not voting.

The committee amendment, as amended, was adopted with 28 ayes, 1 nay, 13 present and not voting, and 7 excused and not voting.

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

**AMENDMENTS - Print in Journal**

Senator Adams filed the following amendment to LB438:

AM2624

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 Sec. 5. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.
- 4 2. On page 1, line 8, strike "and"; and in line 9 after
- 5 "sections" insert "; and to declare an emergency".

Senator Adams filed the following amendment to LB438A:

AM2625

- 1 1. Strike the original section and insert the following
- 2 new sections:
- 3 Section 1. There is hereby appropriated (1) \$81,544 from
- 4 the General Fund for FY2013-14, (2) \$776,832 from the General Fund
- 5 for FY2014-15, and (3) \$776,832 from the General Fund for FY2015-16
- 6 to the State Department of Education, for Program 25, to aid in
- 7 carrying out the provisions of Legislative Bill 438, One Hundred
- 8 Third Legislature, Second Session, 2014.
- 9 Total expenditures for permanent and temporary salaries
- 10 and per diems from funds appropriated in this section shall not
- 11 exceed \$14,798 for FY2013-14, \$60,523 for FY2014-15, or \$60,523 for
- 12 FY2015-16.
- 13 Sec. 2. Since an emergency exists, this act takes effect
- 14 when passed and approved according to law.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 545.** Introduced by Kolowski, 31.

**PURPOSE:** The purpose of this resolution is to study state-wide efforts that can be taken to improve Nebraska's access to local food supply and distribution networks. The study will focus on the following issues:

- (1) Economic development and entrepreneurial opportunities related to local food production and consumption;
- (2) Improved health outcomes;
- (3) Positive environmental quality impacts;
- (4) Increased access to, and distribution of, wholesome, local food;
- (5) Support for local producers of sustainable food products;
- (6) Identification, preservation, and sustainable development of local resources including soil, agricultural land, important breeds and cultivars, water, skilled labor, capital, and markets;
- (7) Increased education and awareness on the part of Nebraskans regarding the benefits of locally produced foods;
- (8) Access to land for beginner farmers;
- (9) Incentives for farmers to transition their land to non-family members and beginner farmers;
- (10) Zoning requirements to allow farmers to grow food on vacant lots in municipalities; and
- (11) Funding sources for schools to purchase local food.

The study committee shall work with interested individuals and organizations to develop a state-wide food system assessment by December 1, 2014. Questions asked in the food system assessment shall include, but not be limited to, the following:

- (1) How does the food we eat today make it from the farm to our plates?
- (2) How much food does our state produce for export?
- (3) How much could be locally grown and consumed?
- (4) How much do we currently spend on food?



- (5) How do our food purchases impact our health and economy?
- (6) Do all members of our community have access to wholesome food?
- (7) Could our food choices actually help shape a robust local economy?
- (8) What is our food security?

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

1. That the Agriculture 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.

**LEGISLATIVE RESOLUTION 546.** Introduced by Kolowski, 31.

PURPOSE: (1) The purpose of this resolution is to review existing state and local programs and policies on expanded learning opportunities and make recommendations to the Legislature and State Department of Education on model approaches, including, but not limited to, the following areas:

- (a) Methods of improving program quality and impact from national and local program evaluations and best practices;
- (b) Available public and private funding sources for expanded learning opportunities;
- (c) The alignment of efforts between the State Department of Education, the nonprofit sector, and the private sector on expanded learning opportunities;
- (d) Opportunities for coordination and collaboration, including data-sharing, between school districts and community-based expanded learning opportunity programs;
- (e) Methods of improving quality and retention in the expanded learning opportunity workforce, including enhancing opportunities for professional development and technical assistance;
- (f) Methods to increase access for all children and families to high-quality expanded learning opportunities; and
- (g) Public and private support to build a sustainable infrastructure for expanded learning opportunities.

(2) The State Department of Education, the Nebraska Commission on Law Enforcement and Criminal Justice, the Division of Children and Family Services of the Department of Health and Human Services, the Department of Labor, and the Department of Economic Development shall work with the Education Committee of the Legislature to clarify a comprehensive system of accounting and reporting of all state and federal funding directly expended on expanded learning opportunities and the programs supported by such funding not later than September 1, 2014.

(3) The committee shall also consult with and solicit input from individuals and entities, including, but not limited to, Beyond School Bells, the Nebraska Chamber of Commerce and Industry, the Office of Probation

Administration, the state colleges, the community colleges, foundations, the Nebraska Elementary and Secondary School Finance Authority, the Nebraska Association of School Boards, the Nebraska Council of School Administrators, the Nebraska State Education Association, the Nebraska Association for the Education of Young Children, the Nebraska Children and Families Foundation, the League of Nebraska Municipalities, the Nebraska Rural Community Schools Association, the University of Nebraska-Lincoln Extension division relating to 4-H, the University of Nebraska-Lincoln National Center for Research on Rural Education, city-level expanded learning opportunities intermediaries, other local and national organizations serving youth, and other interested persons.

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

1. That the Education 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.

**LEGISLATIVE RESOLUTION 547.** Introduced by Smith, 14; Ashford, 20; Lathrop, 12; Mello, 5.

**PURPOSE:** The purpose of this resolution is to study the issues surrounding labor shortage areas in the state and the opportunities available to Nebraska's future workforce to develop the skills necessary to fill such career positions. The study shall examine, but not be limited to, the following:

- (1) An identification of regional industry needs in the state;
- (2) The career education programs in Nebraska's public school system and the amount of local and state funding supporting those programs;
- (3) The prevalence of labor apprenticeship programs in the state and the extent to which those programs are able to partner with public school systems;
- (4) The involvement and support of regional business communities in the advancement of career education programs and labor apprenticeship programs;
- (5) An examination of public-private partnership opportunities for the development of a comprehensive and aggressive workforce training initiative for Nebraska, including an examination of similar initiatives in other states; and
- (6) An examination of the relevant rules that affect the credentialing of education centers.

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

1. That the Business and Labor Committee of the Legislature, in consultation with the Education Committee of the Legislature, shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 548.** Introduced by Coash, 27.

**PURPOSE:** To review, investigate, and assess how the State of Nebraska can improve the coordination and provision of child welfare services for Native American children and families. This study shall include, but not be limited to, an examination of the following:

- (1) The intersection of tribal and state child welfare and court systems, including consistency in implementing the federal Indian Child Welfare Act;
- (2) The resources available for tribal social services programs;
- (3) The barriers that prevent tribal participation in state court;
- (4) The number of culturally appropriate foster and adoptive homes for Nebraska children under the Nebraska Indian Child Welfare Act; and
- (5) Best practices from other states.

The study committee shall consult with stakeholders including, but not limited to, the Nebraska Indian Child Welfare Act Coalition, the Division of Children and Family Services of the Department of Health and Human Services, representatives from the Omaha, Santee Sioux, Winnebago, and Ponca tribes of Nebraska, state and tribal court judges, the Commission on Indian Affairs, and the Nebraska County Attorneys Association.

In holding public hearings by utilizing the authority provided by section 50-406 and the Rules of the Nebraska Unicameral Legislature, at least one public hearing should be conducted on a Native American reservation, if possible, to ensure the committee has full access to the tribes' collective experience and expertise in effectuating the federal and state Indian child welfare acts.

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

1. That the Health and Human Services Committee, Judiciary Committee, and State-Tribal Relations Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 549.** Introduced by Bloomfield, 17.

PURPOSE: The purpose of this resolution is to study issues relating to Game and Parks Commission (Commission) funding. The study shall include, but not be limited to, an examination of the following:

- (1) All revenue sources for the Commission and where all funds are allocated;
- (2) All expenses for the Commission and whether they are recurring or one-time expenses;
- (3) Possible long-term funding sources for the Commission; and
- (4) Whether the purchase of farm or ranch land by the Commission is truly in support of its mission and in the best interests of the state.

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

1. That the Appropriations 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.

#### **GENERAL FILE**

**LEGISLATIVE BILL 719.** Title read. Considered.

Committee AM1787, found on page 446, was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Senator Crawford offered her amendment, AM2066, found on page 654.

The Crawford amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

#### **AMENDMENTS - Print in Journal**

Senator Nordquist filed the following amendment to LB943:  
AM2200

(Amendments to Standing Committee amendments, AM1922)

- 1 1. Insert the following section:
- 2 Section 1. Section 48-1202, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 48-1202 For purposes of the Wage and Hour Act, unless the
- 5 context otherwise requires:

6 (1) Employ shall include to permit to work;  
7 (2) Employer shall include any individual, partnership,  
8 limited liability company, association, corporation, business  
9 trust, legal representative, ~~or~~ organized group of persons,  
10 employing or enterprise whose annual gross volume of sales made  
11 or business done is not less than five hundred thousand dollars,  
12 that employs at least four or more employees at any one time  
13 except for seasonal employment of not more than twenty weeks in  
14 any calendar year, acting directly or indirectly in the interest of  
15 as an employer in relation to an employee. Employer, but shall not  
16 include the United States, the state, or any political subdivision  
17 thereof;

18 (3) Employee shall include any individual employed by any  
19 employer but shall not include:

20 (a) Any individual employed in agriculture;

21 (b) Any individual employed as a baby-sitter in or about  
22 a private home;

1 (c) Any individual employed in a bona fide executive,  
2 administrative, or professional capacity or as a superintendent or  
3 supervisor;

4 (d) Any individual employed by the United States or by  
5 the state or any political subdivision thereof;

6 (e) Any individual engaged in the activities of an  
7 educational, charitable, religious, or nonprofit organization when  
8 the employer-employee relationship does not in fact exist or when  
9 the services rendered to such organization are on a voluntary  
10 basis;

11 (f) Apprentices and learners otherwise provided by law;

12 (g) Veterans in training under supervision of the United  
13 States Department of Veterans Affairs;

14 (h) A child in the employment of his or her parent or a  
15 parent in the employment of his or her child; or

16 (i) Any person who, directly or indirectly, is receiving  
17 any form of federal, state, county, or local aid or welfare and  
18 who is physically or mentally disabled and employed in a program of  
19 rehabilitation, who shall receive a wage at a level consistent with  
20 his or her health, efficiency, and general well-being;

21 (4) Occupational classification shall mean a  
22 classification established by the Dictionary of Occupational  
23 Titles prepared by the United States Department of Labor; and

24 (5) Wages shall mean all remuneration for personal  
25 services, including commissions and bonuses and the cash value  
26 of all remunerations in any medium other than cash.

27 2. On page 3, line 20, strike "48-1203" and insert  
1 "48-1202, 48-1203,".

2 3. Renumber the remaining sections accordingly.

Senator Lathrop filed the following amendment to LB923:

AM2057

(Amendments to Standing Committee amendments, AM1977)

1 1. Insert the following new sections:

2 Sec. 5. Section 71-9104, Revised Statutes Cumulative

3 Supplement, 2012, is amended to read:

4 71-9104 (1) Each approved or accredited public, private,

5 denominational, or parochial school shall:

6 (a) Make available training approved by the chief medical  
7 officer on how to recognize the symptoms of a concussion or brain  
8 injury and how to seek proper medical treatment for a concussion or  
9 brain injury to all coaches of school athletic teams; ~~and~~

10 (b) Require that concussion and brain injury information  
11 be provided on an annual basis to students and the students'  
12 parents or guardians prior to such students initiating practice or  
13 competition. The information provided to students and the students'  
14 parents or guardians shall include, but need not be limited to:

15 (i) The signs and symptoms of a concussion;

16 (ii) The risks posed by sustaining a concussion; and

17 (iii) The actions a student should take in response to  
18 sustaining a concussion, including the notification of his or her  
19 coaches; ~~and~~

20 (c) Establish a return to learn protocol for students  
21 that have sustained a concussion. The return to learn protocol  
22 shall recognize that students who have sustained a concussion and  
1 returned to school may need informal or formal accommodations,  
2 modifications of curriculum, and monitoring by medical or academic  
3 staff until the student is fully recovered.

4 (2)(a) A student who participates on a school athletic  
5 team shall be removed from a practice or game when he or she  
6 is reasonably suspected of having sustained a concussion or brain  
7 injury in such practice or game after observation by a coach  
8 or a licensed health care professional who is professionally  
9 affiliated with or contracted by the school. Such student shall  
10 not be permitted to participate in any school supervised team  
11 athletic activities involving physical exertion, including, but  
12 not limited to, practices or games, until the student (i) has  
13 been evaluated by a licensed health care professional, (ii) has  
14 received written and signed clearance to resume participation in  
15 athletic activities from the licensed health care professional, and  
16 (iii) has submitted the written and signed clearance to resume  
17 participation in athletic activities to the school accompanied  
18 by written permission to resume participation from the student's  
19 parent or guardian.

20 (b) If a student is reasonably suspected after  
21 observation of having sustained a concussion or brain injury and is  
22 removed from an athletic activity under subdivision (2)(a) of this  
23 section, the parent or guardian of the student shall be notified by  
24 the school of the date and approximate time of the injury suffered

25 by the student, the signs and symptoms of a concussion or brain  
26 injury that were observed, and any actions taken to treat the  
27 student.

1 (c) Nothing in this subsection shall be construed to  
2 require any school to provide for the presence of a licensed health  
3 care professional at any practice or game.

4 (d) The signature of an individual who represents that  
5 he or she is a licensed health care professional on a written  
6 clearance to resume participation that is provided to a school  
7 shall be deemed to be conclusive and reliable evidence that the  
8 individual who signed the clearance is a licensed health care  
9 professional. The school shall not be required to determine or  
10 verify the individual's qualifications.

11 Sec. 6. Original section 71-9104, Revised Statutes  
12 Cumulative Supplement, 2012, is repealed.

### **VISITORS**

Visitors to the Chamber were 59 fourth-grade students and teachers from Cottonwood Elementary, Omaha; 43 fourth-grade students, teachers, and sponsors from Lincoln Elementary, Beatrice; 25 twelfth-grade students and teacher from Overton; 22 students from TeenPact Leadership Schools from across the United States; Jessica Batchelor from Omaha, Laurel Nitzel from Hastings, and Hannah Wamhoff from Papillion; Senator Watermeier's mother, Lois, from Syracuse, and aunt, Carol Rystrom, from Lincoln; and Madison and Patty Calhoun from Whitney.

### **ADJOURNMENT**

At 6:48 p.m., on a motion by Senator Kintner, the Legislature adjourned until 9:00 a.m., Wednesday, March 26, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature

