

SIXTH DAY - JANUARY 15, 2014

LEGISLATIVE JOURNAL

**ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION**

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 15, 2014

PRAYER

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

ROLL CALL

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

The roll was called and all members were present except Senators Avery, Campbell, Coash, Conrad, Davis, Lautenbaugh, Murante, and Seiler who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 120, line 27, on LR182 delete No Report Issued and insert Report Issued.

The Journal for the second day was approved as corrected.

Page 179, after line 30, insert "Advance America c/o MultiState Associates, Inc. (formerly Community Financial Services of America - CFSA)" and strike line 33.

The Journal for the fourth day was approved as corrected.

The Journal for the fifth day was approved.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

Room 1507

Wednesday, January 22, 2014 1:30 p.m.

Daryl L. Bohac - Military Department
LB772
LB766
LB806

Thursday, January 23, 2014 1:30 p.m.

LB661
LB662
LB663

Friday, January 24, 2014 1:30 p.m.

LB718
LB719
LB744

(Signed) Bill Avery, Chairperson

COMMUNICATION

Communication received from the Clerk of the District Court of Gage County pursuant to Section 25-21,205 R.R.S. of Neb.

MOTION - Withdraw LB830

Senator Christensen offered his motion, MO105, found on page 212, to withdraw LB830.

The Christensen motion to withdraw the bill prevailed with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 359. Title read. Considered.

Senator Cook offered her amendment, AM1620, found on page 203.

PRESIDENT HEIDEMANN PRESIDING

The Cook amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 902. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2013; to exempt military retirement

income from state income taxation as prescribed; and to repeal the original section.

LEGISLATIVE BILL 903. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Wage Payment and Collection Act; to amend sections 48-1230 and 48-1231, Reissue Revised Statutes of Nebraska; to require a pay statement for employees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 904. Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to appropriations; to create an endowment fund; to transfer funds; to provide for grants for a black history museum and center; to provide duties for the Nebraska State Historical Society; and to declare an emergency.

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

Thursday, January 23, 2014 1:30 p.m.

LB707
LB706
LB822
LB752
LB828

Friday, January 24, 2014 1:30 p.m.

LB780
LB796
LB693
LB775

(Signed) Brad Ashford, Chairperson

MOTION - Escort Governor

Senator Kintner moved that a committee of five be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver his State of the State Address.

The motion prevailed.

The Chair appointed Senators Avery, Crawford, Pirsch, Christensen, and Brasch to serve on said committee.

STATE OF THE STATE ADDRESS

"You can lower taxes on Nebraska's middle-class families, farmers, ranchers and small business owners. I am willing to work with you anytime, anywhere to develop a responsible and meaningful tax relief plan. Nebraska can afford tax relief."

Mr. President, Mr. Speaker, Members of the Legislature, Tribal Chairmen, Distinguished Guests, Friends and Fellow Nebraskans:

I want to begin my remarks today by thanking our fellow citizens for their dedication and commitment to their communities, our state and the United States of America. Our Nebraska values of personal responsibility, family, hard work and fiscal responsibility have kept Nebraska in better shape than the rest of the country.

We've learned how to compete in global markets. We've strengthened Nebraska's education system by focusing on academic excellence and academic improvement. We care about our children.

Every legislative session we have tackled the tough issues head on and we have made the difficult decisions that move Nebraska forward. We have a responsibility to provide our citizens and future generations with the opportunity to succeed.

This session will be no different. The issues that we need to resolve and the course that we need to chart for our state are serious and substantial. Not everyone will agree on every issue, but our decisions will greatly impact Nebraska's future success.

So, let's begin our conversation today about one of those challenging and important issues – health care. President Obama said if you like your current health care plan you can keep it. "Period." Unfortunately, that's simply not true. Millions of Americans have received cancellation notices of their current health care plans because of Obamacare.

The implementation of Obamacare has been one disaster after another. Deadline after deadline has been missed or waived. President Obama promised the American people that if you already have insurance, his plan would reduce your insurance premiums up to \$2,500 per family per year. Again, this is not true. The facts show otherwise.

The Manhattan Institute analyzed insurance rate changes as a result of Obamacare and found that Nebraskans will be among the hardest hit Americans. The required parts of the new federal health care law alone will cost the State of Nebraska more than \$200 million in state general funds over the next six years. That is \$200 million in funding that could be used for education.

President Obama and his White House political operatives are trying to pressure Nebraska into expanding Medicaid, but Nebraska will not be intimidated by the Obama administration. The United States Supreme Court said Obamacare's Medicaid expansion is optional. It is up to each state to decide how they want to proceed.

The financial reality of expanding Medicaid is very simple. Expanding Medicaid will result in less future funding for state aid to education, special education, early childhood programs, the University of Nebraska, our state college system and our community colleges.

Additionally, the federal government is already trillions of dollars in debt, and unlikely to fulfill its promised commitment. We have seen this happen before. For example, the federal government's commitment to special education funding has not been met.

We have researched and studied the Medicaid expansion issue carefully, thoughtfully and methodically. The responsible choice is to reject this optional Medicaid expansion.

Another important issue that needs to be addressed is Nebraska's approach to crime and punishment. There are short term and long term components to this issue. Allowing the most violent criminals to enter into our state's prison system and have their judge-imposed sentences automatically reduced by one-half through the use of the current "good time" program is not sound public policy.

As you know, the current law allows violent criminals to automatically receive "good time" the moment they enter a Nebraska correctional facility. The public safety of our citizens should be priority number one and that should start with violent criminals being required to earn "good time."

I have done all that I can administratively by approving a change to our rules and regulations that allows the Department of Correctional Services to take away twice as much "good time" when a prisoner assaults a corrections official or another inmate. Now, it's up to you to reform the "good time" law. The recent murders were a wake-up call for every one of us. The people of Omaha and the citizens of Nebraska should be able to walk the streets of their neighborhoods without fear of being shot.

Another important issue regarding prison capacity is a long-term Department of Correctional Services study. This study will provide us valuable information on the long term needs of the state prison system. Since the study will not be completed until this summer, it would be premature to recommend what the future needs are for the Nebraska correctional system.

In the meantime, we are addressing short-term prison capacity issues. My deficit budget request includes funding for additional security staff,

contracting with county jails, increasing the McCook Work Ethic Camp prisoner population and reducing the number of federal detainees in Nebraska's prison system.

The other critical crime issue that should be addressed involves sentencing reform and punishment. I am prepared to work with the Nebraska Legislature, the Nebraska Supreme Court, the Department of Correctional Services, and the Council of State Governments in developing a long-term prison capacity strategy. There may be opportunities for our state to enact innovative solutions that ensure public safety at a lower cost for our taxpayers. I also look forward to a vibrant discussion of the proposal to enact a limited supervised release program in order to reduce the number of prisoners who reoffend after they leave the state prison system.

Now, let's discuss the biggest and most important issue facing the State of Nebraska - high taxes.

Why is this issue so important? Tax relief is a major driving force for economic success. Nebraska's strong agriculture economy won't continue to exist with unreasonably high property taxes.

When agriculture fares poorly, so does rural Nebraska. However, when agriculture succeeds, rural Nebraska and main street Nebraska flourish.

The success of small businesses is also an essential component of Nebraska's economic vitality. High taxes limit their growth and their ability to create new jobs.

Here is the reality we are facing. Over the past decade, median family incomes in Nebraska have declined. Food prices are up, health care costs are increasing and middle-class family take-home pay is down.

Here's the good news. You can help Nebraska families. The Nebraska Legislature can increase family take-home pay by lowering taxes. Middle-class families, farmers, ranchers and small business owners need our help.

I am going to fight for responsible and meaningful tax relief for Nebraskans and I hope you will, too. They are counting on us to help them. You and I both know taxes are one of the toughest and most difficult issues to resolve, but that's what leadership is all about – solving complex challenges.

Tax issues are multifaceted in Nebraska. Local governments decide property tax rates. State government sets income tax and sales tax rates. I appreciate the discussion that the Tax Modernization Committee had regarding taxes, but it's time for the Legislature to act.

We don't need more time to study this issue. We already know taxes are too high and high taxes are detrimental to economic growth. It's time for a straight forward conversation about property and income tax relief.

Nebraskans know that the Legislature does not set property tax rates. For example, the Kearney City Council decides Kearney's property tax rates, not Senator Hadley even though he is the Chair of the Revenue Committee.

The Lincoln Public School Board sets the property tax rates for LPS, not Senator Sullivan even though she is the Chair of the Education Committee. The Tri Basin NRD sets the property tax rates for their NRD, not Senator Carlson even though he is the Chair of the Natural Resources Committee. County boards, rural fire districts, community college boards, educational service units and other local government entities set property tax rates, not the Legislature.

When local government spending increases, property taxes go up. We need our partners in local governments to slow the rate of growth in local spending in order to achieve real property tax relief.

In rural Nebraska, record high property taxes are hurting our farmers and ranchers because they have experienced dramatic growth in ag land values. Without action, their economic prosperity is at risk. We can help our farmers and ranchers by supporting the Nebraska Farm Bureau proposal to lower ag land valuations from 75 percent to 65 percent.

That's one part of tax relief. The other challenge is Nebraska's high income taxes and the Nebraska Legislature sets those rates. Nebraska's income tax rates are among the highest in America and higher than all of our neighboring states except one.

Lowering Nebraska's income tax rates are essential to attracting higher paying jobs. Nebraska needs more middle-class jobs in the \$60,000 to \$120,000 a year category. Nebraskans don't want to leave, but to take care of their families they need good paying jobs.

Small businesses need lower income tax rates to help grow their businesses and increase jobs. Nebraska does a significant amount of work to attract new businesses through the Nebraska Advantage Program, but we need to do more to help existing businesses grow. The business community supports lowering income tax rates, and I agree with them.

The bottom line is this: taxes are too high in Nebraska and we can do something about it. We can help Nebraska's middle-class families, farmers, ranchers and small business owners this session.

Staying the course is not an option unless you support lower family incomes and more families on food stamps. We need higher paying jobs to reverse the decline in Nebraska's median family income. We need higher paying jobs to increase the state's population and growing jobs requires a more competitive tax environment.

When we talk about lowering the top individual income tax rate, some will argue that only benefits the wealthy in our state. That is not accurate.

If you are a single person in Nebraska with a taxable income of more than \$29,000 a year or a married couple earning \$58,000 a year, you are paying at Nebraska's highest income tax rate.

A middle-class Nebraska family with one spouse earning \$35,000 a year as a teacher and one spouse earning \$50,000 a year as a small business owner pays taxes at Nebraska's highest income tax rate.

If you are a Nebraska farmer earning \$25,000 a year and your spouse works for the University of Nebraska earning \$55,000 a year, this middle-class family also pays taxes at Nebraska's highest income tax rate.

Helping these hard working Nebraskans benefits our middle-class families.

Senator Hadley and members of the Revenue Committee, you can lower taxes on Nebraska's middle-class families, farmers, ranchers and small business owners. I am willing to work with you anytime, anywhere to develop a responsible and meaningful tax relief plan. Nebraska can afford tax relief.

Today, I am providing you two financial status reports that clearly show Nebraska can afford up to \$500 million in tax relief over the next three years, because Nebraska has a growing economy, a strong cash reserve and we have worked hard to control state spending.

I want to share with you one other important piece of financial information. The State of Nebraska has \$1.2 billion in cash in its checking and savings accounts. That's right. As I stand before you today, the State of Nebraska has \$1.2 billion in cash. Nebraska is over taxing its citizens right now, and we need to change that.

Our choices are clear. We can sit back, do nothing and put Nebraska's economic future at risk or we can act and secure a better tomorrow for Nebraska.

And while we are thinking of a better tomorrow, I want to recognize our military personnel and our veterans who work to preserve our freedom and our liberty. I am very proud of our veterans and the men and women serving in the Nebraska National Guard, the Reserves and our active duty forces. For their families and all Nebraska families, let's continue our hard work to make Nebraska an even better place to live, to work and to raise a family.

The choices we make today are about Nebraska's future. We must not mortgage Nebraska's future by expanding Obamacare's Medicaid program. We need to protect Nebraska citizens by reforming Nebraska's "good time" law. And we need to increase the take-home pay of Nebraskans by

providing them tax relief.

Thank you.

The committee escorted Governor Dave Heineman from the Chamber.

SENATOR MCGILL PRESIDING

NOTICE OF COMMITTEE HEARINGS

Revenue

Room 1524

Wednesday, January 22, 2014 1:30 p.m.

LB681

LB739

LB851

Wednesday, January 22, 2014 1:30 p.m.

Kim Conroy - Department of Revenue

(Signed) Galen Hadley, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 905. Introduced by Speaker Adams, 24; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2013, LB195, sections 18, 46, 47, 48, 67, 92, 93, 102, 103, 106, 107, 108, 142, 161, 203, 232, 236, 250, 261, 263, and 264; and Laws 2013, LB198, section 51; to define terms; to provide, change, and eliminate provisions relating to appropriations; to repeal the original sections; to outright repeal Laws 2013, LB195, section 95 and Laws 2013, LB583A, section 1; and to declare an emergency.

LEGISLATIVE BILL 906. Introduced by Speaker Adams, 24; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend sections 2-3225 and 2-3226.05, Reissue Revised Statutes of Nebraska, and section 84-612, Revised Statutes Supplement, 2013; to transfer funds; to create and eliminate funds; to harmonize provisions; to repeal the original sections; to outright repeal sections 2-3226.06, 2-3226.07, 2-3226.08, and 2-3226.09, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 907. Introduced by Ashford, 20; Avery, 28; Harms, 48; Krist, 10; Lathrop, 12; Mello, 5.

A BILL FOR AN ACT relating to criminal law; to amend sections 29-2246 and 47-619, Reissue Revised Statutes of Nebraska, sections 29-2252, 29-2261, 29-2269, 47-621, 47-624.01, 83-1,102, and 83-1,107, Revised Statutes Cumulative Supplement, 2012, and sections 29-2204, 29-2257, and 83-1,135, Revised Statutes Supplement, 2013; to define terms; to state policy; to provide for terms of supervised release at sentencing, reentry probation officers, and duties for the Office of Probation Administration and Office of Parole Administration; to provide additional programs for community corrections; to require presentence investigations as prescribed; to provide for reporting centers as prescribed; to change provisions relating to good time; to create and state intent relating to funding for the Nebraska Center for Justice Research; to eliminate archaic provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 29-2208 and 29-2405, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 908. Introduced by Coash, 27; McGill, 26.

A BILL FOR AN ACT relating to children; to amend sections 30-2608, 43-104.02, 43-284.02, and 71-824, Reissue Revised Statutes of Nebraska, section 43-1318, Revised Statutes Cumulative Supplement, 2012, and sections 43-245, 43-285, and 43-905, Revised Statutes Supplement, 2013; to clarify certain adoption filings for children born out of wedlock; to provide for guardianships for certain adjudicated children as prescribed; to define a term; to change provisions relating to wards and guardianships; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 909. Introduced by Kintner, 2; Bloomfield, 17; Garrett, 3; Schilz, 47.

A BILL FOR AN ACT relating to rules and regulations; to amend section 84-910, Revised Statutes Supplement, 2013; to require agencies to provide a listing of certain rules and regulations as prescribed; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 359A. Title read. Considered.

Senator Cook offered her amendment, AM1622, found on page 203.

The Cook amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 13. Title read. Considered.

Committee AM260, found on page 489, First Session, 2013, was offered.

Senator Krist withdrew his amendment, AM920, found on page 907, First Session, 2013.

Senator Krist withdrew his amendment, AM1604, found on page 160.

The committee amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 642. Title read. Considered.

Committee AM363, found on page 589, First Session, 2013, was offered.

Senator Mello offered his amendment, AM1612, found on page 203, to the committee amendment.

Senator Mello moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Mello amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

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

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 910. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to abandoned motor vehicles; to amend section 60-1903.01, Reissue Revised Statutes of Nebraska; to require notice from state or local law enforcement to lienholders or mortgagees of abandoned motor vehicles as prescribed; and to repeal the original section.

LEGISLATIVE BILL 911. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to telecommunications and public safety

systems; to amend section 86-428, Reissue Revised Statutes of Nebraska, section 86-463, Revised Statutes Cumulative Supplement, 2012, and section 86-465, Revised Statutes Supplement, 2013; to adopt the Nebraska 911 Act; to define and redefine terms; to change the duties of the Public Service Commission; to provide funding; to create the Next-Generation 911 Advisory Council; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 912. Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 14-554, Reissue Revised Statutes of Nebraska; to adopt the Property Tax Relief Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 913. Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2012; to provide for an income tax credit for property taxes paid; and to repeal the original section.

LEGISLATIVE BILL 914. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101 and 53-123.14, Revised Statutes Cumulative Supplement, 2012; to provide for a limited bottling endorsement; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 915. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to real property; to amend sections 25-2142, 76-1006, and 76-1012, Reissue Revised Statutes of Nebraska; to provide for a person designated to accept city or village notices in cases of mortgaged property or trust deed default; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 916. Introduced by Crawford, 45; Campbell, 25; Gloor, 35.

A BILL FOR AN ACT relating to nurses; to amend sections 38-206 and 38-2322, Reissue Revised Statutes of Nebraska, and section 38-2315, Revised Statutes Supplement, 2013; to change provisions relating to the practice of nurse practitioners; to eliminate a definition of and provisions on integrated practice agreements; to harmonize provisions; to repeal the original sections; and to outright repeal sections 38-2310 and 38-2323, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 917. Introduced by McCoy, 39; Scheer, 19.

A BILL FOR AN ACT relating to state property; to provide procedures for donations of real property to the Northeast Community College Area.

LEGISLATIVE BILL 918. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to retirement; to amend section 23-2309.01, Reissue Revised Statutes of Nebraska, and section 84-1310.01, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to investments for certain defined contribution plans; and to repeal the original sections.

LEGISLATIVE BILL 919. Introduced by Mello, 5.

A BILL FOR AN ACT relating to state government; to create the Open Data Advisory Board; and to provide powers and duties.

LEGISLATIVE BILL 920. Introduced by Coash, 27; Ashford, 20; Brasch, 16; Davis, 43; Harms, 48; Lathrop, 12; McGill, 26; Schilz, 47; Seiler, 33; Watermeier, 1.

A BILL FOR AN ACT relating to guardianship and conservatorship; to amend sections 30-2601.01, 30-2627, and 30-2639, Reissue Revised Statutes of Nebraska, sections 30-2201, 30-2626, 30-2630.01, and 30-2640, Revised Statutes Cumulative Supplement, 2012, and section 30-2601, Revised Statutes Supplement, 2013; to adopt the Public Guardianship Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 921. Introduced by Nordquist, 7; Ashford, 20; Crawford, 45; B. Harr, 8; Mello, 5.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2013; to prohibit the possession, sale, offer for sale, trade, or distribution of shark fins as prescribed; to define terms; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 922. Introduced by Christensen, 44; Brasch, 16; Carlson, 38; Schilz, 47; Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-5209, Reissue Revised Statutes of Nebraska; to change qualification provisions under the Beginning Farmer Tax Credit Act; and to repeal the original section.

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

Thursday, January 23, 2014 1:30 p.m.

LB690
LB843
LB695
LB711

Friday, January 24, 2014 1:30 p.m.

LB665
LB859
LB869

(Signed) Kathy Campbell, Chairperson

RESOLUTION**LEGISLATIVE RESOLUTION 404.** Introduced by Larson, 40.

WHEREAS, the St. Mary's Lady Cardinals of O'Neill won the Class D-1 Girls State Volleyball Championship over opponents from the Bruning-Davenport-Shickley volleyball team; and

WHEREAS, the St. Mary's Lady Cardinals took home their first state championship for the school in Class D-1 Girls State Volleyball; 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 St. Mary's Lady Cardinals volleyball team on winning the Class D-1 Girls State Volleyball Championship.

2. That a copy of this resolution be sent to the St. Mary's Lady Cardinals volleyball team and to their coaches, Nicole Renshaw, Amber Ginter, and Kelsey Sibbel.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Senator Watermeier asked unanimous consent to add his name as cointroducer to LB300. No objections. So ordered.

VISITORS

Visitors to the Chamber were Rodale and Renate Emken from Holdrege; and a group of Political Science and Economic students and teacher from Hastings.

RECESS

At 11:58 a.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 Krist presiding.

SENATOR GLOOR PRESIDING**ROLL CALL**

The roll was called and all members were present except Senator Janssen who was excused; and Senators B. Harr, Lautenbaugh, Murante, Seiler, and Sullivan who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB871	Executive Board
LB872	Education
LB873	Appropriations
LB874	Appropriations
LB875	Banking, Commerce and Insurance
LB876	Banking, Commerce and Insurance
LB877	Judiciary
LB878	Judiciary
LB879	Judiciary
LB880	Banking, Commerce and Insurance
LB881	Judiciary
LB882	Agriculture
LB883	Banking, Commerce and Insurance
LB884	Agriculture
LB885	Revenue
LB886	Banking, Commerce and Insurance
LB887	Health and Human Services
LB888	General Affairs
LB889	Appropriations
LB890	Judiciary
LB891	Appropriations

LB892 Transportation and Telecommunications
 LB893 Judiciary
 LB894 Revenue
 LB895 Business and Labor
 LB896 Natural Resources
 LB897 Revenue
 LB898 Health and Human Services
 LB899 General Affairs
 LB900 Banking, Commerce and Insurance
 LB901 Health and Human Services
 LR399 Judiciary
 LR400 Executive Board

(Signed) John Wightman, Chairperson
 Executive Board

GENERAL FILE

LEGISLATIVE BILL 642. Considered.

Senator Chambers offered the following motion:

MO109

Indefinitely postpone.

SENATOR KRIST PRESIDING

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

Senator Chambers requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 4:

Chambers	Christensen	Karpisek	Wallman
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Voting in the negative, 29:

Adams	Cook	Hansen	Krist	Nordquist
Avery	Crawford	Harms	Lathrop	Pirsch
Brasch	Dubas	Howard	McCoy	Scheer
Campbell	Gloor	Johnson	McGill	Schilz
Carlson	Haar, K.	Kintner	Mello	Watermeier
Coash	Hadley	Kolowski	Nelson	

Present and not voting, 7:

Ashford	Bolz	Garrett	Sullivan
Bloomfield	Davis	Smith	

Excused and not voting, 9:

Conrad	Janssen	Lautenbaugh	Schumacher	Wightman
Harr, B.	Larson	Murante	Seiler	

The Chambers motion to indefinitely postpone failed with 4 ayes, 29 nays, 7 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO110

Bracket until April 17, 2014.

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 roll call vote on his motion to bracket.

Voting in the affirmative, 6:

Ashford	Chambers	Hansen
Brasch	Christensen	Wallman

Voting in the negative, 26:

Adams	Crawford	Harms	McCoy	Schilz
Avery	Dubas	Howard	Mello	Watermeier
Campbell	Garrett	Johnson	Nelson	
Carlson	Gloor	Karpisek	Nordquist	
Coash	Haar, K.	Kintner	Pirsch	
Cook	Hadley	Krist	Scheer	

Present and not voting, 10:

Bloomfield	Davis	Lathrop	Schumacher	Sullivan
Bolz	Kolowski	McGill	Smith	Wightman

Excused and not voting, 7:

Conrad	Janssen	Lautenbaugh	Seiler
Harr, B.	Larson	Murante	

The Chambers motion to bracket failed with 6 ayes, 26 nays, 10 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 923. Introduced by McGill, 26.

A BILL FOR AN ACT relating to education; to require training on suicide awareness and prevention as prescribed; and to provide duties for the State Department of Education.

LEGISLATIVE BILL 924. Introduced by McGill, 26.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend section 18-2709, Reissue Revised Statutes of Nebraska, and section 18-2705, Revised Statutes Supplement, 2013; to redefine terms; and to repeal the original sections.

LEGISLATIVE BILL 925. Introduced by Coash, 27; Avery, 28; Bolz, 29; Campbell, 25; K. Haar, 21; Karpisek, 32; McGill, 26; Wallman, 30.

A BILL FOR AN ACT relating to motor vehicle registration; to amend sections 60-3,141, 60-3,156, 60-3,186, and 60-3,190, Revised Statutes Supplement, 2013; to provide for the transfer of certain powers and duties to county treasurers from the Department of Motor Vehicles; to change the distribution of certain motor vehicle registration fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 926. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Department of Insurance; to amend sections 12-1109, 44-165, and 44-3719, Reissue Revised Statutes of Nebraska; to change provisions relating to rules and regulations; and to repeal the original sections.

LEGISLATIVE BILL 927. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Judges Retirement Act; to amend section 24-703, Revised Statutes Supplement, 2013; to provide that certain court fees cannot be waived; and to repeal the original section.

LEGISLATIVE BILL 928. Introduced by State-Tribal Relations Committee: Coash, 27, Chairperson; Avery, 28; Brasch, 16; Davis, 43; Dubas, 34; Nordquist, 7.

A BILL FOR AN ACT relating to the Nebraska Indian Child Welfare Act; to amend sections 43-1406, 43-1501, 43-1502, 43-1504, 43-1505, 43-1506, 43-1507, 43-1508, and 43-1514, Reissue Revised Statutes of Nebraska, and sections 43-279.01 and 43-1503, Revised Statutes Supplement, 2013; to define and redefine terms; to change act provisions; to provide duties for the

Department of Health and Human Services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 929. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to cities of the first class; to amend sections 16-1002 and 16-1021, Reissue Revised Statutes of Nebraska; to define a term with respect to police officers' and firefighters' retirement; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 930. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to the One-Call Notification System Act; to amend sections 76-2320, 76-2323, and 76-2324, Reissue Revised Statutes of Nebraska, and section 76-2301, Revised Statutes Supplement, 2013; to require the presence of an operator at certain excavations; to harmonize provisions; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

Wednesday, January 22, 2014 1:30 p.m.

Robert P. Goodwin - Nebraska Oil and Gas Conservation Commission
Tim Wistrom - Nebraska Oil and Gas Conservation Commission
Chuck D. Haase - Nebraska Power Review Board
LB699

Thursday, January 23, 2014 1:30 p.m.

Rick Morehouse - Nebraska Power Review Board
LB762

(Signed) Tom Carlson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 642. Senator Chambers offered the following amendment:

FA162

Page 2, line 18 strike "Class IV" and insert "Class II".

Senator Chambers withdrew his amendment.

Senator Karpisek offered the following motion:

MO111

Bracket until April 10, 2014.

The Karpisek motion to bracket prevailed with 25 ayes, 2 nays, 10 present and not voting, and 12 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 931. Introduced by Bolz, 29; Scheer, 19.

A BILL FOR AN ACT relating to health and human services; to adopt the Nebraska Mental Health First Aid Training Act; and to state intent relating to appropriations.

LEGISLATIVE BILL 932. Introduced by Avery, 28.

A BILL FOR AN ACT relating to employment; to restrict public employer requests for criminal history information from an applicant for employment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 405. Introduced by Avery, 28.

WHEREAS, Matthew Michael Sievert, son of Darrell and Shiela Sievert, 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, Matthew 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. Matthew has served as chaplain, a chaplain assistant, and a troop scribe and earned 26 merit badges. For his community service project, Matthew planned, organized, and executed the creation of emergency backpack kits for all St. Teresa Catholic School classrooms and an emergency cart for the school in Lincoln; and

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

WHEREAS, Matthew, 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 Matthew Michael Sievert for achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Matthew Michael Sievert.

Laid over.

LEGISLATIVE RESOLUTION 406. Introduced by Kolowski, 31.

WHEREAS, the Skutt Catholic High School Skyhawks football team of Omaha won the 2013 Class B State Football Championship; and

WHEREAS, Coach Matt Turman, a former University of Nebraska Huskers quarterback, led the Skutt Skyhawks to the state 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 Skutt Catholic High School football team on winning the 2013 Class B State Football Championship, and extends its best wishes for their continued success.
2. That the Legislature congratulates Coach Matt Turman for his efforts in teaching, coaching, and providing guidance to the members of the team.
3. That a copy of this resolution be sent to the Skutt Catholic High School football team and Coach Matt Turman.

Laid over.

LEGISLATIVE RESOLUTION 407. Introduced by Howard, 9; Mello, 5; Nordquist, 7.

WHEREAS, Donna Marie McGrath passed away at Heritage Pointe Assisted Living in Omaha, Nebraska, on January 4, 2014; and

WHEREAS, Donna was an extraordinary citizen of Nebraska; and

WHEREAS, Donna volunteered hundreds of hours at Boys Town, St. Vincent de Paul Catholic Church, and the Committee on Political Education; and

WHEREAS, Donna led the Nebraska chapters of the Alliance for Retired Americans and the National Committee to Preserve Social Security and Medicare; and

WHEREAS, Donna was inducted into the Nebraska AFL-CIO Hall of Fame and named volunteer of the year by the Douglas County Democratic Party; and

WHEREAS, Donna is survived by her children, Brian McGrath, Kevin McGrath, Colleen Larsen, Patrick McGrath, Maureen Policky, and 16 grandchildren.

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

1. That the Legislature extends its sympathy to the family of Donna McGrath, and recognizes Donna for her years of advocacy and service to Omaha and the citizens of Nebraska.

2. That a copy of this resolution be sent to the family of Donna McGrath.

Laid over.

ANNOUNCEMENT

The Urban Affairs Committee elected Senator Crawford as Vice Chairperson.

GENERAL FILE

LEGISLATIVE BILL 128. Title read. Considered.

Committee AM238, found on page 596, First Session, 2013, was offered.

Senator Chambers offered the following amendment to the committee amendment:

FA161

Amend AM238

Page 1, in line 11 after "by" insert "intentionally and knowingly"; in line 12 after "intentional" add "and actually"; in line 15 after "acting", and in line 16 after "acting" insert "lawfully".

The Chambers amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

The committee amendment, as amended, was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

AMENDMENT - Print in Journal

Senator Nordquist filed the following amendment to LB76:
AM1640

- 1 1. On page 6, line 10, strike "December 1, 2013" and
- 2 insert "December 15, 2014".

UNANIMOUS CONSENT - Add Cointroducers

Senator Karpisek asked unanimous consent to add his name as cointroducer to LB773. No objections. So ordered.

Senator Watermeier asked unanimous consent to add his name as cointroducer to LB916. No objections. So ordered.

Senator Wallman asked unanimous consent to add his name as cointroducer to LB920. No objections. So ordered.

SPEAKER ADAMS PRESIDING

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 390 and 391 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 390 and 391.

VISITOR

The Doctor of the Day was Dr. John Jacobsen from Omaha.

ADJOURNMENT

At 4:24 p.m., on a motion by Senator Howard, the Legislature adjourned until 9:00 a.m., Thursday, January 16, 2014.

Patrick J. O'Donnell
Clerk of the Legislature

