

FIFTY-EIGHTH DAY - APRIL 9, 2014**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION****FIFTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 9, 2014

PRAYER

The prayer was offered by Pastor Lewis Miller, Beemer Mennonite Church, Beemer.

ROLL CALL

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

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

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-seventh day was approved.

SELECT FILE

LEGISLATIVE BILL 254. Senator Coash offered his amendment, AM2901, found on page 1466.

PRESIDENT HEIDEMANN PRESIDING

The Coash amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 276. ER215, found on page 1186, was adopted.

Senator Nordquist withdrew his amendment, AM2726, found on page 1328.

Senator Nordquist offered his amendment, AM2742, found on page 1380.

The Nordquist amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Senator Chambers withdrew his amendment, AM2831, found on page 1433.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 276A. Senator Chambers withdrew his amendment, AM2832, found on page 1433.

Senator Nordquist offered his amendment, AM2759, found on page 1483.

The Nordquist amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 390. ER234, found on page 1358, was adopted.

Senator B. Harr withdrew his amendment, AM2750, found on page 1366.

Senator Seiler withdrew his amendment, AM2770, found on page 1414.

Senator Schilz withdrew his amendment, AM2762, found on page 1422.

Senator Chambers withdrew his amendment, AM2848, found on page 1482.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 916. ER214, found on page 1185, was adopted.

Senator Scheer offered his amendment, AM2601, found on page 1386.

Senator Scheer moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Scheer requested a roll call vote on his amendment.

Voting in the affirmative, 9:

Avery	Brasch	Larson	Scheer	Wightman
Bloomfield	Kintner	Nelson	Seiler	

Voting in the negative, 30:

Adams	Conrad	Haar, K.	Karpisek	Nordquist
Ashford	Cook	Hadley	Kolowski	Schilz
Bolz	Crawford	Hansen	Krist	Schumacher
Campbell	Davis	Harms	Lathrop	Sullivan
Chambers	Dubas	Harr, B.	McGill	Wallman
Coash	Gloor	Johnson	Murante	Watermeier

Present and not voting, 10:

Carlson	Garrett	Janssen	McCoy	Pirsch
Christensen	Howard	Lautenbaugh	Mello	Smith

The Scheer amendment lost with 9 ayes, 30 nays, and 10 present and not voting.

The Chair declared the call raised.

Senator Scheer withdrew his amendments, AM2817, AM2818, AM2819, AM2820, AM2821, AM2822, and AM2823, found on page 1431.

Senator Chambers withdrew his amendment, AM2830, found on page 1433.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 526. ER226, found on page 1275, was adopted.

Senator Howard asked unanimous consent to withdraw her amendment, AM2782, found on page 1415, and replace it with her substitute amendment, AM2920. No objections. So ordered.

AM2920

(Amendments to Standing Committee amendments, AM1619)

- 1 1. Strike sections 1, 4, 6, 7, 8, 9, 10, and 11.
- 2 2. On page 1, lines 22 and 23, strike the new matter.
- 3 3. On page 2, strike lines 1 through 3 and insert the
- 4 following new subsection:
- 5 "(3) Pharmaceutical agents, for therapeutic purposes,
- 6 includes an epinephrine autoinjector for treatment of anaphylaxis
- 7 and an oral steroid, oral glaucoma agent, or oral immunosuppressive
- 8 agent.".
- 9 4. On page 3, lines 1 through 12 and 14, strike the new
- 10 matter and reinstate the stricken matter; and in line 15 strike
- 11 "(1)(g) of this section".
- 12 5. Renumber the remaining sections and correct the
- 13 repealer accordingly.

SENATOR KRIST PRESIDING

The Howard amendment was adopted with 34 ayes, 3 nays, 7 present and not voting, and 5 excused and not voting.

Senator Campbell offered her amendment, AM2719, found on page 1434.

Senator Campbell withdrew her amendment.

Senator Chambers offered his amendment, AM2851, found on page 1482.

Senator Chambers withdrew his amendment.

Senator Kintner offered the following amendment:

AM2885

(Amendments to Standing Committee amendments, AM1619)

1 1. Insert the following new sections:

2 Sec. 12. Section 71-401, Revised Statutes Supplement,

3 2013, is amended to read:

4 71-401 Sections 71-401 to 71-469 and section 13 of this
5 act shall be known and may be cited as the Health Care Facility
6 Licensure Act.

7 Sec. 13. (1) Any health care facility in which abortions
8 are performed, other than facilities in which abortions are
9 performed solely to prevent the death of the woman, shall
10 conspicuously post a sign, in a location specified in subsection
11 (3) of this section so as to be clearly visible to patients, which
12 reads:

13 Notice: It is against the law for anyone, regardless of
14 his or her relationship to you, to force you to have an abortion.
15 By law, we cannot perform an abortion on you unless we have
16 your freely given and voluntary consent. It is against the law
17 to perform an abortion on you against your will. You have the
18 right to contact any local or state law enforcement agency to
19 receive protection from any actual or threatened physical abuse or
20 violence.

21 (2) The sign required pursuant to this section shall
22 be printed with lettering that is legible and shall be at least
1 three-quarters of an inch boldface type.

2 (3) A health care facility required to post a sign
3 under this section shall post the required sign in each patient
4 waiting room and patient consultation room used by patients on whom
5 abortions are performed.

6 (4) Any health care facility that is required to post
7 a sign under this section and that fails to post a required sign
8 in knowing, reckless, or negligent violation of this section shall
9 be assessed a fine of ten thousand dollars. Each day on which an
10 abortion, other than an abortion necessary to prevent the death of
11 the woman, is performed in any health care facility during which
12 the required sign is not posted during a portion of business hours
13 when patients or prospective patients are present is a separate
14 violation.

15 (5) The sanctions provided in this section do not
16 displace any sanction applicable under other law.

17 Sec. 14. If any section in this act or any part of any
18 section is declared invalid or unconstitutional, the declaration
19 shall not affect the validity or constitutionality of the remaining
20 portions.

- 21 2. Renumber the remaining section and correct the
22 repealer accordingly.

Senator Kintner withdrew his amendment.

SPEAKER ADAMS PRESIDING

Advanced to Enrollment and Review for Engrossment.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, and 614 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, and 614.

RESOLUTION

LEGISLATIVE RESOLUTION 621. Introduced by Kolowski, 31.

WHEREAS, Thomas D'Aquila is a student at Mount Michael Benedictine High School in Elkhorn, Nebraska, and an alternate winner in the Letters About Literature reading and writing competition; and

WHEREAS, this competition is a national reading and writing promotion program sponsored annually by the Center for the Book in the Library of Congress, and is sponsored in Nebraska by the Nebraska Center for the Book, the Nebraska Library Commission, and Houchen Bindery, Ltd.; and

WHEREAS, Thomas is one of nearly 50,000 young readers nationwide and one of more than 400 students from Nebraska in grades 4 through 12 who participated in this year's Letters About Literature program; and

WHEREAS, for his competition entry, Thomas wrote a personal letter to author Art Spiegelman explaining how he was influenced by "Maus," the author's novel about his father's experiences as a Polish Jew and Holocaust survivor; and

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

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

1. That the Legislature congratulates Thomas D'Aquila on his selection as an alternate winner in this year's Letters About Literature program competition.

2. That a copy of this resolution be sent to Thomas D'Aquila.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Senator Coash asked unanimous consent to add his name as cointroducer to LB254. No objections. So ordered.

VISITORS

Visitors to the Chamber were 5 students and teacher from York College; 17 eighth-grade students and teacher from Sterling; 32 fourth-grade students, teachers, and sponsors from Nebraska City Lourdes; Richard Holsinger, retired USAF program manager for RC-135; 32 fourth-grade students and teachers from Fort Calhoun; former Senator Lee Rupp from Columbus; 9 fourth- and fifth-grade students and teacher from Madison; 36 twelfth-grade students, teachers, and sponsor from Omaha South High School; and 90 fourth-grade students and teachers from St. Vincent de Paul School, Omaha.

RECESS

At 12:12 p.m., on a motion by Speaker Adams, 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 Senators Ashford, Cook, B. Harr, Howard, Larson, and Lautenbaugh who were excused until they arrive.

MESSAGE FROM THE GOVERNOR

April 9, 2014

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 438e, 438Ae, 674, 717e, 759, 800, 851e, 863e, 908, 998e, 1048, and 1067e were received in my office on April 3, 2014.

These bills were signed and delivered to the Secretary of State on April 9, 2014.

(Signed) Sincerely,
Dave Heineman
Governor

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 254. Placed on Final Reading.

ST94

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

1. On page 1, the matter beginning with "the" in line 1 through line 5 has been struck and "public health and welfare; to amend section 44-7,104, Revised Statutes Cumulative Supplement, 2012; to eliminate a termination date relating to insurance coverage for certain anticancer medications; to provide requirements for insurance coverage for autism spectrum disorder; to provide for the establishment of a program for the distribution of funds for amino acid-based elemental formulas; to appropriate funds; to provide operative dates; to repeal the original section; and to declare an emergency." inserted.

LEGISLATIVE BILL 276. Placed on Final Reading.

ST88

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

1. In the E & R amendments, ER215, on page 1, line 13, "79-1145, 79-1158, and 79-1160" has been struck and "and 79-1145" inserted; and in line 22 "from" has been struck and "for" inserted.

LEGISLATIVE BILL 276A. Placed on Final Reading.**LEGISLATIVE BILL 390.** Placed on Final Reading.

(Signed) John Murante, Chairperson

PRESIDENT HEIDEMANN PRESIDING**SELECT FILE****LEGISLATIVE BILL 383.** ER236, found on page 1418, was adopted.

Senator Chambers withdrew his amendment, AM2846, found on page 1482.

Senator Janssen offered the following amendment:

AM2906

(Amendments to E & R amendments, ER236)

- 1 1. Insert the following new sections:
- 2 Section 1. Section 37-201, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 37-201 Sections 37-201 to 37-811 and 37-1501 to 37-1510
- 5 and section 2 of this act shall be known and may be cited as the
- 6 Game Law.
- 7 Sec. 2. The Game and Parks Commission Educational Fund
- 8 is created. The fund shall consist of money credited pursuant to

9 section 14 of this act and any other money as determined by the
10 Legislature. The commission shall use the fund to provide youth
11 education programs relating to wildlife conservation practices. Any
12 money in the fund available for investment shall be invested by the
13 state investment officer pursuant to the Nebraska Capital Expansion
14 Act and the Nebraska State Funds Investment Act.

15 Sec. 13. (1) The department shall design license plates
16 to be known as Mountain Lion Protection Plates. The department
17 shall create designs reflecting support for the protection of the
18 mountain lion population. The design shall be selected on the basis
19 of limiting the manufacturing cost of each plate to an amount less
20 than or equal to the amount charged for license plates pursuant to
21 section 60-3,102. The department shall make applications available
22 for this type of plate when it is designed. The department may
1 adopt and promulgate rules and regulations to carry out this
2 section and section 14 of this act.

3 (2) One type of Mountain Lion Protection Plates shall be
4 consecutively numbered plates. The department shall:

5 (a) Number the plates consecutively beginning with the
6 number one, using numerals the size of which maximizes legibility
7 and limiting the numerals to five characters or less; and

8 (b) Not use a county designation or any characters other
9 than numbers on the plates.

10 (3) One type of Mountain Lion Protection Plates shall
11 be personalized message plates. Such plates shall be issued
12 subject to the same conditions specified for personalized message
13 license plates in section 60-3,118, except that a maximum of five
14 characters may be used.

15 Sec. 14. (1) A person may apply to the department for
16 Mountain Lion Protection Plates in lieu of regular license plates
17 on an application prescribed and provided by the department for
18 any motor vehicle, trailer, semitrailer, or cabin trailer, except
19 for a motor vehicle or trailer registered under section 60-3,198.
20 An applicant receiving a Mountain Lion Protection Plate for a
21 farm truck with a gross weight of over sixteen tons shall affix
22 the appropriate tonnage decal to the plate. The department shall
23 make forms available for such applications through the county
24 treasurers. The license plates shall be issued upon payment of the
25 license fee described in subsection (2) of this section.

26 (2)(a) In addition to all other fees required for
27 registration under the Motor Vehicle Registration Act, each
1 application for initial issuance of consecutively numbered Mountain
2 Lion Protection Plates shall be accompanied by a fee of five
3 dollars. An application for renewal of such plates shall be
4 accompanied by a fee of five dollars. County treasurers collecting
5 fees pursuant to this subdivision shall remit them to the State
6 Treasurer. The State Treasurer shall credit five dollars of the fee
7 to the Game and Parks Commission Educational Fund.

8 (b) In addition to all other fees required for

9 registration under the Motor Vehicle Registration Act, each
10 application for initial issuance or renewal of personalized message
11 Mountain Lion Protection Plates shall be accompanied by a fee of
12 forty dollars. County treasurers collecting fees pursuant to this
13 subdivision shall remit them to the State Treasurer. The State
14 Treasurer shall credit twenty-five percent of the fee for initial
15 issuance and renewal of such plates to the Department of Motor
16 Vehicles Cash Fund and seventy-five percent of the fee to the Game
17 and Parks Commission Educational Fund.

18 (3) When the department receives an application for
19 Mountain Lion Protection Plates, the department shall deliver the
20 plates to the county treasurer of the county in which the motor
21 vehicle or cabin trailer is registered. The county treasurer shall
22 issue Mountain Lion Protection Plates in lieu of regular license
23 plates when the applicant complies with the other provisions
24 of the Motor Vehicle Registration Act for registration of the
25 motor vehicle or cabin trailer. If Mountain Lion Protection
26 Plates are lost, stolen, or mutilated, the licensee shall be
27 issued replacement license plates upon request pursuant to section
1 60-3,157.

2 (4) The owner of a motor vehicle or cabin trailer bearing
3 Mountain Lion Protection Plates may apply to the county treasurer
4 to have such plates transferred to a motor vehicle other than
5 the vehicle for which such plates were originally purchased if
6 such vehicle is owned by the owner of the plates. The owner
7 may have the unused portion of the fee for the plates credited
8 to the other vehicle which will bear the plates at the rate of
9 eight and one-third percent per month for each full month left
10 in the registration period. Application for such transfer shall be
11 accompanied by a fee of three dollars. Fees collected pursuant to
12 this subsection shall be remitted to the State Treasurer for credit
13 to the Department of Motor Vehicles Cash Fund.

14 (5) If the cost of manufacturing Mountain Lion Protection
15 Plates at any time exceeds the amount charged for license plates
16 pursuant to section 60-3,102, any money to be credited to the
17 Game and Parks Commission Educational Fund shall instead be
18 credited first to the Highway Trust Fund in an amount equal
19 to the difference between the manufacturing costs of Mountain
20 Lion Protection Plates and the amount charged pursuant to section
21 60-3,102 with respect to such plates and the remainder shall be
22 credited to the Game and Parks Commission Educational Fund.

23 2. On page 1, line 5, strike "9 and 10" and insert "11 to
24 14".

25 3. On page 2, lines 3 and 10; and page 5, line 10, strike
26 "section 10" and insert "sections 12 and 14".

27 4. On page 7, lines 17 and 18, strike "9 and 10" and
1 insert "11 and 12"; and after line 27 insert the following new
2 subdivision:

3 "(22) Mountain Lion Protection Plates issued pursuant to

- 4 sections 13 and 14 of this act:"
- 5 5. On page 8, line 1, strike "(22)" and insert "(23)"; in
- 6 line 3 strike "(23)" and insert "(24)"; in line 5 strike "(24)" and
- 7 insert "(25)"; in line 8 strike "(25)" and insert "(26)"; in line
- 8 11 strike "(26)" and insert "(27)"; in line 13 strike "(27)" and
- 9 insert "(28)"; in line 15 strike "(28)" and insert "(29)"; in line
- 10 19 strike "(29)" and insert "(30)"; in line 21 strike "(30)" and
- 11 insert "(31)"; in line 23 strike "(31)" and insert "(32)"; in line
- 12 25 strike "(32)" and insert "(33)"; and in line 27 strike "(33)"
- 13 and insert "(34)".
- 14 6. On page 9, line 2, strike "(34)" and insert "(35)"; in
- 15 line 4 strike "(35)" and insert "(36)"; in line 7 strike "(36)" and
- 16 insert "(37)"; in line 9 strike "(37)" and insert "(38)"; in line
- 17 10 strike "(38)" and insert "(39)"; in line 12 strike "(39)" and
- 18 insert "(40)"; in line 18 strike "(40)" and insert "(41)"; and in
- 19 line 20 strike "(41)" and insert "(42)".
- 20 7. On page 12, line 18, before "or" insert "Mountain Lion
- 21 Protection Plates".
- 22 8. On page 13, line 14, strike "10" and insert "12".
- 23 9. On page 14, line 13, strike "9" and insert "11".
- 24 10. On page 17, lines 1 and 16, strike "10" and insert
- 25 "12".
- 26 11. Renumber the remaining sections and correct the
- 27 repealer accordingly.

Senator Janssen offered the following amendment to his amendment:
AM2923

(Amendments to AM2906)

- 1 1. On page 2, strike lines 3 through 9 and insert the
- 2 following new subsection:
- 3 "(2) One type of Mountain Lion Protection Plates shall be
- 4 alphanumeric plates. The department shall:
- 5 (a) Assign a designation up to five characters; and
- 6 (b) Not use a county designation.".
- 7 2. On page 3, line 1, strike "consecutively numbered" and
- 8 insert "alphanumeric".

Senator Janssen withdrew his amendment, AM2923.

Senator Janssen withdrew his amendment, AM2906.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 383A. Senator Janssen offered his amendment,
AM2777, found on page 1434.

The Janssen amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Senator Chambers withdrew his amendment, AM2847, found on page 1482.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 526. Placed on Final Reading.

ST95

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

1. In the Standing Committee amendments, AM1619, on page 10, the matter beginning with "38-2601" in line 9 through "38-2617" in line 11 has been struck and "38-2604 and 38-2614, Reissue Revised Statutes of Nebraska, and section 38-2605" inserted.

2. On page 1, lines 2 through 8 and all amendments thereto have been struck and "38-2604 and 38-2614, Reissue Revised Statutes of Nebraska, and section 38-2605, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to use of pharmaceutical agents; and to repeal the original sections." inserted.

LEGISLATIVE BILL 916. Placed on Final Reading.

(Signed) John Murante, Chairperson

SELECT FILE

LEGISLATIVE BILL 788. ER237, found on page 1418, was adopted.

Senator Krist withdrew his amendments, AM2429 and AM2435, found on pages 1414 and 1415.

Senator Chambers withdrew his amendment, AM2853, found on page 1482.

Senator Schumacher offered his amendment, AM2867, found on page 1483.

Senator McCoy requested a division of the question on the Schumacher amendment.

The Chair sustained the division of the question.

The first Schumacher amendment is as follows:

AM2924

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

The second Schumacher amendment is as follows:

AM2925

1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. Section 8-162.02, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 8-162.02 (1) A state-chartered bank may deposit or have
6 on deposit funds of a fiduciary account controlled by the bank's
7 trust department unless prohibited by applicable law.
8 (2) To the extent that the funds are awaiting investment
9 or distribution and are not insured or guaranteed by the Federal
10 Deposit Insurance Corporation, a state-chartered bank shall set
11 aside collateral as security under the control of appropriate
12 fiduciary officers and bank employees. The bank shall place pledged
13 assets of fiduciary accounts in the joint custody or control of not
14 fewer than two of the fiduciary officers or employees of the bank
15 designated for that purpose by the board of directors. The bank
16 may maintain the investments of a fiduciary account off-premises if
17 consistent with applicable law and if the bank maintains adequate
18 safeguards and controls. The market value of the collateral shall
19 at all times equal or exceed the amount of the uninsured or
20 unguaranteed fiduciary funds awaiting investment or distribution.
21 (3) A state-chartered bank may satisfy the collateral
22 requirements of this section with any of the following: (a)
23 Direct obligations of the United States or other obligations fully
1 guaranteed by the United States as to principal and interest; (b)
2 readily marketable securities of the classes in which banks, trust
3 companies, or other corporations exercising fiduciary powers are
4 permitted to invest fiduciary funds under applicable state law; and
5 (c) surety bonds, to the extent the surety bonds provide adequate
6 security, unless prohibited by applicable law.
7 (4) A state-chartered bank, acting in its fiduciary
8 capacity, may deposit funds of a fiduciary account that are
9 awaiting investment or distribution with an affiliated insured
10 depository institution unless prohibited by applicable law. The
11 bank may set aside collateral as security for a deposit by
12 or with an affiliate of fiduciary funds awaiting investment or
13 distribution, as it would if the deposit was made at the bank,
14 unless such action is prohibited by applicable law.

- 15 (5) Public funds deposited in and held by a
 16 state-chartered bank are not subject to this section.
 17 (6) This section does not apply to a fiduciary account
 18 in which, pursuant to the terms of the governing instrument, full
 19 investment authority is retained by the grantor or is vested in
 20 persons or entities other than the state-chartered bank and the
 21 bank, acting in its fiduciary capacity, does not have the power to
 22 exert any influence over investment decisions.
 23 Sec. 2. Original section 8-162.02, Reissue Revised
 24 Statutes of Nebraska, is repealed.

The third Schumacher amendment is as follows:

AM2926

- 1 1. Strike the original sections and insert the following
 2 new sections:
 3 Section 1. Section 8-1401, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 8-1401 (1) No person organized under the Business
 6 Corporation Act, the Credit Union Act, the Nebraska Banking Act,
 7 the Nebraska Industrial Development Corporation Act, the Nebraska
 8 Nonprofit Corporation Act, the Nebraska Professional Corporation
 9 Act, the Nebraska Trust Company Act, or Chapter 8, article 3, or
 10 otherwise authorized to conduct business in Nebraska or organized
 11 under the laws of the United States, shall be required to disclose
 12 any records or information, financial or otherwise, that it deems
 13 confidential concerning its affairs or the affairs of any person
 14 with which it is doing business to any person, party, agency, or
 15 organization, unless:
 16 (a) The disclosure relates to a lawyers trust account
 17 and is required to be made to the Counsel for Discipline of the
 18 Nebraska Supreme Court pursuant to a rule adopted by the Nebraska
 19 Supreme Court;
 20 (b) The disclosure is governed by rules for discovery
 21 promulgated pursuant to section 25-1273.01;
 22 (c) The disclosure is made pursuant to section 3 of this
 23 act;
 1 ~~(e)~~(d) The request for disclosure is made by a law
 2 enforcement agency regarding a crime, a fraud, or any other
 3 unlawful activity in which the person to whom the request for
 4 disclosure is made is or may be a victim of such crime, fraud, or
 5 unlawful activity;
 6 ~~(d)~~(e) The request for disclosure is made by a
 7 governmental agency which is a duly constituted supervisory
 8 regulatory agency of the person to whom the request for disclosure
 9 is made and the disclosure relates to examinations, audits,
 10 investigations, or inquiries of such persons;
 11 ~~(e)~~(f) The request for disclosure is made pursuant to
 12 subpoena issued under the laws of this state by a governmental
 13 agency exercising investigatory or adjudicative functions with

14 respect to a matter within the agency's jurisdiction;
 15 ~~(f)-(g)~~ The production of records is pursuant to a
 16 written demand of the Tax Commissioner under section 77-375;
 17 ~~(g)-(h)~~ There is first presented to such person a
 18 subpoena, summons, or warrant issued by a court of competent
 19 jurisdiction;
 20 ~~(h)-(i)~~ A statute by its terms or rules and regulations
 21 adopted and promulgated thereunder requires the disclosure, other
 22 than by subpoena, summons, warrant, or court order;
 23 ~~(i)-(j)~~ There is presented to such person an order of a
 24 court of competent jurisdiction setting forth the exact nature and
 25 limits of such required disclosure and a showing that all persons
 26 to be affected by such order have had reasonable notice and an
 27 opportunity to be heard upon the merits of such order;
 1 ~~(j)-(k)~~ The request for disclosure relates to information
 2 or records regarding the balance due, monthly payments due, payoff
 3 amounts, payment history, interest rates, due dates, or similar
 4 information for indebtedness owed by a deceased person when the
 5 request is made by a person having an ownership interest in real
 6 estate or personal property which secures such indebtedness owed to
 7 the person to whom the request for disclosure is made; or
 8 ~~(k)-(l)~~ There is first presented to such person the
 9 written permission of the person about whom records or information
 10 is being sought authorizing the release of the requested records or
 11 information.
 12 (2) Any person who makes a disclosure of records or
 13 information as required by this section shall not be held civilly
 14 or criminally liable for such disclosure in the absence of malice,
 15 bad faith, intent to deceive, or gross negligence.
 16 Sec. 2. Section 8-1402, Reissue Revised Statutes of
 17 Nebraska, is amended to read:
 18 8-1402 (1) Any person, party, agency, or organization
 19 requesting disclosure of records or information pursuant to
 20 section 8-1401 shall pay the costs of providing such records or
 21 information, unless:
 22 (a) The request for disclosure is made pursuant to
 23 subdivision (1)(a) of section 8-1401 and a Nebraska Supreme Court
 24 rule provides for the method of payment;
 25 (b) The request is made pursuant to subdivision (1)(b) of
 26 section 8-1401 and the rules for discovery provide for the method
 27 of payment;
 1 (c) The request for disclosure is made pursuant to
 2 subdivision ~~(1)(e) or (1)(d)~~ (1)(d) or (1)(e) of section 8-1401;
 3 (d) Otherwise ordered by a court of competent
 4 jurisdiction; or
 5 (e) The person making the disclosure waives any or all of
 6 the costs.
 7 (2) The requesting person, party, agency, or organization
 8 shall pay five dollars per hour per person for the time actually

9 spent on the service or, if such person can show that its actual
10 expense in providing the records or information was greater than
11 five dollars per hour per person, it shall be paid the actual cost
12 of providing the records or information.

13 (3) No person authorized to receive payment pursuant to
14 subsection (1) of this section has an obligation to provide any
15 records or information pursuant to section 8-1401 until assurances
16 are received that the costs due under this section will be paid,
17 except for requests made pursuant to subdivisions ~~(1)(e), (1)(d),~~
18 ~~(1)(e), and (1)(f)~~ (1)(d), (1)(e), (1)(f), and (1)(g) of section
19 8-1401.

20 Sec. 3. (1) This section does not apply to:

21 (a) Real property owned by a decedent; or

22 (b) The contents of a safe deposit box rented by a
23 decedent from a state-chartered or federally chartered bank,
24 savings bank, building and loan association, savings and loan
25 association, or credit union.

26 (2) After the death of a decedent, a person (a) indebted
27 to the decedent or (b) having possession of (i) personal property,
1 (ii) an instrument evidencing a debt, (iii) an obligation, (iv)
2 a chose in action, (v) a life insurance policy, (vi) a bank
3 account, (vii) a certificate of deposit, or (viii) intangible
4 property, including annuities, fixed income investments, mutual
5 funds, cash, money market accounts, or stocks, belonging to the
6 decedent, shall furnish the value of the indebtedness or property
7 on the date of death and the names of the known or designated
8 beneficiaries of property described in this subsection to a person
9 who is (A) an heir at law of the decedent, (B) a devisee of the
10 decedent or a person nominated as a personal representative in a
11 will of the decedent, or (C) an agent or attorney authorized in
12 writing by any such person described in subdivision (A) or (B) of
13 this subdivision, with a copy of such authorization attached to
14 the affidavit, and who also presents an affidavit containing the
15 information required by subsection (3) of this section.

16 (3) An affidavit presented under subsection (2) of this
17 section shall state:

18 (a) The name, address, social security number if
19 available, and date of death of the decedent;

20 (b) The name and address of the affiant and that the
21 affiant is (i) an heir at law of the decedent, (ii) a devisee of
22 the decedent or a person nominated as a personal representative in
23 a will of the decedent, or (iii) an agent or attorney authorized in
24 writing by any such person described in subdivision (i) or (ii) of
25 this subdivision;

26 (c) That the disclosure of the value on the date of
27 death is necessary to determine whether the decedent's estate can
1 be administered under the summary procedures set forth in section
2 30-24,125, to assist in the determination of the inheritance tax
3 in an estate that is not subject to probate, or to assist a

- 4 conservator or guardian in the preparation of a final accounting
 5 subsequent to the death of the decedent;
 6 (d) That the affiant is answerable and accountable for
 7 the information received to the decedent's personal representative,
 8 if any, or to any other person having a superior right to the
 9 property or indebtedness;
 10 (e) That the affiant swears or affirms that all
 11 statements in the affidavit are true and material and further
 12 acknowledges that any false statement may subject the person to
 13 penalties relating to perjury under section 28-915; and
 14 (f) That no application or petition for the appointment
 15 of a personal representative is pending or has been granted in any
 16 jurisdiction.
 17 (4) A person presented with an affidavit under subsection
 18 (2) of this section shall provide the requested information within
 19 five business days after being presented with the affidavit.
 20 (5) A person who acts in good faith reliance on an
 21 affidavit presented under subsection (2) of this section is immune
 22 from liability for the disclosure of the requested information.
 23 Sec. 4. Section 8-1403, Reissue Revised Statutes of
 24 Nebraska, is amended to read:
 25 8-1403 For purposes of sections 8-1401 and 8-1402 and
 26 section 3 of this act:
 27 (1) Governmental agency means any agency, department, or
 1 commission of this state or any authorized officer, employee, or
 2 agent of such agency, department, or commission;
 3 (2) Law enforcement agency means an agency or department
 4 of this state or of any political subdivision of this state that
 5 obtains, serves, and enforces arrest warrants or that conducts or
 6 engages in prosecutions for violations of the law; and
 7 (3) Person means any individual, corporation,
 8 partnership, limited liability company, association, joint
 9 stock association, trust, unincorporated organization, and any
 10 other legal entity.
 11 Sec. 5. Original sections 8-1401, 8-1402, and 8-1403,
 12 Reissue Revised Statutes of Nebraska, are repealed.

The fourth Schumacher amendment is as follows:

AM2929

- 1 1. Strike the original sections and insert the following
 2 new sections:
 3 Section 1. Section 27-803, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 27-803 Subject to the provisions of section 27-403, the
 6 following are not excluded by the hearsay rule, even though the
 7 declarant is available as a witness:
 8 (1) A statement relating to a startling event or
 9 condition made while the declarant was under the stress of
 10 excitement caused by the event or condition;

11 (2) A statement of the declarant's then existing state of
12 mind, emotion, sensation, or physical condition (such as intent,
13 plan, motive, design, mental feeling, pain, and bodily health),
14 but not including a statement of memory or belief to prove the
15 fact remembered or believed unless it relates to the execution,
16 revocation, identification, or terms of declarant's will;

17 (3) Statements made for purposes of medical diagnosis or
18 treatment and describing medical history, or past or present
19 symptoms, pain, or sensations, or the inception or general
20 character of the cause or external source thereof insofar as
21 reasonably pertinent to diagnosis or treatment;

22 (4) A memorandum or record concerning a matter about
23 which a witness once had knowledge but now has insufficient
1 recollection to enable him or her to testify fully and accurately,
2 shown to have been made or adopted by the witness when the matter
3 was fresh in his or her memory and to reflect that knowledge
4 correctly. If admitted, the memorandum or record may be read into
5 evidence but may not itself be received as an exhibit unless
6 offered by an adverse party;

7 (5)(a) A memorandum, report, record, or data compilation,
8 in any form, of acts, events, or conditions, other than opinions
9 or diagnoses, made at or near the time of such acts, events, or
10 conditions, in the course of a regularly conducted activity, if it
11 was the regular course of such activity to make such memorandum,
12 report, record, or data compilation at the time of such act, event,
13 or condition, or within a reasonable time thereafter, as shown by
14 the testimony of the custodian or other qualified witness unless
15 the source of information or method or circumstances of preparation
16 indicate lack of trustworthiness. The circumstances of the making
17 of such memorandum, report, record, or data compilation, including
18 lack of personal knowledge by the entrant or maker, may be shown to
19 affect its weight;

20 (b) A memorandum, report, record, or data compilation, in
21 any form, of acts, events, or conditions, other than opinions or
22 diagnoses, that was received or acquired in the regular course of
23 business by an entity from another entity and has been incorporated
24 into and kept in the regular course of business of the receiving or
25 acquiring entity; that the receiving or acquiring entity typically
26 relies upon the accuracy of the contents of the memorandum, report,
27 record, or data compilation; and that the circumstances otherwise
1 indicate the trustworthiness of the memorandum, report, record, or
2 data compilation, as shown by the testimony of the custodian or
3 other qualified witness. Subdivision (5)(b) of this section shall
4 not apply in any criminal proceeding;

5 (6) Evidence that a matter is not included in the
6 memoranda, reports, records, or data compilations, in any form,
7 kept in accordance with the provisions of subdivision (5) of this
8 section to prove the nonoccurrence or nonexistence of the matter,
9 if the matter was of a kind of which a memorandum, report, record,

10 or data compilation was regularly made and preserved, unless the
11 sources of information or other circumstances indicate a lack of
12 trustworthiness;

13 (7) Upon reasonable notice to the opposing party prior to
14 trial, records, reports, statements, or data compilations made by
15 a public official or agency of facts required to be observed and
16 recorded pursuant to a duty imposed by law, unless the sources of
17 information or the method or circumstances of the investigation are
18 shown by the opposing party to indicate a lack of trustworthiness;

19 (8) Records or data compilations, in any form, of births,
20 fetal deaths, deaths, or marriages, if the report thereof was made
21 to a public office pursuant to requirements of law;

22 (9) To prove the absence of a record, report, statement,
23 or data compilation, in any form, or the nonoccurrence or
24 nonexistence of a matter of which a record, report, statement, or
25 data compilation, in any form, was regularly made and preserved by
26 a public office or agency, evidence in the form of a certification
27 in accordance with section 27-902, or testimony, that diligent
1 search failed to disclose the record, report, statement, or data
2 compilation or entry;

3 (10) Statements of births, marriages, divorces, deaths,
4 legitimacy, ancestry, relationship by blood or marriage, or other
5 similar facts of personal or family history, contained in a
6 regularly kept record of a religious organization;

7 (11) Statements of fact contained in a certificate that
8 the maker performed a marriage or other ceremony or administered
9 a sacrament, made by a member of the clergy, public official, or
10 other person authorized by the rules or practices of a religious
11 organization or by law to perform the act certified, and purporting
12 to have been issued at the time of the act or within a reasonable
13 time thereafter;

14 (12) Statements of births, marriages, divorces, deaths,
15 legitimacy, ancestry, relationship by blood or marriage, or other
16 similar facts of personal or family history contained in family
17 Bibles, genealogies, charts, engravings on rings, inscriptions on
18 family portraits, engravings on urns, crypts, or tombstones or the
19 like;

20 (13) The record of a document purporting to establish or
21 affect an interest in property, as proof of the content of the
22 original recorded document and its execution and delivery by each
23 person by whom it purports to have been executed, if the record is
24 a record of a public office and an applicable statute authorized
25 the recording of documents of that kind in that office;

26 (14) A statement contained in a document purporting to
27 establish or affect an interest in property if the matter stated
1 was relevant to the purpose of the document, unless dealings with
2 the property since the document was made have been inconsistent
3 with the truth of the statement or the purport of the document;

4 (15) Statements in a document in existence thirty years

5 or more whose authenticity is established;
6 (16) Market quotations, tabulations, lists, directories,
7 or other published compilations, generally used and relied upon by
8 the public or by persons in particular occupations;

9 (17) Statements contained in published treatises,
10 periodicals, or pamphlets on a subject of history, medicine, or
11 other science or art, established as a reliable authority by the
12 testimony or admission of the witness or by other expert testimony
13 or by judicial notice, to the extent called to the attention of an
14 expert witness upon cross-examination or relied upon by the expert
15 witness in direct examination. If admitted, the statements may be
16 read into evidence but may not be received as exhibits;

17 (18) Reputation among members of his or her family by
18 blood, adoption, or marriage, or among his or her associates, or
19 in the community, concerning a person's birth, adoption, marriage,
20 divorce, death, legitimacy, relationship by blood, adoption, or
21 marriage, ancestry, or other similar fact of his or her personal or
22 family history;

23 (19) Reputation in a community, arising before the
24 controversy, as to boundaries of or customs affecting lands in
25 the community, and reputation as to events of general history
26 important to the community or state or nation in which located;

27 (20) Reputation of a person's character among his or her
1 associates or in the community;

2 (21) Evidence of a final judgment, entered after a
3 trial or upon a plea of guilty (but not upon a plea of nolo
4 contendere), adjudging a person guilty of a crime punishable by
5 death or imprisonment in excess of one year, to prove any fact
6 essential to sustain the judgment, but not including, when offered
7 by the government in a criminal prosecution for purposes other than
8 impeachment, judgments against a person other than the accused.
9 The pendency of an appeal may be shown but does not affect
10 admissibility;

11 (22) Judgments as proof of matters of personal, family,
12 or general history, or boundaries, essential to the judgment, if
13 the same would be provable by evidence of reputation; and

14 (23) A statement not specifically covered by any of
15 the foregoing exceptions but having equivalent circumstantial
16 guarantees of trustworthiness, if the court determines that (a)
17 the statement is offered as evidence of a material fact, (b) the
18 statement is more probative on the point for which it is offered
19 than any other evidence which the proponent can procure through
20 reasonable efforts, and (c) the general purposes of these rules and
21 the interests of justice will best be served by admission of the
22 statement into evidence. A statement may not be admitted under this
23 exception unless the proponent of it makes known to the adverse
24 party, sufficiently in advance of the trial or hearing to provide
25 the adverse party with a fair opportunity to prepare to meet it,
26 his or her intention to offer the statement and the particulars of

27 it, including the name and address of the declarant.

- 1 Sec. 2. Original section 27-803, Reissue Revised Statutes
- 2 of Nebraska, is repealed.

The fifth Schumacher amendment is as follows:

AM2930

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

3 Section 1. Section 30-2201, Revised Statutes Cumulative

4 Supplement, 2012, is amended to read:

5 30-2201 Sections 30-2201 to 30-2902, 30-3901 to 30-3923,

6 and 30-4001 to 30-4045 and section 2 of this act shall be known and

7 may be cited as the Nebraska Probate Code.

8 Sec. 2. (1) For purposes of this section:

9 (a) Custodian means a bank, savings and loan association,

10 credit union, or other institution acting as a lessor of a safe

11 deposit box; and

12 (b) Representative of a custodian means an authorized

13 officer or employee of a custodian.

14 (2)(a) If a decedent at the time of his or her death

15 was a sole or last surviving joint lessee of a safe deposit box,

16 the custodian shall, prior to notice that a personal representative

17 or special administrator has been appointed for such decedent's

18 estate, allow access to the safe deposit box to determine whether

19 the safe deposit box contains an instrument that appears to be an

20 original will of the decedent, a deed to a burial plot, or burial

21 instructions. The following persons may have such access:

22 (i) A person who presents an affidavit described in

23 subsection (4) of this section that affiant reasonably believes

1 that he or she is either (A) an heir at law of the decedent,

2 (B) a devisee of the decedent or a person nominated as a personal

3 representative as shown in a photocopy of a will which is attached

4 to such affidavit, or (C) the agent or attorney specifically

5 authorized in writing by a person described in subdivision

6 (2)(a)(i)(A) or (B) of this section; or

7 (ii) A person who, under the terms of the safe deposit

8 box lease or a power of attorney at the time of the decedent's

9 death, was legally permitted to enter the safe deposit box, unless

10 otherwise provided by the lease or the power of attorney.

11 (b) If a person described in subdivision (2)(a) of this

12 section desires access to a safe deposit box but does not possess

13 a key to the box, the custodian may open the safe deposit box

14 by any means necessary at the person's request and expense or the

15 custodian may require the person to obtain a court order for the

16 custodian to open the safe deposit box at the requesting person's

17 expense. The custodian shall retain, in a secure location at such

18 person's expense, the contents of the box other than a purported

19 will, deed to a burial plot, and burial instructions. A custodian

20 shall deliver a purported will as described in subdivision (5)(b)

21 of this section. A person described in subdivision (2)(a)(i) of
22 this section may remove a deed to a burial plot and burial
23 instructions that are not part of a purported will pursuant to
24 subdivision (5)(d) of this section, and the custodian shall not
25 prevent the removal. Expenses incurred by a custodian or by the
26 person seeking the documents pursuant to this section shall be
27 considered an estate administration expense.

1 (3) A representative of the custodian shall be present
2 during the entry of a safe deposit box pursuant to this section.

3 (4) The affidavit referred to in subdivision (2)(a)(i) of
4 this section shall state:

5 (a) That the sole or last surviving lessor of a safe
6 deposit box has died and the date of his or her death, and a copy
7 of the death certificate shall be attached;

8 (b) If the person submitting the affidavit is an attorney
9 or agent of the affiant, that such appointment is for the purpose
10 of accompanying the opening of the safe deposit box. In lieu of
11 this statement, the appointment shall accompany the affidavit; and

12 (c) That the affiant:

13 (i)(A) Is an heir at law of the deceased lessor and a
14 description of such person's relationship to the deceased lessor;

15 (B) Is reasonably thought to be a devisee of the decedent
16 based on the provisions of a will, a photocopy of which is
17 submitted with the affidavit; or

18 (C) Is reasonably thought to be nominated as personal
19 representative pursuant to the terms of a will, a photocopy of
20 which is submitted with the affidavit;

21 (ii) Swears or affirms that all statements in the
22 affidavit are true and material and further acknowledges that
23 any false statement may subject the person to penalties relating to
24 perjury under section 28-915; and

25 (iii) Has no knowledge of an application or petition for
26 the appointment of a personal representative pending or granted in
27 any jurisdiction.

1 (5)(a) If an instrument purporting to be a will is found
2 in a safe deposit box as the result of an entry pursuant to
3 subsection (2) of this section, the representative of the custodian
4 shall remove the purported will.

5 (b) The custodian shall mail the purported will by
6 registered or certified mail or deliver the purported will in
7 person to the clerk of the county court of the county in which the
8 decedent was a resident. If the custodian is unable to determine
9 the county of residence of the decedent, the custodian shall mail
10 the purported will by registered or certified mail or deliver the
11 purported will in person to the office of the clerk of the county
12 court of the county in which the safe deposit box is located.

13 (c) At the request of the person or persons authorized
14 to have access to the safe deposit box under subsection (2) of
15 this section, the representative of the custodian shall copy each

16 purported will of the decedent, at the expense of the requesting
 17 person, and shall deliver the copy of each purported will to the
 18 person, or if directed by the person, to the person's agent or
 19 attorney. In copying any purported will, the representative of the
 20 custodian shall not remove any staples or other fastening devices
 21 or disassemble the purported will in any way.

22 (d) If the safe deposit box contains a deed to a burial
 23 plot or burial instructions that are not a part of a purported
 24 will, the person or persons authorized to have access to the safe
 25 deposit box under subsection (2) of this section may remove these
 26 instruments or request that the representative of the custodian
 27 copy the deed to the burial plot or burial instructions at the
 1 expense of the requesting person.

2 (6) This section does not limit the right of a personal
 3 representative or a special administrator for the decedent, or a
 4 successor of the decedent pursuant to section 30-24,125, to have
 5 access to the safe deposit box as otherwise provided by law.

6 (7) Unless limited by the safe deposit box lease, a
 7 surviving co-lessee of the safe deposit box may continue to enter
 8 the safe deposit box notwithstanding the death of the decedent.

9 (8) A custodian shall not be liable to a person for an
 10 action taken pursuant to this section or for a failure to act in
 11 accordance with the requirements of this section unless the action
 12 or failure to act is shown to have resulted from the custodian's
 13 bad faith, gross negligence, or intentional misconduct.

14 Sec. 3. The Revisor of Statutes shall assign section 2 of
 15 this act within Chapter 30, article 24, part 1.

16 Sec. 4. Original section 30-2201, Revised Statutes
 17 Cumulative Supplement, 2012, is repealed.

The sixth Schumacher amendment is as follows:

AM2932

1 1. Strike the original sections and insert the following
 2 new sections:
 3 Section 1. Section 76-238.01, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 76-238.01 (1) Any interest in real property capable
 6 of being transferred may be mortgaged to secure (a) existing
 7 debts or obligations, ~~to secure (b) debts or obligations created~~
 8 ~~simultaneously with the execution of the mortgage, to secure (c)~~
 9 ~~future advances necessary to protect the security, and to secure~~
 10 even though such future advances cause the total indebtedness to
 11 exceed the maximum amount stated in the mortgage, or (d) any future
 12 advances to be made at the option of the parties in any amount
 13 unless, except as otherwise provided under subsection (2) or (3)
 14 of this section, a maximum amount of total indebtedness to be
 15 secured is stated in the mortgage. ~~At no time shall the secured~~
 16 ~~principal future advances, not including sums advanced to protect~~
 17 ~~the security, exceed a total amount or percentage of a total~~

18 amount stated in the mortgage. If the mortgage authorizes advances
19 by a percentage of the mortgage amount, such advances shall not
20 exceed that authorized percentage. All such debts, obligations, and
21 future advances shall, from the time the mortgage is filed for
22 record as provided by law, be secured by such mortgage equally
23 with and have the same priority over the rights of all persons
1 who subsequent to the recording of such mortgage acquire any
2 rights in or liens upon the mortgaged real estate as the debts
3 and obligations secured thereby at the time of the filing of the
4 mortgage for record, except that (a) the mortgagor or his or her
5 successor in title is hereby authorized to file for record, and the
6 same shall be recorded, a notice limiting the amount of optional
7 future advances secured by such mortgage to not less than the
8 amount advanced actually at the time of such filing, and a copy
9 of such filing shall be filed with the mortgagee, and (b) if any
10 optional future advance shall be made by the mortgagee to the
11 mortgagor or his or her successor in title after written notice
12 of any mortgage, lien, or claim against such real property, or
13 after written notice of labor commenced or material furnished or
14 contracted to be commenced or furnished on such real property which
15 is junior to such mortgage, then the amount of such advance shall
16 be junior to such mortgage, lien, or claim, including a claim for
17 materials delivered or labor performed which is ultimately filed as
18 a construction lien and of which such written notice was given.

19 (2) Future advances necessary to protect the security
20 shall include, but not be limited to, advances for payment of
21 real property taxes, special assessments, prior liens, hazard
22 insurance premiums, maintenance charges imposed under a condominium
23 declaration or other covenant, and costs of repair, maintenance,
24 or improvements. Future advances necessary to protect the security
25 are secured by the mortgage and have the priority specified in
26 subsection (3) of this section.

27 (3)(a) Except as provided in subdivision (b) of this
1 subsection, all items identified in subsection (1) of this section
2 are equally secured by the mortgage from the time of filing the
3 mortgage as provided by law and have the same priority as the
4 mortgage over the rights of all other persons who acquire any
5 rights in or liens upon the mortgaged real property subsequent to
6 the time the mortgage was filed.

7 (b)(i) The mortgagor or his or her successor in title
8 may limit the amount of optional future advances secured by the
9 mortgage under subdivision (1)(d) of this section by filing a
10 notice for record in the office of the register of deeds of each
11 county in which the mortgaged real property or some part thereof
12 is situated. A copy of such notice shall be sent by certified mail
13 to the mortgagee at the address of the mortgagee set forth in the
14 mortgage or, if the mortgage has been assigned, to the address of
15 the most recent assignee reflected in a recorded assignment of the
16 mortgage. The amount of such secured optional future advances shall

17 be limited to not less than the amount actually advanced at the
 18 time of receipt of such notice by the mortgagee.
 19 (ii) If any optional future advance is made by the
 20 mortgagee to the mortgagor or his or her successor in title
 21 after receiving written notice of the filing for record of any
 22 trust deed, mortgage, lien, or claim against such mortgaged real
 23 property, then the amount of such optional future advance shall be
 24 junior to such trust deed, mortgage, lien, or claim. The notice
 25 under this subdivision shall be sent by certified mail to the
 26 mortgagee at the address of the mortgagee set forth in the mortgage
 27 or, if the mortgage has been assigned, to the address of the most
 1 recent assignee reflected in a recorded assignment of the mortgage.

2 (iii) Subdivisions (b)(i) and (ii) of this subsection
 3 shall not limit or determine the priority of optional future
 4 advances as against construction liens governed by section 52-139.

5 ~~(2)-(4)~~ The reduction to zero or elimination of the debt
 6 evidenced by the instruments authorized in this section shall not
 7 invalidate the operation of this section as to any future advances
 8 unless a notice or release to the contrary is filed for record as
 9 provided by law.

10 Sec. 2. Section 76-1002, Revised Statutes Cumulative
 11 Supplement, 2012, is amended to read:

12 76-1002 (1) Transfers in trust of real property may be
 13 made to secure (a) existing debts or obligations, (b) debts or
 14 obligations created simultaneously with the execution of the trust
 15 deed, ~~(b)-(c)~~ future advances necessary to protect the security,
 16 ~~(e)-even though such future advances cause the total indebtedness~~
 17 to exceed the maximum amount stated in the trust deed, (d) any
 18 future advances to be made at the option of the parties; in any
 19 amount unless, except as otherwise provided under subsection (2) or
 20 (3) of this section, a maximum amount of total indebtedness to be
 21 secured is stated in the trust deed, or ~~(d)-(e)~~ the performance
 22 of an obligation of any other person named in the trust deed to a
 23 beneficiary.

24 (2) Future advances necessary to protect the security
 25 shall include, but not be limited to, advances for payment of
 26 real property taxes, special assessments, prior liens, hazard
 27 insurance premiums, maintenance charges imposed under a condominium
 1 declaration or other covenant, and costs of repair, maintenance, or
 2 improvements. Future advances necessary to protect the security are
 3 secured by the trust deed and shall have the priority specified in
 4 subsection (3) of this section.

5 (3)(a) Except as provided in subdivision (b) of this
 6 subsection, all items identified in subsection (1) of this section
 7 are equally secured by the trust deed from the time of filing the
 8 trust deed as provided by law and have the same priority as the
 9 trust deed over the rights of all other persons who acquire any
 10 rights in or liens upon the trust property subsequent to the time
 11 the trust deed was filed.

12 (b)(i) The trustor or his or her successor in title may
13 limit the amount of optional future advances secured by the trust
14 deed under subdivision ~~(1)(e)~~(1)(d) of this section by filing
15 a notice for record in the office of the register of deeds of
16 each county in which the trust property or some part thereof is
17 situated. A copy of such notice shall be sent by certified mail to
18 the beneficiary at the address of the beneficiary set forth in the
19 trust deed or, if the trust deed has been assigned, to the address
20 of the most recent assignee reflected in a recorded assignment of
21 the trust deed. The amount of such secured optional future advances
22 shall be limited to not less than the amount actually advanced at
23 the time of receipt of such notice by the beneficiary.

24 (ii) If any optional future advance is made by the
25 beneficiary to the trustor or his or her successor in title after
26 receiving written notice of the filing for record of any trust
27 deed, mortgage, lien, or claim against such trust property, then
1 the amount of such optional future advance shall be junior to
2 such trust deed, mortgage, lien, or claim. The notice under this
3 subdivision shall be sent by certified mail to the beneficiary at
4 the address of the beneficiary set forth in the trust deed or, if
5 the trust deed has been assigned, to the address of the most recent
6 assignee reflected in a recorded assignment of the trust deed.

7 (iii) Subdivisions (b)(i) and (ii) of this subsection
8 shall not limit or determine the priority of optional future
9 advances as against construction liens governed by section 52-139.

10 (4) The reduction to zero or elimination of the
11 obligation evidenced by any of the transfers in trust authorized by
12 this section shall not invalidate the operation of this section as
13 to any future advances unless a notice or release to the contrary
14 is filed for record as provided by law. All right, title, interest,
15 and claim in and to the trust property acquired by the trustor
16 or his or her successors in interest subsequent to the execution
17 of the trust deed shall inure to the trustee as security for the
18 obligation or obligations for which the trust property is conveyed
19 in like manner as if acquired before execution of the trust deed.

20 Sec. 3. Original section 76-238.01, Reissue Revised
21 Statutes of Nebraska, and section 76-1002, Revised Statutes
22 Cumulative Supplement, 2012, are repealed.

The first Schumacher amendment, AM2924, found in this day's Journal, was offered.

The first Schumacher amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

The second Schumacher amendment, AM2925, found in this day's Journal, was offered.

The second Schumacher amendment was adopted with 31 ayes, 0 nays, 14

present and not voting, and 4 excused and not voting.

The third Schumacher amendment, AM2926, found in this day's Journal, was offered.

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

The fourth Schumacher amendment, AM2929, found in this day's Journal, was offered.

SENATOR KRIST PRESIDING

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

The fifth Schumacher amendment, AM2930, found in this day's Journal, was offered.

The fifth Schumacher amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

The sixth Schumacher amendment, AM2932, found in this day's Journal, was offered.

The sixth Schumacher amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 700. ER220, found on page 1233, was adopted.

Senator Christensen offered his amendment, AM2720, found on page 1369.

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

Senator Christensen offered his amendment, AM2721, found on page 1370.

SPEAKER ADAMS PRESIDING

The Christensen amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Senator Nordquist withdrew his amendment, AM2878, found on page 1443.

Senator Chambers withdrew his amendment, AM2860, found on page 1482.

Senator Gloor offered the Gloor-Howard amendment, AM2597, found on

page 1064.

Senator McCoy requested a division of the question on the Gloor-Howard amendment.

The Chair sustained the division of the question.

The first Gloor-Howard amendment is as follows:

AM2933

- 1 1. Strike section 12 and insert the following new
- 2 sections:
- 3 Sec. 12. Section 12-1109, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 12-1109 The director ~~shall~~ may adopt and promulgate rules
- 6 and regulations necessary to carry out and enforce the Burial
- 7 Pre-Need Sale Act.
- 8 Sec. 13. Section 44-165, Reissue Revised Statutes of
- 9 Nebraska, is amended to read:
- 10 44-165 (1)(a) A financial conglomerate may submit to
- 11 the jurisdiction of the Director of Insurance for supervision on
- 12 a consolidated basis under this section. Supervision under this
- 13 section shall be in addition to all statutory and regulatory
- 14 requirements imposed on domestic insurers and shall be for
- 15 the purpose of determining how the operations of the financial
- 16 conglomerate impact insurance operations.
- 17 (b) For purposes of this section:
- 18 (i) Control has the same meaning as in section 44-2121;
- 19 and
- 20 (ii) Financial conglomerate means either an insurance
- 21 company domiciled in Nebraska or a person established under
- 22 the laws of the United States, any state, or the District
- 23 of Columbia which directly or indirectly controls an insurance
- 1 company domiciled in Nebraska. Financial conglomerate includes
- 2 the person applying for supervision under this section and all
- 3 entities, whether insurance companies or otherwise, to the extent
- 4 the entities are controlled by such person.
- 5 (2) The director may approve any application for
- 6 supervision under this section that meets the requirements of this
- 7 section and the rules and regulations adopted and promulgated under
- 8 this section.
- 9 (3)(a) The director ~~shall~~ may adopt and promulgate
- 10 rules and regulations for supervision of a financial conglomerate,
- 11 including all persons controlled by a financial conglomerate,
- 12 that will permit the director to assess at the level of
- 13 the financial conglomerate the financial situation of the
- 14 financial conglomerate, including solvency, risk concentration, and
- 15 intra-group transactions.
- 16 (b) Such rules and regulations shall require the
- 17 financial conglomerate to:

- 18 (i) Have in place sufficient capital adequacy policies at
19 the level of the financial conglomerate;
- 20 (ii) Report to the director at least annually any
21 significant risk concentration at the level of the financial
22 conglomerate;
- 23 (iii) Report to the director at least annually all
24 significant intra-group transactions of regulated entities within a
25 financial conglomerate. Such reporting shall be in addition to all
26 reports required under any other provision of Chapter 44; and
- 27 (iv) Have in place at the level of the financial
1 conglomerate adequate risk management processes and internal
2 control mechanisms, including sound administrative and accounting
3 procedures.
- 4 (c) In adopting and promulgating the rules and
5 regulations, the director:
- 6 (i) Shall consider the rules and regulations that may
7 be adopted by a member state of the European Union, the European
8 Union, or any other country for the supervision of financial
9 conglomerates;
- 10 (ii) Shall require the filing of such information as the
11 director may determine;
- 12 (iii) Shall include standards and processes for effective
13 qualitative group assessment, quantitative group assessment
14 including capital adequacy, affiliate transaction, and risk
15 concentration assessment, risks and internal capital assessments,
16 disclosure requirements, and investigation and enforcement powers;
- 17 (iv) Shall state that supervision of financial
18 conglomerates concerns how the operations of the financial
19 conglomerate impact the insurance operations;
- 20 (v) Shall adopt an application fee in an amount not to
21 exceed the amount necessary to recover the cost of review and
22 analysis of the application; and
- 23 (vi) May verify information received under this section.
- 24 (4)(a) If it appears to the director that a financial
25 conglomerate that submits to the jurisdiction of the director under
26 this section, or any director, officer, employee, or agent thereof,
27 willfully violates this section or the rules and regulations
1 adopted and promulgated under this section, the director may order
2 the financial conglomerate to cease and desist immediately any such
3 activity. After notice and hearing, the director may order the
4 financial conglomerate to void any contracts between the financial
5 conglomerate and any of its affiliates or among affiliates of the
6 financial conglomerate and restore the status quo if such action is
7 in the best interest of policyholders, creditors, or the public.
- 8 (b) If it appears to the director that any financial
9 conglomerate that submits to the jurisdiction of the director
10 under this section, or any director, officer, employee, or agent
11 thereof, has committed or is about to commit a violation of this
12 section or the rules and regulations adopted and promulgated

13 under this section, the director may apply to the district
14 court of Lancaster County for an order enjoining such financial
15 conglomerate, director, officer, employee, or agent from violating
16 or continuing to violate this section or the rules and regulations
17 adopted and promulgated under this section and for such other
18 equitable relief as the nature of the case and the interest of the
19 financial conglomerate's policyholders, creditors, or the public
20 may require.

21 (c)(i) Any financial conglomerate that fails, without
22 just cause, to provide information which may be required under the
23 rules and regulations adopted and promulgated under this section
24 may be required by the director, after notice and hearing, to
25 pay an administrative penalty of one hundred dollars for each
26 day's delay not to exceed an aggregate penalty of ten thousand
27 dollars. The director may reduce the penalty if the financial
1 conglomerate demonstrates to the director that the imposition of
2 the penalty would constitute a financial hardship to the financial
3 conglomerate.

4 (ii) Any financial conglomerate that fails to notify the
5 director of any action for which such notification may be required
6 under the rules and regulations adopted and promulgated under this
7 section may be required by the director, after notice and hearing,
8 to pay an administrative penalty of not more than two thousand five
9 hundred dollars per violation.

10 (iii) Any violation of this section or the rules and
11 regulations adopted and promulgated under this section shall be an
12 unfair trade practice under the Unfair Insurance Trade Practices
13 Act in addition to any other remedies and penalties available under
14 the laws of this state.

15 (d) Any director or officer of a financial conglomerate
16 that submits to the jurisdiction of the director under this section
17 who knowingly violates or assents to any officer or agent of
18 the financial conglomerate to violate this section or the rules
19 and regulations adopted and promulgated under this section may be
20 required by the director, after notice and hearing, to pay in
21 his or her individual capacity an administrative penalty of not
22 more than five thousand dollars per violation. In determining the
23 amount of the penalty, the director shall take into account the
24 appropriateness of the penalty with respect to the gravity of
25 the violation, the history of previous violations, and such other
26 matters as justice may require.

27 (e) After notice and hearing, the director may terminate
1 the supervision of any financial conglomerate under this section if
2 it ceases to qualify as a financial conglomerate under this section
3 or the rules and regulations adopted and promulgated under this
4 section.

5 (f) If it appears to the director that any person
6 has committed a violation of this section or the rules and
7 regulations adopted and promulgated under this section which so

8 impairs the financial condition of a domestic insurer that submits
9 to the jurisdiction of the director under this section as to
10 threaten insolvency or make the further transaction of business
11 by such financial conglomerate hazardous to its policyholders or
12 the public, the director may proceed as provided in the Nebraska
13 Insurers Supervision, Rehabilitation, and Liquidation Act to take
14 possession of the property of such domestic insurer and to conduct
15 the business thereof.

16 (g) If it appears to the director that any person
17 that submits to the jurisdiction of the director under this
18 section has committed a violation of this section or the rules and
19 regulations adopted and promulgated under this section which makes
20 the continued operation of an insurer contrary to the interests
21 of policyholders or the public, the director may, after giving
22 notice and an opportunity to be heard, suspend, revoke, or refuse
23 to renew such insurer's license or authority to do business in this
24 state for such period as the director finds is required for the
25 protection of policyholders or the public. Any such determination
26 shall be accompanied by specific findings of fact and conclusions
27 of law.

1 (h)(i) Any financial conglomerate that submits to the
2 jurisdiction of the director under this section that willfully
3 violates this section or the rules and regulations adopted and
4 promulgated under this section shall be guilty of a Class IV
5 felony.

6 (ii) Any director, officer, employee, or agent of a
7 financial conglomerate that submits to the jurisdiction of the
8 director under this section who willfully violates this section
9 or the rules and regulations adopted and promulgated under this
10 section or who willfully and knowingly subscribes to or makes
11 or causes to be made any false statements, false reports, or
12 false filings with the intent to deceive the director in the
13 performance of his or her duties under this section or the rules
14 and regulations adopted and promulgated under this section shall be
15 guilty of a Class IV felony.

16 (iii) Any person aggrieved by any act, determination,
17 order, or other action of the director pursuant to this section
18 or the rules and regulations adopted and promulgated under this
19 section may appeal. The appeal shall be in accordance with the
20 Administrative Procedure Act.

21 (iv) Any person aggrieved by any failure of the director
22 to act or make a determination required by this section or the
23 rules and regulations adopted and promulgated under this section
24 may petition the district court of Lancaster County for a writ in
25 the nature of a mandamus or a peremptory mandamus directing the
26 director to act or make such determination forthwith.

27 (i) The powers, remedies, procedures, and penalties
1 governing financial conglomerates under this section shall be
2 in addition to any other provisions provided by law.

3 (5)(a) The director may contract with such qualified
4 persons as the director deems necessary to allow the director to
5 perform any duties and responsibilities under this section.

6 (b) The reasonable expenses of supervision of a financial
7 conglomerate under this section shall be fixed and determined
8 by the director who shall collect the same from the supervised
9 financial conglomerate. The financial conglomerate shall reimburse
10 the amount upon presentation of a statement by the director. All
11 money collected by the director for supervision of financial
12 conglomerates pursuant to this section shall be remitted in
13 accordance with section 44-116.

14 (c) All information, documents, and copies thereof
15 obtained by or disclosed to the director pursuant to this section
16 shall be held by the director in accordance with sections 44-154
17 and 44-2138.

18 Sec. 14. Section 44-3719, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 44-3719 The director shall administer and enforce the
21 provisions of sections 44-3701 to 44-3721 and ~~shall publish, may~~
22 ~~adopt,~~ and promulgate rules and regulations in accordance with
23 sections 44-3701 to 44-3721.

24 Sec. 18. Sections 1 to 11 of this act become operative on
25 January 1, 2015. The other sections of this act become operative on
26 their effective date.

27 Sec. 19. Original sections 12-1109, 44-165, 44-3719, and
1 44-5702, Reissue Revised Statutes of Nebraska, and sections 44-6008
2 and 44-6016, Revised Statutes Supplement, 2013, are repealed.

The second Gloor-Howard amendment is as follows:

AM2934

1 1. Strike section 12 and insert the following new
2 sections:

3 Sec. 15. Section 44-5702, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 44-5702 For purposes of the Producer-Controlled Property
6 and Casualty Insurer Act:

7 (1) Accredited state shall mean a state in which
8 the insurance department or regulatory agency has qualified as
9 meeting the minimum financial regulatory standards established and
10 promulgated from time to time by the National Association of
11 Insurance Commissioners;

12 (2) Captive insurers shall mean insurance companies owned
13 by another organization the exclusive purpose of which is to insure
14 risks of the parent organization and affiliated companies or, in
15 the case of groups and associations, insurance organizations owned
16 by the insureds the exclusive purpose of which is to insure risks
17 to member organizations or group members and their affiliates;

18 (3) Control or controlled shall have the same meaning as
19 in section 44-2121;

20 (4) Controlled insurer shall mean an insurer which is
21 controlled, directly or indirectly, by a producer;

22 (5) Controlling producer shall mean a producer which,
23 directly or indirectly, controls an insurer;

1 (6) Director shall mean the Director of Insurance;

2 (7) Insurer shall mean any person, firm, association, or
3 corporation holding a certificate of authority to transact property
4 and casualty insurance business in this state. Insurer shall not
5 include:

6 ~~(a) Risk retention groups as defined in the Superfund
7 Amendments Reauthorization Act of 1986, Public Law 99-499, the Risk
8 Retention Act, 15 U.S.C. 3901 et seq., and the Risk Retention Act;~~

9 ~~(b)(a)~~ Residual market pools and joint underwriting
10 authorities or associations; and

11 ~~(c)(b)~~ Captive insurers other than risk retention groups
12 as defined in 15 U.S.C. 3901 et seq. and 42 U.S.C. 9671, as such
13 sections existed on January 1, 2014; and

14 (8) Producer shall mean an insurance broker or any
15 other person, firm, association, or corporation when, for any
16 compensation, commission, or other thing of value, such person,
17 firm, association, or corporation acts or aids in any manner in
18 soliciting, negotiating, or procuring the making of any insurance
19 contract on behalf of an insured other than the person, firm,
20 association, or corporation.

21 Sec. 16. Section 44-6008, Revised Statutes Supplement,
22 2013, is amended to read:

23 44-6008 Insurer means an insurer as defined in section
24 44-103 authorized to transact the business of insurance, except
25 that insurer does not include health organizations, unincorporated
26 mutual associations, assessment associations, health maintenance
27 organizations, prepaid dental service corporations, prepaid limited
1 health service organizations, monoline mortgage guaranty insurers,
2 monoline financial guaranty insurers, title insurers, prepaid legal
3 corporations, intergovernmental risk management pools, and any
4 other kind of insurer to which the application of the Insurers and
5 Health Organizations Risk-Based Capital Act, in the determination
6 of the director, would be clearly inappropriate. Insurer includes a
7 risk retention group.

8 Insurer, when referring to life and health insurers,
9 means an insurer authorized to transact life insurance business and
10 sickness and accident insurance business specified in subdivisions
11 (1) through (4) of section 44-201, or any combination thereof, and
12 also includes fraternal benefit societies authorized to transact
13 business specified in sections 44-1072 to 44-10,109.

14 Insurer, when referring to property and casualty
15 insurers, means an insurer authorized to transact property
16 insurance business and casualty insurance business specified in
17 subdivisions (5) through (14) and (16) through (20) of section
18 44-201, or any combination thereof, and also includes an insurer

19 authorized to transact insurance business specified in subdivision
20 (4) of section 44-201 if also authorized to transact insurance
21 business specified in subdivisions (5) through (14) and (16)
22 through (20) of section 44-201.

23 Sec. 17. Section 44-6016, Revised Statutes Supplement,
24 2013, is amended to read:

25 44-6016 (1) Company action level event means any of the
26 following events:

27 (a) The filing of a risk-based capital report by an
1 insurer or a health organization which indicates that:

2 (i) The insurer's or health organization's total adjusted
3 capital is greater than or equal to its regulatory action
4 level risk-based capital but less than its company action level
5 risk-based capital;

6 (ii) If a life and health insurer or a fraternal benefit
7 society, the insurer or society has total adjusted capital which
8 is greater than or equal to its company action level risk-based
9 capital but less than the product of its authorized control level
10 risk-based capital and ~~2.5~~ 3.0 and has a negative trend; ~~or~~

11 (iii) If a property and casualty insurer, the insurer
12 has total adjusted capital which is greater than or equal to its
13 company action level risk-based capital but less than the product
14 of its authorized control level risk-based capital and 3.0 and
15 triggers the trend test determined in accordance with the trend
16 test calculation included in the property and casualty risk-based
17 capital instructions; or

18 (iv) If a health organization has total adjusted capital
19 which is greater than or equal to its company action level
20 risk-based capital but less than the product of its authorized
21 control level risk-based capital and 3.0 and triggers the trend
22 test determined in accordance with the trend test calculation
23 included in the health risk-based capital instructions;

24 (b) The notification by the director to the insurer or
25 health organization of an adjusted risk-based capital report that
26 indicates an event described in subdivision (1)(a) of this section
27 unless the insurer or health organization challenges the adjusted
1 risk-based capital report under section 44-6020; or

2 (c) If, pursuant to section 44-6020, the insurer or
3 health organization challenges an adjusted risk-based capital
4 report that indicates an event described in subdivision (1)(a)
5 of this section, the notification by the director to the insurer
6 or health organization that the director has, after a hearing,
7 rejected the insurer's or health organization's challenge.

8 (2) In the event of a company action level event, the
9 insurer or health organization shall prepare and submit to the
10 director a risk-based capital plan which shall:

11 (a) Identify the conditions which contribute to the
12 company action level event;

13 (b) Contain proposals of corrective actions which the

14 insurer or health organization intends to take and would be
15 expected to result in the elimination of the company action level
16 event;

17 (c) Provide projections of the insurer's or health
18 organization's financial results in the current year and at least
19 the four succeeding years in the case of an insurer or at least
20 the two succeeding years in the case of a health organization, both
21 in the absence of proposed corrective actions and giving effect to
22 the proposed corrective actions, including projections of statutory
23 balance sheets, operating income, net income, capital and surplus,
24 and risk-based capital levels. The projections for both new and
25 renewal business may include separate projections for each major
26 line of business and separately identify each significant income,
27 expense, and benefit component;

1 (d) Identify the key assumptions impacting the insurer's
2 or health organization's projections and the sensitivity of the
3 projections to the assumptions; and

4 (e) Identify the quality of, and problems associated
5 with, the insurer's or health organization's business, including,
6 but not limited to, its assets, anticipated business growth and
7 associated surplus strain, extraordinary exposure to risk, and mix
8 of business and use of reinsurance, if any, in each case.

9 (3) The risk-based capital plan shall be submitted:

10 (a) Within forty-five days after the occurrence of the
11 company action level event; or

12 (b) If the insurer or health organization challenges an
13 adjusted risk-based capital report pursuant to section 44-6020,
14 within forty-five days after the notification to the insurer
15 or health organization that the director has, after a hearing,
16 rejected the insurer's or health organization's challenge.

17 (4) Within sixty days after the submission by an
18 insurer or a health organization of a risk-based capital plan
19 to the director, the director shall notify the insurer or
20 health organization whether the risk-based capital plan shall be
21 implemented or is, in the judgment of the director, unsatisfactory.
22 If the director determines that the risk-based capital plan
23 is unsatisfactory, the notification to the insurer or health
24 organization shall set forth the reasons for the determination
25 and may set forth proposed revisions which will render the
26 risk-based capital plan satisfactory in the judgment of the
27 director. Upon notification from the director, the insurer or

1 health organization shall prepare a revised risk-based capital
2 plan which may incorporate by reference any revisions proposed by
3 the director. The insurer or health organization shall submit the
4 revised risk-based capital plan to the director:

5 (a) Within forty-five days after the notification from
6 the director; or

7 (b) If the insurer or health organization challenges
8 the notification from the director under section 44-6020, within

9 forty-five days after a notification to the insurer or health
10 organization that the director has, after a hearing, rejected the
11 insurer's or health organization's challenge.

12 (5) In the event of a notification by the director
13 to an insurer or a health organization that the insurer's
14 or health organization's risk-based capital plan or revised
15 risk-based capital plan is unsatisfactory, the director may, at
16 the director's discretion and subject to the insurer's or health
17 organization's right to a hearing under section 44-6020, specify
18 in the notification that the notification constitutes a regulatory
19 action level event.

20 (6) Every domestic insurer or domestic health
21 organization that files a risk-based capital plan or revised
22 risk-based capital plan with the director shall file a copy of the
23 risk-based capital plan or revised risk-based capital plan with the
24 insurance commissioner of any state in which the insurer or health
25 organization is authorized to do business if:

26 (a) Such state has a law substantially similar to
27 subsection (1) of section 44-6021; and

1 (b) The insurance commissioner of such state has notified
2 the insurer or health organization of its request for the filing
3 in writing, in which case the insurer or health organization shall
4 file a copy of the risk-based capital plan or revised risk-based
5 capital plan in such state no later than the later of:

6 (i) Fifteen days after the receipt of notice to file a
7 copy of its risk-based capital plan or revised risk-based capital
8 plan with the state; or

9 (ii) The date on which the risk-based capital plan or
10 revised risk-based capital plan is filed under subsection (3) or
11 (4) of this section.

12 Sec. 18. Sections 1 to 11 of this act become operative on
13 January 1, 2015. The other sections of this act become operative on
14 their effective date.

15 Sec. 19. Original sections 12-1109, 44-165, 44-3719, and
16 44-5702, Reissue Revised Statutes of Nebraska, and sections 44-6008
17 and 44-6016, Revised Statutes Supplement, 2013, are repealed.

The first Gloor-Howard amendment, AM2933, found in this day's Journal,
was offered.

The first Gloor-Howard amendment was adopted with 33 ayes, 0 nays, 13
present and not voting, and 3 excused and not voting.

The second Gloor-Howard amendment, AM2934, found in this day's
Journal, was offered.

The second Gloor-Howard amendment was adopted with 35 ayes, 0 nays, 11
present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 811. ER227, found on page 1234, was adopted.

Senator Gloor offered his amendment, AM2567, found on page 1102.

Senator Chambers offered the following motion:

MO192

Bracket until April 17, 2014.

Senator Chambers withdrew his motion to bracket.

Senator Chambers offered the following amendment to the Gloor amendment:

FA354

Amend AM2567

Page 5, line 17, strike and show as stricken "individuals" and insert "persons".

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment to the Gloor amendment:

FA356

Amend AM2567

Page 3, line 10 strike and show as stricken beginning with "Marijuana" through "time;" in line 23.

SENATOR COASH PRESIDING

Senator Chambers withdrew his amendment.

Senator Chambers reoffered his amendment, FA354, found in this day's Journal, to the Gloor amendment.

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

The Chambers amendment was adopted with 25 ayes, 13 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Mello moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

The Gloor amendment as amended, was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Pending.

RESOLUTIONS**LEGISLATIVE RESOLUTION 622.** Introduced by Kintner, 2.

WHEREAS, Eythan Ingle Strope of Nebraska City, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

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

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

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

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

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

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

Laid over.

LEGISLATIVE RESOLUTION 623. Introduced by Crawford, 45; Coash, 27; Nelson, 6.

WHEREAS, the Boys and Girls Clubs of Nebraska are an integral part of our communities. Not only do they provide a safe space for our youth, but they also help our young people develop and build the skills they need to be successful; and

WHEREAS, since 1947 the Youth of the Year program has encouraged young members of the Boys and Girls Club to reach their full potential through academic success, healthy lifestyles, and by contributing to their communities; and

WHEREAS, the Youth of the Year program richly demonstrates the positive impact that the Boys and Girls Clubs exert on young people and on the future of our nation. Boys and Girls Clubs help youth enter the world with educational, social, emotional, and cultural competencies, positive self-identity, a sense of community and civic involvement, a moral compass, and

other attributes and capabilities our young people need to become responsible, successful, patriotic adults and leaders. Youth of the Year winners at the local, state, regional, and national levels exemplify the hard work, determination, and hope of the Boys and Girls Clubs; and

WHEREAS, the rich history of the Youth of the Year program emanates from the efforts of generations of dedicated staff and volunteers who have mentored club youth and helped them to reach their full potential; and

WHEREAS, being named a Youth of the Year is the highest honor a Boys and Girls Club member can receive. This award signifies that the member has contributed in multiple ways to his or her family, school, community, and Boys and Girls Club. The award also testifies to the fact that the recipient has had to overcome personal challenges and obstacles, even as he or she has devoted time and effort into improving the lives of others; and

WHEREAS, Jabaree Culliver has been honored as the 2014 Nebraska Youth of the Year out of over 10,000 club members in the State of Nebraska. Jabaree is a student in graphic design at the University of Nebraska at Omaha and has been a member of the Westside Boys and Girls Club, an affiliate of the Boys and Girls Clubs of the Midlands, for ten years. The Westside Boys and Girls Club has been a great support system for Jabaree and became a second family to him; and

WHEREAS, Loriana Harkey, a senior at Bellevue West High School, has been honored as the 2014 Nebraska Military Youth of the Year. Loriana is a member of the Offutt Air Force Base Boys and Girls Club and serves as the captain of the Novice Forensics Team, and is also active in Future Business Leaders of America and the National Honor Society. Loriana is presently the top-ranked student in her class; and

WHEREAS, Jason Towery, a junior at Lincoln High School, has been honored as the 2014 Lincoln-Lancaster County Youth of the Year. Jason has been a club member for over six years and is active in many varied extracurricular activities, including varsity basketball where he serves in a leadership capacity as team captain; and

WHEREAS, it is fitting that our outstanding young people and the organizations that support them are recognized for enriching the quality of life in Nebraska.

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

1. That the Legislature congratulates Jabaree Culliver for being named the 2014 Nebraska Youth of the Year, Loriana Harkey for being named the 2014 Nebraska Military Youth of the Year, and Jason Towery for being named the 2014 Lincoln-Lancaster County Youth of the Year.

2. That a copy of this resolution be sent to Jabaree Culliver, Loriana Harkey, and Jason Towery.

Laid over.

SELECT FILE

LEGISLATIVE BILL 811. Senator Watermeier offered his amendment, AM2648, found on page 1270.

Senator Watermeier withdrew his amendment.

Senator Lathrop asked unanimous consent to withdraw his amendment, FA323, found on page 1442, and replace it with his substitute amendment, AM2877. No objections. So ordered. AM2877 is available in the Bill Room.

Senator Chambers requested a ruling of the Chair on whether the Lathrop amendment is germane to the bill.

The Chair ruled the Lathrop amendment is not germane to the bill.

Senator Lathrop challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion prevailed with 27 ayes, 10 nays, 11 present and not voting, and 1 excused and not voting.

The Chair was overruled.

The Lathrop amendment, AM2877, found in this day's Journal, was renewed.

Senator Chambers offered the following amendment to the Lathrop amendment:

FA347

Amend AM2877

On page 1, line 21, after "professional" insert "or pizza delivery person".

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

Senator Chambers requested a record vote on his amendment

Voting in the affirmative, 1:

Chambers

Voting in the negative, 36:

Adams	Davis	Harr, B.	Lautenbaugh	Schumacher
Avery	Dubas	Howard	McCoy	Seiler
Bloomfield	Garrett	Johnson	McGill	Sullivan
Brasch	Gloor	Karpisek	Mello	Wightman
Campbell	Haar, K.	Kintner	Murante	
Carlson	Hadley	Kolowski	Nordquist	
Cook	Hansen	Larson	Scheer	
Crawford	Harms	Lathrop	Schilz	

Present and not voting, 11:

Ashford	Coash	Nelson	Wallman
Bolz	Conrad	Pirsch	Watermeier
Christensen	Krist	Smith	

Excused and not voting, 1:

Janssen

The Chambers amendment lost with 1 aye, 36 nays, 11 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 624. Introduced by Health and Human Services Committee: Campbell, 25, Chairperson; Cook, 13; Crawford, 45; Gloor, 35; Howard, 9; Krist, 10; Watermeier, 1.

PURPOSE: The purpose of this resolution is to investigate and review matters and issues arising during the interim which are within the jurisdiction of the Health and Human Services 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 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.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 383. Placed on Final Reading.

LEGISLATIVE BILL 383A. Placed on Final Reading.

LEGISLATIVE BILL 788. Placed on Final Reading.

ST96

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

1. Changes have been made as necessary to incorporate all adopted amendments.

2. On page 1, the matter beginning with "the" in line 1 through line 7 has been struck and "law; to amend sections 8-162.02, 8-1401, 8-1402, 8-1403, 27-803, and 76-238.01, Reissue Revised Statutes of Nebraska, and sections 30-2201 and 76-1002, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the enforcement and servicing of real estate loans, fiduciary accounts controlled by trust departments, disclosure of confidential information pertaining to property of a decedent, hearsay exception for certain business information, and securing future advances under a mortgage or trust deed; to provide for access to a decedent's safe deposit box as prescribed; to provide a duty for the Revisor of Statutes; to harmonize provisions; and to repeal the original sections." inserted.

(Signed) John Murante, Chairperson

SELECT FILE

LEGISLATIVE BILL 811. Senator Chambers offered the following amendment to the Lathrop amendment:

FA348

Amend AM2877

On page 1, line 21, after "professional" insert "or gas, water and electricity utility workers".

Senator Schilz offered the following motion:

MO194

Invoke cloture pursuant to Rule 7, Sec. 10.

The Schilz motion to invoke cloture prevailed with 38 ayes, 3 nays, 7 present and not voting, and 1 excused and not voting.

The Chambers amendment, FA348, lost with 2 ayes, 34 nays, 12 present and not voting, and 1 excused and not voting.

The Lathrop amendment, AM2877, was adopted with 36 ayes, 6 nays, 6 present and not voting, and 1 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 44 ayes, 4 nays, and 1 excused and not voting.

LEGISLATIVE BILL 923. ER221, found on page 1234, was adopted.

Senator Lathrop offered his amendment, AM2057, found on page 1128.

SENATOR KRIST PRESIDING

The Lathrop amendment was adopted with 38 ayes, 1 nay, 9 present and not voting, and 1 excused and not voting.

Senator Murante offered his amendment, AM2679, found on page 1286.

The Murante amendment was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Senator Chambers offered his amendment, AM2863, found on page 1482.

Senator Chambers withdrew his amendment.

Senator McCoy offered the following amendment:
AM2937

(Amendments to E & R amendments, ER221)

- 1 1. On page 1, line 10, strike "private, denominational,
- 2 and parochial".
- 3 2. On page 2, line 11, strike "and"; and in line 13
- 4 before the period insert "; and
- 5 (8) Responding to inquiries and requests for assistance
- 6 relating to school security from private, denominational, and
- 7 parochial schools".

The McCoy amendment was adopted with 26 ayes, 7 nays, 15 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 923A. Senator Chambers offered his amendment, AM2864, found on page 1482.

Senator Chambers withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB464 with 36 ayes, 2 nays, 10 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 464.

A BILL FOR AN ACT relating to public welfare and safety; to amend sections 14-607, 24-1007, 43-247.01, 43-255, 43-264, 43-274, 43-290, 43-2,106.03, and 43-2,108, Reissue Revised Statutes of Nebraska, sections 24-517, 29-1816, 29-2269, 43-276, and 79-209, Revised Statutes Cumulative Supplement, 2012, and sections 43-245, 43-247, 43-258, 43-281, 43-285, 43-286, 43-2,129, 43-407, 43-413, 43-425, 43-2404.02, 43-4102, 43-4203, 79-527.01, and 81-1427, Revised Statutes Supplement, 2013; to change provisions relating to police reports, county and juvenile court jurisdiction, arraignment for criminal offenses, the Nebraska Juvenile Code, duties of the Office of Juvenile Services, the Community and Family Reentry Process, the Community-based Juvenile Services Aid Program, and the Nebraska Juvenile Service Delivery Project; to change provisions relating to juvenile facilitated conferencing and funding; to require reports as prescribed; to state duties regarding foster care; to state intent regarding appropriations; to change provisions regarding costs of juvenile services and compulsory attendance in school; to eliminate the Truancy Intervention Task Force; to create the Council on Student Attendance; to harmonize provisions; to provide operative dates; and to repeal the original sections.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 2:

Lautenbaugh Pirsch

Excused and not voting, 1:

Janssen

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 464A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2013, LB216A, section 1, and Laws 2013, LB195, section 18, as amended by section 50, Legislative Bill 905, One Hundred Third Legislature, Second Session, 2014; to appropriate funds to aid in carrying out the provisions of Legislative Bill 464, One Hundred Third Legislature, Second Session, 2014; to appropriate funds to the Department of Revenue for purposes of compulsive gamblers assistance; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 2:

Lautenbaugh Pirsch

Excused and not voting, 1:

Janssen

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

LEGISLATIVE BILL 565.

A BILL FOR AN ACT relating to elections; to amend section 32-942, Revised Statutes Supplement, 2013; to change provisions relating to registering to vote and requesting a ballot for early voting at the same time; and to repeal the original section.

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

Voting in the affirmative, 37:

Adams	Coash	Harms	McCoy	Seiler
Ashford	Conrad	Harr, B.	McGill	Smith
Bloomfield	Davis	Howard	Murante	Sullivan
Bolz	Dubas	Johnson	Nelson	Watermeier
Brasch	Garrett	Kintner	Pirsch	Wightman
Campbell	Gloor	Kolowski	Scheer	
Carlson	Hadley	Krist	Schilz	
Christensen	Hansen	Larson	Schumacher	

Voting in the negative, 3:

Karpisek	Lathrop	Wallman
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Present and not voting, 8:

Avery	Cook	Haar, K.	Mello
Chambers	Crawford	Lautenbaugh	Nordquist

Excused and not voting, 1:

Janssen

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

LEGISLATIVE BILL 719.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend sections 84-907.04 and 84-907.10, Reissue Revised Statutes of Nebraska; to require a report and referral of the report regarding proposed rules and regulations; to change provisions regarding complaints by members of the Legislature relating to rules and regulations; and to repeal

the original sections.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 2:

Bloomfield Lautenbaugh

Excused and not voting, 1:

Janssen

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

LEGISLATIVE BILL 994. With Emergency Clause.

A BILL FOR AN ACT relating to vital statistics; to amend section 71-612, Reissue Revised Statutes of Nebraska; to change fees as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 46:

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

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Lautenbaugh

Excused and not voting, 1:

Janssen

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

LEGISLATIVE BILL 994A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend section 26, Legislative Bill 905, One Hundred Third Legislature, Second Session, 2014, and Laws 2013, LB195, sections 92 and 103, as amended by sections 57 and 60, respectively, Legislative Bill 905, One Hundred Third Legislature, Second Session, 2014; to appropriate funds to aid in carrying out the provisions of Legislative Bill 994, One Hundred Third Legislature, Second Session, 2014; to change provisions relating to appropriations to the Department of Health and Human Services; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 44:

Adams	Coash	Hansen	Lathrop	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Johnson	Mello	Smith
Bolz	Davis	Karpisek	Murante	Sullivan
Brasch	Dubas	Kintner	Nelson	Wallman
Campbell	Garrett	Kolowski	Nordquist	Watermeier
Carlson	Gloor	Krist	Pirsch	Wightman
Christensen	Hadley	Larson	Scheer	

Voting in the negative, 0.

Present and not voting, 4:

Chambers	Haar, K.	Harms	Lautenbaugh
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Excused and not voting, 1:

Janssen

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

LEGISLATIVE BILL 364.

A BILL FOR AN ACT relating to city contracts; to amend section 49-14,102, Reissue Revised Statutes of Nebraska; to permit certain cities to set limits on certain contracts; to provide for applicability of provisions; and to repeal the original section.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 3:

Chambers Cook Lautenbaugh

Excused and not voting, 1:

Janssen

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

MOTION - Return LB558 to Select File

Senator Chambers moved to return LB558 to Select File for the following specific amendment:

FA335

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 558.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 25-21,149 and 77-1735, Reissue Revised Statutes of Nebraska; to change provisions relating to certain declaratory judgments and illegal taxes paid; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Lautenbaugh

Excused and not voting, 1:

Janssen

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

LEGISLATIVE BILL 679.

A BILL FOR AN ACT relating to cities; to amend sections 14-420 and 18-2115, Reissue Revised Statutes of Nebraska; to change notice requirements relating to zoning and redevelopment projects and neighborhood associations; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Lautenbaugh

Excused and not voting, 1:

Janssen

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

MOTION - Return LB683 to Select File

Senator Chambers moved to return LB683 to Select File for the following specific amendment:

FA336

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 683.

A BILL FOR AN ACT relating to storm water management; to amend section 46-2,139, Reissue Revised Statutes of Nebraska; to change a reference to federal rules and regulations; and to repeal the original section.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 2:

Howard Lautenbaugh

Excused and not voting, 1:

Janssen

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

LEGISLATIVE BILL 687.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend sections 81-885.11 and 81-885.13, Reissue Revised Statutes of Nebraska, and section 81-885.17, Revised Statutes Cumulative Supplement, 2012; to change procedures for application and issuance of licenses; and to repeal the original sections.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 3:

Ashford Chambers Lautenbaugh

Excused and not voting, 1:

Janssen

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

LEGISLATIVE BILL 687A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 687, One Hundred Third Legislature, Second Session, 2014.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 2:

Ashford Lautenbaugh

Excused and not voting, 1:

Janssen

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

LEGISLATIVE BILL 693.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-24,129, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to succession of real property for small estates; to provide an operative date; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Lautenbaugh

Excused and not voting, 1:

Janssen

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

LEGISLATIVE BILL 697.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1804, Reissue Revised Statutes of Nebraska; to require publication of a list of tax-delinquent properties as prescribed; and to repeal the original section.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Janssen

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

LEGISLATIVE BILL 698.

A BILL FOR AN ACT relating to highways; to amend section 39-1359.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the mowing and harvesting of hay on the right-of-way of highways; and to repeal the original section.

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

Voting in the affirmative, 44:

Adams	Coash	Hansen	Lathrop	Schilz
Ashford	Conrad	Harms	Lautenbaugh	Schumacher
Avery	Cook	Harr, B.	McCoy	Seiler
Bloomfield	Crawford	Howard	McGill	Smith
Bolz	Davis	Johnson	Mello	Sullivan
Brasch	Dubas	Karpisek	Murante	Wallman
Campbell	Garrett	Kolowski	Nelson	Watermeier
Carlson	Gloor	Krist	Nordquist	Wightman
Christensen	Hadley	Larson	Pirsch	

Voting in the negative, 0.

Present and not voting, 4:

Chambers	Haar, K.	Kintner	Scheer
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Excused and not voting, 1:

Janssen

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

LEGISLATIVE BILL 701.

A BILL FOR AN ACT relating to the Motor Vehicle Certificate of Title Act; to amend section 60-173, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to salvage branded certificates of title and the acquisition of such certificates of title by insurance companies; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Wallman

Excused and not voting, 1:

Janssen

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB702 with 41 ayes, 2 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 702. With Emergency Clause.

A BILL FOR AN ACT relating to cities and villages; to amend sections 17-101, 17-201, 17-306, and 17-312, Reissue Revised Statutes of Nebraska; to provide and change provisions relating to organization of cities of the second class and villages; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Janssen

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 712. With Emergency Clause.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-1,140, 8-355, and 21-17,115, Revised Statutes Supplement, 2013; to revise powers of state-chartered banks, building and loan associations, and credit unions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 1:

Janssen

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

LEGISLATIVE BILL 714. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Banking Act; to eliminate provisions relating to forged, altered, or raised checks; to outright repeal sections 8-155 and 8-156, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Janssen

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

LEGISLATIVE BILL 735.

A BILL FOR AN ACT relating to insurance; to require return of health insurance premiums and medicare supplement premiums in the event of an insured's death; and to provide a duty for the Revisor of Statutes.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Janssen

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

LEGISLATIVE BILL 736.

A BILL FOR AN ACT relating to the One-Call Notification System Act; to amend sections 76-2322 and 76-2330, Reissue Revised Statutes of Nebraska; to change requirements for serving notice of intent to excavate; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Janssen

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

LEGISLATIVE BILL 737.

A BILL FOR AN ACT relating to county veterans service offices; to amend section 80-410, Revised Statutes Cumulative Supplement, 2012; to change qualifications for county veterans service officers; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Janssen

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

LEGISLATIVE BILL 739. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Revised Statutes Supplement, 2013; to update references to the Internal Revenue Code; to repeal the original section; and to declare an emergency.

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

emergency clause attached?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Janssen

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

WITHDRAW - Amendment to LB750

Senator Coash withdrew his amendment, FA326, found on page 1442, to LB750.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB750 with 41 ayes, 1 nay, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 750. With Emergency Clause.

A BILL FOR AN ACT relating to liens; to amend sections 52-203, 52-204, 52-501, 52-504, 52-701, 52-702, 52-903, 52-905, 52-1103, 52-1104, 52-1203, 52-1205, 52-1407, 52-1409, 54-201, 54-208, and 54-209, Reissue Revised Statutes of Nebraska; to change provisions relating to lien perfection and termination; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure

having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Janssen

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 753.

A BILL FOR AN ACT relating to limited liability companies; to amend sections 21-114 and 21-192, Reissue Revised Statutes of Nebraska; to change a provision relating to a change of address; to provide a fee; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Janssen

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

LEGISLATIVE BILL 757.

A BILL FOR AN ACT relating to roads; to amend sections 39-1010 and 81-710, Reissue Revised Statutes of Nebraska; to provide an exception for location of mailboxes; to change provisions for adopting and promulgating rules and regulations governing state wayside areas; to eliminate duties regarding road-numbering systems and placement of signs; to repeal the original sections; and to outright repeal section 39-2123, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Kolowski

Excused and not voting, 2:

Chambers Janssen

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

LEGISLATIVE BILL 758.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-363, Reissue Revised Statutes of Nebraska; to change duties relating to registration certificates; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Janssen

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

LEGISLATIVE BILL 765.

A BILL FOR AN ACT relating to the Nebraska Wage Payment and Collection Act; to amend sections 48-1229 and 48-1230, Reissue Revised Statutes of Nebraska; to provide requirements for wage payment by payroll debit card; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Watermeier

Excused and not voting, 2:

Chambers Janssen

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

SPEAKER ADAMS PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 464, 464A, 565, 719, 994, 994A, 364, 558, 679, 683, 687, 687A, 693, 697, 698, 701, 702, 712, 714, 735, 736, 737, 739, 750, 753, 757, 758, and 765.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 700. Placed on Final Reading.

ST97

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

1. Changes have been made as necessary to incorporate all adopted amendments.

2. On page 1, the matter beginning with "adopt" in line 1 through line 3 has been struck and "amend sections 12-1109, 44-165, 44-3524, 44-3719, and 44-5702, Reissue Revised Statutes of Nebraska, and sections 44-6008 and 44-6016, Revised Statutes Supplement, 2013; to adopt the Risk Management and Own Risk and Solvency Assessment Act; to provide requirements for certain health care sharing ministries; to change provisions regarding rules and regulations and cease and desist orders of the Director of

Insurance; to redefine insurer; to change provisions relating to the Insurers and Health Organizations Risk-Based Capital Act; to harmonize provisions; to provide operative dates; and to repeal the original sections." inserted.

LEGISLATIVE BILL 811. Placed on Final Reading.

ST98

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

1. Sections have been renumbered and internal references corrected to incorporate all adopted amendments.

2. On page 1, the matter beginning with "section" in line 1 through line 6 and all amendments thereto have been struck and "sections 28-413, 28-415, 28-418, 28-445, 28-1437, 28-1438.01, 28-1439, 38-2870, and 71-2417, Reissue Revised Statutes of Nebraska, sections 28-115, 28-401.01, 28-414, 28-929, 28-929.01, 28-930, 28-931, 28-931.01, 28-934, and 28-1351, Revised Statutes Cumulative Supplement, 2012, and sections 28-401, 28-405, and 28-1354, Revised Statutes Supplement, 2013; to change provisions relating to assault on an officer or health care professional and assault with a bodily fluid against a public safety officer; to define and redefine terms; to change and transfer provisions relating to prescriptions and controlled substances; to change penalties; to harmonize provisions; and to repeal the original sections." inserted.

LEGISLATIVE BILL 923. Placed on Final Reading.

ST99

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

1. Changes have been made as necessary to incorporate all adopted amendments.

2. On page 1, the matter beginning with "education" in line 1 through line 3 and all amendments thereto have been struck and "schools; to amend section 71-9104, Revised Statutes Cumulative Supplement, 2012; to provide for the position of state school security director; to require assessment of and training on school security; to require training on suicide awareness and prevention as prescribed; to require establishment of tornado preparedness standards; to provide duties for the State Department of Education; to require schools to establish a return to learn protocol for students who have sustained a concussion; and to repeal the original section." inserted.

LEGISLATIVE BILL 923A. Placed on Final Reading.

(Signed) John Murante, Chairperson

MOTION - Print in Journal

Senator Smith filed the following motion to LR399:

MO193

Bracket until April 17, 2014.

RESOLUTIONS**LEGISLATIVE RESOLUTION 625.** Introduced by Larson, 40.

WHEREAS, the Wausa High School speech team won the 2014 Class D-1 State Speech Championship; and

WHEREAS, the Wausa High School Vikings defeated Bancroft-Rosalie and Lourdes Central Catholic by a score of 152 points to 78 points for each of the other two schools; and

WHEREAS, this win gave Wausa High School their first ever Class D-1 state speech championship; and

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

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

1. That the Legislature congratulates the Wausa High School speech team on winning the 2014 Class D-1 State Speech Championship.

2. That a copy of this resolution be sent to the Wausa High School speech team and their coach, Patricia Marks.

Laid over.

LEGISLATIVE RESOLUTION 626. Introduced by Larson, 40.

WHEREAS, the Stuart High School speech team won the 2014 Class D-2 State Speech Championship; and

WHEREAS, the Stuart Broncos speech team are co-champions with the Bruning-Davenport High School speech team, with each school receiving 82 total points; and

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

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

1. That the Legislature congratulates the Stuart High School speech team on winning the 2014 Class D-2 State Speech Championship.

2. That a copy of this resolution be sent to the Stuart High School speech team and their coach, Brenda Larabee.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Senator Lautenbaugh asked unanimous consent to add his name as cointroducer to LB811. No objections. So ordered.

VISITORS

Visitors to the Chamber were 17 fourth-grade students, teacher, and sponsors from Humphrey; 37 fourth-grade students, teachers, and sponsor from Yutan; 22 members from the Hastings Garden Club; and 4 FFA students from Lyons, Blair, and Wisner.

The Doctor of the Day was Dr. Jason Bepalec from Geneva.

ADJOURNMENT

At 10:31 p.m., on a motion by Senator Bolz, the Legislature adjourned until 9:00 a.m., Thursday, April 10, 2014.

Patrick J. O'Donnell
Clerk of the Legislature